

POLSON CITY COUNCIL MEETING
CITY HALL - COUNCIL CHAMBERS
MONDAY, JANUARY 3, 2000 7:30 P.M.

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

Others Present: Rich Stripp, Rocky Shriver, Shirley White.

SWEARING IN NEWLY ELECTED COUNCIL MEMBERS: Mark MacDonald from Ward I, Clint White from Ward 2, and Fred Funke from Ward 3; all incumbents, took the oath of office administered by Mayor Mike Lies. Lies asked them to sign their respective Oaths of Office, as provided by the elections office.

CITY COUNCIL MEETING MINUTES DECEMBER 20, 1999: MacDonald said he read the Council Meeting Minutes of December 20, 1999 and found no errors. Motion MacDonald, second Thick, to approve the City Council Meeting Minutes of December 20, 1999, as printed. Motion carried unanimously.

URBAN RENEWAL COMMITTEE - UPDATE - TIME EXTENSION REQUEST: Lies said Tim Hinderman requested that this item be deferred to the next City Council Meeting on January 18, 1999.

BOETTCHER TERRACE DEVELOPMENT - REDUCE BONDING REQUIREMENT: James Raymond said Gary Wicks, a committee member of the Lake County Community Development, which fronted the \$80,000 bond for the Boettcher Terrace Development, asked him if the City would release the funds. This was part of the security requirement posted for satisfactory completion and infrastructure of Boettcher Terrace. The total amount of security was bonded for the sum of \$217,000 which currently exists and does not expire until the last day of the year 2000. In addition, because that was insufficient to cover the cost of the infrastructure Community Development, on behalf of the developer LCCHDO, also provided an \$80,000 Certificate of Deposit. Time has passed and the construction has been completed and infrastructure has been installed and approved. The only remaining outstanding interest of the City of Polson, for which the bond exists, is receipt of the as built drawings of the underground infrastructure of the sewer and water lines. The question posed to him by Gary Wicks, was how to get the \$80,000 Certificate of Deposit back to Community Development. In terms of the City's security interest, in point of fact, there is no reason not to release it, except that the water and sewer superintendent requires the as built drawings. Council is aware that there is a disagreement between Lake County Community Housing and the contractor who did the work. The contractor said he would not provide the as built or do anything else until he got paid for the work that was done. LCCHDO is saying they already paid the contractor. It is in their respective attorneys hands and they are working on a resolution. Raymond reminded Council that Jan Niemeyer, of LCCHDO, requested Council to reduce the bond a couple months ago. At that time the Council requested that Raymond contact the bonding company notifying them of the City's issue with the as built. Raymond said he wrote the bonding company stating the City has a problem because the contractor has not finished executing the contract and asked that they execute the bond. The bonding company's response was that no valid dispute existed, and since there is no valid dispute in their opinion, they cannot execute the bond at this time. Gary Wicks' interest is that Lake County Community Development could use whatever amount of the bond the City Council would agree to release, for other worthwhile pursuits. Raymond said Campbell told him that for \$20,000 or less, a portion of the \$80,000 Certificate of Deposit, he could get that work done by having someone backtrack and retrace the location of the lines and develop the as built drawings. Raymond said the City has security interest in having the as built drawings done but to the extent that it can be quantified is probably less than \$80,000.

MacDonald said that Lake County Community Development would like to lend out a portion of the \$80,000. He suggested that the City could reduce the bond requirement for the as built drawings to \$20,000. Lies said Campbell told him today that \$20,000 would be sufficient to hire an engineer to develop the as built drawings. **Motion MacDonald, second White, that the City withhold a \$20,000 Certificate of Deposit for the as built drawings for Boettcher Terrace and return the remainder of the \$80,000 CD currently held as bonding by the City of Polson. Motion carried unanimously.**

FISCAL YEAR 98-99 AUDIT REPORT: Lies said the audit report was completed and copies are available for Council review.

