

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, JUNE 3, 2013 7:00 P.M.**

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Attorney James Raymond, Human Resource Director Ardrene Sarracino, Interim City Manager Karen Sargeant. City Staff: Police Chief Wade Nash, Water & Sewer Superintendent Tony Porrazzo, Building Inspector Mike Howke and Streets Superintendent Terry Gembala. City Manager Chairman George Mahoney, Committee member Steve Eschenbacher, Member of the community: Rory Horning, Bonnie Manicke, Lee Manicke, Michael Brandt, Michael Gace, Paul London, Gordon Zimmerman, Elsa Duford, Andrew Spencer, Dennis Duty and Bob Fulton ~~Elsa~~

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

APPROVAL OF PROPOSED AGENDA: (00:12) **Commissioner Campbell moved to accept the proposed agenda, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: Elsa Duford states that the public has the right to review meeting minutes as well as the agenda before the meeting, she asks whether the meeting should continue and that it is important that all the information be available for the public to review before a meeting. This was an oversight by administration and will be corrected as well as ensuring that it does not happen in the future. **Motion carried unanimously.**

CONSENT AGENDA MAY 16 – MAY 28 CLAIMS: (02:21) **Commissioner Lies moves to accept the proposed agenda, seconded by Commissioner Erickson.** Commission discussion: None. Public discussion: Bob Fulton asks for the total of the lawsuit paid to Todd Crossett. Mayor DeVries and Attorney Raymond agree and state that the lawsuit total cost was \$35,000. **Motion carries unanimously.**

CITY COMMISSION WORKSHOP MINUTES APRIL 29, 2013: (3:58) **Commissioner Lies moves to accept the meeting minutes, seconded by Commissioner Campbell.** Commission discussion: Commissioner Erickson makes note of corrections to be made before minutes are published. Public discussion: none. **Motion carries unanimously.**

CITY COMMISSION MEETING MINUTES MAY 6, 2013: (5:46) **Commissioner Lies moves to accept the meeting minutes with corrections, seconded by Commissioner Erickson.** Commission discussion: Commissioner Lies and Campbell ask for spelling corrections and Commissioner Erickson asks for clarification. Public discussion: Mr. Horning requests that his comments be added and Mrs. Manicke asks that the Mayor's name be corrected. **Motion carries unanimously.**

CITY COMMISSION MEETING MINUTES MAY 20, 2013: (9:30) **Commissioner Lies moved to accept the proposed agenda, seconded by Commissioner Erickson.** Commission discussion: Commissioner Erickson asks for clarification and correction. Public discussion: Mrs. Manicke asks for a grammatical correction. **Motion carries unanimously.**

CITY MANAGER COMMENTS: (11:19) City Manager Sargeant starts with Police Department updates: Assistant Chief Cottle was elected Secretary of Treasury of the executive board of the Montana Chiefs of Police Association and the Police Court Clerk Joan Hart is the

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newly elected President of the Montana Law Enforcement Information and Records Association. Congratulations and thanks to both of them for their appointment on these boards, it is a great achievement and very impressive coming from such a small city as Polson.

The Skyline project has had a small glitch regarding the loss of the traffic control contract part of the project, which has put them about a week behind; working Saturday has made up some time. A traffic control company is on board and is progressing smoothly; the traffic control is mainly for the safety of the employees.

The Donagon home owned by Lucky and Barbara, caught fire and burned down; Fire Chief Fairchild and Building Inspector Howke are addressing the removal. The house fire occurred on April 2nd was investigated on April 4th and 5th by Chief Fairchild a certified arson investigator. The cause in origin is electrical in nature. On April 8th the City received complaints from the neighbors because of the smell as well as being an eyesore. The Donagon's have contracted for the removal of the structure; the structure is a safety hazard. Mr. Donagon had contracted with Jensen Back Hoe to remove the building on the 15th or 16th, there has been no work done as of the 20th and the City has served the Donagons' with a demolition deadline of June 1st; which was last Saturday.

The concern now is whether there are hazardous materials in the building because of the age and structure. The Tribes have been contacted and have looked at the structure and bids have been acquired. These assessments will be added to Mr. Donagons' taxes, which he has agreed too. As of the 31st the City is still waiting for hazardous material feedback; because of this delay the Donagon demolition has been extended. Fire Chief Fairchild and Building Inspector Howke have called other Cities to help set a precedence and they have found that there are none to be had in near by Cities.

At this point the Fire Chief and Building Inspector have spent 43.5 hours trying to work with the Donagons' to find a solution to this problem. The Tribes will send the City a letter with their concerns; Inspector Howke was persistent and did get a letter from their EPA and the concern is vermiculite. Hazard testing for this structure will cost approximately \$300 - \$500. Tetra Tech will be called to test, just for the said material. The transfer station will accept the vermiculite as long as there is no asbestos in it, per Mark Nelson. Thanks to Inspector Howke and Chief Fairchild for a timely job well done.

If there is asbestos the material will need to be abated, which is quite costly. If abatement is required the issue will be brought back to Council. Question from Mr. Horning about whether the Donagons' had insurance and the answer was no. The Mayor mentions that the City does have the power to waive the demolition fees and this has been done.

The top part of the old dock has been removed, safety buoys have been placed for boater safety and the test piling went in very well. Question from Mr. Mahoney regarding the completion date of the City dock, answer is there will be a timeline created, with a possible completion date of this summer.

There will be a PRA meeting on Thursday, June 6th at 9:00 A.M. at City Hall, to discuss and decide on the final designs and associated final costs on both projects. PRA will present the information to the Commission on June 17th.

