

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY SEPTEMBER 17, 2012, 7:00 PM**

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Manager Todd Crossett, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, Police Chief Wade Nash, Water & Sewer Superintendent Tony Porrazzo, Street Superintendent Terry Gembala, Parks Superintendent Karen Sargeant, and Golf Maintenance Supervisor Pat Nowlen present. Others present (that signed in): Rory Horning, Tammy Miller, Mike Gale, Andrew Speer, Diane Speer, Cathy Billie, William Bonkowski, Paul London, Elsa Duford, Bill Smith, Juan Maso, Murat Kalinyaprak, and Cheryl Wolfe. City Attorney James Raymond absent.

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

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

CONSENT AGENDA:

A. ADDITIONAL JUNE CLAIMS

B. SEPTEMBER 1-13 CLAIMS

Commissioner Campbell moved to approve the consent agenda, seconded by Commissioner Lies. Commission discussion: Commissioner Lies asked about whether the charge of \$24,800 in both the water and sewer funds was a duplicate payment. City Clerk Dooley said this is a split charge for concrete for the water and sewer building being constructed by the Skate Park. Public discussion: None. Motion carried unanimously.

COMMISSION PUBLIC HEARING MINUTES AUGUST 27, 2012: Commissioner Lies moved to approve the City Commission public hearing minutes of August 27, 2012, seconded by Commissioner Campbell. Commission discussion: None. Public discussion: Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner abstained. Motion carried 5-0-1.

COMMISSION MEETING MINUTES SEPTEMBER 5, 2012: Commissioner Lies moved to approve the City Commission meeting minutes of September 5, 2012, seconded by Commissioner Funke. Commission discussion: Commissioner Erickson commented that the minutes are well done and provide a great resource. Mayor DeVries also thanked City Clerk Dooley for the minutes. Public discussion: Diane Speer stated that on page 2 of the minutes that the study referred to by City Manager Crossett was from the Knight Foundation and not the McKnight Foundation. City Manager Crossett confirmed that Knight Foundation was correct. Motion carried unanimously.

CITY MANAGER COMMENTS:

There are a number of ongoing projects that are being worked on including the budget, closing down the restrooms at the Parks and aerating the greens at the Golf Course. The playground project at Boettcher Park is ongoing and will require some extra work due to groundwater issues. The Skyline project is proceeding as planned. The PDC advisory committee is moving ahead on the re-write of the development code. A contractor meeting is upcoming for the warranty work issues on the streetscape

project. Resumes are currently being reviewed for the Building Inspector position and there are many good applicants. The Bay Club Restaurant is operating on limited hours and will be shut down for the season around October 1st.

The Water and Sewer department is finishing the water and sewer line upgrade project for the Riverside Addition with one block to go. When completed, the residents will no longer be using the 100 year old lines.

Montana DEQ will be coming to Polson to drill approximately 250 test holes to look for fuel leakage in the downtown area. Commissioner Campbell asked if they explained why they are doing this project again. Streets Superintendent Gembala said that he was notified last week about the plan. The test holes will be drilled in an area that encompasses Sacajawea Park, near City Hall, on First Street to Third Avenue and also on Main Street. Water and Sewer Superintendent Porrazzo said it is basically the same area that was done before. Commissioner Campbell said the prior study concluded that were there was leakage toward the river, but they were not going to tear up the highway or remove buildings to do anything about it. Commissioner Campbell and Street Superintendent Gembala said they must have received more money to continue studying this. Mayor DeVries asked when the project will start. Street Superintendent Gembala responded that as soon as they have the permits they will start – around October 2nd. It will cause some disruption. Elsa Duford asked if they are looking for oil leakage and Commissioner Campbell said that it is mainly gasoline leakage that they will be testing for. Commissioner Campbell said in the previous test, some of the tops got broken off the test holes which allowed surface gasoline to get down into the test holes during rainstorms.

