

**CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, DECEMBER 15, 2008 6:30 P.M.**

**ATTENDANCE:** City Commissioners: Bruce Agrella, Jim Sohm, Jules Clavadetscher, Elsa Duford, Fred Funke, and Commission President Mike Lies presiding. Interim City Manager/City Attorney James Raymond present. Mayor Lou Marchello absent.

**Commissioner Lies called the public hearing to order at 6:30 p.m.**

**PUBLIC HEARING – ORDINANCE #640 – REVISED USER FEES:** Commissioner Lies opened the hearing for public comment. Rory Horning commented that in a system allowing for public information it shouldn't be charging for that information. He added that in this economy raising the fees was unnecessary. Lee Manicke expressed that some changes needed to be made to the resolution, some information should be available without cost and those who wish to participate should be accommodated. He pointed out that the County has a good system for retrieving information and they are more than willing to help you use the computer. He felt the public should have access to records. Margie Hendricks mentioned that she had recently needed to research an item on the agenda and felt the information needed to be given to the Commissioners. However with this resolution in place it would have cost her \$30 just to see the documents that she felt the Commissioners needed brought to their attention. Commissioner Duford felt that the clerical staff are good workers, but most people would not barge into City Hall and demand their time and massive amounts of information. She added that part of their job is service to the public, since the taxpayers view all the equipment, paper, and employees are already paid for by taxpayer dollars. She expressed that she was very much opposed to the fees and felt that it was the merchandizing of public records. She wondered how average citizens would stay informed if they couldn't afford to pay the fees. Commissioner Agrella felt that departments need a way to charge for big jobs, but they needed a way to waive those fees as a courtesy for small requests and easily accessed documents. Commissioner Lies commented that if it hadn't been for the public at Planning Board and Board of Adjustment meetings, some things could have been overlooked. He recommended they take a careful look at the charges. Commissioner Clavadetscher expressed that most of the charges were similar to those already in place, however he was concerned about item 8 on Resolution 640. He pointed out that the Water and Sewer Clerk, Beth Smith, spent a lot of time helping customers, and they shouldn't be charged for that time. He noted that SID research could take a great deal of time. He felt that it was inappropriate to blanket charge of \$15 to talk to someone at City Hall. He recommended they approve the fees for the Building and Planning Department, but exclude item 8 of Resolution 640. Commissioner Duford felt the Commissioners should not approve the Ordinance at this meeting, as it needed to be further separated and clarified. No further comments were made.

**The public hearing was closed at 6:50 p.m.**

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

**APPROVAL OF PROPOSED AGENDA:** Commissioner Clavadetscher moved to approve the agenda as proposed, striking agenda item 6 – authorizing the purchase of ½ acre. Commissioner Sohm seconded the motion. The motion carried unanimously.

**INTRODUCTION OF NEW POLICE OFFICERS JUAN MASO, BRANDY SHAW & WILLIAM CLEVELAND:** Police Chief Chase introduced Juan Maso who had been a resident deputy for Chouteau County for the previous 2 years. He was post accredited and through the academy, he was also fluent in

Spanish and Catalanian. He had been a security officer in Seattle and volunteered for the Seattle Police Department domestic violence unit. Chief Chase introduced William Cleveland who had served previously as reserve officer for the Polson Police Department. He had tested very successfully when the position opened. He had managed Harbor Light Furniture and had been the night auditor at KwaTuqNuk. Fellow officers had been proud of his performance and gave him high accolades. Chief Chase introduced Brandy Shaw who had a bachelor of arts in psychology and associate art degree in art. She served in the United States Navy from 1999-2004 as a master at arms where she was in charge of 250 people. He added that they were very excited for the new officers and welcomed them to the force.

