

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY MAY 20, 2013, 7:00 PM**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Mike Lies, Stephen Turner, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. Acting City Manager Karen Sargeant, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, Assistant Police Chief John Stevens, Building and Planning Official Joyce Weaver, Street Superintendent Terry Gembala and Water and Sewer Superintendent Tony Porrazzo present. Others present (that signed in): Alan Joscelyn, Dean Logsdon, Rory Horning, Elsa Duford, Andrew W. Speer, Paul London, Skyla London, Margie Hendricks, Gordon Zimmerman. City Attorney Raymond was absent due to illness.

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

**APPROVAL OF PROPOSED AGENDA:** Commissioner Campbell moved to approve the proposed agenda, seconded by Commissioner Lies. Commission discussion: None. Public discussion: Rory Horning asked why there were not minutes to approve for the last Commission meeting. Mayor DeVries replied that they were not printed in time for the agenda packets due to staff being out of town and would probably be presented at the next meeting. **Motion carried unanimously.**

**CONSENT AGENDA:**

**A. MAY 1 – MAY 15 CLAIMS**

Commissioner Lies moved to approve the consent agenda, seconded by Commissioner Funke. Commissioner discussion: Commissioner Turner questioned why Commissioner Lies was being paid directly from the Golf Course. Commissioner Lies replied that this was reimbursement for supplies purchased and City Clerk Dooley confirmed that. Commissioner Erickson asked about the impact fee refunds. City Clerk Dooley said this refund is part of the original group of homeowners that were determined to be eligible for refunds. Mayor DeVries said this was a more unique situation because the house was already in existence but was annexed into the City through the subdivision so all the requirements were met. Public discussion: None. **Motion carried unanimously.**

**CITY MANAGER COMMENTS:** Acting City Manager Sargeant had handed out written comments for the Commission prior to the meeting. Acting City Manager Sargeant reported that the Water department was awarded a \$650,000 Treasure State Endowment Program (TSEP) grant from the 2013 legislature. The City has also received a \$100,000 Department of Natural Resources & Conservation (DNRC) grant. This money will be used to build a new well in 2013 and complete a water main upgrade in the downtown area north of highway 93.

The Sewer headworks and wastewater treatment plant request for proposals (RFP) process is progressing. Proposals were received from five engineering firms and three were selected to be reviewed by the consulting firm. A final selection should be made by the end of May or the first part of June.

The Street department has started durapatching. This will continue throughout the summer. Acting City Manager Sargeant reported that there has been a work stoppage on the Skyline project and that Street Superintendent Gembala would present more information on this latter in the meeting.

The Polson Development Code rewrite committee is continuing their work on the Development Code and have set a goal of early 2014 to present their document to the City-County Planning Board. Acting

City Manager Sargeant said the committee has worked very hard at providing an outstanding product. The next PDC rewrite committee meeting will be held May 30<sup>th</sup> from 1 – 3 pm in the upstairs meeting room at the Lake County Courthouse.

The tax increment financing (TIF) project for the west fishing pier and walkpath under the bridge are progressing. The CSKT Shoreline Protection has approved a potential piling design concept for the west fishing pier. The crib removal project contract has been given to McCrumb Construction for their signature. The estimated completion date for this portion of the project is May 28<sup>th</sup>. Acting City Manager Sargeant said due to rising water levels and the busy summer season, the estimated completion date for the entire project is early summer of 2014.

Acting City Manager Sargeant said she is taking over preparation of the agenda and is enforcing the deadline for agenda item requests. She said all agenda items must be submitted by noon on Monday the week prior to the Commission meeting and the agenda packets will be printed and available to the Commission and the public (on the website) by 5:00 pm on the Wednesday prior to the meeting.

Acting City Manager Sargeant said the Polson Rural Fire (PRF) Board is in the process of doing some strategic planning and would like to establish a collaborative effort with the City to insure that both City and County residents get the benefits of the planning process. Jack Clapp, who is the president of the PRF board recently brought this request to the City and will be providing more information in the future.

