

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, JULY 2, 2012, 7:00 PM**

ATTENDANCE: City Commissioners: John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. Commissioner Todd Erickson was not present. City Manager Todd Crossett, City Attorney James Raymond, City Clerk Cindy Dooley, Police Chief Wade Nash, and Planning Official Joyce Weaver present. Others present (that signed in): Rory Horning, Elsa Duford, Cheryl Wolfe and Murat Kalinyaprak.

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

Mayor DeVries commented that Commissioner Erickson was excused as he was out-of-town with family.

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

CONSENT AGENDA:

A. JUNE 15 – JUNE 28 CLAIMS

B. FY 12 – 13 ALCOHOLIC BEVERAGE LICENSES

Commissioner Funke moved to approve the consent agenda. Commission discussion: Commissioner Campbell had questions on several claims for Fund 5310 particularly the Western States Equipment invoices that mention wells number 4 & 5 and wells number 2 & 3. He thought these should be expenses of Fund 5210 – the Water Fund. These funds amount to about \$1,500. City Clerk Dooley agreed that they should be Fund 5210 expenses and would look into this. **The motion was seconded by Commissioner Lies.** Public discussion: City Clerk Dooley presented an updated list of alcoholic beverage licenses to the Commission. The changes included a payment by Glacier Brewing Company of their \$100 license fee and a response from Moby's that their license is currently in nonuse with the State. Commissioner Lies asked if everyone has paid. City Clerk Dooley said that all licenses have been paid for. **Motion carried unanimously.**

COMMISSION MEETING MINUTES JUNE 18, 2012: Commissioner Morrison moved to approve the commission meeting minutes of June 18, 2012, seconded by Commissioner Turner. Commission discussion: None. Public discussion: Murat Kalinyaprak objected to the minutes being paraphrased. City Manager Crossett commented that one option would be to go to action minutes which are permissible under Montana state code. Action minutes state only the motions and the actions taken on those motions. Rory Horning responded to City Manager Crossett's comment by saying that the minutes are a history of the community. He said it is important to keep the verbal record. Elsa Duford asked if there would be minutes from the public hearing presented at the next commission meeting. City Clerk Dooley replied they would be available at the next meeting. **Commissioners Campbell, Turner, Lies, and Morrison voted aye. Commissioner Funke abstained.**

CITY MANAGER COMMENTS: City Manager Crossett said he understood that the Rodeo last weekend did better than they have in recent times which is great news.

The trails have been paved at Riverside Park and Sacajawea Park thanks to the combined efforts of the Street Department and Parks Department crews. Shari Johnson, the City Engineer, is working on designs

for the trail connection under the bridge. She will have preliminary designs and costs ready by the middle of August. Those will then be taken to the Polson Redevelopment Agency for a potential funding recommendation and Shoreline Protection for initial comment. As part of the paving project the Street Department crew was also able to pave a portion of the Carol Sherick Trail that had previously been gravel and also an area at the ball fields on 7th Avenue.

There is not a confirmed date yet for the start of the Skyline project. Mayor DeVries asked if the bid had been let yet. City Manager Crossett said that he thought the bid had been awarded but some of the details were still being worked out.

The striping was done on Main Street over the weekend. Even with the thunderstorms, the project was able to be completed during the night.

The triathlon is scheduled for August 18th and should be a big event. Communications are ongoing with the sponsors of the concert series at the Fairgrounds this summer. Police Chief Nash and Fire Chief Fairchild are working to make sure police and fire services and ingress and egress issues are worked out prior to the events.

The City has been talking with the County Commissioners about how to augment the community's boat ramp capacity on that side of the river. The fairgrounds group PFI, Inc. came back with an option that may work and is being explored.

The 7th Avenue construction being done by the State is progressing and should be completed by next month. The City asked the State to add a fog line all the way down 7th and replace the crosswalks at first and second streets and to add a crosswalk at 6th Street near the condominium project and the State has agreed to do that.

Susie Tommer, City Restaurant Manager had her baby. They have been a little short-handed at the Restaurant but there have been a lot of good comments. The initial financial numbers show that the restaurant came close to break-even in May. The April start-up was down but if the City follows the plan and the restaurant is shut down shortly after the main golf season ends in September the City should be in pretty good shape – meaning that it may break even. Mayor DeVries said that according to Director of Golf, Roger Wallace, the entire course activity was down due to the weather. City Manager Crossett said that lately the course seems busier than normal.

Bob Fulton asked the name of the apparent low bidder on the Skyline project. City Manager Crossett said that L.S. Jensen was awarded the bid.

