

CITY OF POLSON COUNCIL MEETING

Commission Chambers

November 4, 2013

7:00 p.m.

ATTENDANCE: Mayor Pat DeVries, City Commissioners: Todd Erickson, Fred Funke, Mike Lies, Dan Morrison, City Manager, Mark Shrives, City Clerk Cora Pritt.
Absent: Commissioners John Campbell, Stephen Turner, City Attorney James Raymond
Others present (that voluntarily signed in): Mike Brandt, Marc Carstens, Elsa Duford, City Streets Superintendent Terry Gembala, Margie Hendricks, Rory Horning, Paul, Carlissa, and Skyla London, Bonnie Manicke, Merle Parise, City of Polson Water/Sewer Superintendent Tony Porrazzo, Judy Preston, Agnes Rinehart, Ken Siler, Jill Southerland, and Andrew Speer.

1. CALL TO ORDER

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

2. APPROVAL OF PROPOSED AGENDA

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

3. APPROVAL OF CITY COMMISSION MEETING MINUTES OCTOBER 21, 2013

Commissioner Erickson motioned to approve minutes as written. Commissioner Morrison second. Commissioner Discussion:none Public Discussion: none. VOTE: Unanimous Motion carried.

4. CONSENT AGENDA

A. OCTOBER 16-30 CLAIMS

C. APPROVE TRANSFER OF OWNERSHIP LIQUOR LICENSE NO. 97-860-3724-311

Commissioner Funke motioned to approve . Commissioner Lies second. Commissioner Discussion: Commissioner Lies questioned why there were 3 Golf claims for same item. Finance Officer Cindy Dooley answered it was divided between Maintenance, Pro Shop, and Restaurant. Public Discussion: None. Vote-Unanimous Motion carried.

5. CITY MANAGER COMMENTS-City Manager Mark Shrives gave an update on the following subjects: A letter has been sent to Mr. Paul Doolittle regarding his invoice to the City. MMIA has agreed to provide defense in the legal complaint filed by the Citizens for Open Government, Inc. Mark also commented that he had attended a recent community event. Also, the Police Department hosted a training seminar from October 28th-November 1st. The classes were taught by the FBI LEEDA organization. Polson was the only city in the western part of the United States to host this class. The City of Polson just received notice from Blue Cross Blue Shield Health Care Insurance that we will have a 3.5% increase effective January 1, 2014. This increase is part of a new Federal law.

6. APPROVE FINAL PLAT OF PRELIMINARY APPROVED (CC 05/2005) RIDGEWATER (aka COUGAR RIDGE) PHASE III, LOT 9C, A COMMERCIAL LOT AT 109 RIDGEWATER DR. -City Building/Planning Official Joyce Weaver presented her Staff Report. The project was given

Preliminary Plat Approval in 2005. The lot is located in the Highway Commercial Zoning District of Cougar Ridge. Applicant Mike Maddy, Cougar Ridge Development LLC, with agent Marc Carstens are requesting the Final Plat approval of the 2005 preliminary approved Ridgewater Commercial Subdivision, Phase III, Lot 9C. All of the City department heads have signed the review summary. There were no comments or issues. Along with the current Staff Report, Joyce provided the Staff Report from 2005. Mayor DeVries asked Joyce about the street in front of the new lot. Joyce answered that the Polson Medical Facility, which has already been given a Special Use Permit, will be responsible for bringing the road up to City standard. Agent Marc Carstens, the surveyor for the applicant, addressed the Council. All 48 Conditions of Approval have been met. The Municipal Facilities Exclusion has been signed by the City Civil Engineer Shari Johnson. The infrastructure on the plat will be brought up to standard. Commission Discussion: None. Public Discussion: **Margie Hendricks** commented that in 2005 the public was unhappy with this subdivision. There has been no opportunity for the public to review of Phase II or Phase III. Margie comments that this is a material change, and should be returning to the City County Planning Board. This would then give the public a chance to review the plans. Margie further stated that the engineer for the original presentation was not an engineer and the topographical map was not real. Margie states that this should be tabled tonight and taken back before the Planning Board. **Murat Kalinyaprak**-stated that the maps and surveys do not resemble the Cougar Ridge Phase III C.O.S. 6884. This C.O.S. was an 8 boundary lot adjustment that created lots. This has no relation to the Preliminary Plat approved in 2005. Murat further commented that the 10 year extension that was granted was illegal at the time it was given. **Commissioner Morrison motions to approve the Final Plat of Phase III, Lot 9C of the Ridgewater Commercial Subdivision, a part of the City Council approved preliminary Cougar Ridge presented Staff Report with Conditions on May 2, 2005. Commission Funke second. VOTE: Unanimous. Motion carried.**

