

POLSON CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
MONDAY, DECEMBER 18, 2000 7:30 P.M.

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

Others Present: Marc Carstens, Mike Brown, Rod Hanson, Sharon Hanson, Tom Maloney, Monte Sipe, Glenn Timm.

CITY COUNCIL MEETING MINUTES DECEMBER 4, 2000: Thick said she read the minutes of December 4, 2000 and found no errors. Motion Thick, second MacDonald, to approve the City Council Meeting Minutes of December 4, 2000 as printed. Motion carried unanimously.

CONFEDERATED SALISH & KOOTENAI TRIBES ROAD DEPARTMENT - WATER LINE CHANGE AT HAACK ROAD: Mayor Lies introduced Mike Brown, Program Manager of the CSKT Road Department. Mike Brown said he hoped that people have noticed that they have just completed a major road project on Haack Road, Dupuis Road and Turtle Lake Road. They have paved those roads and installed curbs, gutters and sidewalks which extend past the tribal housing project. With this project they hope to improve the air quality by cutting down on the dust generated by traffic on that road. In doing that project on Haack Road, which enters onto Highway 35, the Highway Department required them to change the highway approach somewhat. While they were doing this part of the project they got close to the City water line which runs along Highway 35 and on to Hellroaring. They asked the City's water superintendent John Campbell to help them relocate the water line which had to be buried deeper. The work is now completed and he read a letter addressed to the Council and Mayor in which they thanked the City and John Campbell for his help with the project. Mike Brown noted that they have funds for relocating the utilities along that road for this project, therefore they are asking the City to submit a bill for the expenses the City incurred while assisting them with the water line relocation. Mayor Lies thanked Mike Brown and said John Campbell will compile and submit the City's expenses to him.

RESOLUTION #811 REQUESTING A REFERENDUM - FIRE CHIEF SOCIAL SECURITY COVERAGE: Lies noted that this request is to provide social security coverage for Fire Chief Tom Maloney which he requested because it has never been provided for any of the previous fire fighters or policemen. Lies said it was suggested, at a social security information meeting in Missoula, that everyone should start paying something sooner or later. After further research he found out that in 1951 all public employees became eligible for social security except for policemen and fire fighters. Then he went through the minutes of the City Council Meetings which showed that in 1970 Keith McCurdy was the City Attorney and he ruled that social security coverage for policemen and firemen was illegal but McCurdy did not remember why he made that determination. Lies said he contacted the Social Security Office several different times and they confirmed that firemen and policemen could not get social security until 1974 and then only through a special referendum signed by the governor. This proposed resolution will be sent to the governor and on March 31st the governor will sign a referendum which will make the position of fire chief eligible for social security. Maloney said that is ok but another option would be to enroll him into the Firemen's Retirement System. Lies replied that it does not matter but since he has gone this far into the process to get social security coverage the City might as well continue with it. He asked for a motion from Council. Motion White, second MacDonald, to approve Resolution #811 requesting a referendum to obtain social security coverage for the fire chief position for the City of Polson. Motion carried unanimously.

ORDINANCE #574 - MUNICIPAL CODE SECTION 2.38 - GOLF COURSE BOARD - FIRST READING: Lies referred to the copy of the proposed ordinance provided to Council with their agendas. White said he agreed with Vergeront, who felt that the Golf Board members should not be required to have a season pass. Lies clarified that the ordinance should read that four members at large shall be appointed by the Mayor with the consent of the Council. White agreed and said that reference to season pass holders should be removed from the proposed document. Thick asked if it is necessary to state that the Golf Board cannot render a recommendation for the Golf budget. She believes that anyone can render a recommendation for the City's budget. White agreed and noted that there is a noticed public meeting once a year when anyone can render a recommendation for the budget. Thick said this proposed ordinance is a clarification of how the board has been operating in the past, other than the statement about the board not being able to make budget recommendations. White and MacDonald agreed that it could be removed. Lies agreed that the Board can make budget recommendations to Council but they cannot act on budget issues. **Motion White, second MacDonald, to approve the first reading of Ordinance #574 as proposed with the removal of any reference to members being required to be season pass holders and remove the sentence which states that the Golf Board shall not be allowed to render budget recommendations to the Council. Motion carried unanimously.**

REQUEST FOR STOP SIGN - 4TH AVENUE AND 3RD STREET EAST: Lies said Charlie Dibble asked to have a stop sign placed in front of the Senior Citizens Center by the Lutheran Church. Vergeront noted that there is already a north/south stop sign but there is no east/west stop sign. Lies said he might have been given the wrong streets and said he will clarify it for the next meeting.

PRELIMINARY APPROVAL - AMENDED PLAT LOT 1 BLOCK 23 POLSON ORIGINAL - DON TURNER: MacDonald asked Sipe about his report recommendation not to cut into Main Street because it appears that the north side is the only way to get his sewer hook up. Sipe replied that this is a single lot division with low impact on most of the infrastructure and has an existing access to the site. His report indicates that there is a one and one half inch water line that comes through the alley which then extends to the east side of Main Street where there is an eight inch main that runs north and south. The sewer manhole goes through the alley and that is the only way he can access the sewer main. Instead of cutting Main Street Sipe's recommendation was to put the easement on the east side of the property and bring the water and sewer lines from the alley. Vergeront said he does not think the State would allow cutting Main Street because it is under their supervision. Lies said if the sewer connections are placed to the front of the lot they could not build out to the property line. Sipe said there are two existing structures and the proposal is to divide the 7,000 square foot lot which is in a Central Business Zoning District and does not allow residential as a permitted use. Both structures are grandfathered non-conforming uses, therefore the structures cannot be increased in size. The issue is that both are sharing service connections, once that division occurs they need to have separate service for water and sewer. One structure would use the existing service connections and the front property would have to pay for another connection and extend the water and sewer lines to the front property. Lies clarified that it would limit the ability to build up to the sidewalk. Sipe agreed. Both structures are rentals at this time and used as residential in a CBZD so eventually the use would be changed from residential to commercial. MacDonald said by subdividing this property they will not be able to expand the buildings. Sipe agreed that these two properties cannot be expanded anyway unless they were converted to commercial and by providing the easement it will eliminate any further expansion of structures. The lot division will reduce the lots to a fairly small size which are approximately 3,277 and 3,724 feet. There is no minimum lot size for CBZD and lot divisions are allowed to be as

