

POLSON CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
TUESDAY, JULY 6, 1999

**Council Present:** Tom Vergeront, Mark MacDonald, Clint White, Roberta Thick, Fred Funke, Dan Morrison. **City Attorney James Raymond present.** Mayor Mike Lies presiding.

**Others Present:** Ron Buzzard, Jake Block, Tim Hinderman, Debbie Moffitt, Rod Hanson, Tom Maloney, Kimberly Maloney, Gene Nobles, Jim Boyle, Jim Jones, Wes MacDonald, Pete Bishop, Steven Fite, Tony Porrazzo, Bonnie Manicke.

**CITY COUNCIL MEETING MINUTES JULY 21, 1999:** Thick said she read the minutes of July 21, 1999 and found no errors. **Motion Thick, second Funke, to approve the City Council Meeting Minutes of July 21, 1999 as printed. Motion carried unanimously.**

**CDBG HOUSING REHAB PROPOSAL - 1 LOCATION:** Debbie Moffitt submitted information to Council regarding the first CDBG housing rehab application. She informed Council that the loan review committee approved Mr. & Mrs Smith's application, who reside at 505 3rd Street West, for a direct loan of \$8,890. The work to be done on the home is electrical, insulation of the attic, re-roof and some plumbing which are all standard for CDBG loans. The loan review committee is requesting Council approval to start work. She noted that of the seven contractors who participated in the walk thru for this project only two bids were received with Caldbeck Construction being the lowest. The other contractors were contacted to find out why they did not bid on the project and stated that they received other contracts in the meantime. Moffitt said they expect that this will be an on-going problem throughout the summer and noted that this is their first project with four more in process. She asked Council to take the loan committee's recommendation for approval so they can get started with this project. Moffitt said the low bidder, Caldbeck Construction, is owned and operated by Byrom Caldbeck who is out of Polson and has been in operation for several years. **Motion Morrison, second Thick, to approve the CDBG Housing Rehab proposal for Derek K. Smith at 505 3rd Street W. as proposed for a CDBG loan of \$8,890. Motion carried unanimously.** Debbie Moffitt asked Council to consider appointing additional members to the loan review committee for quorum purposes.

**MISSION BAY SEWER AND WATER HOOK UPS FOR PHASE III:** Tim Hinderman said their preliminary plat approved in late 1997 was for 164 units with final plat approvals to be submitted one phase at a time. They completed Phase I in 1998 with 19 units and Phase II was completed early in 1999 with 13 units. Phase II was subsequent to the water moratorium and John Campbell was not comfortable without Council approval, and wanted Council to decide how the City would treat the commitment to the hook ups on the preliminary plat versus the moratorium. It was in January during Phase II that the Council considered the hook ups to be in the pipeline. He spoke with Mike Lies about this issue and they agreed that for verification they should go through the approval process one more time. Hinderman said that Bob Fulton is in the process of submitting the final engineering proposal for DEQ approval for twenty more units in Phase III and they wanted to verify that Council's decision would be the same regarding the water and sewer hook ups. He noted that part of the submittal to the State requires a letter from John Campbell stating that the sewer and water will be available to those twenty units, which is the same process they followed in the past. Lies asked if they are changing any of the lot sizes or structure of the lots. Hinderman said there will be considerably less density than in the preliminary plat which will be about 70% of the proposed approved density. They talked to Monte Sipe about this change and agreed to put an informative presentation before the planning board. Although it was not substantive enough for a resubmittal, but that kind of reduction in density although it is certainly going in the right direction, they agreed should be presented to the planning board. Lies said that is standard procedure since it is a change from the preliminary approval. Tim Hinderman said the basic change is a reduction in density of the town home site. They are going from 3,500 square foot town home sites to 4,500 to 5,000 square foot patio type detached homes, which is the primary difference. Hinderman informed Council that

in Phase I of the approved 19 lots only 5 homes have been built and are on line utilizing the capacity, and in Phase II of the 13 approved units they have no homes built or on line at this point and they do not anticipate any more until the year 2000. Therefore the real impact has been fairly minimal. Lies asked what the wishes of the Council is regarding the water and sewer hook ups for Mission Bay Phase III. **Motion White, second Thick, to approve the water and sewer hook ups for twenty units in Phase III of the Mission Bay subdivision as requested. Motion carried unanimously.**