Acting City Manager Sargeant said that in order to receive federal funding and to be in compliance with FEMA (Federal Emergency Management Agency) regulations, all government officials need to be trained in the NIMS (National Incident Management System) introductory programs which includes ICS (Incident Command System) 100 and ICS 200. She said she would be willing to put together a workshop for the Commission to complete the training which is computer based. She said that Fire Chief Fairchild noted that some cities have been denied federal funding because of the lack of NIMS certification.

Acting City Manager Sargeant noted that she would be presenting agenda items 7, 10 and 11 due to City Attorney Raymond's absence due to illness.

Acting City Manager Sargeant turned her comments section over to Commissioner Campbell for a special presentation. Commissioner Campbell called on City Treasurer Bonnie Manicke to come to the front of the Chambers. He commented that it was his great honor to present her with a plaque for her 36 years of service to the City as Treasurer. He commented that probably very few in the room would remember who the previous City Treasurer was. Commissioner Campbell read the inscription on the plaque: "Presented to Bonnie Mae Manicke in recognition and sincere appreciation of distinguished service and outstanding accomplishments. Polson City Treasurer May 1, 1977 to May 24, 2013. Bonnie has been tagged with the title financial genius." Commissioner Campbell said he gave City Treasurer Manicke that title many years ago. He said that eleven years ago he passed on the title of senior employee to City Treasurer Manicke when he retired. His first memory of City Treasurer Manicke was in 1984 when he was appointed Water and Sewer Superintendent and needed to put together his first budget and was not sure what to do. He said at the time the Water and Sewer department was very poor money-wise and there was an item on the budget called replacement and depreciation and he was not sure what to do with it. He went to City Treasurer Manicke for advice and she told him that it was a reserve to replace equipment as it breaks down but that no one had put any money in it for years. He and City Treasurer Manicke devised a plan to build up the reserve which included small amounts at first and then she would invest the money and keep building the fund. Commissioner Campbell said as time went on, he and City

Treasurer Manicke added hook-up fees, adjusted the rates (while still maintaining some of the lowest rates in the State) and continued investing to build the reserve into what it is today. He said that many years grants were not available for projects but the City was able to pay cash due to City Treasurer Manicke's investing prowess. Commissioner Campbell said one of City Treasurer Manicke's greatest accomplishments for the City was the successful sale of the Woodbine subdivision lots. The Woodbine subdivision went defunct and the City's credit rating was in jeopardy due to an SID (Special Improvement District) loan that had been extended to the subdivision. He said that Mayor Jim Jones and City Treasurer Manicke took over the subdivision, became part-time realtors and sold off the lots in five lot increments to payoff the SID and saved the City's credit rating while neighboring city Columbia Falls suffered because they could not payoff many SIDs due to subdivisions failing. Commissioner Campbell said that in 1994 the Riverside Park lift station was rebuilt for \$164,000 and the City paid cash. In 1995 the Ducharme Park lift station was rebuilt for \$102,000 cash. In 1999, he said the lagoons were rebuilt with a combination of grants and loans but the City's match was about one-half million dollars. Commissioner Campbell said that over the years many projects have been done with cash that City Treasurer Manicke saved and invested for the City. He said the last project he worked on with City Treasurer Manicke before retiring, was the West Shore water system which was a \$1.4 million project paid only with cash reserves that had been built up. Commissioner Campbell said City Treasurer Manicke's last project was the Streetscape project and SID No. 42. He said she worked harder than anyone to see the project through and keep the funding going. He thanked City Treasurer Manicke for her years of hard work and that as a Council person and citizen he is sorry to see her leave. City Treasurer Manicke received a standing ovation.

