

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY SEPTEMBER 16, 2013, 7:00 PM**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Attorney James Raymond, Finance Officer Cindy Dooley, Street Superintendent Terry Gembala, Building Inspector Mike Howke and Water and Sewer Superintendent Tony Porrazzo present. Others present (that signed in): Jill Southerland, Michael Brandt, Gordon Zimmerman, Paul London, Elsa Duford, Peter Daniels, Andrew Speer, Heather Knutson, Murat Kalinyaprak. Commissioner Stephen Turner and Acting City Manager Karen Sargeant were absent due to out of town engagements.

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

**APPROVAL OF PROPOSED AGENDA:** Mayor DeVries said the Agenda was revised and re-posted on Friday September 13<sup>th</sup> in the afternoon. **Commissioner Funke moved to approve the proposed agenda, seconded by Commissioner Erickson.** Commission discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

**APPROVAL OF CITY COMMISSION PUBLIC HEARING MINUTES OF SEPTEMBER 4, 2013:** Commissioner Lies said he did not understand the last sentence of the first paragraph on page 5 which reads: "The mills are staying right at about \$150,000.00". He was wondering if this was the correct mill levy amount. Finance Officer Dooley said that the total mills are 152.19. Mayor DeVries asked if we can just remove this sentence and Commissioner Lies said that would be fine. **Commissioner Lies moved to approve the September 4, 2013 Public Hearing minutes with the removal of the last sentence in the first paragraph on page 5, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: Elsa Duford commented on page 4 where it states that the City is paying the costs for Mr. Prothman and the candidates and asked if by "City" it means the taxpayers. Mayor DeVries replied that it is the City paying the costs but that Elsa could interpret that as the taxpayers if she wished. Mayor DeVries also stated that golfers that contribute revenue to the golf fund are also paying a portion of the costs, so it includes ratepayers. Elsa Duford replied that she feels the City, as referred to here, is the public. **Commissioner Erickson, Campbell, Lies and Funke voted aye. Commissioner Morrison abstained. Commissioner Turner absent. Motion carried.**

**APPROVAL OF CITY COMMISSION MEETING MINUTES OF SEPTEMBER 4, 2013:** Commissioner Lies stated that in the first paragraph of page 4, the following sentences need changing to make them clearer: "Mayor DeVries explained that before the City would make any contributions for anyone, it would have to be approved by council. Elsa stated that it should be clearer and if it reads general fund, it read tax payer." Mayor DeVries said this sounded like the same issue that Elsa just spoke about regarding the public hearing minutes. Mayor DeVries suggested that the second sentence be changed to: "Elsa stated that it should be clearer, that if it reads general fund, it should read taxpayer." **Commissioner Lies moved to approve the minutes of the September 4, 2013 meeting as corrected, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

**CONSENT AGENDA:**

**A. AUGUST CLAIMS**

**B. SEPTEMBER 1 – 11 CLAIMS**

**Commissioner Lies moved to approve the consent agenda, seconded by Commissioner Funke.** Commissioner discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

**CITY MANAGER COMMENTS:** City Attorney Raymond said he had not received any instructions from Acting City Manager Sargeant but that he had received a text message just prior to the meeting from her that he was asked to share. She stated that there is a fire outside of town near the Van Voast residence on Irving Flats road. Three fire departments and a tribal helicopter have responded so far. The public is being asked to stay off the Irving Flats Road. She further stated that several structures are threatened but there are no mandatory evacuations at this time. Street Superintendent Gembala added that the fire has jumped the river and is burning near the Kerr Dam complex and Kerr Dam road is being closed.

