

**CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, DECEMBER 3, 2007, 7:00 P.M.**

**ATTENDANCE: Council: Bruce Agrella, Mark MacDonald, Tom Jones, Lou Marchello, Tom Corse, Mike Lies, and Fred Funk present. City Attorney James Raymond and City Manager Jay Henry present.**

**Pledge of Allegiance and meeting brought to order at 7:00 p.m.**

**Tom Jones motioned to accept the resignation of Mayor Jules Clavadetscher. Tom Corse seconded the motion. The motion to accept the resignation of Jules Clavadetscher as Mayor of the City of Polson passed unanimously.**

**Tom Jones motioned to nominate, appoint and swear in Lou Marchello to serve as the mayor since he was elected mayor of the City of Polson. Bruce Agrella seconded the motion. Rory Horning questioned by what authority the Council was swearing in a new mayor. The motion passed unanimously. Judge A. Doug Olson administered the Oath of Office to Lou Marchello.**

**CONSENT AGENDA**

- A. CITY COUNCIL WORKSHOP MINUTES FOR NOVEMBER 18, 2007**
- B. CITY COUNCIL WORK SESSION MINUTES FOR NOVEMBER 19, 2007**
- C. CITY COUNCIL MEETING MINUTES FOR NOVEMBER 19, 2007**
- D. LIBRARY BOARD APPOINTMENTS: CAROLE OLSON (TERM EXP 6-3-2010) AND SHARON RICHARDSON (TERM EXP 6-30-2009)**
- E. NOVEMBER 2007 CLAIMS**

**Fred Funke motioned to approve the consent agenda with corrections to the Council meeting minutes of November 19, in which he is listed as voting on page 3 & 4 while he was not in attendance, and also a correction to the Work Session minutes on November 19, in which Tom Jones was listed as voting, but was not in attendance. Bruce Agrella seconded the motion. Rory Horning found the sign in policy change curious. The motion to approve the consent agenda with corrections passed unanimously.**

**FIRST READING OF ORDINANCE #632-CLARIFICATION OF CITY POLICY REGARDING PUBLIC COMMENTS: Jay Henry reported to the Council that the City Attorney and himself had reviewed existing ordinances and found them in conformance with the law. He recommended, per the ordinance, that the Council allow comment at work sessions and committee meetings. He noted that the public can ask questions of the presiding officer, however, it is the presiding officer's prerogative as to whether he or she answers the question, does not answer, or refers the question to the appropriate City staff during normal business hours. Tom Jones asked if the public comment item at the end of the meeting was addressed in the ordinance. Jay Henry informed the Council that public comment section at the end of each agenda item was actually more than what was required. Tom Corse motioned to accept the first reading of Ordinance #632, clarification with respect to public comment. Fred Funke seconded the motion. Rory Horning felt that his agenda item from the previous meeting that**

was tabled had little to do with this ordinance. He stipulated that the comment only policy restricted the public's right to ask questions. He felt that the AG opinion #12 did not give discretion on when or how a question can be asked or answered. He asked by what authority the Council had to require comment only. **Lou Marchello** replied that in many situations, the elected officials don't know the answers to questions that may be asked. He suggested making appointments with the appropriate department head or City Manager. **Rory Horning** felt that by addressing questions at the meeting it would encourage public participation. **Elsa Duford** wanted to make sure the public was open to direct contact with department heads under the new charter form of government. **Jay Henry** advised that he would appreciate members of the public contacting him first, but that they were free to contact department heads. **The motion passed unanimously.**

**FIRST READING OF ORDINANCE #631-REPEAL OF ORDINANCE #610:** **Jay Henry** informed Council that MCA2-2-144 subparagraph 5 indicates that an ethics panel was optional, and explained that State law has an alternate procedure in the event that there is no ethics panel established. It was the staff's opinion that the City was under no legal obligation to implement an ethics committee. He added that because of MCA2-2-144 subparagraph 1, if we had an ethics panel, complainants would have to jump through an additional hoop to reach someone with the authority to bring action. He noted that ethics committee members cannot be officers or employees of the local government, making Ordinance #610, as written, noncompliant with State law. He recommended that the Council repeal Ordinance #610. **Mark MacDonald** clarified that ethics complaints against elected officials go straight to the County Attorney. **Jay Henry** agreed and added that if it was a complaint against an employee it would first go to him, and complaints about the City Manager would go before the Council. **Tom Corse motioned to accept Ordinance #631, repealing Ordinance #610.** **Bruce Agrella seconded the motion.** **Rory Horning** agreed with Council voting to repeal Ordinance #610 and asked who the public members of the ethics committee were. **The motion passed unanimously.**

**REVIEW AND APPROVE FINAL PLAT OF 30-LOT MAJOR SUBDIVISION, PHASE I OF RIDGEWATER (FORMERLY KNOWN AS COUGAR RIDGE), IN LRZD & HCZD:** **Joyce Weaver** explained that the Ridgewater subdivision accessed off of Highway 93 with phase I containing 23 residential lots (single family) and 7 lots in highway commercial zoning. She reported that the applicants had completed their conditions for final approval and that all fees stated in conditions 17 and 18 have been paid. She noted that the developer provided a bank controlled deposit account verification from Glacier Bank for \$316,500 for uncompleted infrastructure which expires December 3, 2009. **Mike Lies** asked for clarification of condition #38 regarding covenants. **Joyce Weaver** explained that the former land owners had asked for that condition, but the current landowners had asked that it be removed in favor of having covenants. **Tom Corse motioned to approve the final plat of 30-lot major subdivision, phase I of Ridgewater, with 23 lots in LRZD and 7 lots in HCZD.** **Fred Funke seconded the motion.** **Bob Williams** directed attention to condition #19 that listed 15th Avenue as an access. **Tom Corse** advised that the motion for preliminary approval of Ridgewater had specifically excluded 15th Avenue as an access. **Mike Lies** added that the staff report was a historical document, and condition 19 was negated by condition 48, which stipulated that 15th Avenue would not be used. **The motion passed unanimously.**

**CITY MANAGER COMMENTS:** **Jay Henry** brought to the Council's attention that MSU and MMIA were going to hold an introduction workshop for newly elected officials. He noted that there would be one such workshop held in Polson on January 24 and topics would include forms of government, roles, open meeting laws, conduct, conflict of interest, ethics, and goals. **Rory Horning** opined that the workshop with Ken Weaver was in excess considering this MMIA workshop.

**PUBLIC COMMENT:** **Rory Horning** asked that public comments be included in the minutes. He felt that his agenda item from the November 19 Council meeting regarding the public asking questions had not been fully resolved although he followed City policy for the agenda item request, that the three minute rule did not encourage public participation, and stated that the City Manager Jay Henry had learned Polson politics quite well. **Jay Henry** asked Mr. Horning to elaborate on what he meant that he had learned Polson politics quite well. **Rory Horning** responded that his agenda request was not addressed, that something different than what he requested had been the result of his agenda item request. **Jay Henry** replied that Mr. Horning's packet had not been submitted in a timely manner and he was being generous to allow his item to be on the agenda with the attachment. **Rory Horning** responded that he had not been given the City Manager's correct email address and that is why his attachments did not get submitted on time.

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

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**Lou Marchello, Mayor**

**ATTEST:** \_\_\_\_\_  
**Kala Parker, Assistant City Clerk**