City Treasurer Manicke said it has been an honor and a pleasure to work with the various councils and commissions over the years, twelve different mayors, two city managers and two interim city managers. She said it was never a task but instead a fun adventure and she hoped to continue to be a part of the adventure as a citizen in the Chambers. A round of applause followed. City Treasurer Manicke then called Assistant Police Chief John Stevens to the front of the Chambers. She said that John Campbell retired on June 30, 2002 and passed on the senior employee status to her (she had 25 years with the City at that time) and now she is passing on the longevity to Assistant Chief Stevens who currently has 25 years of service. City Treasurer Manicke said this is a prestigious honor for all the years of service to the City of Polson, and she was glad to be passing it on to someone who is "gentle and soft spoken" in the line of duty. City Treasurer Manicke presented a framed certificate which also included a Cut Bank police patch which is a pictorial of her hometown and a copper penny with a significant date – the year "a copper" was born! She said the certificate provided some information about Cut Bank including their moniker as the "coldest spot in the nation", the talking penguin statue, the eastern gateway to Glacier National Park and other facts and figures. City Treasurer Manicke said this was an historic moment for the City as the past, present and future were all represented tonight – Commissioner Campbell was the past, City Treasurer Manicke is the present and Assistant Police Chief Stevens is the future. She challenged him to stay on for the additional eleven years as she has done. A round of applause followed.

Mayor DeVries thanked Acting City Manager Sargeant for her written comments and said she very much appreciated it. Other Commissioners echoed the sentiment.

## NEW BUSINESS

**APPROVAL OF REQUEST FROM CLC, AGENTS FOR SUPER WAL-MART, FOR A 9 MONTH TIME EXTENSION ON THEIR 3 LOT PRELIMINARY SUBDIVISION:** Building and Planning Official

Weaver said that CLC representatives were present tonight to ask for a nine month extension on Wal-mart's three lot preliminary subdivision. Building and Planning Official Weaver pointed out the location of the subdivision on the map and referred the Commission to the staff report contained in the agenda packet. She said that the subdivision is separate from the Super Wal-mart itself which is a special use permit. Building and Planning Official Weaver said that several years ago the legislature passed HB0522 which allows Commissions to grant multiple extensions through a written document signed by the Commission and the subdivider or subdivider's agent.

Dean Logsdon representing CLC from Spokane Washington spoke on behalf of Wal-Mart. He said that two years ago he appeared before the Commission to ask for a two year extension on the preliminary subdivision due to the economic conditions at the time. The extension expires on June 29, 2013. The Super Wal-mart store is slated for completion on September 7<sup>th</sup> of this year. The reason they are asking for an extension of the preliminary subdivision is that they do not want to record the subdivision with the easement(s) shown on the face of the final plat. He said that his clients including Wal-Mart prefer to record the easement(s) separately and then reference the easement on the plat by a recordation number. He continued by saying that in the event the easement has to be changed, then only the easement changes and not the plat which would require Wal-Mart to come before the Commission again to seek re-approval of the final plat. He said his company has been working with the utility companies, homeowners and others to obtain all the easements. Mr. Logsdon said the easements will be in the form of agreements with the various parties that grant certain rights to the entities but also requires them to provide assurances that the land will be restored back to the way they found it when work is completed in the easement. Dean Logsdon said he felt the extension was needed because he is not sure all the easement agreements would be finalized by the June 29<sup>th</sup> deadline and that nine months would provide plenty of time to get this accomplished.

