

POLSON CITY COUNCIL MEETING

JANUARY 17, 1994

7:30 P.M.

Council present: Dan Morrison, Tom Jones, Roland Pedersen, Tom Vergeront, Kyle Karstens, Mike Lies. Mayor John W. Glueckert presiding.

Others present: Phil Grainey, Rich Stripp, Connie Cummings, Bill Cummings, Ed Anderson, Annie Beck, Mark Jurasek, George Yakush, Tom Cahill, Ann Evertz, John Evertz, Ron Buzzard, Jerry Sorensen, Richard P. Mabee, Bob Fulton, John Campbell

MINUTES: Karstens asked to correct the minutes of January 3, 1994 page 3, Riverside Lift Station, from Motion Campbell to Motion Karstens. Motion Karstens, second Lies to approve the minutes of January 3, 1994. Motion carried.

MLA PUBLIC LIBRARY RETREAT: Karstens informed Council that the cost of Troser and Cummings to attend the retreat was budgeted and the Library will be in good hands during their absence. The retreat will be at Havre on February 4th and 5th. Motion Karstens, second Vergeront to approve Troser and Cummings to attend the MLA Public Library R treat at Havre on February 4th and 5th. Motion carried.

PETITION FOR ANNEXATION LARRY HOOVER LOTS 1 THRU 6 BLOCK 3 EASTSIDE ADDITION: Karstens asked Sorensen to give a brief overview of the proposed use of the land requested to be annexed. Sorensen said Hoover wants to annex the existing six lots, the tract across the road is Countryside Estates which is in the City limits and the right of way is deemed to make the proposed annexation contiguous. He is proposing to build four duplex units on the six lots. Within that development a 20 foot private road would be built, off of 13th, and would not be the City's responsibility. Hoover has agreed to eliminate the six lots and manage it as a single unit project where he would manage the rental of the units. Sorensen said although it requires annexation, it is not considered a subdivision under Montana law, and is not required to be reviewed by the planning board. The Council needs to look at the proposed land use in respect to services that will need to be provided and its potential effect on the neighborhood. 13th Avenue would serve this project and is not well developed, it is chip sealed and less than City standards. The internal access would be a 20' wide street and Hoover agreed to chip seal or pave it. According to the drawing he has a 40' cul de sac, the fire safety requirement is an 80' diameter, therefor it is less than what is required. Water and sewer services are located along 13th Avenue and Hoover would be responsible to hook in. Drainage and fire protection needs to be addressed. A fire hydrant is approximately 400' away and it appears one will have to be installed close to the project. The zoning is R-1 which allows for duplexes in the area. The new zoning as drafted allows duplexes in R1, but there has been public comment regarding single family residential areas and it has not been decided where the line will be drawn for duplexes. Sorensen recommended that the land be annexed subject to the conditions as stated and neighbors' comments be considered. He noted that a neighbor, Mr. Cummings, has contacted him and expressed concerns about the density of the development, the impact on 13th Avenue and other issues as stated in his letter. Jones asked if the 40' versus 80' cul de sac width would make a difference in the project. Sorensen said it would take out one unit. It was suggested by Cummings that since there are six lots which would allow six homes that only three duplexes be allowed this would allow for the required width of the cul de sac. Sorensen said the six lots exist without access since the road has been abandoned and Hoover picked up 27 1/2 feet to make a total width of 165 feet. Karstens said he could not find documentation of the road abandonment. Sorensen said he would do further research. Tom Cahill asked if the proposed units would be low income housing. Sorensen said the plans indicate 1,250 square foot living units with a garage. Pedersen asked if there is no turnaround where would the fire access be. Sorensen said possibly a T type turnaround could be built but the Fire Chief needs to be consulted. Mabee said Hoover asked him to review the plans informally. He gave Hoover a brief list of concerns including those from the Fire Chief regarding fire flow, the hydrant location, the width of street being only 20 feet which would not allow a fire truck to

