

CITY OF POLSON COUNCIL MEETING

Commission Chambers

October 21, 2013

7:00 p.m.

ATTENDANCE: Commission President Commissioner Mike Lies presiding City Commissioners: John Campbell, Todd Erickson, Fred Funke, Dan Morrison, City Manager, Mark Shrives, City Attorney, James Raymond, City Clerk Cora Pritt.

Absent: Mayor Pat DeVries, Commissioner Stephen Turner

Others present (that voluntarily signed in): Mike Brandt, Dave DeGrandpre, Elsa Duford, Margie Hendricks, Rory Horning, Murat Kalinyaprak, Heather Knutson, Paul, and Skyla London, Bonnie Manicke, Police Chief Wade Nash, Ken Siler, Jill Southerland, and Andrew Speer.

1. CALL TO ORDER

Commission President Commissioner Mike Lies called the meeting to order. The pledge of allegiance was recited.

2. APPROVAL OF PROPOSED AGENDA

Commissioner Funke motioned to approve the Proposed Agenda. Commissioner Erickson second. Commission Discussion: none Public Discussion: none VOTE: Unanimous Motion Carried

3. APPROVAL OF CITY COMMISSION MEETING MINUTES OCTOBER 7, 2013

Commissioner Campbell motioned to approve minutes as written. Commissioner Funke second. Commissioner Discussion: Commissioner Erickson had a correction to page 4. There is a reference to a question asked by Commissioner Erickson, it should read Commissioner Turner. Commissioner Erickson was not at the October 7th meeting. Public Discussion: none. VOTE: Commissioner Erickson abstained. 4 ayes-Motion carried.

4. CONSENT AGENDA

A. JUNE 2013 CLAIM

B. OCTOBER 1-15 CLAIMS

C. APPROVE OWNERSHIP OF D.BERARDINIS WINERY, LIQUOR LICENSE

NO. 97-999-FO53-260

Commissioner Campbell motioned to approve with 1 correction, on page 2, sighting that the claim was paid twice. One of the claims will need to be voided. Commissioner Morrison second. Commissioner Discussion: None Public Discussion: None. Vote-Unanimous Motion carried.

5. CITY MANAGER COMMENTS

Before City Manager Mark Shrives began, he invited Eagle Scout Carlton "Cash" Sissler to address the Commissioners about an Eagle Scout project that Cash is working on. Cash would like to place vandal proof drinking fountains at Kerr Dam Field and Travis Dolphin Dog Park. The cost is \$3,000.00 for the fountain at Kerr Dam Field and \$2,000.00 for the fountain at Travis Dolphin Dog Park. Shipping for each fountain will be \$500.00. Cash is currently working on the fundraising and is seeking someone with knowledge of concrete and plumbing to volunteer their time/cost in the instillation of each.

City Manager Mark Shrives introduced a new template that will be used in future agenda packets; Agenda Item Summary. The summary includes the staff member requesting the agenda item, a summary,

background, analysis, financial consideration, staff recommendation, and a suggested motion. There is also a space to list any attachments. This new form will aide in the information and review process. Mark reported that on his first day as City Manager he was given a law suit filed by Citizens for Open Government, Inc. as well as a letter from Mr. Paul Doolittle. The letter from Mr. Doolittle was an invoice for trespassing by the City on his property located at the corner of 7th Avenue East and Hillcrest. The lawsuit has been forwarded to MMIA (Montana Municipal Interlocal Authority) for review. The letter from Mr. Doolittle was forwarded to City Attorney James Raymond for response. There were also two requests for public information from Murat Kalinyaprak which Mark answered via email. Mark also gave an update on the lawsuit that Rory Horning had filed against the City. The lawsuit was defended by MMIA in the amount of \$70,000.00. This will impact the rates statewide.