Commissioner Erickson asked what is meant by putting the easement on the face of the plat. Mr. Logsdon said that when recording a subdivision if an easement is shown on the face of the plat the recording of the plat dedicates that easement. He said that in this case, the easement will be referenced by a separate recordation number for the easement agreements filed with the County Clerk & Recorder. Commissioner Erickson asked if any of the lots are for sale. Dean Logsdon said the lots will be for sale once the final plat is recorded. Commissioner Lies asked if nine months is sufficient for the extension and Mr. Logsdon replied that this would be enough time. **Commissioner Turner moved to approve the nine month extension requested by CLC, agents for Super Wal-Mart, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**INFORMATION ON PoARTry IN THE PARK ON MAY 31, 2013:** Polson Middle School student, Annabelle Smith presented information about the special event being held in Riverside Park on May 31<sup>st</sup> from 5 to 7 pm. She said the name PoARTry is a play on words that combines poetry and art together which is what the special event will be. She said the event has been organized by herself and several friends to showcase artwork from Polson middle school and high school students and other community members. The event has been approved by principals at both schools. She said that if anyone would like to read a poem or submit artwork they need to submit a picture of the artwork or the poem to [polsonpoetry@gmail.com](mailto:polsonpoetry@gmail.com) for approval prior to the event to make sure this stays a family oriented evening. She said that artwork can be brought to the park at 4:00 pm on the 31<sup>st</sup>. Mayor DeVries said she was very impressed with Annabelle's presentation and commented that Annabelle is in the 8<sup>th</sup> grade and just returned from a trip to Washington D.C. and enjoys reading and creating poetry.

**APPROVE WAIVER OF INSURANCE REQUIREMENT FOR VFW MEMORIAL PARADE:** Acting City Manager Sargeant said the American Legion is requesting a waiver of the insurance requirement for the Memorial Day parade because they cannot afford the insurance premium and she commented that it has not been necessary for parade events before. City Manager Sargeant said there would not be a parade if they are required to have the insurance. Commissioner Erickson asked what the time frame would be for the insurance and Acting City Manager Sargeant said it would be just for the day of the parade. Commissioner Lies said that MMIA (Montana Municipal Interlocal Authority, the City's insurance carrier) is very touchy on the subject of event insurance. Acting City Manager Sargeant said that MMIA's recommendation of \$1 million dollars coverage per occurrence is just a suggestion and nothing more. She said we pay MMIA a premium for events that happen in the City and we should expect a service from that. She said that she does not feel it is necessary for this parade and City Attorney Raymond is in agreement. Mayor DeVries said there is some history with this parade, as three years ago it was in crisis trying to get the insurance and Rick Skates with First Citizens Bank paid the premium with funds remaining from the Freedom Day celebration and the next two years the parade went on without insurance coverage. **Commissioner Morrison moved to approve the insurance waiver for the VFW Memorial Day parade, seconded by Commissioner Funke.** Commission discussion: City Clerk Dooley said she was uncomfortable with the parade not having insurance and wondered if they could find a sponsor to provide the insurance coverage. She said she had not contacted MMIA to find out if the City would be covered in the event of an accident. Mayor DeVries said she thought the time was too short to find a sponsor and that the event is fairly small. Acting City Manager Sargeant said she would be contacting other cities covered by MMIA to see how they handle parades. Mayor DeVries said if the City sponsored the parade the City's coverage should be sufficient. The other Commissioners felt this was a good solution. Acting City Manager Sargeant said she would contact the American Legion and tell them that the City would be sponsoring the parade. Commissioner Lies said that he thought that MMIA would not cover any damages unless the City sponsored the event. **Commissioner Morrison changed his motion to: Approve the City of Polson sponsoring the Memorial Day Parade event, the change was seconded by Commissioner Funke.** Commissioner Erickson asked if this would affect our premium by sponsoring the event. City Clerk Dooley said not directly but it is all relative. Public discussion: Rory Horning said he is pleased to see the Commission looking for alternatives. He clarified that the City would be a co-sponsor of the event. He asked that it be conveyed to MMIA that as an event coordinator for the Christmas parade for several years and not purchasing insurance, that this is a volunteer event and people are coming of their own free will and entities should not have to pay insurance premiums for public participation. He said the insurance companies need to take a second seat to the citizens of the community. **Motion carried unanimously.**

