

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
AUGUST 15, 2011, 7:00 P.M.**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Judy Preston, Elsa Duford, Mike Lies, Fred Funke, and Mayor Pat DeVries presiding. City Manager Todd Crossett present. City Attorney James Raymond absent. Others present: City Treasurer Bonnie Manicke, Ken Siler, Bill Wilkins, Rory Horning, and Murat Kalinyaprak.

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

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

**CONSENT AGENDA:**

**A. AUGUST 1-15 CLAIMS**

Commissioner Lies moved to approve the consent agenda item A, seconded by Commissioner Funke. The motion carried unanimously.

**CITY COMMISSION MEETING MINUTES AUGUST 1, 2011:** Commissioner Campbell moved to approve the Commission meeting minutes of August 1, 2011, seconded by Commissioner Erickson. The motion carried unanimously. Commissioner Duford asked for clarification that City would be receiving boat tie ups or boat slips from Benerika LLC at the Salish Building docks. City Manager Crossett advised that the City would be getting boat tie ups. Commissioner Duford noted that City Attorney Raymond had gotten her a copy of exhibit “A” from the Salish Building dock packet, however it was a survey. She commented that she wanted to see the actual plat map. She also wondered if there was any question of boat parking issues during the Salish Point music festival. Mayor DeVries advised that she had seen no problems, and the road had been closed to prevent traffic from going through the park. She added that it had been organized well and it had worked out very well. Commissioner Duford inquired if there had been any complaints from the neighboring residents. City Clerk Kala Parker advised that City Hall had received no complaints. **The motion carried unanimously.**

**CITY MANAGER COMMENTS:** City Manager Crossett noted that there was a new newsletter from MDOT regarding the transportation plan and corridor study and there were copies available for the public. The last meeting regarding the local area transportation plan meeting would be September 1<sup>st</sup> at 6:00 p.m. in the library meeting room. There would be further meetings regarding the highway at a later date. He advised that anyone with questions or concerns should call his office and public input was encouraged.

The Main Street sidewalk warranty work would be done the following day, August 16<sup>th</sup>.

There would be a Salish Point dock fundraiser at the golf course in September featuring a scramble and barbeque.

He noted that the Cherry Festival and Car Show had both gone well, and he'd received good comments.

He addressed concerns that Bob Fulton had sent out via a letter to the Commissioners and Planning Official regarding the mansion above Ridgewater subdivision. He advised that the City would be responding with a formal letter to Mr. Fulton and the Commissioners would all be CC'd on the response. He added that there had been concerns about traffic access, and that issue had been resolved. The road had been blocked off and gated.

He noted that Commissioner Duford had questioned at the previous meeting why Benerika LLC had not filled out a formal agenda request. He apologized for the oversight and advised that they had discussed the project for a number of weeks, had filled out at least one request, and the request itself had been accidentally left out of the packet.

**MONTANA DEPARTMENT OF REVENUE – NEW BEVERAGE LICENSE – MONTANA DOMESTIC WINERY – GRINDE BAY WINERY 607 9<sup>TH</sup> AVENUE EAST – LICENSE #97-999-W965-260:** Commissioner Campbell advised that the winery would be located in a commercial area and he thought it was a fine fitting. The building seemed to serve the purpose. **Commissioner Campbell moved to approve the new beverage license for a domestic winery for the Grinde Bay Winery, seconded by Commissioner Funke.** Commissioner Preston inquired who they would be selling to. Commissioner Campbell noted that they were producing the wine, but didn't think the marketing was in place yet. Mayor DeVries thought they might give samples and added that the State beverage license really limited what they could do. **The motion carried unanimously.**

**REQUEST FOR 3 YEAR TIME-EXTENSION – BILL WILKINS 49-LOT PRELIMINARY APPROVED SOUTHERN SLOPE SUBDIVISION FROM OCT 15, 2011 TO OCT 15, 2014:** Commissioner Lies moved to approve the 3 year extension for Bill Wilkins 49-lot preliminary approved subdivision until October 15, 2014, seconded by Commissioner Funke. Commissioner Campbell felt that they should grant the extension, Mr. Wilkins had legitimate reasons and there was no expense to the City. Commissioner Erickson agreed adding that he was glad to see him wait at this time. Commissioner Duford inquired if this decision would be affected by the House bill that would go into effect in October. City Manager Crossett advised that it would, however the extension could be made prior to that. He noted that the new House bill had much clearer writing than the previous rules. Murat Kalinyaprak commented that he was glad HB 522 was being underlined in this issue. He commented that Margie Hendricks tried to speak about the House bill previously when Wal-Mart came before the Commission to extend an expired application. He commented that she had told them they were breaking the law, and they had ignored her and went ahead and broke the law. He commented the old code allowed for an extension longer than one year with a written agreement, but the Commission had given more than a one year extension without a written agreement. He commented that the old code said that only one extension could be given, but the Commission had given more than one extension to a few people, apparently as a favor to them