pass with a car parked on the street. Also the circumference of the cul de sac was a concern. The setback on an R1 zoning is also a concern. Sorensen said that is a matter of interpretation, if it were made into one lot it would be 5 feet, there are two ways to look at it. Vergeront said in his view the private road is no different than Cherry Hill Apartments. Sorensen agreed that is how he views it. In the draft zoning the setback is 15' for one story and increased to 20' for two story structures, these proposed units are one story low profile 12' to 16' high. Bill Cummings expressed his concerns in a letter to the Council. He addressed Council stating that 13th Avenue is a very narrow street and if opened up to an additional eight living units with two vehicles each the street would have to be widened. He questioned if there would be enough parking space for the vehicles and sufficient lawn and recreation area for children who live in the units. Cummings said he does not want to squelch the whole development but lower the density, instead of having four duplexes, he proposes three, with a look at parking and recreational areas and the design of the traffic flow would be the most important aspects. There is a ditch in the back of the property which limits access unless a bridge is built. He is concerned with keeping the consistency of streets and avenues for ease of postal service and address location. He asked Council to consider maintaining the character and liveability of the neighborhood and be aware of the potential traffic problem involved in this development. Sorensen said it is a County road and the actual width is 16' chip seal which would be a 55 to 60 foot right of way if developed. Jones asked if abandoned streets could be brought back in. Karstens said after a period of time it reverts to adjoining property owners and fences and improvements have usually been constructed on the abandonment. It would have to be bought back and the cost would have to include the value of the improvements. In this case the north side and the east side would have to be bought back and it would not be feasible. Pedersen said in his opinion fire protection is not adequate with a 40 foot cul de sac. Motion Lies, second Pedersen to table the Hoover Annexation Petition until more information is received and fire access is addressed. Motion carried. Karstens added that Annexation of a portion of 13th Street should also be addressed. He clarified that Council needs to know how and where the street will be widened, it should meet at least the same requirement as Mavis' development which was 28 feet, the County standard. Sorensen asked to have clarification for Hoover that Council would consider his annexation if the street in his proposed development is widened 26 feet and he were to reduce the density to 3 duplexes, six living units. Karstens said no street parking should be allowed on the private roadway. Tom Cahill asked if these units would be low cost housing. Karstens said that in his opinion two bedroom 1,200 square foot units with a double garage would not be considered low cost housing. Sorensen said his understanding is that the cost of the housing units would be approximately \$85,000. Grainey said although the Plat book at the County shows an abandonment of the roadway, the road does appear on the City map, since the project takes up a portion of that area, it is something the Council should have clarified. Sorensen said the County has not always recorded resolutions but it would likely be recorded in the commissioners' minutes and he would check on it.

MAIL BOX ETC./JURASEK CONSTRUCTION REQUEST TO ALLOW CONCRETE STEPS ON SIDEWALK: Grainey said a Board of Adjustments hearing was set up by Mabee to hear Jurasek's request to allow concrete steps on the sidewalk by MBE. Since the Board of Adjustments exists for the purpose of dealing with variance requests on Zoning requirements he does not feel this is a Board of Adjustments decision. The City Code dealing with sidewalks is a separate section, 12.02.220 which sets forth the general limitation and prohibitions against obstruction of sidewalks, without advance approval by City Council. Temporary displays are also allowed only with permission of Council. Grainey said in his opinion the construction of these steps were premature and now it is a decision by Council to allow it as a special exception to the policy. Jurasek said there is one set of steps already constructed and approval to construct three more are requested. A copy of the approved plans were distributed to Council. Anderson said when the plans were approved with the door indicated it was assumed by them that the steps would also be acceptable. The problem they have is that the door is 20" above the sidewalk and steps are required to be able to use the door. If the steps are not allowed on the sidewalk then a considerable amount of work