**APPROVE RECOMMENDATION OF CITY MANAGER SEARCH COMMITTEE TO HIRE PROTHMAN COMPANY:** George Mahoney, chairman of the City Manager Search committee, presented the committee's recommendation to hire a professional firm to conduct the City Manager search. He said the committee met last week to review the Prothman Company proposal in detail and decided to pursue a proposal for \$16,500 which includes two on-site visits and a conference call to review the semi-finalists. The fee includes a one year guarantee that the search will be conducted again for no fee if the selected candidate leaves the position or is terminated for cause within the first year. The committee is recommending that the \$16,500 be split  $\frac{1}{4}$  to the General Fund,  $\frac{1}{4}$  to the Golf Fund,  $\frac{1}{4}$  to Water Fund and  $\frac{1}{4}$  to the Sewer Fund. George Mahoney said the committee also reviewed the job description and has made changes to the one provided by MMIA and that information is in the agenda packet. He said that the committee feels it is important to find a competent individual and we have tried this ourselves and now it may be time for a professional firm. He commented that if we find a great City Manager that person may save us many more dollars than the cost of the search. George Mahoney said

that the other members of the committee were also present this evening to support the agenda item and are available for questions. Mayor DeVries asked Mr. Mahoney to explain the proposed cost in more detail. George Mahoney said that the first on-site visit would be to explore the Commissions', committees', citizens', employees' and other stakeholders requirements for the City Manager position and to understand the community of Polson better. The other on-site visit would be to bring the final candidates to Polson and conduct the final interviews with stakeholders. George Mahoney said that the City Manager Search Committee is very willing to undertake the search if the Commission does not want to spend the money, but feels that the search will be much more professional when done by those that do this for a living. He said there is a timeline in the agenda packet of about 10 to 14 weeks for the process.

Acting City Manager Sargeant said that she was on the search committee that hired Jay Henry and she recalled that there was documentation that if they had been able to conduct as broad a search as a professional company can do, it would have cost about \$10,000 for the advertising. George Mahoney said that Prothman Company does do a nation-wide search but that they focus on the Pacific Northwest. Commissioner Turner asked what the total would be on the additional costs that the City would pay. City Clerk Dooley said those costs have been estimated at \$5,000 - \$6,000 depending on how many candidates are brought to Polson for the final interviews. George Mahoney said the agreement also states that the professional fee would be paid in installments so it would be spread over two budget years. Commissioner Erickson asked if the committee has explored the option of conducting the search on their own. George Mahoney said it has been discussed, and the committee is scheduled to meet tomorrow (May 21<sup>st</sup>) to pursue which ever route is chosen this evening. City Clerk Dooley said she spoke to John Cummings who is the HR person for MMIA to see if they had any materials to offer us or insights into the process. She said he provided an interesting perspective – to figure out how much has been spent on the City Manager position and compare that to the professional fee. She said she did do that and found out that the City Manager position has been paid over \$532,000 since its inception and this fee would represent 3% of that cost. Mayor DeVries asked the other search committee members if they were in agreement on this and all responded that they are in agreement. **Commissioner Morrison moved to approve the recommendation of the City Manager Search Committee to hire Prothman Company to conduct the City Manager recruitment, seconded by Commissioner Funke.**

Commission discussion: Commissioner Erickson asked who the final employment contract would be with – would it be the City and the successful candidate, or Prothman and the candidate or both. George Mahoney said the employment contract would be with the City and the successful candidate, and the City would have a contract with Prothman Company to conduct the search. Commissioner Erickson said he was concerned about any more breach of contract issues that could crop up, and other liability issues and he feels that we need some professional help in this area to make sure everyone understands the contract. Search committee member Steve Eschenbacher, an attorney, said that the contract with Prothman would just be between the City and Prothman and he did not see any breach of contract issues with that. City Clerk Dooley clarified that Prothman probably would not assist the City in actually writing the employment contract but would provide us information. Public discussion: Murat Kalinyaprak asked if anyone has already applied for the position as he thought it has been advertised for awhile. Mayor DeVries said the position has not been advertised at all. She said she did personally receive an application for the job and turned it over to the search committee. Murat Kalinyaprak said personally he would like to see the City hire a local person within the area or state of Montana. He would not like to see the City hire a City Manager from Florida or hire from a stack of resumes that they already have on file. Also he feels that a part-time City Manager would be good.