**RESOLUTION #783 - CONSTRUCTION AGREEMENT - MDOT 4TH AVENUE PROJECT:** Bob Fulton said MDOT's construction agreement was delivered to the City last week and was reviewed by Mayor Lies. He also asked James Raymond, the City Attorney, to review the agreement and referred to the applicability of one of the paragraphs. Fulton said if Raymond concludes that the contract applies to all of the City then page 2 paragraph (h) which states "The City has passed or will pass the necessary ordinances or laws to require parallel parking on the highway" which is a standard MDOT requirement with every project he has been involved with, then he would suggest that the Mayor can draw a line through that requirement and initial it, then sign the document along with the rest of the Council members. The reason for that is that Main Street is a state highway and with the existing angle parking it would be a problem if it had to meet that requirement. Fulton referred to page four where it states that the City agrees to contribute a lump sum of \$56,000. When this project started five years ago the City agreed to pay for the connection between 4th Avenue and the Super One parking lot because it was not part of the State Highway system and therefore was not included in MDOT's cost of the project. In response to that, Moody's Market agreed to pay 62 1/2 % of the actual construction cost of that connective strip. Morrison Maierle's engineers and MDOT have provided independent estimates which were both in the vicinity of \$56,000. Included in the plans are a number of items identified on the plans as being paid for by the City, some of which are widening and grading of 4th Avenue which is off of the connective strip, also some seeding and removal of top soil, and other minor items, which are all part of the \$56,000 total commitment made by the City. The City will only have to pay \$21,000 as soon as construction starts, which is not very threatening because this project has been going on for so long. When construction starts the City will be billed for \$56,000 and Greg Hertz the president of Moody's Market assured him on June 22nd that they will honor their commitment to pay \$35,000. Fulton noted that the agreement requires signatures of the Mayor and all the Council, after James Raymond gives Council advice on whether it is prudent for the City to sign the document. Raymond said the issues mentioned in the document are already covered by the City's existing ordinances. He is not sure about if paragraph (h) applies to the City as a whole or specifically to the 4th Avenue project. Fulton suggested that the Mayor draw a line through section (h) and initial it, if there is any question that this document applies to all of the City because Main Street is considered a State Highway. Raymond said he would look into that because he was not aware that there were certain exceptions applied to state funded areas, but the other issues in the contract are addressed in the City's existing ordinances. Raymond said with the exception of (h) the agreement is fine. Lies said Council can take Fulton's recommendation to cross out (1) (h) on page 2 and he will initial it. Fulton said the latest he heard from Jim Weaver, of MDOT, was that they expect to receive bids this August and construction would start this fall with some items to be completed next spring. Lies asked if they have resolved the Lakeview Village easement. Fulton said neither the LDS Church or the Lakeview Village easement has been signed although he is being reassured by Jim Weaver not to worry about that. Vergeront said page 3 number (9) refers to maintaining the sidewalk and storm drain which includes the oil separator and asked if the City is currently doing that right now. Fulton replied that there is no oil separator right now but there is not much involved in maintaining it considering the small surface area that will drain into it. The only maintenance required is removing the blankets only once every few years. White said they had an oil separator put in at the airport and were told that cleaning was to be done once every five years. Fulton said the oil separator will be on the 4th Avenue right of way and it is somewhat logical that the City maintain it. Lies said it is mainly to pick up the storm

water run off of the short connector street and LDS Parking Lot next to the connector street that will be installed and he does not think it will be much of a problem. Lies asked that Council vote on whether to approve or disapprove signing the construction agreement for the 4th Avenue project. **Motion White, second MacDonald, to approve Resolution #783, the construction agreement for the 4th Avenue MDOT project as presented, with the exception of (1) (h) to be crossed out and initialed by the Mayor. Motion carried unanimously.** Fulton informed Council that the Seventh Avenue CTEP project bids will be opened on Friday, July 9th at 4:00 P.M..