NEW BUSINESS

APPROVAL OF OPEN CONTAINER WAIVER FOR AUGUST 10TH AND 11TH, 2012 FOR MISSION VALLEY CRUISERS CAR SHOW EVENING EVENTS: Mayor DeVries yielded the floor to Jackie Brown to discuss the upcoming event. Ms. Brown handed out fliers about the car show and about a special car that will be on display at the show. Ms. Brown is the director of the Cruisen By The Bay car show and is asking for a waiver of the open container law for August 10th and 11th. There will be free concerts in Riverside Park on both of those evenings. The Elks Club may do a pig roast at the Park on Saturday night. The car pre-registration has doubled this year with over 50 coming from Washington and Oregon. The committee is trying hard to make this a super event. Jackie Brown introduced Don

Pierce who is the president of the local club. Mayor DeVries thanked them both for coming and hosting this event in Polson. Ms. Brown said that the special car is a 1940 Mercury Convertible. It will be displayed in the Glacier Bank drive-through area. There will be guards, as the car is worth almost \$1 million. The car has never been on the street – only in and out of a trailer or in a building. Mayor DeVries asked if the police department has been consulted about the open container waiver. City Manager Crossett said they are aware of it and have approved it. **Commissioner Morrison moved to approve the open container law waiver for August 10th and 11th for the Valley Cruiser's car show evening events, seconded by Commissioner Funke.** Commission discussion: Commissioner Funke asked for clarification on where the open container was being asked for – just the parks or on Main Street as-well. Jackie Brown said that it would only be the evening in the parks. She said they had been approached by someone wanting to use their open container waiver to sell beer on Saturday downtown and she told them no-way! The Lake Bar and Elks will provide their liquor licenses for the evening events. Anderson Broadcasting is providing the concerts both nights. Commissioner Funke said that this is a very big event and that he thinks he has not missed one. Jackie Brown said that moving the event to the second week in August made a big difference because there are no conflicts with other car shows on that weekend. The Art in the Park has also moved to that weekend to avoid conflicts. **Motion carried unanimously.**

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

Bob Fulton said there was a lot of public comment on City Attorney Raymond's contract at the last City Commission meeting. It was brought up that both Judy Preston and Commissioner Lies had made an agenda request to give notice to terminate City Attorney Raymond's contract. He said the contract should have been placed on the agenda for public discussion as it was when the current contract was voted upon and approved last year. He said that prior to that, in 2008, City Attorney Raymond had placed his contract on the agenda when he was acting City Manager. Bob Fulton expressed his belief that the contract was being treated as a personnel issue and should not be. He would like to have whoever made the decision that it was a personnel issue to explain their decision to the public. Mayor DeVries responded by saying that City Attorney Raymond's contract was not the item discussed in the executive session as a personnel issue at the last meeting. She further stated that City Manager Crossett made the decision, after discussion with each of the City Commission members individually, that the majority of the Commission did not wish to give notice to terminate the contract and to let it renew and that, given that, did not wish to have the item placed on the agenda. Mayor DeVries said there was a misunderstanding – it was not a personnel issue, it was just decided not to place it on the agenda. Bob Fulton said that he understood it differently from Commissioner Lies and Judy Preston.

Andrew Speer said he attended the budget workshop meeting. He said he listened to department heads ask for more money than what they had before. He mentioned the City had gotten the street sweeper several months ago and that the City had spent money on trails which replaced beautiful sod. He commented that the economy is bad in Polson. He pointed out that all of the projects that are being considered require taxpayer money. He expressed that money should be spent on streets as opposed to trails.

Murat Kalinyaprak asked to clarify a comment he made at the last commission meeting. He commented that City Attorney Raymond had drafted an ordinance for an ethics committee consisting of himself, the police chief and the mayor, he meant the police chief and the mayor at that time – not the current police chief or mayor. Mr. Kalinyaprak also stated that the 145 signatures collected for the petition to not renew City Attorney Raymond's contract was done in a short period of time which indicated to him that

gathering signatures for actions such as a recall would be successful. Mr. Kalinyaprak said that the City should make public the specific subject of executive sessions. He said this is a violation of the State code.

Rory Horning commented about the note in parenthesis on the public comment item that reads that the Commission takes no action on items discussed. He said that normally, under State law, this means that there can be no action because the item has not been properly noticed to the public – it doesn't mean that when citizens come to you (the Commissioners) that you take no action.

Cheryl Wolfe asked that clarifications be made on the June 18, 2012 minutes. The MEPA section that she referred to for agenda item 12(b) should be 17.4.636(1) and 17.4.610(4) which states that the standard period of time for a review is 30 days. She said that on page 1, item 5 line 3 should have read that the one second allowed was not adequate time to speak. On page 3 she said her comments should have been prefaced with "As a Certified Public Accountant, with extensive education and experience in numerical and financial calculations..." which is what she said to help explain her other comment. Also the comments made by Paul Montgomery about there being possible long-term impact to surrounding wells is substantially different that what was written in the Environmental Review Form dated April 3, 2012 which states that the installation of a new well is not expected to have a noticeable effect on surrounding wells.

Elsa Duford asked if the minutes of the public hearing would be up for approval at the next city commission meeting. City Clerk Dooley responded that they would be.

The meeting adjourned at 7:30 p.m.

Mayor Pat DeVries

Attest: Cindy Dooley, City Clerk