

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY, FEBRUARY 7, 2005, 7:00 P.M.**

ATTENDANCE: Council : Mark MacDonald, Jules Clavadetscher, Mike Maddy, Tom Corse, Dan Morrison present. Lou Marchello absent. Mayor Randy Ingram presiding. City Attorney James Raymond present. **Others present:** Will Mavis, Sharon Fulton, Bob Fulton, Ethan Smith, Tony Porrazzo, Rory Horning, Lee Manicke, Dennis Duty, Doug Chase, Tom Maloney, Bonnie Manicke, Elsa Duford, Margie Hendricks.

CONSENT AGENDA: Motion made by Councilman Corse, seconded by Councilman Maddy to approve the consent agenda, A. the City Council Meeting Minutes of January 18, 2005, B. Police Training for Erwin Lobdell February 28 to March 1 in Hamilton, titled Islamic Based Terrorism, C. Police Training for Ryan Prather, May 2 through May 6 in Des Moines, Washington titled Highway Drug Investigation, D. Proclamations for Polson Rotary Days on February 22, 2005 and Polson Arbor Day on April 29, 2005, E. Library Board of Trustees Member appointment of Bruce Harrop, term to June 30, 2005 replacing Roberta Thick who resigned.

2005 FUN RUN EVENT - FOX HOME FOR KIDS - MAY 7: Linda Noble asked Council approval to conduct the 2005 Fox Home for Kids Fun Run on Saturday May 7th using the same route as previous years. Police Chief Chase asked that he be contacted a week before the event so his department can make preparations for the event. **Motion made by Councilman MacDonald, seconded by Councilman Corse, to approve the 2005 Fox Home for Kids Fun Run Event using the same route as last year and that Police Chief Doug Chase be contacted a week before the event. Motion carried unanimously.**

PRELIMINARY PLAT APPROVAL OF A 4 LOT MINOR SUBDIVISION AND ANNEXATION AT FINAL PLAT APPROVAL - WILLIS F. MAVIS: Joyce Weaver, City Planning and Zoning Official, presented the summary of her staff report which was provided to Council with their agendas. She noted that the property consists of 1.66 acres and is currently located in Lake County Low Density Residential Zoning District and is proposed to be divided into four single family residential lots. Will Mavis has submitted a petition of annexation into the City which would be processed at time of final plat approval, with the north boundary of the property being adjacent to the City limits. She noted that the staff conditions which are different than standard are as follows. The proposed access to the lots is J B Drive which is a private road and does not meet City specifications. Capital improvement fees off \$300 for the Fire Department and \$2,000 for Sewer Department will be required to be paid prior to final plat approval. Letters in support of the development from public and private entities have been provided. Two conditions were added to the original 18 conditions in her staff report by the City County Planning Board. Condition 19 requires that it state on the final plat that future property owners waive their right to protest creation of any special improvement district that may be established. Condition 20 was recommended by the City Engineer in his review report and added to the conditions by the City County Planning Board. It requires the applicant to submit a letter report from an engineer licensed in Montana, which states that they have inspected and reviewed the existing water system, booster station and piping and stating that the system can provide water to these four additional lots, prior to City Council granting preliminary plat approval. He noted that this review may document that the existing water system is adequate and meets the minimum standards of the DEQ or it may recommend upgrades. He noted that without upgrades the existing pumps cannot supply the required residential fire flows. That letter and an engineer's report including supporting calculations, would then be part of the submittal to the DEQ and to the City as required for final plat approval. The applicants are requesting to waive condition 20 which was added by the City County Planning Board. Condition 21 is a recommendation by the CCPB for sidewalks to be installed in the subdivision. Joyce Weaver referred to the supporting documents provided to Council including letters with comments from the public.