## **CONSENT AGENDA**

### **A. CITY COMMISSION MEETING MINUTES DECEMBER 1, 2008**

### **B. DECEMBER 1-15 CLAIMS**

**Commissioner Funke motioned to approve the consent agenda items A & B, seconded by Commissioner Agrella.** Commissioner Duford expressed concern about misinterpretation of statements made by her at the November 17 meeting and wished to clarify that she did not agree Teresa Wall-McDonald was a “risk”, she had only wished to agree that experience was a priority above personality. **The motion passed unanimously.**

**AUTHORIZE PURCHASE AND INSTALLATION OF THREE-MINUTE CLOCK:** City Attorney Raymond explained the various types of timers and their price ranges. He asked the Commissioners how they wished to proceed. Commissioner Duford expressed that she did not think the clock was needed, as there were not enough people at the meetings to worry about the timing. **Commissioner Clavadetscher moved to authorize Interim City Manager Raymond and the staff to purchase the best clock.** He pointed out that the issue of consistency with speaking time, and the clock would avoid potential problems. Commissioner Sohm expressed that he agreed with Commissioner Duford’s statement, however the Commission had been challenged on the issue of consistency. **Commissioner Sohm seconded the motion.** Commissioner Duford was concerned that a timer would be intimidating for anyone who wished to speak. She felt the time limit was meant for overcrowded or lengthy meetings and did not see a reason for the expenditure. Rory Horning commented that since the City was over budget, the clock was unnecessary. He added that if the Commissioners feel they need the clock, they should make it portable since the only meetings with enough people to need the timer would have to be held at the high school. Suzanne Lipkey commented that she thought the timer was a waste of taxpayer money. Murat Kalinyaprak commented the three-minute rule is issue and speaker sensitive. He mentioned that he had previously donated an egg timer to the Commission. He expressed that the timer would perpetuate the feeling of us against them. **The motion died due to a tie, with Commissioners Funke, Clavadetscher, and Sohm in favor and Commissioners Lies, Agrella, and Duford opposed.**

**ORDINANCE #640 – SECOND READING – USER FEE SCHEDULE:** **Commissioner Clavadetscher moved to approve the second reading of Ordinance 640 to exclude item 8 and amend item 4 to reflect the current court & police department charges. Commissioner Funke seconded the motion.** Rory Horning commented that increasing these charges during these economic times was increasing burden to the public. He asked the Commissioners to consider the public in this decision. **The motion carried 5-1 with Commissioner Duford opposed.**

**FINAL DECLARATION OF DEAD END STREET AT INTERSECTION OF 10<sup>TH</sup> AVENUE EAST:** Dale Nelson, on behalf of Ken & Don Smith, informed the Commissioners that the Board of Adjustments had recommended approval of the declaration. He requested the Commissioners officially approve the dead end street at the end of 6<sup>th</sup> Street and 10<sup>th</sup> Avenue East. Commissioner Lies noted that it was a steep incline and connecting it as a through street would be nearly impossible. **Commissioner**

**Sohm moved to approve the final declaration of the dead end street at the intersection of 6<sup>th</sup> Street and 10<sup>th</sup> Avenue East, seconded by Commissioner Agrella. The motion carried unanimously.**

**LANDSCAPE IMPROVEMENTS AT THE PORT POLSON SUMMER THEATER AT THE GOLF COURSE:** Chuck Jarecki, representing the Mission Valley Friends of the Arts, informed the Commission that MVFA had plans for landscaping, including a new drip system. He noted that they would like to work with the golf course maintenance crew for the irrigation. He expected that the funding would come through donations and they had put in a grant request to the newly formed Greater Polson Community Foundation. **Commissioner Agrella moved to approve the landscape improvements at the Port Polson Summer Theater, seconded by Commissioner Funke. The motion carried unanimously.**

**PROCEDURE RE: LIQUOR LICENSE AND LEASE:** City Manager Raymond reminded the Commission that Abigail Dooley would not be continuing to lease the restaurant or purchasing the liquor license. He reported that three parties had submitted proposals; however they all wanted more time to put proposals together. Commissioner Lies agreed that they had not had much time. He suggested they give those parties until the second Commission meeting in January to put concrete proposals together. Commissioner Sohms felt that the second meeting in January was a good timeline. Commission Clavadetscher asked how they would approach choosing a proposal. Commissioner Lies suggested they hold a special meeting or workshop. City Manager Raymond confirmed that the Commissioners were granting additional time, until the second meeting in January, to those who had submitted proposals by the deadline.