7. APPROVE FINANCE OFFICER'S CASH REPORT FOR JUNE 2013-Finance Officer Cindy Dooley presented the Cash Report to Council. The June Cash Report will be treated as a draft report due to some payroll liability issues. There will be no vote of approval required. One of the issues has been resolved but 2013 will need to be changed. A revised version will be brought back at the next meeting. The General Ledger Balance is \$4,699,825.67. There is 1 CD presently at 1st Citizens. The other CD has matured. There isn't anything currently that is better than what we have at .3%. Commissioner Lies questioned what the payroll liability issue is. Cindy answered that the issue is overpayment of payroll liabilities and underpayment. The amount of \$3, 270.00 was carried. Cindy thought this was an IRS overpayment, but it turns out to be a civil penalty we paid. This goes back to 2008. Apparently either W-2's weren't filed or there was a reconciliation issue and the notices went unanswered and there was a penalty levied. Commissioner Funke questioned if the item would need to be tabled. Mayor DeVries answered that yes, there would need to be a motion to table the item. **Commissioner Funke motion to table the approval of the Finance Officer's Cash Report for June 2013. Commissioner Lies second. Vote: Unanimous Motion carried**

8. FINANCIAL UPDATE ON WEST PIER (CITY DOCK) PROJECT & RIVERSIDE WALKPATH PROJCT. Finance Officer Cindy Dooley presented the update. The contract for this project was signed in August, 2013 with some preliminary work done in June, 2013. This item is funded with Tax Increment Financing District monies. The total budget for the project is 715K. A contingency of \$86,500.00 was set aside, a bond reserve of \$40,000.00, there is engineer oversight of \$30,000.00, Structural Review by the City of \$5,000.00 and bond cost and misc. expenses of \$15,000.00. Total budget for the project is \$891,500.00. Currently 57% of McCrumb's contract has been paid. Their last payment #5, page 2 shows the breakdown of project and the percentage of completion on the various parts of the project. Commission Discussion: Commissioner Funke was asked by Commissioner Campbell to request that the name be changed to City Dock not the West Pier project due to the history behind the dock. This is an information item, no vote has been requested.

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

Bob Fulton asked City Manager Mark Shrives for clarification on the letter to Mr. Paul Doolittle. Second paragraph of the letter, there is a sentence that reads “city claims an existing prescriptive right in the right-of-way as presently existing of long standing. If it is an existing prescriptive right, you don’t have to claim it. If it is in the right-of-way you don’t need a prescriptive right at all. What does that sentence mean? Also, Bob wanted to publicly thank James Raymond for the 10 days that have not had a police officer either call or come to Bob’s home to question him about things that James has claimed Bob has done.

Michael Brandt commented about an incident that occurred at the previous Council meeting. All the people sitting up front, either elected in, or not represent the City. At the last Commission meeting there was an inappropriate gesture made by someone sitting upfront towards a member of the public. The video has been posted on YouTube.

Margie Hendricks commented about the minutes that were given to Council from the May 2, 2005 for the Cougar Ridge approval, Margie spoke at that meeting during the Public Comment meeting. Margie asked the engineer about the water supply. The answer was there would need to be a new well by the summer of 2006. There is no new well. Margie contacted the DNRC to ask if the City could use the old Mill Site wells. The answer was no, the City cannot use those wells. At a recent meeting the Tribes also said we could not build any new wells.

Murat Kalinyaprak commented about the City Attorney having made the inappropriate gesture. (Note: Murat demonstrated the gesture to council by extending his middle finger). Murat stated that this sort of behavior is exactly why he has begun videotaping these meetings. Audio recording does not capture this and he will continue to videotape the meetings. In Murat’s opinion the City Attorney should be fired over this action of showing his middle finger towards a member of the public in this way.

10. MEETING ADJOURNED 7:39 p.m.

Mayor Pat DeVries

ATTEST:

Cora E. Pritt, City Clerk

Time to prepare minutes: 1 hour 52minutes