**OLD BUSINESS**

**APPROVAL OF ORDINANCE NO. 667, ELECTION OF THE POLICE DEPARTMENT TO PARTICIPATE IN THE MUNICIPAL POLICE OFFICERS RETIREMENT SYSTEM (MPORS):** **Commissioner Funke moved to approve on second reading Ordinance No. 667, seconded by Commissioner Lies.** Commission discussion: Commissioner Erickson said that he had not heard any negative comment about it so he is satisfied. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

**NEW BUSINESS**

**APPROVAL OF RESOLUTION NO. 1049 ADOPTING A BUDGET FOR FISCAL YEAR 2013-2014:** Finance Officer Dooley said a preliminary budget was presented at a public hearing on September 4, 2013 and was also discussed at the regular meeting later that evening. She said that a final budget has now been prepared with several changes on the revenue and expenditure side that appear in the budget changes column of the budget report. Finance Officer Dooley pointed out that a tax levy requirements schedule is included in the presentation which shows that the City will levy 124.74 mils for the General Fund, 7.5 mils for the Permissive Medical Levy Fund and 19.95 mils for the voted Police Municipal Services Levy for a total levy of 152.19 mils. A Revenue compared with Expenditure report is also included that shows the change in cash with the ending cash becoming the reserve for the fund. Finance Officer Dooley said that there will be a decrease in the cash reserves of approximately \$1,426,433. The majority of the decrease is in the enterprise funds. She said that both the Water and Sewer funds are beginning major construction projects that will require the use of cash reserves for construction and match money. She stated however, that there may still be loans obtained for part of the projects but there are no loan proceeds in the current budget. Mayor DeVries said she did not see any big changes. Finance Officer Dooley said most of the changes involved COLA (Cost of Living Adjustments) on payroll line items. She said there was an additional payroll problem in the Street department budget that was fixed as well. **Commissioner Morrison moved to approve Resolution No. 1049 adopting a budget for fiscal year 2013-2014, seconded by Commissioner Campbell.** Commissioner discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.** Mayor DeVries thanked Finance Officer Dooley and the rest of the staff for the great job. Finance Officer Dooley replied that it was definitely a team effort.

**AUTHORIZE ACTING CITY MANAGER TO SIGN ANY NECESSARY PAPERWORK TO TRANSFER OWNERSHIP OF THE NEW YORK LIFE INSURANCE POLICIES FROM THE CITY TO MEMBERS OF THE POLICE DEPARTMENT:** City Attorney Raymond stated that the policies are currently owned by the City with the officers as beneficiaries and as a result of the change in the Police retirement (going to MPORS) the City will no longer fund the life insurance policies. He stated that at this point the City is not sure what paperwork may be required, thus the vagueness of the agenda item. Finance Officer Dooley clarified that the agenda shows there is an attachment but that is an error – there is no attachment for this agenda item. **Commissioner Morrison moved to approve authorization for the Acting City Manager to sign any necessary paperwork to transfer the New York Life Insurance Policies to the individual police officers, seconded by Commissioner Funke.** Commission discussion: Commissioner Lies asked for clarification on who will own and pay the policies after it is transferred. City Attorney Raymond said it would be the responsibility of the individual police officers to decide if they want to continue their individual policy and they would have to make the premium payments. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

**APPROVE FIRST READING OF ORDINANCE NO. 668 AMENDING CH 2.26 OF THE PMC TO AUTHORIZE THE FIRE CHIEF TO ISSUE CITATIONS UNDER THE INTERNATIONAL FIRE CODE (IFC):** City Attorney Raymond gave the background history on what prompted the need for this Ordinance. He said the Fire Chief is charged with handling weed control issues and certain other issues and presently does not have authority under the Polson Municipal Code (PMC) to issue citations. He must coordinate with the Police Department in order to get the citations. City Attorney Raymond said that Chief Fairchild is out of town at present. Mayor DeVries suggested that this would streamline the writing of these types of citations. City Attorney Raymond said this is a small change and only adds one additional sentence to this section of the PMC. He said that Chief Fairchild said the City has adopted the International Fire Codes and the citation issue will probably only come up once or twice per year. **Commissioner Morrison moved to approve the first reading of Ordinance No. 668, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: Street Superintendent Gembala said that he is glad to see this Ordinance as it will be better for the Street Department as well. He said there are problems with trash that is accumulated in the alleys and this is an issue for his department when maintaining the streets. Commissioner Campbell said it will save time, presently Chief Fairchild writes letters to the offenders, but this will allow him just to cite the offense instead. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