Building and Planning Official Joyce Weaver said that she has many years of experience with Pac Bell and other big corporations and has respect for their track records and delivering what they say they will deliver so she is supporting the committee's recommendation to hire a professional firm. She said for the amount of money that has been spent previously on the City Manager position, she is looking forward to the City hiring someone of a higher caliber with integrity, hopefully no baggage, no agenda and is willing to come in and support the City, its employees and the community as a whole. In her opinion we need someone fresh, it may be a local person but it doesn't hurt to look elsewhere for someone with a broader background and more experiences.

Margie Hendricks asked whether the committee would still have the ability to look at local people for the job or do we have to go with whomever Prothman selects. Mayor DeVries said that Prothman would not tell us who to hire and any applications that we would receive would be turned over to the company as part of the selection process. George Mahoney said the City could emphasize that we would like to hire someone in the region. City Clerk Dooley said that when she contacted Bozeman's City Manager for a reference he said that Prothman Company is very willing to work with their clients to find the right person for the job. Murat Kalinyaprak said that he would like to spend extra money to have the new City Manager's employment contract written by someone other than City Attorney Raymond. **Motion carried unanimously.** Mayor DeVries thanked the search committee for their work thus far and for the information provided in the agenda packet.

**CITY TREASURER/CITY CLERK CASH REPORT FOR APRIL 2013:** City Clerk Dooley presented the April 2013 cash report. There is an adjusted general ledger balance of \$4,534,128.80 and this balances with the demand deposits and investments held by the City. City Clerk Dooley said that a CD matured in April and additional money was added to the CD to bring that CD to \$1 million and the other CD has \$751,881.32. City Clerk Dooley pointed out on the Cash Report that the Police Municipal Services Levy has a negative amount. She explained that this is the first year that the Police Levy has been separated out into its own fund, so it there has been a learning curve on how the cash flows. She also pointed out that the Storm water fund is now in the black after having done a project and recovering that project cost through utility fees. Water and Sewer Superintendent Porrazzo asked what the balance is in the fund and City Clerk Dooley said it has \$15,938.46. Mayor DeVries asked about the property tax revenue. City Clerk Dooley said the bulk of the second half property taxes will be cash in the bank in June unless the County Treasurer provides an advance on those revenues then some revenue could be recognized in May. Murat Kalinyaprak asked if any lease payments had been received on the Tamsco building recently. City Clerk Dooley said there have not been any payments. Murat Kalinyaprak asked if the lease is over two years past due and City Clerk Dooley replied yes. Mayor DeVries corrected Mr. Kalinyaprak by stating that the lease is not with Tamsco even though the building is referred to as the Tamsco building. Murat Kalinyaprak said it is with B & I Holdings Inc/Mike Maddy and City Clerk Dooley confirmed that. City Clerk Dooley said she did look back at previous minutes and the cash report was approved by the commission and should probably be approved. **Commissioner Lies moved to approve the cash report for April 2013 as presented, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**BUDGET PROCESS UPDATE:** Acting City Manager Karen Sargeant said that she and City Clerk Dooley have set aside time on Wednesday afternoon, May 22<sup>nd</sup> and Thursday morning May 23<sup>rd</sup> to go over budgets with each department head. The budget worksheets have been given to the department heads to complete. The department heads have been asked to stay within the budget that they had for this year. We have the health insurance information from our current carrier and the City is currently exploring other possibilities including looking at MMIA's rates. Acting City Manager Sargeant said we

will use revenue projections from the current year instead of waiting until the tax certification values are released from the Department of Revenue to finalize the budget earlier. Any extra tax revenue would be put into reserves or budget amendments would be done at that the time when the 2013-2014 tax revenues are known. Mayor DeVries asked if there would be a chance that the tax revenues would go down. City Clerk Dooley said that is unlikely since this will be the sixth year of the current reappraisal cycle and the final phase-in of the 2008 values. Mayor DeVries said there was a great article in the Missoulian today on health insurance costs that should be read by everyone. She said it had a lot of very good information and listed the sources of that information.