Councilman Clavadetscher asked if there is any document that would provide Council with factual information as to whether there are 20 or 26 water connections available, since there is a difference of opinion. City Engineer Bob Fulton replied that he has not been asked that question before and has not researched it. His comment to the CCPB was that the water system has been in the ground for twelve years and the assumptions he made at that time might still be quite valid, but he is not sure of that. He does know that the complexion of the houses being

constructed is quite different than what he assumed they would be in the 90's, the houses today are quite a bit larger and have more plumbing fixtures. The water system may be conservatively designed or it may be over designed. His point is that we are over half way through the design life of the system and he doesn't believe it would be inappropriate to look at it again and would think that DEQ would request the same thing. He stated that concessions were made to lift the sanitary restrictions in order to provide water to this subdivision and the homes on Mission View Drive. None of the homes in Skyline I or Skyline III subdivision have adequate water pressure nor did they have adequate water pressure at the time the water main was installed to provide water to those homes. Some of the homes have to pump from the main and none of the homes have pressures that meet DEQ standards now or at the time the pipe was put in, some have less than five or six psi. He is concerned that these new homes have a larger number of fixtures which might not accommodate an additional three or four houses. It might be as simple as having an engineer look at the pump curves and the number of lots, doing an independent analysis and providing a letter which indicates that the existing system can provide water to these four homes. Mayor Ingram asked and Bob Fulton replied affirmatively that requiring condition number 20 for this subdivision eases his mind. Councilman Clavadetscher questioned how the Council could approve this subdivision without resolving if there are 20 or 26 water hook ups available.

Will Mavis said he bought the property in 1972, put in Claffey Drive in the early 1970 and was instrumental in putting in the water main and water tank in 1974. He designed and built a water pump to pump water up to Claffey Drive from 15th Avenue and also installed the sewer lines going down the hill. Twenty years later he extended the water and sewer systems to the lots on J B Drive. Now there are between 25 to 30 homes on Claffey Drive and J B Drive which are all good size and bring in about \$15,000 to \$20,000 in tax revenue to the City. He hired Bob Fulton in the 70's to engineer the water and sewer lines for J B Drive. He referred to the Council Meeting Minutes of June 7 of 1993 when Bob Fulton stated that the water system he design was for 20 lots plus 6 additional lots and he is confident that he designed the system correctly. He also has documentation that was submitted to DEQ at that time. The system was designed for a three inch main which was upgraded to a six inch main in order to accommodate the City in addressing the fire flow and it greatly served Skyline III which has very little pressure as previously stated. He went to a great expense to do that. As part of the as built package that was sent to DEQ in August 2, 1993, the letter stated that each specified booster pump is capable of providing five times the water demand for two consecutive average flows. So he is confident that Bob Fulton designed the system very well. He referred to Bob Fulton's letter to Joyce Weaver where he mentions that an adjacent lot was provided with water service without requiring an independent engineer's review and report like he is being asked to do. He understands that the owners are Tribal and were not required to get DEQ approval. He is not unfamiliar with water systems and has managed and maintained other water systems for more than 25 years with many different types of booster pumps and had four people working under him. Water and Sewer Superintendent Tony Porrazzo has stated that the City has sufficient water to supply these four lots. All he is asking is that he gets the same treatment as the other applicants. The booster pump system on J B Drive is a minimum part of the Polson Water System and is very basic. It is important not to oversize the pumps for the demand because unnecessary cycling could burn the motors out. He noted that Bob Fulton seems to have a problem with DEQ approval as it is mentioned six times in his letter of January 4, 2005. He noted that DEQ regulations do not require that they review and approve service connections to water systems but they only review extensions of mains. He provided a letter to Bob Fulton and Council to that effect and asked that he be given the same treatment as others have had. He argued that although the houses are larger that doesn't mean the water use will be higher because the residents are mostly retired couples and a few small families while a number of them are still vacant lots. Bob Fulton stated that it is up to Council to decide if the engineer's report is a requirement for this subdivision but he will not provide that service to Will Mavis. **Motion made by Councilman Morrison, seconded by Councilman MacDonald, to grant preliminary approval for the four lot Mavis Minor Subdivision conditioned upon twenty-one (21) conditions of approval as recommended by the City County Planning Board. Payment be made to the Water Department prior to final plat approval, for the cost of a fire hydrant to be installed when the water system upgrade has been completed. Provide documentation as stated in condition 20 prior to final plat approval. Motion carried unanimously.**

FINAL PLAT APPROVAL MISSION BAY PRESERVE PHASE II B SUBDIVISION – NORTHWEST HOLDINGS – DENNIS DUTY: Joyce Weaver, City Planning and Zoning