6. PROGRESS UPDATE ON POLSON DEVELOPMENT CODE RE-WRITE

Dave DeGrandpre, Land Solutions Inc. was contracted to assist is the re-write of the Polson Development Code (PDC). Dave has worked with a volunteer group for the past 3 years in reviewing and making changes to the PDC. Meetings will conclude at the end of October. Then Dave will compile a draft; submit the draft the Committee for review. Once the Committee has reviewed the PDC, then the public hearings with the City County Planning Board will begin. The timeline for these meeting will be from February 2014 thru May 2014. After any changes the Board makes, the document will be presented to City Commissioners. Commissioner Erickson asked to view the zoning map that Dave had with him. The map showed the proposed zone change to the northern boundary of the City of Polson. Dave will be having a discussion on the 24th of October with the County Commissioners about this proposed change since it would impact the County. Should the County say no, then the map will be changed.

7. APPROVE RESOLUTION NO. 1051 TO LEVY AND ASSESS SPECIAL IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2013-2014. Finance Officer Cindy Dooley presented the resolution to the Commission. The special assessment on the 2013 tax bills will be:

Special Improvement Main St Renovation Dist. Number 42 (“Streetscape”)	\$68,634.42
Street Light Maintenance District #19	\$14,078.23
Street Light Maintenance District #20	\$ 4,871.36
Noxious Weed Control Maintenance	<u>\$ 2,685.00</u>
TOTAL SPECIAL ASSESSMENTS LEVY	\$ 90,269.01

Cindy explained that the noxious weeds amount included the Donegan residence demolition. The lighting district amounts will be re-evaluated in Fiscal Year 2015 due to the rate increase from Mission Valley Power. **Commissioner Campbell motioned to approve Resolution No. 1051. Commissioner Funke Second.** Commission Discussion: Commissioner Erickson asked about the lights. Cindy answered that the light bulbs used in the decorative lights on Main St. are not lasting. Also, ballast has been replaced as well. Commissioner Campbell asked if there were any other options. Cindy replied that LED lights could be used upfront but would have been expensive. Public Discussion: None
Vote: Unanimous Motion carried

8. INFORMATION ON 2014 SEASON PASS RATES AND ANNUAL FEES-presented by Finance Officer Cindy Dooley in Golf Pro Roger Wallace’s absence. The fee for a single pass will be \$512.00, which is similar to 2013 rate. The city resident rate is calculated then the out of city rate is a flat amount above the city resident rate. This is just for information. The increase in the rates was already reflected in the budget that was passed. Commission Discussion: Commissioner Campbell asked how the process begins. Cindy answered that Roger looks at the other courses, and then the budget is reviewed for support of the expenditures. Cindy didn’t know if Roger uses an inflation factor as well. Commissioner Campbell asked about the elimination of the credit card fee that was charged on the previous year. Cindy explained that the credit card fee was included into the fee increase. Public Discussion: Murat Kalinyaprak-“Are there any information about things like membership accounts? Cindy –“I don’t have

those with me tonight. They are available.” Murat-“Okay. And I would like to make a comment that since this is a Municipal Golf Course, with the goal of providing affordable golf to the citizens of Polson it’s a break-even operation. The fees should not be set by comparing to other golf courses. They should be really looking at the reality, the economic realities of this town versus what other courses pay. Thank you.”

9. APPROVE POLSON REDEVELOPMENT AGENCY REPORT FOR FISCAL YEAR 2012-

2013. There was a correction to the agenda. Jules Clavadetscher will be presenting this item. Cindy Dooley will be assisting Jules. The Polson Redevelopment Agency Annual Report 07/01/12-6/31/13: Assets, 2012-2013 TIF Fund end-of-year cash balance \$207,968

Plus: Receivables	\$ 13,581
NOTE: Expect TIF receipts for 2013-2014	\$146,500
Debt-Liabilities: Due to Lake County	\$ 14,512
Other acts. Payable	\$ 3,050
NOTE: TIF bond payable for 2013-2014:	\$ 39,910
On-going TIF bond payments	\$ 80,000
PRA Expenditures 2012-2013 Capital Outlays:	\$ 16,097
Purchased Services:	\$ 2,349
Funds Transfers:	\$ 15,000
FUND TOTAL	\$ 33,446

The report was accompanied by an Accountant’s Compliant Report signed by City of Polson Finance Officer Cindy Dooley, CPA.

Commissioner Discussion: none Public Comment: Lee Manicke questioned the completion of the report. Lee commented that there were items not reported. City Finance Officer Cindy Dooley provided to Council the information that Lee was inquiring about.