and broke the law several times. Mayor DeVries asked that Mr. Kalinyaprak keep his comments to the specific request on Mr. Wilkins's agenda item. Murat Kalinyaprak stated that he was. Mayor DeVries advised that he had only talked about previous extensions. Murat Kalinyaprak commented that he was coming to that. He added that the new law was not effective until October and they could not give the extension before that, and they had approved extensions over and over again, and the fact that this is not becoming law until October, because the applicant would be on vacation, blah blah blah, was small baloney. He commented that at least with Mission Bay and Wal-Mart they had been warned about it, but they had broken the laws at the time anyway. Bill Wilkins thanked the Commission for their time and consideration. **The motion carried unanimously.** Commissioner Duford noted that her approval was with reservations.

**JUNE 2011 CASH REPORT:** City Treasurer Manicke advised that there could be additional entries which were normal yearend house cleaning adjustments. She noted that they would probably make those with the assistance of the auditor. One of those adjustments would be the shortfall of the stormwater fund. She noted that for audit purposes all of the water funds and the sewer funds were rolled into single funds, so it was not a concern for the audit. However, it was a concern for the State with yearend closing. They would be using a due-to-due-from within the same department, so there would be no issues with interest. The sum would be borrowed within the sewer department. Commissioner Campbell inquired if there was a reason to make the payout all at once, or if the roughly 10,000 in revenue each month could be used to lower it gradually. City Treasurer Manicke commented that she appreciated the comment and advised that she would be speaking with the auditor and Water and Sewer Superintendent to get an accrual so that they would only move the necessary funds each month. She would need to work with Superintendent Porrazzo on the stormwater improvements that would be included with the Skyline construction. She noted that she wholeheartedly supported the project. She noted that there had been a transfer of \$42,000 from the permissive medical mill fund to the general fund. There was approximately \$54,000 more in the general fund balance on June 30<sup>th</sup> than the previous year. She noted that a large part of that was payment on delinquent real property taxes for 2008 and 2009. They had not yet received the value of the HB 134 quarterly payments, but she hoped it to be in the \$140,000 range. The DEQ energy grant had \$34,000 outstanding and they were waiting to receive the funds from the most recent draw request. She noted that the building code enforcement line remained approximately \$20,000 negative. SID #38 had a final bond retirement for a sewer district in Lake Hills Estates and the surrounding area. The SID for Streetscape was overdrawn, which she credited to delinquent 2010 taxes. She noted that there were approximately 9 property owners with unpaid taxes within the SID. Commissioner Campbell inquired if the \$10,000 transfer from SID 42 was the TIF funds approved at the previous Commission Meeting. City Treasurer Manicke replied that it was. Commissioner Preston inquired why the golf operating fund had high expenditures. City Treasurer Manicke advised that there had been quite a few claims, plus \$69,000 had been moved from the operating fund into the golf revenue bond fund of 98 to meet bond requirements for the closing entry on the bond issue. **Commissioner Preston moved to approve the June 2011 cash report, seconded by Commissioner Campbell. The motion carried unanimously.**

**PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA:** Commissioner Lies felt that the letter written from Bob Fulton

regarding the mansion should have been on the agenda. Mayor DeVries responded that the City Manager would be sending a response to Mr. Fulton and she agreed that was the first step to take. The Commission would be copied on the response letter. She noted that the letter had been addressed to the Planning Official with some questions, but she had been gone and unable to respond. Commissioner Lies felt the issue had been pushed around enough and should have been on the agenda. Mayor DeVries advised that after the response was sent and the Commission was copied, if they wished to put the item on the agenda they could fill out an agenda form. She added that she would apologize personally to Mr. Fulton for the delay in response. Commissioner Duford inquired if the response would be from the City Manager and Planning Official, or if it would include discussion from the Commission. Mayor DeVries advised that the Commission would be receiving copies of the formal response written by the City Manager and Planning Official.

Murat Kalinyaprak commented that when this Commission had taken seat they had said many times not to bring up the past issues, with the attitude that they were moving forward. He commented that things should be corrected if something was done wrong. He commented that now the Commission didn't like people to talk about recent things that happened since they'd come into office. He explained that he had tried to underline the issue in his earlier comments that at least someone was trying to do things halfway properly by pointing out HB 522. He commented that he felt that this government was acting like a band of criminals, doing things with the hope that the statute of limitations would run out before the City gets sued. He commented that if you do so many and so fast there's no way the citizens can keep up, and that was the information they had been getting for years. He commented that he was bothered by it. He expressed thanks to the Mayor for looking into the fuel tank in the alley behind the Lake Bar and City Hall as it was gone a few days later. He commented that they should have the Mayor look into more things than the City Manager, because things they pay the City Manager to do don't get done.

**The meeting adjourned at 6:37 p.m.**

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**Mayor Pat DeVries**

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**Attest: Kala Parker, City Clerk**