small as the owner wants. The conversion to commercial use would raise questions of parking and shared parking could be utilized but would be reviewed at that time. Funke asked if the water and sewer line has to be a certain distance apart. Sipe said he checked with John Campbell who said the main lines have a minimum ten foot separation but that does not apply to private service connections which have a recommended three feet separation but no set standard. The easement will have to be ten feet wide and he would encourage them to place the lines as far apart as possible. According to the survey it is approximately eighteen feet to the property line to the south structure which is adequate room. There is a gravel driveway access to a garage through which the line will cut through. It will restrict any further development on that portion but that is the only way they can access the sewer and water lines and the property owner does not have any problem with that restriction. Motion White, second MacDonald, to grant preliminary approval for the amended plat of Lot 1 Block 23 of Polson Original Townsite as requested by the owner Don Turner with the conditions of approval as presented. Motion carried unanimously.

INVESTMENTS: Manicke stated that she purchased a \$250,000 Certificate of Deposit through First Interstate Bank for nine months at 6.71%. It was very close to the other bids she received one week prior therefore she did not solicit all the banks for this investments. Motion White, second Funke, to approve purchase of a \$250,000 Certificate of Deposit from First Interstate Bank for a nine month period at a rate of 6.71% as presented. Motion carried unanimously.

NOVEMBER 2000 CASH REPORT: Manicke presented the November 2000 Cash Report noting that the Crime Control Grant Fund (2870) has a fifty cent negative balance which will be cleared by a transfer from the general fund as part of the City's matching funds contribution. The DUI Task Force Fund (2950) has a \$148.65 negative balance which will be reimbursed by the County. She noted that she has some bond calls out for January 2nd. Bayview Drive will call down \$40,000 worth of bonds, Skyline #3 will call down \$10,000 worth of bonds so the City is looking at early retirement from the estimated life of eight years. Lies asked if there are any questions on the cash report. Motion White, second MacDonald, to approve the November 2000 Cash Report as presented. Motion carried unanimously.

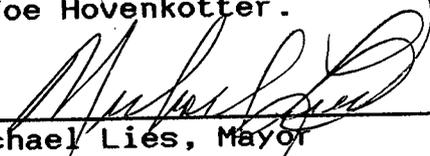
RESCHEDULE COUNCIL MEETINGS DUE TO HOLIDAY CONFLICT - TUESDAYS 1/2 AND 1/16: Lies said the two Council meetings in January will have to be rescheduled to Tuesday because of the observance of statutory holidays. Motion Vergeront, second White, to reschedule the City Council meetings in January 2000 to Tuesday, January 2 and Tuesday, January 16 as proposed. Motion carried unanimously.

Rod Hanson said he was asked by several of the downtown business owners if they could do some snow removal on Main Street. The snow banks on the sidewalks are a problem for them because they are hard and cannot be shovelled. Hanson said there are only three of them and they have been working late hours to keep up with plowing. Lies suggested they do the best they can and try to pick up the snow next to the sidewalks.

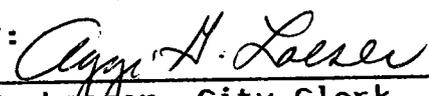
Meeting adjourned at 8:00 p.m..

Joe Hovenkotter, staff attorney for the Salish Kootenai Tribes, said he is here tonight on behalf of his client. He asked Council if he would be allowed to give Council notice. He stated that for the last few months the Tribes have been in intense negotiations with the Federal Highway Administration and the Montana Department of Transportation to try to come to a conclusion what would be acceptable to all parties for construction of US Highway 93. They have come to an agreement and will sign the document on Wednesday at 2:00 p.m. of this week with the governor and representatives from MDOT and Fred Matt present. He extended invitations to the

Mayor and Council to attend the signing of the agreement. He noted that documents of the proposed project will also be available. Thereafter, the Tribal Council asked him to do an outreach initiative program to reservations governments, to identify what the tribes hope will come from the construction project and how the governments could possibly work together and come to agreement on a final project that would be good for all the jurisdiction on all of the reservation. He apologized that he was not on time to give the notice officially but wanted to make them aware that they are invited to the signing of the agreement. He feels it is time that the Tribes engage the City directly to start talking about what to do with Highway 93. Vergeront asked if the proposal is for two lane or four lane. Hovenkotter said it is a combination of two and four lanes and is worked out site specifically from end to end. There are also areas, which because of federal requirements, they are doing environmental analysis in compliance with the national environment policy act, and as a result some small segments will fall out of construction immediately. But MDOT will try to expedite construction for over 40 miles of Highway 93, and in preparation the legislature has already protected a significant amount of financing to try and proceed. In a best case scenario they could possibly get to construction in 2003. They will get details on Wednesday at 2:00 p.m.. He will return and meet with City officials in January with the documents and hopes to set up a work session to try to explain how they got to the present agreement. He was contacted by Todd Erickson and Tom Greenwood with Polson Urban Renewal who have expressed interest in the project. He asked Mayor Lies if they could also attend those meetings. Lies agreed and thanked Joe Hovenkotter.



Michael Lies, Mayor

ATTEST: 

Aggi G. Loeser, City Clerk