**FIRST READING ORDINANCE NO. 664, ALCOHOL BAN IN THE PARKS:** Acting City Manager said that Police Chief Nash had a prior commitment and could not attend this evening. Acting City ~~Attorney~~Manager Sargeant said drunken and disorderly conduct has been an ongoing problem in the City Parks. She said parents have expressed to her that they are unwilling to bring their children to the parks because of this. She said that most cities have a zero tolerance for alcohol in their parks. Acting City Manager Sargeant said the idea of an alcohol ban was presented to the Park Board who expressed concern that it could deter rental of the park shelters for weddings, etc. if they were not allowed to have alcohol. As a result, the Park Board suggested a permit system whereby people could apply for and pay a permit fee to have alcohol at their event in the park. Acting City Manager Sargeant said that alcohol has never been allowed in the sports parks but it has been allowed in the waterfront parks. She said this Ordinance will clean up all the discrepancies in prior Ordinances by making those null and void. She presented the idea to Police Chief Nash who was very much in support of it. An Ordinance was drafted and submitted to City Attorney Raymond for his approval and it was submitted to Craig Couture who is Police Chief for the CSKT for their government's approval. Their legal department approved it and when it goes into effect it will be an arresting offense for tribal members. The Police department will use this summer as an educational opportunity and only provide warnings to citizens according to Acting City Manager Sargeant. She said the permit fee will be about \$40. Commissioner Erickson asked if enforcement will be an issue and she replied that Police Chief Nash intends to provide full enforcement. Mayor DeVries said the Ordinance does not have the fee listed. Acting City Manager Sargeant said the fee would be stated separately.

**Commissioner Morrison moved to approve the first reading of Ordinance No. 664, seconded by Commissioner Turner.** Commission discussion: Mayor DeVries said that the way she reads the Ordinance is that the Director of Parks would issue the permit and she is wondering if the Park Board should issue the permits. Acting City Manager Sargeant said the Park Board is only an advisory board and would not have the capacity to issue the permits. Mayor DeVries suggested that the Chief of Police should be involved. Commissioner Campbell said the permit should be approved by the City Commission and put on the agenda so he would eliminate section 2 of 9.14.030 and replace it with approval by the City Commission. Commissioner Lies said that individuals have always had to come before the Commission for a waiver of the open container law and wondered why we would change that process. Acting City Manager Sargeant said by requiring Commission approval it would put an extra burden on the reservation system for the shelters since the requests are often from out-of-state. Mayor DeVries said that she is aware that people try to book the shelter on short notice so this could be a problem. Commissioner Campbell said since this is an educational year that people could be notified of the process for the next year. Commissioner Campbell said the one person affected by this Ordinance will be the Police Chief and when Commissioner Campbell spoke with him he indicated that he felt he should be included on the issuance of the permits. Acting City Manager Sargeant said her department's staff would also be affected, but she had no issues with listing the Police Chief as the person issuing the permits. Commissioner Lies said he would like to see the Commission issue the permit, but allow the

Police Chief to issue the permit in an emergency. Acting City Manager Sargeant said she would be agreeable to change the wording on the issuance of the permit and then bring it back to the Commission for first reading on June 3, 2013. Commissioner Campbell said the Ordinance also appears to regulate the selling of alcoholic beverages. Acting City Manager Sargeant clarified that the Ordinance does not govern the sale of alcoholic beverages, that is controlled by the State. City Clerk Dooley said that on the City's special events form there is an endorsement for the sale of alcohol form that requires a vendor with an outside catering endorsement on their liquor license to provide alcohol at special events and there is a fee for this. **Commissioner Morrison withdrew his motion and Commissioner Turner withdrew his second.** Public discussion: None.