Commissioner Campbell motioned to approve the Polson Redevelopment Agency Report for Fiscal Year 2012-2013. Commissioner Funke second. Vote: Unanimous Motion carried

10. AUTHORIZE CITY MANAGER TO NEGOTIATE LAND PURCHASE FOR WELL SITE-

City Manager Mark Shrives presented the item to Commissioners. This is an ongoing project. The City Manager would negotiate a deal on property. No purchase would be finalized until a test well has been drilled and the required quantities of water for City use are found. Final purchase contract with terms and conditions will then be presented to the City Commission for approval. All negotiations and any purchase will follow rules of land purchases and will meet all legal requirement sand documentation. Water funds and/or Grant funding will be used to purchase the land.

Commissioner Funke motion to authorize the City Manager to negotiate land purchase for well site. Commissioner Campbell second. Commission Discussion: none Public Discussion: Margie Hendricks asked if a well had been built. City Water/Sewer Superintendent Tony Porrazzo answered no. Margie further commented that according to the Supreme Court the only water rights that are valid are the rights granted before 1996. **Vote: Unanimous Motion carried**

11. DISCUSSION OF CHANGING MINUTES FROM NARRATIVE TO ACTION-

City Manager Mark Shrives presented the item to Commission for consideration. The meeting is recorded digital and this could become the official record of the meeting with Action Minutes provided. The Action Minutes would reflect the decisions and vote of the City Commission. There will be additional research compiled for a future date. Commission Discussion: Commissioner Campbell commented that he preferred the narrative minutes for a historical record. Should research be required, then the detail is readily available. Commissioner Erickson commented that the Action minutes would be a time-saver, therefore save the tax payers money. Commissioner Erickson was in favor of the Action Minutes. Public Comment: Murat Kalinyaprak stated that he is against Action Minutes and in favor of the written minutes. Margie Hendricks commented that she too was in favor of the written minutes. Lita Fonda

read from a document describing what the Montana Code Annotated requires minutes to contain. Bonnie Manicke commented that she would not be in favor of Action Minutes. Bonnie stated that the historical value would be lost. Elsa Duford commented that she was in favor of Narrative Minutes because it shows real people who participated. Steve Palmieri commented that the minutes needed to remain consistent. Relying on technology is not always a good thing. There are a number of problems and data can be lost. Rory Horning commented that perhaps this discussion needed to be put off until the new members are seated in January. Rory suggested putting the audio on the website.

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

Bob Fulton discussed the issue of the wells. Bob attended a meeting in which he asked the State Hydrologist if the City of Polson would be permitted to drill a new well. Her comment was absolutely not. Commissioner Campbell questioned if Bob asked about transferring water rights. Bob answered that the question was concerning any increase in capacity. Commissioner Campbell wondered if the Hydrologist had been given all the facts.

Murat Kalinyaprak commented to the City Manager that any criticism or comments about the closed session are not meant to be personal. Murat then asked City Manager Mark Shrives how he felt about the contract being approved in an emergency meeting situation. Mr. Shrives stated that due to the law suit he would have to remain quiet about the subject.

Rory Horning commented about the \$70,000.00 bill sent to MMIA regarding Rory's lawsuit. In Rory's opinion MMIA was overbilled. Rory suggests looking at the veracity of the legal firm that handled the lawsuit.

Heather Knutson commented that the Agenda Item Summary is a nice tweak to the agenda process. It is helpful and an added value to the meeting organization. Heather also thanked the City Manager for the way in which he brought the proposed minute change to the public's attention.

Lita Fonda reminded everyone of the Code of Conduct that is supposed to be adhered to during the Commission meeting. Lita read the Code and then commented on statements that were made during the previous meeting.

12. RECESS 8:15 p.m.

13. RE-CONVENE AFTER EXECUTIVE SESSION: 8:42 P.M.

14.. ADJOURN-COMMISSION PRESIDENT MIKE LIES: 8:43 p.m.

COMMISSION PRESIDENT, MIKE LIES

ATTEST:

Cora E. Pritt, City Clerk

Time to prepare minutes: 1 hour 50 minutes