has to be done on the inside of the building. Jurasek said the steps presently in place extend 5' and the proposed three steps would extend 3', providing 5' of pedestrian access on the sidewalk. Vergeront said the front of the parked cars extend onto the sidewalk which narrows the space considerably. Vergeront asked Mabee if he approved the steps. Mabee said he did not. Part of the zoning in that area allows you to go up to the property line. Mabee was led to believe that Leonard DeVore gave some kind of approval and they were working things out with him. Mabee was not sure who had jurisdiction over the streets. Grainey asked if the building plans submitted to the Building Inspector indicated any steps. Jurasek said there were no steps indicated on the plans submitted prior to the plans submitted for the variance request. After Mabee informed them they needed a variance for the steps they submitted the drawing showing the steps. Anderson said the contractor who submitted and got approval for the initial plans is no longer on the job. Jurasek was hired, Anderson said he again requested Mabee's approval of the plans, it was his assumption that if the door was allowed then steps would also be allowed. Jurasek resumed the work assuming that Anderson had approval of the plans with the steps. Anderson said it was a miscommunication and apologized saying it was not his intention to go ahead with something that had not been approved. Jurasek said he did try to check with the City the week before Thanksgiving before they went ahead with the work but there was no one to be found that week. Grainey asked if this entrance is strictly a loading entrance. Jurasek agreed. He said the other steps requested are for individual offices. The owners have put in over \$200,000 in improvements to the building which was previously an eyesore. The construction is nearly complete with tenants waiting to occupy the offices. Jones asked if the steps requested are handicap accessible. Jurasek said with the occupancy limit they are not required. Mabee clarified that the awning would overhang 8 feet over the sidewalk. Vergeront said the awnings appear to be within the code guidelines and do not require Council or Board of Adjustment approval, but the sidewalk steps are a problem because parked vehicles limit the width of the sidewalk also trucks pulled up to load and unload would narrow the sidewalk considerably particularly for wheelchairs. Other buildings had to have their entrances into the building not onto public right of way which is the sidewalk. Lies asked if they did not consider that the steps would be a hazard to pedestrians. Mabee said there is 5' of open sidewalk from the base of the steps. Anderson asked if there is another way to solve the problem of the parked cars encroaching on the sidewalk. Vergeront said it would block the street traffic. Jurasek said the street is wider than most in the city and tire barriers could be used to keep cars parked further back. The Ordinance indicates that the sidewalk should be 10 feet, which is 2 feet wider than it is. Vergeront said the reason it is wider is because there are two streets in one forming a Y with a piece of public property in the center of the street. Grainey asked if that takes away from MBE's proposal to pay the cost of the expansion of the sidewalk to eliminate the concern of sidewalk accessibility. Jurasek said there is financial hardship to move the access inside the building, and extending the sidewalk would be a cheaper option. Karstens said if this were a new building a foyer entry would be required and construction of steps on the sidewalk would be not be allowed. Mabee confirmed that the entry would have to be on their property. Jurasek said dealing with the present concrete foundation to build a foyer is a major cost factor. Mabee said the plans that were approved had only indicated a doorway and without specified elevation something was lost in the translation. He did a physical inspection of the building during the remodel stage, the plans were submitted after construction started and he did not pick up on the elevation and that there was an egress concern. Mabee said he does not have uninterrupted time to review plans, he handles a lot of volume and can not pick everything up. In the last year he asked for one hour additional time for plan review, because he feels it is important. Grainey said the City Ordinance gives Council the discretion to approve or disapprove the request. This does not appear to be an effort by MBE or Jurasek to avoid complying with City Ordinances. The Council has a right to deny the obstruction to the sidewalk but it will cost the owners a considerable amount of money. It is unfortunate that it was not caught in the plan review process. MBE seems to be in a serious predicament. Grainey said if they can come up with a method of alleviating the concerns about the sidewalk in a way that Council finds satisfactory and

minimizes the potential hazard of people tripping on the steps, such as a railing or lighting then Council should consider some type of allowance for corrective measures to enable MBE to salvage their project. Pedersen said he can not find fault with the Building Inspector and can not see how reasonable people would expect to be able to put steps on a public sidewalk. He suspects they were missing from the original plans. He agrees with Grainey that it is reasonable to try and make good use of buildings, but at this point he wants to see the steps removed immediately. Motion Vergeront, second Pedersen to deny Jurasek Construction their request for steps on the sidewalk, and to remove them in a reasonable amount of time. Motion carried. Grainey asked to clarify the amount of time. Motion Vergeront, second Pedersen to deny Jurasek Construction their request for concrete steps on the sidewalk and to remove them within 60 days. Motion carried. Jurasek asked if the Council denied the concept of widening the sidewalk to 10 feet and allowing the steps to remain. Karstens said he felt the motion was clearly denied. Glueckert said it would be reasonable to look at what the physical layout is. Pedersen said Fulton should discuss this possibility with DeVore. Campbell said there are no sewer or water lines there. Karstens said he would be willing to take another look at it. Vergeront said MBE could come back to Council with another proposal.

DECEMBER 1993 CASH REPORT: Manicke referred to fund #3500 SID Revolving. Woodbine Estates (SID#24) made payment number one back to the revolving fund in the amount of \$68,782.22, this is a principal payment only. All the bonds were paid off in September of 1993. Future payments for assessments, lot sales or contracts that come in, will be transferred quarterly from the SID #24 Fund to the revolving fund. At this time Manicke is optimistic that the Golf Department will have enough funds in the Golf Operating Fund to get to March 1st when the large dollar amount of annual Golf memberships come in. \$265,000 was paid out of Cash Reserve to cover the cost of construction of the Clubhouse and paving the parking lot. It appears that the City will not have to negotiate a bank note to cover expenses. Manicke thanked Teresa for sending out the 1994 membership notices in December which netted a \$7,600 revenue in December, and another \$1,700 was received last week. This will help us get thru the slack months when there are no golfers using the golf course. There are no negative balances on the Cash Report. Motion Karstens, second Lies to approve the December 1993 Cash Report as presented. Motion carried.

