

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, MARCH 7, 2005, 6:00 P.M.**

**ATTENDANCE:** Council: Lou Marchello, Mark MacDonald, Jules Clavadetscher, Mike Maddy, Tom Corse, Dan Morrison. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others Present: Elsa Duford, Doug Chase, Tony Porrazzo, Joyce Weaver, Ronald P. Melvin, Lee Manicke, Tom Maloney, Bonnie Manicke, Dennis Duty, Doug Chase, Wil Mavis, Jeff Young, Ethan Smith, Rory Horning, Nathan Pierce.

**PUBLIC HEARING - BUDGET AMENDMENT FISCAL YEAR 2004-2005:** Mayor Ingram referred to Resolution #899 which is being proposed to amend the fiscal year 2004-2005 expenditure budget by \$10,000 in the General Fund Facilities to replace the City Hall boiler which broke down this winter, also an expenditure of \$16,000 in the General Fund Parks to replace the Boettcher Park Dock and repair the Riverside Park Dock. An expenditure of \$19,000 in the Building Department to purchase a pick up truck and an expenditure of \$5,000, split half between the Water and Sewer Departments to hire a full time meter reader. Mayor Ingram asked for comments from proponents of the budget amendments.

Building Inspector Ron Melvin stated that his department needs a larger vehicle to do inspections because it has been difficult to get around at some of the construction sites with their existing vehicles which also have limited seating capacity. He also noted that they need another vehicle for another certified inspector.

Parks Superintendent Karen Sargeant stated that the Boettcher Park Dock is in very poor condition. She has advertised for bids, which have been reasonable and they plan on using materials that will last longer and require less maintenance. The Riverside Park Dock also requires some repair but it will be a smaller project.

Water and Sewer Superintendent Tony Porrazzo stated that he has made replacing broken meters a priority so that all meters can be read and billed accurately in the near future. The extra person is needed because the existing staff is kept busy with the daily workload and they don't have time to replace meters.

Councilman Clavadetscher asked if there were bids let for the truck they want to purchase. Ron Melvin replied that they found a truck from Mission Valley Auto which is a local dealer. It has more seating capacity than the other truck, and has four wheel drive, with 36,000 miles, for only \$19,000 which they believe is a very good deal.

Mayor Ingram asked if there are any comments from opponents to the budget amendment. Elsa Duford asked why the City budgeted \$2,000 for lifeguards and yet the article in the paper said the City can't fund the lifeguard program. Karen Sargeant explained that the \$2,000 was budgeted to pay for training lifeguards, which was based on a joint venture with the Tribal Youth Program, but it fell through. City Clerk Aggi Loeser stated that the cost of the lifeguard program in the last few years has been approximately \$10,000 to \$12,000. Karen Sargeant agreed that the \$2,000 would not be enough to provide lifeguards and clarified that it was budgeted for training. Councilman MacDonald said they would like to provide the lifeguard program but it's tough to do because the cost is so high. He suggested that it would be fair to solicit donations from Ronan and St. Ignatius because the kids from there swim on the beaches and use the docks. The City of Polson taxpayers have paid for the majority of the program in the past, and it would help to keep the lifeguard program going if non City residents would help with the cost. He agreed that the \$2,000 should be left in the budget to try and establish some type of lifeguard program. Karen Sargeant said she budgeted \$2,000 which was the estimated cost to train the lifeguards through a program which is offered in Columbia Falls. Councilman MacDonald noted that City Attorney James Raymond advised them that running the lifeguard program with inadequate funding and fewer lifeguards creates more liability for the City than having no lifeguards at all as long as signs are posted indicating that no lifeguard is on duty. Councilman Morrison said the Tribes agreed to pay the lifeguards' salaries but they didn't have any interest from the Tribal youths for that position. Elsa Duford said she talked to a number of people after last week's meeting and they all agreed that the lifeguard program was more important than purchasing a truck. Mayor Ingram replied that the Building Department's funds can't be spent on lifeguards, and their revenues have to be spent within that department. Councilman Maddy clarified that the Golf, Water and Sewer Departments are the same as the Building Department, which generate their own revenue and is restricted to spending within their respective departments by state law. Elsa Duford noted that her concern is the safety of the children at the beaches. She suggested that the surrounding communities be contacted to participate in funding the program. She asked about the liability issue. Councilman MacDonald noted that the City's insurance carrier recommended that the City provide full time lifeguards and not to piecemeal the coverage. Elsa Duford said she wanted to stress the importance of the lifeguard program. Councilman Maddy suggested that the City does have the choice to either fix the docks or have a lifeguard program. Elsa Duford thanked them for the information which she didn't have before and noted that it helped to answer her questions. She asked if the City will continue to budget funds for the lifeguard program. City Clerk Aggi Loeser noted that for many years the Red Cross