OLD BUSINESS

APPROVE RESOLUTION NO. 1033 ADOPTING A BUDGET FOR THE FISCAL YEAR 2012 – 2013: Commissioner Morrison moved to approve the budget as presented with the permissive medical levy of 5.5 mills, seconded by Commissioner Turner. Commission discussion: None. Public discussion: None. **Commissioners Erickson, Turner and Morrison voted aye. Commissioners Campbell, Lies and Funke voted nay. Mayor DeVries voted aye. Motion carried 4 -3 -0.**

NEW BUSINESS

APPROVE RECOMMENDATION OF IMPACT FEE REVIEW BOARD TO WAIVE IMPACT FEES FOR ALLEN J. ORR IN EXCHANGE FOR EASEMENT: Water and Sewer Superintendent Porrazzo explained the history of this property. The property is located on Rung lane, it was originally owned by Ron Boyce and then Allen Orr bought it and built fourplexes on the property. Sewer hookups were brought to the lots through an easement that was given to the City during the subdivision phase. The City also wanted an easement running down Rung Lane but was unable to get that as Ron Boyce wanted to be paid for the easement. There was not enough room to put water and sewer down Rung Lane as there are already cable and power lines that take up the necessary room so Allen Orr agreed to give the City 400' of 20' easement and did not ask to be paid for it at the time. Mr. Orr is now trying to sell a house that sits on the property and will need to have it hooked up to City sewer and he would like to trade the easement for the impact fees that would be due. Water and Sewer Superintendent Porrazzo discussed it with City Attorney Raymond and City Manager Crossett who both approved it. He then met with Commissioner Turner and Commissioner Campbell who agreed that it is a beneficial trade. Park Superintendent Sargeant has also approved it. Fire Chief Fairchild is out-of-town but Water and Sewer Superintendent Porrazzo will discuss it with him when he returns. Mayor DeVries asked if the easement

is being properly recorded. Water and Sewer Superintendent Porrazzo said the easement was given awhile back and has already been recorded; Mr. Orr is now asking to be reimbursed through the impact fee waiver. The house is already annexed into the City, but having the easement is going to be beneficial to the City for future annexation work and dealing with failed septic tanks. Commissioner Campbell said this is a very fair deal. The City will be forgoing the impact fees that could have been collected on the property. **Commissioner Campbell moved to approve the recommendation of the Impact Fee Review Board to waive impact fees for Allen J Orr, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: Murat Kalinyaprak asked who is on the Impact Fee Review Board and what the dollar amount of the waiver was. Mayor DeVries said the amount stated in the packet was \$739.62. The Impact Fee Review Committee in this instance was City Attorney Raymond, Commissioner Turner, Commissioner Campbell and Water and Sewer Superintendent Porrazzo. City Manager Crossett said he was consulted and told Water and Sewer Superintendent Porrazzo to form an Impact Fee Review Committee with two Commissioners as is the usual practice. Murat Kalinyaprak asked if this is a standing board or if it changes for each review. Mayor DeVries replied that it is her understanding that it changes each time. **Motion carried unanimously.**