**AUTHORIZE MAYOR TO NEGOTIATE AND CONCLUDE A FINAL BARGAIN WITH A CITY MANAGER CANDIDATE:** Mayor DeVries thanked the City employees, the City Council and the entire Community for their efforts and attendance at the City Manager candidate reception. She said she was very impressed with how smoothly everything progressed and she indicated the candidates were impressed with the City. She gave a special thank-you to Paul and Carlisa London for the use of their deck and transportation services. She also thanked the City Manager Search Committee for their help and guidance in suggesting the use of Prothman Company for the search. **Commissioner Campbell moved to authorize the Mayor to negotiate and conclude a final bargain with Mark Shrives within the parameters of the Letter of Intent with final approval of the Contract by the full City Commission, seconded by Commissioner Lies.** Commission discussion: Mayor DeVries said that the interviews included three separate panels and a “spy” and that all of the groups came back with the same top candidates. Public discussion: Diane Speer asked for clarification on the “spy”. Mayor DeVries said that

the candidates were taken on a tour of the City and that Mr. Prothman had suggested that since all the candidates were male that the tour guide be a female to see how the candidates interact with a woman and how they react when they are not being interviewed and think they are not being watched. Murat Kalinyaprak said that there was a prior version of the agenda on the website on Thursday that has this agenda item reading: "Authorize Acting City Manager to Execute Approved Contract...". He asked if any details of a contract have been discussed or if there is a contract in place ready for the City Manager to execute. Mayor DeVries replied that there is no contract in place, only the letter of intent signed by Mr. Shrives. She said the agenda item was corrected because there is no contract only negotiation at this time. Mayor DeVries further clarified to Mr. Kalinyaprak that the agenda item as it now reads was on the September 12<sup>th</sup> special meeting agenda and the Commission failed to act on that agenda item so it was moved to this evening's agenda. Murat Kalinyaprak said he understood that Mr. Shrives came back to the Council chambers after the special session concluded and that City Attorney Raymond was there and he would like to know what was discussed. Mayor DeVries said City Attorney Raymond had just dropped by City Hall. **Commissioners Erickson, Campbell, Lies, Morrison, and Funke voted aye. Commissioner Turner absent. Motion carried.**

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

Peter Daniels prefaced his comments by saying this is not meant negatively toward the Police Department but he feels the officers should carry a broom and small bucket in their car to clean up broken glass, etc. that is on the streets. He said that on the corner of 7<sup>th</sup> Avenue and 1<sup>st</sup> Street East there had been an auto accident and there was glass from headlights on the street. The glass remained there for a very long time and was a hazard. He said an officer could use their police car as a shield so they could go into the street and pick up the glass. He realized that it is not the job of the officers to be street cleaners but this should possibly be considered for community safety.

Elsa Duford asked if the public will see the City Manager contract and have any input on it prior to it being finalized. Mayor DeVries said the contract will be an attachment to the agenda when it is brought to the City Commission for a vote.

Murat Kalinyaprak said he looked on the Internet and found an article about Mr. Shrives who hired an outside firm for \$10,000 to investigate allegations of illegal meetings and blackmail by the City Council and himself at his former job with the City of Creswell, Oregon. Murat Kalinyaprak said that Mr. Shrives was quoted as saying he took the allegations seriously and it was important to clear his and the Council's name. Murat Kalinyaprak said he finds this ironic because he feels that Mr. Shrives has been hired through a series of illegal meetings of the City Council which he says has caused great concern to the public. He said our State Representative (Greg Hertz) contacted the Attorney General's office who then contacted other City Managers from Kalispell, Missoula and Great Falls and they indicated the interview meetings and the deliberations to pick the candidate were illegal. He is wondering if Mr. Shrives will ask for an investigation.

**The meeting adjourned at 7:35 p.m.**

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**Mayor Pat DeVries**

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**Attest: Cindy Dooley, Finance Officer**