**MAJOR CRIMES TASK FORCE AND OTHER INFORMATION:** Ron Buzzard said that Lake County is forming a Major Crimes Task Force and the City of Polson was asked to join. The task force would respond to major crime situations such as high school shootings, stabbings or chain saw assaults. This team of people would be called in to investigate any major crimes in the County. The City of Polson would have two officers on the team along with members from the City of Ronan, St. Ignatius, Tribal Police, the County Attorney and the Sheriff's Department. Polson's representatives would be Sergeant Lynn Earl and Officer John Fairchild. The advantage of this task force is that if Polson has a major crime, trained investigators would be called out to investigate the crime. Also, the Sheriff's department will be training the members of the Major Crimes Task Force and they will be sharing equipment. The downside is that if the crime happens outside of the City of Polson, the officers will be on City payroll when responding to that location. They are working out the rules which allows the Chief of Police to call his men back for any reason. Buzzard said he thinks it is a very good deal for the City and he will be signing the agreement tomorrow with the City Attorney's approval. He has also contacted the City's liability carrier regarding the City's participation in this task force. **Motion MacDonald, second Funke, to approve the City of Polson's participation in the Lake County Major Crimes Task Force as presented. Motion carried unanimously.** Buzzard said the Police Department is supervising the City Parks heavily and the results will be reflected on their monthly report.

**APPROVAL OF INVESTMENTS \$1,600,000:** Bonnie Manicke asked Council to approve five blocks of investments as presented on a report given to Council with their agenda. The investments range from forty-one days to two years. The short term investments which are from forty-one days to one hundred four days are invested to scale for the water and sewer projects to be done this summer and also to provide additional cash to take care of general City expenses. The short term money market rates that she investigated were at 4.17%. The nine month agency of U.S. government is 5.06% interest, which shows that the bidding was far above the comparison and far above what the City can get out of the government market. She asked Council approval of the five blocks of investments for a total of \$1,600,000 as presented. **Motion White, second Funke, to approve the investments of \$1,600,000 at Glacier Bank as presented. Motion carried unanimously.**

**LEGACY I TRUST LOT 3 & 4 BLOCK 3 EAST HILLSIDE ADDITION - HOOK UP FEES:** James Raymond, City Attorney, said he has no more information than the memo he prepared for Council which is in response to the issue presented to him by a letter from Legacy I's attorney. Since then, he spoke with Monte Sipe and reviewed some files which dated back some time. Raymond said that there exists at least one agreement signed by Claffey's pertaining to the water tap and the sewer tap which is pertinent to this matter and further secures the City's right to tell Legacy I that the answer to their request is no. He noted that since a no response could prompt litigation he felt it should not rest on his judgement and asked that Council vote on what type of response he should send to Legacy I. Lies asked Council to vote whether James Raymond should proceed with a no reply to Legacy I Trust which carries with it the possibility of litigation. **Motion Vergeront, second Funke, that James Raymond, City Attorney, respond to the June 25, 1999 letter from Kathleen-O'Rourke-Mullins, attorney for Legacy I, stating that the City requires full payment of the current water and sewer hook up fees, and that the City will not grant the request for a free water tap and a \$50 fee for sewer hook up for Lot 3 and 4 Block 3 East Hillside Addition. Motion carried unanimously.**

**FIRE CHIEF APPOINTMENT - TOM MALONEY:** Lies said the Fire Department has a delegation present on this issue. A meeting was held with the firemen on June 22nd and they agreed to meet on July 2nd to proceed with the appointment. It is standard procedure that the firemen vote on the appointment of a fire chief if any firemen among the fire department are interested. Their appointment and recommendation is given to Council for approval. Tom Maloney was appointed by the firemen last Friday night and his resume was included in the agenda packet. His prior employers were contacted for references which were all very favorable. Lies said he believes Tom Maloney will do an excellent job and is well qualified for the position of Fire Chief. Gene Nobles, retired Fire Chief, was asked to help out temporarily with the day to day business of the Fire Department. Gene Nobles said the references he received on Tom Maloney were outstanding and believes he will do a good job. Rod Hansen said although there was one no vote for Tom Maloney's appointment as Fire Chief, in talking with the other members of the fire department no one he knows of felt that he could not do a good job. Therefore, the fire department is strongly recommending approval of his appointment as Fire Chief. Lies said the pay grade for Fire Chief starts at Grade 11 which is \$11.00 per hour and will be adjusted. He suggested Council approve that Tom Maloney start at the base rate of \$11.00 and he would receive an increase when he gets fully qualified. **Motion White, second Funke, to approve the appointment of Tom Maloney as Fire Chief at a rate of \$11.00 per hour effective July 7, 1999. Motion carried unanimously.**

