

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, SEPTEMBER 4, 2013, 7:00 PM**

**ATTENDANCE:** Mayor Pat DeVries presiding City Commissioners: John Campbell, Todd Erickson, Fred Funke, Mike Lies, Dan Morrison, Interim City Manager, Karen Sargeant, City Attorney, James Raymond, City Clerk Cora Pritt.

**Absent:** Commissioner Stephen Turner

**City Department Heads:** Cindy Dooley, John Fairchild, Terry Gembala, Mike Howke, Bill Smith, Wade Nash, Ardrene Sarracino

**Others present (that voluntarily signed in):** Agnes Rinehart, Andrew Speer, Bonnie Manicke, Michael Brandt, Margie Hendricks, Heather Knutson

**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 Funke Commission discussion: None Public Discussion: None. **Vote: Unanimous. Motion carried.**

**CITY COMMISSION MEETING MINUTES AUGUST 19, 2013:** Commissioner Lies moved to approve as written. Commissioner Erickson seconds. Commission discussion: none Public Discussion: Bob Fulton pointed out a correction to be made on page 5, the minutes should read “received a letter”. Elsa Duford commented that on page 1, August 5, 2013 meeting Elsa stated that she was misquoted. Elsa was voicing her objection to the quote being reported this way. **Vote: Unanimous. Motion carried.**

**CITY COMMISSION MEETING MINUTES AUGUST 20, 2013:** Commissioner Lies moved to approve the minutes, seconded by Commissioner Funke. Commission discussion: none. Public discussion: none **Vote: Unanimous. Motion carried**

**CONSENT AGENDA:**

**A. JUNE 26-JUNE 30, 2013 CLAIMS**

**B. JULY 1-JULY 10, 2013 CLAMIS**

**Commissioner Campbell moved to approve the consent agenda, seconded by Commissioner Turner. Commission discussion: None. Public discussion: None. Motion carried unanimously.**

**CITY MANAGER COMMENTS**-Interim City Manager reads from her prepared statement:  
Rotary Chili Cookoff

The Polson Fire Department won first place in the Rotary Chili Cookoff held in Riverside Park on 8/24/13. Chief Fairchild took it upon himself to place the trophy in a strategically prominent place at City Hall to let other people know of the fire department's accomplishment. Chief Fairchild assured me that he was simply trying to raise the competitive spirit for next year to benefit the Rotary's selected charitable cause.

City Manager Search

Next week will be a busy week for the City as we have the 5 finalists for the City Manager position coming to Polson. They will arrive by Wednesday for the "meet and get to know" at the Polson Bay Golf Course starting at 7:00 PM. This event is open to the public.

New Look on Main St.

If you haven't been downtown on Main St. recently, then drive by the Gambles building and take a gander at the new mural that has been installed across the entire front of the building. The mural was done by local artist Rob Gunderson and I think you'll agree that it puts a whole new look on the block.

New Waterfront Projects

The new walkway under the bridge is underway. McCrumb has installed the pilings on the north end of the walkway. It is good to see these two projects beginning.

Mayor DeVries encouraged the public to attend the City Manager Candidates "Meet and Greet" on Wednesday, September 11<sup>th</sup>, 7:00 p.m. at the golf course restaurant. This will be an opportunity to speak with each candidate and then fill out the comment cards that will be given to the search committee. Bob Fulton asked if the City Manager interviews will be open to the public. Mayor DeVries answered that no, it will be Executive Session. Bob read from the previous City Manager interview that was conducted in which then Mayor Lou Marchello stated the public was present. Mayor DeVries explained that according to Greg Prothman these interviews are done in Executive Session and not open to the public. City Attorney James Raymond requested to be heard. James stated that the Mayor has accurately stated the interviews will be an Executive Session because it is personnel. Andrew Speer reads from the Montana Constitution, "Article II, Section 9, THE RIGHT TO KNOW. No person shall be deprived of the right to examine documents, or to observe the deliberation of all public bodies or agencies of the State government and its subdivisions. Except in cases which demand individual privacy clearly exceeds the merit of the public disclosure." Mr. Speer also related an

article that was printed in the *Billings Gazette*, *Great Falls Tribune*, and the *Missoulian*. The article was about a ruling from a district court judge that put a restraining order on a city council to prevent the council from taking action on subject matters that were from a closed meeting. The judge said it was likely the council had violated the state law. Elsa Duford commented that the public is paying the funds for Mr. Prothman to do this search. Doing this in secret is a violation of the public's right to be informed and it is a disservice to the public and the council themselves. Commissioner Campbell asked if she wanted to be involved with every city employee job interview. This is no different. Elsa explained that this is for a City Manager, and that she is expressing her disagreement with the public being shut out. Fire Chief John Fairchild pointed out that the public's opportunity to talk to the candidates is being offered at the Meet and Greet. Elsa commented that a social event is different than an interview.

**DISCUSSION OF PRELIMINARY FY 13-14 BUDGET AND PUBLIC HEARING COMMENTS** – Interim City Manager Karen Sargeant discussed the amount of time that the staff has put in to getting the budget together. The departments will be given their budgets back for corrections to be made from errors that were brought up at the Public Hearing. Hopefully a final budget will be ready on the September 16<sup>th</sup> Council meeting.