Official, noted that all the conditions of approval have been met for the Mission Bay Preserve Phase II B. The mail delivery systems have been installed, a letter of credit has been provided for improvements that have not been completed, the plat has been approved by an examining land surveyor, the capital improvement fees for the City Fire Department and Sewer Department have been provided as required and covenants and a letter from DEQ have also been provided. **Motion made by Councilman Morrison, seconded by Councilman Corse, to approve the final plat of Mission Bay Preserve Phase II B subdivision as presented. Motion carried unanimously.**

DUCHARME PARK LIFT STATION UPGRADE – ENGINEER CONTRACT AMENDMENT TO DESIGN UPGRADE WITH ENTRANCO: Mayor Ingram noted that the original contract with Entranco was to prepare a wastewater facility plan which has been completed. This amendment is to enter into a contract agreement with Entranco to perform engineering services for a design upgrade to the Ducharme Park Lift Station. Water and Sewer Superintendent Tony Porrizzo replied that the completion of the design and construction would take place next fiscal year. Councilman Corse asked if the reduced amount of the contract that was mentioned is reflected in this amendment. Mayor Ingram replied that the PER has been completed and that amount has been deducted from the total cost shown on the document. Councilman Clavadetscher asked if the design is for plan D as Fred Phillips presented and if the Riverside Park Lift Station will also be upgraded. Tony Porrizzo replied that improving the Ducharme Park Lift Station upgrade will take a large load off of Riverside Park Lift Station which will allow it to function for a longer period of time until it is also improved. The Riverside Park Lift Station upgrade will be a very large and extensive project and the Ducharme Park upgrade will allow time to plan for it. Councilman Clavadetscher asked when the pipe in the lagoons from pond three to pond four will be replaced. Tony Porrizzo said he plans to get that done as soon as they can. Councilman Clavadetscher asked if they plan to apply for the grants that would require increasing the sewer rate. Mayor Ingram replied that the City is about \$5.00 short of its target rate for monthly fees which is required to apply for the larger grants but there are smaller grants they could apply for which don't require a rate increase. Councilman Maddy noted that the Sewer Department has fund reserves which it has accumulated from the capital improvement fees and permit fees which can be used for upgrades. Tony Porrizzo noted that these upgrades in the facility plan are prioritized and will be done over a number of years using the capital improvement fund reserves when possible. **Motion made by Councilman Maddy, seconded by Councilman Corse, to approve the amendment to Entranco's contract to include engineering design for the Ducharme Park Lift Station Upgrade as presented. Motion carried unanimously.** Elsa Duford asked and Mayor Ingram replied that currently the City's rates are too low to apply for the larger grants that are available for construction. This contract with Entranco is to design the upgrade for the Ducharme Park Lift Station and when that is completed they will have to decide if a grant is needed for the construction phase. Elsa Duford noted that Tony Porrizzo stated previously that if they proceed slowly but steadily with improvements that the reserve funds could cover the costs without having to raise the sewer rates. Mayor Ingram agreed that is their plan.

POLSON WATER SYSTEM MODELING ALTERNATIVES ANALYSIS – AMEND CONTRACT WITH THOMAS DEAN AND HOSKINS, INC. ENGINEERING FROM KALISPELL: Water and Sewer Superintendent Tony Porrizzo noted that Thomas Dean and Hoskins has completed their water system modeling alternatives analysis and this amendment would complete the modeling scenarios for future development which would make the project more complete and useful for planning. Councilman Clavadetscher asked and Tony Porrizzo replied that they are proceeding with the project and this is a needed addition to the report. **Motion made by Councilman Morrison, seconded by Councilman MacDonald, to approve the amendment for the Polson Water System Modeling Alternative Analysis with Thomas Dean and Hoskins, Inc., to complete the modeling scenarios for future development, as presented. Motion carried unanimously.**

MDOT CONSTRUCTION AGREEMENT TO CHIP SEAL HIGHWAY 93 THROUGH POLSON: Mayor Ingram noted that MDOT is planning to chip seal Highway 93 through the City of Polson this summer which requires a construction agreement with the City. **Motion made by Councilman Corse, seconded by Councilman Clavadetscher, to approve the MDOT construction agreement to chip seal Highway 93 through the City of Polson and to strike condition number ten as recommended by City Engineer Bob Fulton. Motion carried unanimously.** Rory Horning asked that the City request that they don't do the construction

during the City's high tourist season. Mayor Ingram said he believes MDOT is aware of that issue but agreed to relay that concern to them.