**JB DRIVE IMPROVEMENT:** Lies asked Bob Fulton to give Council information regarding JB Drive. Fulton said JB Drive is a private road, formerly known as College Drive, and is associated with Wil Mavis who developed the lots in that area. Wil Mavis built a road that at the time was not up to City standards and the City and County has consistently stated they will not maintain it because it is not a City or County road but is a private road. The City has water and sewer extended and the residents on JB Drive have been very outspoken about getting the road accepted for City maintenance, which is the objective more than anything else. Mrs. Adell Hansen recently delivered a proposal from Smith Paving which would pave the road consistent to the width requirement for City street standards but would not do any other improvements. His concern all along has been what to do with the water coming off of that road. In fairness to this proposal, Fulton noted that the history of the area is that Mission View Drive at the top of Skyline Drive was chip sealed by the County and according to County specifications, in order to expedite the annexation of all the lots on that road and the extension of sewer, two or three years ago on an SID. Claffey Drive which is parallel to JB Drive was accepted by the City for maintenance because the majority of the lots had built homes on the lots and were annexed into the City. He does not know if there was any formal consideration of the condition of the road before Claffey Drive was annexed and accepted by the City. Claffey Drive was maintained by the County until the sewer was extended when the City took over the maintenance responsibility. Last year the City Street Department chip sealed Claffey Drive which makes it easier to maintain. He noted that there was nothing done to deal with drainage when Claffey Drive and Mission View Drive were improved. He noted that since all of that area is a hill full of gravel it is generally not a big problem, however, on JB Drive, when he spoke with Adell Hansen, and when Kyle Karstens was on the Council, there was a great deal of furor regarding snow removal. The County refused to plow the snow and the City took no responsibility for maintenance when the Hansens and McKethen's were physically unable to get in and out, and were also concerned about fire safety. The County Commissioners' position at the time was that they cannot be responsible to maintain all the private roads in the County. That is the history of JB Drive. The current situation on JB Drive is that Hansen's think that they can get the road paved with barrow ditches on each side. The only concern he has with that is that there is a hill on the road right by Ken and Adell Hansen's house which is relatively steep and water will not just go into the barrow ditch and soak into the sand and gravel, it will run down the hill and he is not sure where it will go. Fulton said he told Hansens and other people that he will not have any part of the road improvement, primarily because of the some problems he had with former clients in that area. Fulton said he told the Hansens that it is their responsibility to explain to the

City Council why they feel allowing variances to the City's street standards is a reasonable argument, then Council can choose what to do. The City has always required that the road be built according to the City's acceptable standards and what Larry Smith's quote is proposing to do is just to put some crush on it, grade it and pave it which ignores two fundamental things. The City specs now calls for fabric under the pit run gravel, but since the whole road is built on gravel it may not make sense and not be a reasonable thing, to dig the gravel up and put it back. There does need to be some concern as to where the storm water run off goes, especially from that hill and Larry Smith's proposal does not address where the water would go. Fulton said he told Mrs. Hansen several years ago that there has to be some plan to deal with that and this recent proposal does not provide a solution to that issue. He noted that it is up to Council to consider a compromise when the issue is presented to them. Thick asked if they want to do an SID for the road improvement. Fulton said not to his knowledge. The proposal from Smith Paving was for \$28,000 which in his opinion is unbelievably low for the 1,600 feet of road improvements because by comparison it takes \$30,000 for 300 feet of road construction. Lies thanked Fulton for giving Council that information.

**PONDERAE ALCOHOL BEVERAGE LICENSE - TRANSFER OF OWNERSHIP:** Lies said this is a request made to the State Liquor Division to transfer ownership of the Ponderae alcohol beverage license from the previous owner to Dennis Lockwood, and asked if Council has any concerns with that transfer. **Motion Thick, second Funke, to approve the transfer of the Ponderae Alcohol Beverage License to Dennis Lockwood as proposed. Motion carried unanimously.**

**CITY ALCOHOL BEVERAGE LICENSE RENEWAL APPLICATIONS FY99-2000:** Lies said the local establishments have sent in their City alcohol beverage license renewal applications along with the required fees and asked Council to vote on approving them for the next fiscal year. **Motion White, second Thick, to approve issuing the annual renewals for City Alcohol Beverage licenses as presented. Motion carried unanimously.**