DECEMBER 1999 CLAIMS: Lies asked if Council have any questions regarding the December 1999 claims presented for approval. **Motion MacDonald, second Thick, to approve the December 1999 Claims #72178 to #72949 for a total of \$120,570.79. Motion carried unanimously.**

SPEED LIMIT ON HIGHWAY 93: Rocky Shriver asked that the City Council actively pursue lowering the speed limits on both ends of the City, by extending the slower speed limits out. He is a property owner on the west side of the City and the safety margin is worse every year. There are statistics from Police Chief Ron Buzzard that people go through that area at 80 mph. MDOT wants to put concrete barricades up which will not solve the problem. If they were able to extend just one segment of the speed limit, which is already 25 mph to the bridge, and extend that to the end of the bridge then take it to 35 mph to the next segment instead of 45 mph, it would make a huge difference. In the summertime it gets worse with recreational vehicles leaving KOA campground who are not sure where they are going and create a hazard. The speeding vehicles are not able to slow down for vehicles accessing his tourist businesses located in the West Polson Mall. MDOT requires that all turning spaces be at a ninety degree angle which makes it harder for recreational vehicles to get in and out of the flow of traffic. He feels it would be a good thing to slow the vehicles down and noted that Police Chief Ron Buzzard can provide statistics to show that we need a slower speed limit. He asked that some of the Council take the initiative and actively pursue requesting that MDOT lower the speed limit at least one segment. Lies said he appeared before an MDOT committee in June 1999, asking to lower the speed limit but the request was voted down. They are not going to change anything, that was their comment. He asked for lower speed limits on Highway 35 and got very little concession from them. He also asked for lower speed zones on Highway 93 north and south and he got absolutely nothing. They felt the speed limit was sufficient and appropriate for anything and there was no need to slow traffic down because it would bottleneck everything, that was their comment to him. Shriver said he realizes that MDOT's main concern is getting people from point a to point b in the shortest amount of time. Lies agreed and said he would write another letter and request the lower speed limit. Shriver said he would like to see the City take a firm stand on their view of this issue. Lies said he expressed the City's concerns to MDOT in July but was told that they base their decisions on the engineering studies they conducted and will not deviate from that. MacDonald said it would be nice if the traffic was slowed down before the hill into the City because he knows how fast the traffic is in that area. Shriver said if they just lower the speed limit by one segment it would make a big difference. Lies said he would write a letter and will go to Helena again to testify on this issue. He suggested that possibly a petition could be presented with the signatures of those area residents supporting the lower speed limit. Shriver asked what the City's position is on barricades. He feels it will stop the tourists from accessing the businesses and would encourage them to stop at Wal Mart or other larger parking lots. Lies said he has not heard about the barricades. Shriver said all of MDOT's guidelines are connected with the speed limit. The people in Hamilton got shortchanged because they were expecting a certain configuration and they lost a lot of trees because the speed limit

was too fast and the trees would have created a liability. He does not want that kind of thing to happen in Polson. He felt if the City takes a stand early on, they will be in a better position. Polson is growing and the traffic is getting worse every year. Lies said he will write a letter to MDOT stating the City's position on this issue.

NEXT COUNCIL MEETING TUESDAY, JANUARY 18, 2000: Motion Thick, second MacDonald, to approve rescheduling the next Council Meeting to Tuesday, January 18, 2000 because of Monday being a holiday. Motion carried unanimously.

James Raymond informed Council that the State Supreme Court published its ruling on December 30th, 1999 regarding who reserves jurisdiction over the water rights issues on the reservation. The tribes won and the Department of Natural Resources, under this writ, cannot issue any more water use permits on the Flathead Reservation until the Tribes' water rights, both surface and sub-surface have been quantified.

Thick informed Council that she will propose to the Golf Board to start a memorial fund which the City could donate to in memory of Teresa Wallace.

Meeting adjourned 7:50 p.m..

ATTEST:

Aggi G. Loeser
Aggi G. Loeser, City Clerk

Michael Lies
Michael Lies, Mayor