**CORRECTION/CLARIFICATION TO CITY CODE 3.03 & CITY MANAGER CONTRACT TO COMPLY WITH MCA 7-3-305:** Commissioner Duford explained that she wanted this brought before Commission because she felt that the City's code conflicted with the Montana Code. She noted that Ken Weaver had written the Charter for the City, and she believed he was wrong and had changed the State law. She expressed that the City government should comply with the State law and that would help with the City's image and set an example. Commissioner Sohms asked City Attorney Raymond if there was a conflict from a legal standpoint. City Attorney Raymond informed the Commission that in his opinion it was in compliance although it does not read identically to the statute. He believed that it did not have to read identically to be in compliance with the legislature. He explained that the Charter was not the City Code, and only the voters can make changes to the Charter. Commissioner Duford replied that she did not agree. She felt the City should go by the State Code. She expressed that it affects how the public view the City's government. She asked if the City was going to go against the Constitution as well. **Commissioner Duford moved that the Council conform to MCA 7-3-305. The motion died for lack of a second.** Commissioner Lies expressed that if the Commission would like the change made, it would need to be brought to the public for a vote. Rory Horning commented that this particular issue is in conflict with State law and can be brought before the Attorney General's office and should be.

**NOVEMBER 2008 CASH REPORT:** City Treasurer Bonnie Manicke informed the Commissioners the November cash report represents normal activity. The city is anticipating tax revenue for the first half of real estate tax collections December 19, 2008. She noted anticipated tax revenue received by Lake County in December following the November cut off should represent \$90,000 to \$100,000 and will be received in December or January. Commissioner Clavadetscher asked if the general fund cash balance will be replenished by the December 19<sup>th</sup> payment. City Treasurer Manicke replied she would not know until the payment is received. She explained if the City's budget is over, expenditure budget cuts should be analyzed. She suggested the Commission analyze the general fund cash balance and budget

expenditures. **Commissioner Funke moved to approve the November 2008 cash report, seconded by Commissioner Clavadetscher. The motion passed unanimously.**

**PUBLIC FUNDS INVESTMENT BID:** City Treasurer Bonnie Manicke informed the Commission that the banks were interested in short term money. The public fund investment was \$400,000 for 125 days, maturing on March 26, 2009. 1<sup>st</sup> Citizens Bank bid 3.93% APY, 1<sup>st</sup> Interstate Bank had bid 3.33% APY, Glacier Bank had bid 1.50% APY, and Community Bank had given none. The Certificate of Deposit was purchased from 1<sup>st</sup> Citizens Bank. She noted that the Agency of the U.S. Government was at 1.15%, the U.S. Treasury was at .50%, and the STIP was at 2.13%. **Commissioner Clavadetscher moved to approve the public funds investment bid at 1<sup>st</sup> Citizens Bank of \$400,000 for 125 days at 3.93% APY, seconded by Commissioner Sohm. The motion carried unanimously.**

**CITY MANAGER COMMENTS:** City Attorney/Interim City Manager James Raymond informed the Commission that the City had received a letter from Bill Ingram asking the City to go forward with selling it. The final sale would come back before the Commission and would require a 2/3 majority vote. He mentioned that Mike Hutchins had sent a letter of interest for the City Manager position although he had applied and not been selected as a finalist. He noted that the Mayor was currently negotiating, and Joe Kerby and Michael Cramer were both still interested. Commissioner Duford asked that the Mayor report back to the Commission on the negotiations. City Manager Raymond replied that when he had something concrete they would be informed. He also mentioned that the City was looking into expanding Paper Vision to the web-based version, and he would keep them informed. He noted that a gentleman had requested traffic lights at 7<sup>th</sup> Avenue and Main Street, however all the lights in the City were placed there by MDOT so he had asked the Street Superintendent, Rod Hanson, to look into it. He reported that the Polson Police Department had participated in a seminar with the Tribe to prevent racial profiling and it had been very useful.

**PUBLIC COMMENTS:** Rory Horning commented that he was glad Paper Vision was being considered. He suggested the City should be more neighborly and they might find good ideas from the public.

**The meeting adjourned at 8:15 p.m.**

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**Council President Mike Lies**

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**Attest: Kala Parker, Assistant City Clerk**