REAFFIRM COMMITMENT TO HATE-FREE ZONE BY SIGNING FRHRC'S RESOLUTION: Tammy Miller, the current President of the Flathead Reservation Human Rights Coalition (FRHRC) presented information on the reaffirmation of the hate-free zone originally presented to the Commissioners on September 16, 1996. The hate-free zone idea came as a result of Billing's "not in our town" campaign to end discrimination and racism and some anti-Indian sentiment that was going on at that time. Among their several purposes is to provide a non-sectarian organization through which members of the Flathead Reservation community can join together to examine, evaluate and jointly act to improve the status of human rights in the local communities and to provide a voice for those persons who believe that the existence of racism, violence, and discrimination in any form in our community degrades the quality of life for all members of the community. Today, there are instances of bullying and harassment that affects our students and the organization felt this would be a good time to reaffirm the commitment to a hate-free zone as words do hurt. The Resolution reads in part: Therefore be it resolved that: 1. All who live and work in the greater Flathead Reservation community celebrate our human diversity and endeavor to ensure the safety of all our citizens; and further, 2. We call upon the community at large to oppose and condemn all acts of malice, intimidation, or threat as actions which are contrary to the integrity, the spirit, and the general well-being of our community; and finally, that 3. We establish, live by, and enforce a policy of zero tolerance for discrimination and/or crimes that are motivated by hatred towards a particular race, creed, religion, skin color, political belief, gender, age, disability, sexual orientation, or gender identity. Tammy Miller said that they are asking community members and leaders to sign the resolution and to place a sign in their window which says this is a hate-free zone. FRHRC also provides education and there will be a free workshop on September 29th from 9 am to 2 pm which will include lunch. The topic is "Creating Inclusive Schools and Communities" and will be held at the Mission Valley United Methodist Church at the top of Post Creek Hill. The training is provided by the National Coalition Building Institute in Missoula and the workshop was made possible through a grant from the Lower Flathead Valley Community Foundation. City Manager Crossett said that speaking out against bullying and harassment is important and he would support signing the Resolution. Commissioner Campbell asked for clarification on whether this is a City Resolution or their Resolution. Tammy Miller said this is their resolution and they are asking the Mayor, Commissioners and Police officers to sign it along with any other City staff. **Commissioner Turner moved to support the hate-free zone resolution in the community of Polson, seconded by Commissioner Erickson.** Commission discussion: None. Public discussion: Rory Horning thanked Ms. Miller for her presentation and reiterated that words do hurt. He said there are racist comments in our printed media and he would like

the elected officials to speak to the media and have them set an editorial policy that would prevent this from being so pervasive. Cheryl Wolfe asked if the City would form a committee to put together its own resolution to address this issue. City Manager Crossett said that would be good and he would be willing to work with the Commission and the FRHRC to see what would be helpful. Personally, anything that the City can do to make our town a more tolerant community is a good thing. Tammy Miller said she has a resource list available which includes the documentary film *Bullied*, about a student who was harassed and beaten and later sued the school district and won. Police Chief Nash stated that he is supportive of this resolution. He said the bullying issue is in our schools and the School District is working on a policy directly related to the bullying issue. Chief Nash has attended several trainings on this and he feels this is beneficial to the City to get involved. The Polson Police Department's vision is to protect everyone regardless of their race, creed, skin color, gender, age or beliefs and they will continue to uphold that. Tammy Miller provided the City with signs to place in the offices and windows at City Hall letting everyone know it is a hate-free zone. Murat Kalinyaprak said that resolutions and ordinances do not enforce themselves. He said that when he ran for City Council several years ago someone defamed his campaign sign by writing on it "go back to Turkey". He said the County did find out who it was and Mr. Kalinyaprak reported it to Police Chief Doug Chase. He said no charges were pressed and he voiced that he disagreed with how it was handled by local law enforcement. He hopes that Police Chief Nash will be able to enforce the hate-free zone. Tammy Miller responded that she was sorry the incident occurred and she hopes the signs will remind people that that is not how we act in this community. **Motion carried unanimously.**

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

Diane Speer commented on City Manager Crossett's comments at the last Commission meeting regarding a study done by Gallup and the Knight Foundation. City Manager Crossett had said the study measured citizens from 26 cities and their affinity for their community. The study had determined that a high level of affinity correlated to higher economic development in the community and that the three underlying factors were a welcoming atmosphere, pleasing aesthetic and varied social offerings. City Manager Crossett stated that as we grow our economy we need to be aware of these underlying factors. Ms. Speer read the study and agrees that it did measure residents' emotional connection and they did compare it to the GDP (gross domestic product) growth and there was a correlation. She said that when the study started in 2008 the purpose was explicitly stated that the researchers, over a three year period, would analyze the trends to see if an emotional connection drives economic growth or whether it is the other way around. Her opinion is that there must be many things that drive economic growth so the study has a flawed premise in her opinion (Note: the Orton Foundation denies that it receives funding from the Knight Foundation). Diane Speer claimed that the Knight Foundation works with and funds the Orton Family Foundation. She also claimed that the conclusion of the study stated that the research could not prove that community attachment causes local economic growth.

The meeting adjourned at 7:38 p.m.

Mayor Pat DeVries

Attest: Cindy Dooley, City Clerk