HIRING OF DEPUTY CLERK: Lies said at the last Council meeting two names were submitted and approved to hire for the Deputy Clerk position. Both applicants accepted other job offers. Several other applicants were interviewed. Chris Johnson proved to be well qualified and accepted the position. Lies asked Council to approve hiring Chris Johnson as Deputy Clerk. Motion Lies, second Pedersen to approve hiring Chris Johnson as Deputy Clerk for a probationary period of six months at \$6.00 per hour. Motion carried.

TRAVIS DOLPHIN CLASS 2B WATER TREATMENT PLANT OPERATOR CERTIFICATE; SELDON DOUGLAS REUM 3C WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATE: Glueckert said this item is deferred.

MRW TECHNICAL CONFERENCE FEBRUARY 23-25, 1994 GREAT FALLS: Campbell said Montana Rural Water is one of several water committees that he is on. He is required to have 40 hours of training per year in order to keep his license and he needs 10 more hours. This course would give him 8 1/2 hours. This conference is giving a presentation on a type of large filtration system that he is interested in for the Hellroaring surface water. There is a possibility that a pilot plant for this system can be set up in Polson. The pilot plant originally scheduled for Whitefish was denied because they are not avoiding filtration which is a criteria. Motion Lies, second Pedersen to approve Campbell attend the MRW Technical Conference February 23-25, at Great Falls. Motion carried.

TRUSS JOINT MACMILLAN SEMINAR FEBRUARY 9-10, 1994 GREAT FALLS: Glueckert said Mabee requests Council approval to attend this free seminar being put on by the manufacturer and is in close proximity to Polson. This seminar is pertinent because laminated beams are used in construction in this area. Mabee noted that he needs to keep abreast


and well informed of what is going on, it is essential for the job. Mabee presented a program of study for for the next two years in regard to his certification for Council review. Glueckert said he would like to put consideration of Mabee's proposal on hold at this time. Karstens asked who would cover for Mabee while he was gone. Mabee said he made arrangements with Harry Britton. **Motion Pedersen, second Karstens to approve Mabee attend the Truss Joint MacMillan Seminar on February 9-10 in Great Falls. Motion carried.**

Glueckert expressed the need to have a plan of continuing education for all departments. He asked Council to meet with each of their assigned department heads to discuss their training needs, in order to upgrade the skill level of employees pertinent to their jobs.

STATUS OF COMMUNITY DEVELOPMENT: Glueckert said he met with Bill Coffee to discuss the Community Development Organization which has been inactive for approximately two years. He understands that it is an arm of the City which has assets and resources and would like the City to use it or scrap it. There has been a tentative meeting set up for 7:00 a.m. Thursday January 20, 1994 at the Pondera with the existing members and any interested Councilmen to discuss how the City interfaces with Community Development and how we can use the organization to serve the community better. Glueckert asked if this was consistent with the Council's views. Pedersen said it was a separate organization originally headed by Gene Marcille. When Community Development funding was limited the City helped out by hiring Joe Menicucci half time as City Administrative Assistant. Community Development was not a direct tie to the City. Manicke said at that time the City provided office space for Menicucci on a full time basis, he worked as Community Development Coordinator half time and half time as City Administrative Assistant. Glueckert said he will inform Council on the outcome of the meeting.

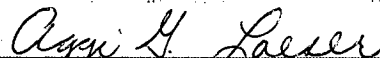
INTEREST IN PURSUING INTERLOCAL AGREEMENTS: Glueckert informed Council that he has reviewed an interlocal agreement between the cities of Conrad, Cut Bank and Shelby whereby they jointly purchase machinery and equipment and do things which they would not be able to do individually because of limited resources. Glueckert said if Council is interested he would explore the pros and cons of the agreement with the City governments involved, then he would discuss the options with the department heads. The agreement could be between any combination of Polson, Ronan, Lake County, Tribe or any parties interested in developing this type of a relationship. Karstens said he feels it is a worthwhile idea. At the recent Ronan City Council meeting the need for a video camera was discussed, at a cost of \$19,000 renting was considered more feasible. Campbell said he thought it is a good idea for his department, that there are numerous items requiring a large capital outlay which are not used daily. He agreed to look at a proposal. Pedersen said the idea has been talked about and he agreed it would be good to explore the options. Glueckert said if the Council is comfortable with the idea he will do the research and present his findings for consideration.

Meeting adjourned 8:50 p.m.



John W. Glueckert, Mayor

ATTEST:



Aggie G. Loeser, City Clerk