RESOLUTION TO SUPPORT LEGISLATION REQUESTED BY THE CITY OF WHITEFISH TO ALLOW CONSIDERATION OF PRICE WHEN SELECTING ARCHITECTS, ENGINEERS AND LAND SURVEYORS: Mayor Ingram said he received the letter provided to Council from the City of Whitefish asking that them to pass a resolution and forward it to them so they could present it along with other City's support of a bill to allow consideration of price when selecting architects, engineers and land surveyors. Councilman MacDonald said he considers this legislation a good idea. Councilman Clavadetscher said he was flabbergasted when he found out the City couldn't consider cost in these situations, and couldn't imagine that. Councilman MacDonald noted that they can negotiate cost after the bid is awarded but it seems at that point that the negotiations are all over. Tony Porrazzo asked that they not require taking the low bid. Councilman Clavadetscher clarified that consideration of the price would be just one of the criteria that would be considered in the selection process, because right now apparently price is not allowed to be a factor at all. City Attorney James Raymond said he doesn't like the language in the resolution which states that, only if the agency has provided the interested firms with a detailed statement of the scope of the project. He questioned who would decide what comprises a detailed statement which could lead to a million law suits. Council agreed that City Attorney James Raymond should prepare a letter of support with terminology that he is comfortable with. **Motion made by Councilman MacDonald, seconded by Councilman Maddy, to approve that City Attorney James Raymond prepare a letter of support for the legislation to allow consideration of price when selecting architects, engineers and land surveyors as proposed by the City of Whitefish. Motion carried unanimously.** City Attorney James Raymond noted that as a point of interest Senate Bill 237 is scheduled for a local government hearing on February 17th.

MARY ASPER REQUEST CITY TO PURCHASE SURPLUS RESTAURANT EQUIPMENT FROM BUNKERS RESTAURANT: Mayor Ingram referred to a list of restaurant equipment items provided by Mary Asper who was the former manager of Bunker's Restaurant. She is requesting that the City purchase these items for a total cost of \$3,774.95. Council discussed whether the new manager would need the equipment on the list. Mayor Ingram noted that the keg coolers might be useful. Councilman Morrison said he priced used coolers from a Missoula outlet and was quoted a price range of \$400 to \$1,500. Councilman Clavadetscher suggested that the purchase should be left to the discretion of the Cannons who are the new managers of the restaurant. Councilman Corse stated that he considers the blinds on the windows to be part of the building. He felt the City should provide the necessary infrastructure to the lessee to be able to run the liquor operation and the City should be responsible for normal wear and tear of that infrastructure. Therefore he felt that the City should pay for the two keg coolers and the blinds but he didn't feel that all the other items on the list are not in that category. Council agreed they should purchase the keg coolers. **Motion made by Councilman MacDonald, seconded by Councilman Morrison, to offer \$1,500 to purchase the two keg coolers and the blinds from Mary Asper for the golf course restaurant.** Councilman Clavadetscher asked that before the offer is made for the equipment that the Cannons confirm that they haven't purchased these items themselves. Councilman Corse asked if there would be repairs to the windows if the blinds were removed. Mayor Ingram replied that the City is still holding a \$1,000 damage deposit from Mary Asper. **Motion carried. Councilman Clavadetscher opposed.**

APPLICATION FOR STATE OF MONTANA LAND AND WATER GRANT FOR KOOTENAI AVENUE LANDSCAPING AND IMPROVEMENTS REQUIRING 50% MATCHING FUNDS OR IN KIND SERVICES TO BE BUDGETED IN FISCAL YEAR 2005 TO 2006: Councilman Clavadetscher referred to his handout to Council with a current (2005) cost estimate for improvements to Kootenai Avenue along with a map of the master plan which was approved by Council for the development of Salish Point. We are now in the stages of beginning work and funding is the critical issue. Some initial work will begin this week and more bids will be let for the first stage of improvements which is planned for the east side of the development. They were recently made aware that there is an opportunity for the City to obtain a matching grant from the State of Montana Land and Water Department. The Kootenai Avenue development was conservatively estimated at \$50,000, as shown on the map which includes two parking lots. Alternative E was approved which would lower Kootenai Avenue and the parking lots and was a concession made to the landowners owning property facing Kootenai Avenue. This grant would provide \$30,000 toward that project requiring matching funds or in kind