**JUNE 1999 CLAIMS:** Lies asked if Council has any questions about the June 1999 Claims presented for approval. **Motion MacDonald, second Funke, to approve the June 1999 Claims as presented from Claim #71440 to #71695 for a total of \$152,649.41. Motion carried unanimously.**

**POLSON URBAN RENEWAL PLANNING COMMISSION - CHANGE TIMELINE - ORDINANCE #564:** Jake Block said he and Tim Hinderman are representing the Polson Urban Renewal Planning Commission members who were recently appointed by Council. They met last Thursday and according to Ordinance #559 their work is to be concluded and the final draft recommendation is to be presented to Council on or before the first Monday in August 1999 which puts them in a time constraint. Block said since Council enacted the ordinance in January with an August date, they anticipated that Council was contemplating a six month time frame for review. Therefore, they are requesting that Council extend this time period to, on or before the first Monday in February, which would give them approximately six months and the same amount of time that was allowed before. This would give them the necessary time to review documents and provide for public review, comment and input and so forth which is the basis for their request. Lies referred to section 6 in Ordinance #556 which states the timeline. Because Council just recently approved the member appointments to the Urban Renewal Board, they will not have time to prepare a report in that timeline. He asked that Council entertain a motion to change Section 6 of Ordinance #559 changing the timeline to the first Monday in February 2000. **Motion Thick, second MacDonald, to approve the first reading of Ordinance #564 to amend Ordinance #559 Section 6, changing the timeline from the first Monday in August 1999 to the first Monday in February 2000. Motion carried unanimously.**

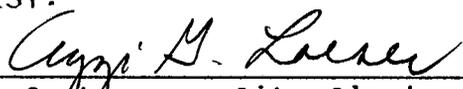
**SLACK VILLA & ORCHARD TRACTS ADDITION NO. 1 SUBDIVISION COVENANTS:** White said the subdivision on the north side of #5 fairway, originally had a 70' setback specified in their covenant. Apparently, the Homeowners Association recently got together and changed it to a 30' setback. Vergeront said they cannot do that without Council approval. White and MacDonald agreed with Vergeront. Vergeront said the covenants went through planning board approval and any changes need to be approved by the City Council. Lies clarified that the subdivision is on Bayview Drive and on either side of the road and agreed that they cannot change it without going back through subdivision approval. MacDonald said they wanted to get closer to the golf course to get a better view. White said they should be informed that they cannot do that. Tim Hinderman said there have been several lots conveyed under the new revised covenants. James Raymond said that is their problem. Vergeront said when they apply for a building permit it will be clarified that they cannot build there. Tim Hinderman said one of the issues with this change is that when the new nine golf course plan and final layout was approved it was based on the fact that the homes on that side would not be any closer than 70', so the alignment of the fairway was designed around with a certain separation from building to building going down both sides of the fairway. Thick agreed. White asked that James Raymond write the property owners a letter. **Motion White, second Funke, that James Raymond, City Attorney, write a letter to explain the rules of a subdivision pertaining to changing covenants, to the property owners in Slack Villa and Orchard Tracts Addition No. 1, as stated. Motion carried unanimously.**

**PANCAKE SUPPER ADVERTISEMENT:** Fred Funke said the Fire Department is having a pancake supper this Saturday night and they have asked that they be allowed to put up a temporary reader board sign at Taco Time, Thursday, Friday and Saturday promoting that event. He noted that they have filled out the necessary paper work through Monte Sipe. He asked that Council approve the reader board for three days as requested. Lies said the motion should include that this is for a community project only and does not pertain to businesses who cannot do this type of advertising. Funke said that is stated on the application they filled out. James Raymond said this is not an exception because the new ordinance is not in effect at this time and the current ordinance only requires Council approval. **Motion Funke, second MacDonald, to approve a temporary reader board sign at Taco Time to advertise the Firemen's Pancake Supper to be displayed for three days only, as requested. Motion carried unanimously.**

Meeting adjourned at 8:15 p.m..

  
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Mike Lies, Mayor

ATTEST:

  
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Aggi G. Loeser, City Clerk