#### **PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA:**

Mayor DeVries expressed her condolences at the passing of Joe Menicucci who was the City's Administrative Assistant during her previous term as Mayor and most recently was the City Manager for the City of Belgrade. He had been sick for a very long time. She said services have not yet been announced.

City Treasurer Manicke thanked the Commission for the Retirement Open House earlier in the day. She said it was an opportunity for her to rekindle friendships with many people she has worked with over the last 36 years. She thanked Mayor DeVries for suggesting the open house – it was a rock 'n roll occasion. She also thanked City Clerk Dooley and the staff for organizing the event. Commissioner Campbell asked City Treasurer Manicke how many miles she has walked over the last 36 years.

Murat Kalinyaprak said he was glad the Commission did not pass the first reading of the Ordinance tonight but instead chose to re-write the Ordinance and then present it as it will be passed. He also suggested that the Commission have a competent attorney review the Ordinance.

Street Supervisor Terry Gembala reported that Highway Technologies who was in charge of the flagging operation on the Skyline project has closed their doors as of last Friday due to bankruptcy which has caused a work stoppage on the project. He said that LS Jensen is working on having another flagging company by the end of the week. He said this closing has affected 29 projects in Montana as-well-as projects in other states. Street Supervisor Gembala said that County Commissioner Bill Barron had to file an injunction to make sure that signage on the project would not be removed. He said the project should be up and going again by Monday.

Rory Horning said he was very heartened by the Commission's willingness to answer questions on items of importance to the community and hoped that it would continue.

Barbara Donnegan and her husband Lucky stated that they were the residents whose home burned in April at 408 6<sup>th</sup> St East. She said they have been living in a 20' RV donated to them and parked on their property since the fire which destroyed the home. Lucky Donnegan said that Building Inspector Mike Howke helped them fill out an agenda request form to be on the agenda for this evening but the item was not on the agenda. Prior to the fire Lucky said that he took old computers and restored them and had them donated to veterans returning from the Iraq and Afghanistan conflicts. Barbara Donnegan said that she hopes that people could be made aware of Ordinances and would have compassion for those in dire straits. She said that City officials informed them on May 2<sup>nd</sup> that they would need to vacate the premises within 14 days to comply with the Ordinance. They would like to get an extension of that time limit. She said the house will need to be demolished and they have been in contact with people about this. They

will then need to rebuild the home. She said they were also told they could not put a manufactured home on the site. Lucky Donnegan said the real estate taxes are current and have been paid on time for the last 28 years. Mayor DeVries asked if Acting City Manager Sargeant has been involved with this. She replied that she was on the fire but had not received an agenda item. Mayor DeVries said she thought that Fire Chief Fairchild and Building Inspector Howke were working on this. Mayor DeVries said that Building Inspector Howke would be more than willing to work with the Donnegans and if the Commission needed to get involved they could hold a special meeting. She thought there was probably a misunderstanding. City Clerk Dooley said she did receive the agenda item, but City Attorney Raymond said it was not an item for the Commission's consideration at this time and instead needed to be dealt with by the Planning Department, Building Inspector and Fire Chief. Acting City Manager Sargeant said that she would get all of the parties together to get the details worked out. Water and Sewer Superintendent Tony Porrazzo said that there is no issue as far as connecting the motor home to water and sewer services for a short-term basis. Lucky Donnegan said it has been difficult trying to clean up from the fire as he has partial disability. Barbara Donnegan wanted to publicly thank everyone that helped out on the evening of the fire.

George Mahoney asked if the survey of the City employees regarding the City Manager position has been compiled. Acting City Manager Sargeant said she would get that information to the committee soon.

**The meeting adjourned at 7:30 p.m.**

---

**Mayor Pat DeVries**

---

**Attest: Cindy Dooley, City Clerk**