**APPROVE RESOLUTION NO. 1048 TO PARTICIPATE IN THE STATE OF MONTANA 457 (b) DEFERRED COMPENSATION PLAN ADMINISTERED BY MPERA-** Personnel Manager Ardrene Sarracino explained that this plan is administered by the same retirement organization that the City currently uses. This is a voluntary plan. There will be neither cost nor financial liability to the employer. This is a supplemental retirement plan for the employees. The City is asking for the approval of Resolution No. 1048. Commissioner Campbell asked if this will be on top of their PERS. Ardrene explained that it would be in addition to PERS. Ardrene stated that there is a limit of around \$17, 00.00 per year. The minimum amount to be deducted from payroll is \$10.00. There is an option of a pre-tax or a post-tax Roth. City Attorney James Raymond asked to be heard. James remarked that agenda item 8 and 9 linked together. MPERA operates under a resolution it is something that the employer has to ask in order for the employees to participate. Mayor DeVries commented that it should be a win-win situation. **Commissioner Morrison moved to approve Resolution No. 1048. Commissioner Funke second.** Commission Discussion: None. Public Discussion: None. **Vote: Unanimous Motion carried.**

**AUTHORIZE THE CITY MANAGER TO SIGN 457(b) ADOPTION AGREEMENT-**Ardrene stated that the second part is for the Commissioners to authorize the City Manager to sign the adoption agreement. **Commissioner Morrison moved to authorize the City Manager to sign**

**the adoption agreement.** Commissioner Erickson second. Commission Discussion: Commissioner Mike Lies stated that #4 caused him concern and he requested that #4 be removed. Mayor DeVries stated that there may be a time when the City may want to contribute with the hiring of the new City Manager if the new City Manager does not want to participate in the PERS. This would be the ability for the City to pay in to this program instead of PERS. Interim City Manager Karen Sargeant commented that this may be an option for any police officer that did not wish to go in to MPORS. The officer would keep their PERS, but also have an equitable retirement option. It would provide some flexibility. Public Discussion: Elsa also questioned #4. When the term "City" does it mean the council or the public? Mayor DeVries explained that before the City would make any contributions for anyone, it would have to be approved by the council. Elsa stated that it should be clearer, that if it reads general fund, it should read taxpayer. Mayor DeVries answered that the way it is written doesn't say where it's coming from but only who approves it. Bonnie Manicke also stated that if #4 is left as written it presents an open door for havoc in the future. Bonnie suggested that if the City is looking to give the City Manager a 457(b) comp plan then it should be a special resolution for that position. **Vote: Unanimous Motion carried.**

**FIRST READING OF ORDINANCE NO. 667, ELECTION OF THE POLICE DEPARTMENT TO PARTICIPATE IN THE MUNICIPAL POLICE OFFICERS RETIREMENT SYSTEM (MPORS).**-Polson Police Chief Wade Nash reports that MPORS is not just a new project. The department has been looking at this for a couple of years now. MPORS is the best retirement program in the State of Montana. Most of the cities the size of Polson has gone to this because once a city becomes a Class 2, they are require by state law to use this program. This is an opportunity to build future employees for the City. This will help build career employees who want to work and retire in the same community. In the 1970's the Police Department & Council voted to not pay Social Security to the Police officers. We do not have one person still on our department when that happened. Commissioner Campbell asked if the employee would be given full credit for the years worked under this system. Chief Nash answered that no because PERS is not as valuable. Each officer will lose about 1/3 of the years worked. There may be an option to buy back the time. Interim City Manager Karen Sargeant stated that this has already been worked into the Preliminary Budget. So, it will not be an addition to the budget. Mayor DeVries asked Chief Nash what the population is for a Class 2 city. Chief Nash replied the population is 5200. Chief Nash also commented that the department is dedicated to this program and willing to give up the life insurance policies the City currently pays for them. **Commissioner Lies motions to approve the First reading of Ordinance No. 667.** Commissioner Campbell seconds. Commission Discussion: None Public Discussion None. **Vote: Unanimous Motion carried**

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA-**Commissioner Lies asked what can be done about the junk yards, specifically the yard at 7<sup>th</sup> & 1 St W. This yard has lawn mower, and other litter. Fire Chief Fairchild has spoken with Mr. Dempsey about it. Chief Fairchild is hoping to come before council very soon to ask that he be given the ability to site individuals who violate the ordinance. Letters don't get the job done. Until we have the ability to do something specific and say this is the fine you will have to pay, it doesn't do any good. Both Police Chief Wade Nash and Street Superintendent Terry Gembala support giving Fire Chief Fairchild the authority to site individuals to get things cleaned up. Chief Fairchild asked if the Mayor could write a thank you letter to Mr. Gunderson. *Valley Journal* reporter Berl Tiskus thanked the Street Department for repairing a pothole that was on 2<sup>nd</sup> & 9<sup>th</sup>. Street Superintendent Terry Gembala reported on the status of the Skyline project. The guardrails are going up. Mayor DeVries advised that there is a ribbon cutting ceremony planned. Interim City Manager Karen Sargeant said that it is tentatively scheduled for October 12<sup>th</sup>. Terry further reported that the walkway on Caffrey is coming together quickly too. Once completed it will be a great asset. Chief Nash questioned if the issued on Claffey Drive had been addressed. Fire Chief Fairchild answered that there are several concerns about coming down the hill and turning on to Claffey Drive. The corner is not wide enough and will have to turn in to oncoming traffic. After a conversation with Mr. Trussler, the corner was engineered and there's not a whole lot that can be done. It looks like the turn is going to be tight. Chief Fairchild explained that as a general rule, emergency services do not respond to calls on Claffey coming down the hill. Doesn't mean that the department won't but the biggest concern has to be swinging in to the oncoming lane to turn on to Claffey.

**Meeting adjourned at 7:50 p.m.**

---

**Mayor Pat DeVries**

---

**Attest: Cora E. Pritt, City Clerk**