POLSON ROTARY REQUESTS TWO GOLF PASSES FOR 2014 CHARITY RAFFLE, CONDITIONAL UPON APPROVAL BY GOLF BOARD: (20:13) Ken Syler has spoken to the golf board and his understanding is that they feel the passes are justifiable. The passes are for the Festival of Youth Raffle and Chili Cook Off. The pool was a recipient of the money raised

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last year in the amount of \$20,000 with member and treasury contributions in the amount of \$80,000. This year the monies will go to the softball boosters. The Chili Cook Off event will have prizes such as \$1,000 in groceries, gas and cash, about 100 bottles of wine and half a beef. **Commissioner Morrison moves to approve the golf passes as long as golf board gives their consent, seconded by Commissioner Funke.** Commission discussion: Commissioner Campbell asks what the limit is for giving golf passes and Commission Lies states it is six; and to his knowledge only one has been given away so far. Public discussion: None. **Motion carries unanimously.**

SCHEDULE WORKSHOP(S) FOR MEETINGS WITH PROTHMAN COMPANY FOR EITHER JUNE 10&11, JUNE 11&12, JUNE 12&13 OR JUNE 13&14: (23:48) George Mahoney Chairman of the City Manager Search Committee asks the Council which of the days listed is best to have the workshop with the Prothman Company, with the exception of the 12th which is no longer available. Mr. Mahoney explains the two day process and that the first day is the critical day for the meetings with the council and the workshop, which is open to the public. The Council agrees that June 10th and June 11th are the best dates at about 5 or 6 P.M.

MEMORANDUM OF UNDERSTANDING FOR KAREN SARGEANT TO BE COMPENSATED FOR ACTING CITY MANAGER: (28:18) **Commissioner Morrison moves to approve the memorandum of understanding for Karen Sargeant's compensation for acting city manager, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: Rory Horning and Elsa Duford ask how they can comment if they were not able to read the memorandum. Mayor DeVries reads the Memorandum to the public. Mr. Horning asks for clarification on the rate of pay, the Mayor explains that the pay is a bonus and is comparable to others in the department. **Motion carries unanimously.**

BUDGET PROCESS PROGRESS REPORT: (33:16) Acting City Manager Sargeant informs council that City Clerk Dooley and she have meet with all the department heads except for Court, due to a personal matter. A meeting with the Court Department will be scheduled next week to discuss the budget. Clerk Dooley will enter all the data gathered in to a budget form, the form will be given back to the department heads for double-checking, in the hope that a draft budget will be ready for the Councils review on the 17th of June. After this meeting a budget workshop will be setup to discuss personnel issues on the 18th. Council agrees to that the 18th is the best date and that the City will not wait for the numbers from the County as it has done in the past.

FIRST READING OF ALCOHOL BAN ORDINANCE #664: (36:02) Karen Sargeant informs commission of the changes that were made according to their suggestions. The permit will be treated just as any other permit is and the Police Chief has been added to all sections where permission is requested. The Tribes Council has approved this ordinance as it is written and their violation will be an arrestable offense. Commission discussion: Commissioner Lies mentions that he was under the assumption that the Council would vote on each of the authorized permits. Mayor DeVries and Acting City Manager Sargeant explain that the logistics of that kind of a process would be too hard to manipulate. The permit is solely to have or consume alcohol in the parks and not for the sale of it.

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Public discussion: Elsa Duford takes issue with the ordinance and reads an ~~article~~ City Invitation from August 13, 2011; the ordinance is a stretch according to her and it makes having an afternoon drink at the park too difficult. Miss Duford is not in favor of the ordinance and believes it is to generate revenue, not control the consumption of alcohol.

Police Chief Nash supports the ordinance one hundred and fifty percent. The Chief states that citizens cannot drink walking down Main Street or any other street, but it is OK to go to the park and get “smashed” if one wants. This is a problem and there are people who are found doing and being unsightly at the parks because of their drunkenness; being a parent Chief Nash considers this especially unacceptable. Chief Nash offers to supply statistics supporting these facts and states the goal is to eliminate the abuse of alcohol in the community. Chief Nash has the support of Chief Craig Churner regarding this matter.

The Mayor states that this is one of the few times that a companion ordinance is being passed. If there are any questions Chief Nash states he is more than happy to answer them as well as supply statistical data. Mayor DeVries states that the monies charged for the permit is not to gain revenue, it may merely pay for some of the administration costs. Chief Nash states that this will burden the Police department more in the first two years and he also remembers in 1998 when alcohol was not allowed in the parks. Signs will be posted and education will be targeted.

Commissioner Lies states that Kalispell is having a similar problem and asks if we know how much they are charging. Answer is unknown. Acting City Manager Sargeant states that in all the research she has done, there is no alcohol allowed in parks in Cities the same or similar in size to Polson. She also stated that the Park Board was not happy when she told them what she was planning to do, but was willing to accept the permit system.

Mr. Horning suggests that the education starts in the bars on Main Street and with the patrons. He also suggests that in the ordinance, the person acquiring the permit should be liable when and if they use it. Streets Superintendent Terry Gembala supports Chief Nash and Acting City Manager Sargeant in their efforts to pass this ordinance and control the consumption of alcohol in the parks. It is also a problem in the streets; he states that his crew is constantly cleaning up after people who neglect to clean up after them selves. **Morrison moves to approve the first reading of ordinance #664, seconded by Commissioner Turner. Motion carries unanimously.**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC *NOT* ON THE AGENDA: (52:18) No comments.

ADJOURN: 8:53 P.M.

EXECUTIVE SESSION: CLOSED SESSION – LITIGATION & PERSONNEL.

ADJOURN

Mayor Pat Devries

Attest: Ardrene Sarracino, Human Resource Director

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