managed the lifeguard program. The City paid their wages but that cost was reimbursed by the Red Cross. The City was liable for the program but did not require budgeting tax dollars because donations and Red Cross funds were used for the program. In later years when Red Cross no longer provided their services the City aggressively solicited donations which were not sufficient and the program had to be subsidized by the General Fund tax dollars. Karen Sargeant added that some of the reports written by the head lifeguards over the past several years, who supervised the program, have stated that the number of lifeguards were not adequate. It opens up the liability issue if the program is not adequately staffed which was reflected in the schedules she saw and the reports they wrote. The cost was about \$10,000, and it also opened the City up for major lawsuits. Although it sounds odd, there is a lot less liability for the City by not having lifeguards and posting the beach, than the liability of not having inadequate staffed lifeguards. She noted that the wording on the signs, which she posted, was approved by the City's liability insurance carrier. Mayor Ingram asked for further comments. No further comments were made. **The public hearing was adjourned at 6:17 p.m.**

## **CITY COUNCIL MEETING**

**CONSENT AGENDA:** Motion made by Councilman MacDonald, seconded by Councilman Marchello, to approve the Consent Agenda, A. The City Council Meeting Minutes of February 22, 2005, B. Detective Cottle's attendance at a property room management class in Missoula on May 23, and 24, C. City Treasurer Bonnie Manicke's attendance at the ARMA Records Management Workshop in Helena on April 1, D. City Treasurer Bonnie Manicke's attendance at the Association of Public Treasurer's Conference in Chicago July 31 through August 3, for certification credits, registration fee is \$385 before April 1, E. Confirmation of reappointment of James McKee as a member of the Board of Adjustment, G. Street closure of the 200 to 400 blocks of Main Street and the first block of 3<sup>rd</sup> Avenue East and West and 4<sup>th</sup> Avenue East and West, on 6/18 and 19 from 6:00 a.m. to 7:00 p.m. for the First Annual Mack Days Street Fest, H. Beta Easter Egg Hunt on March 26<sup>th</sup> at Boettcher Park, I. Youth Services Librarian Trude Hunsucker to attend the Children's Literature Workshop in Missoula on April 5<sup>th</sup>, J. Librarian Marilyn Trosper to attend the Annual Montana Librarian Association Conference in Billings on April 23 through the 26, K. Approve permanent status for Youth Services Librarian, Trude Hunsucker, having successfully completed her six month probationary period. **Motion carried unanimously.**

**MISSOULA'S "DENSITY BONUS" AND "CLUSTER NEIGHBORHOODS" NOT WORKING:** Joyce Weaver, City Planning and Zoning Official referred to Council's agenda attachments she provided on the density bonus, and cluster neighborhoods. She noted that the information provided brings up issues that the public and the planning department should consider. Mayor Ingram thanked her for the information.

**MISSION BAY PRESERVE - ONE YEAR EXTENSION FOR PRELIMINARY PLAT APPROVAL:** Dennis Duty referred to a map showing the Mission Bay Preserve. He stated that he and Joyce Weaver have discussed whether the area is included as part of Phase II. They are asking for an extension on the preliminary plat approval for Phase II A and B, which was granted preliminary approval as a re-plat. Part of the reason for the re-plat was that the road systems have changed, so it was their understanding that since it was a whole new re-plat of Mission Bay Preserve this would have been included as part of the revised plat. He discussed that with Joyce Weaver today and she wanted to verify that the minutes of the City County Planning Board and the City Council reflect that this was addressed. Joyce Weaver stated that she has no problem with recommending Council approval of the requested extension. She and Dennis Duty will verify if a portion of Phase II is included or not. Mayor Ingram asked that they come back to Council for clarification if needed. Joyce Weaver agreed they would if needed. **Motion made by Councilman Morrison, seconded by Councilman Maddy, to approve the request for a one year extension of the preliminary plat for Mission Bay Preserve. Motion carried unanimously.**

**LETTER OF SUPPORT FOR INTERIM WATER AGREEMENT:** Mayor Ingram asked Council to approve sending a letter to the Chairman of the Reserved Water Rights Compact Commission, which was presented to Council in draft form with their agendas. The letter states the City's support for the process to create some form of the interim agreement, which will allow the City to hopefully develop some new wells before the final compact is approved estimated to be a number of years down the road. Councilman Marchello informed Council that they are working very diligently to have the Governor of Montana as the key note speaker for the Chamber of Commerce banquet. He proposed that at that time a joint meeting with the City and the Tribes should be arranged. **Motion made by Councilman Clavadetscher, seconded by Councilman Corse to approve sending the letter of support from the City Council to Chris Tweeten, the Chairman of the Reserved Water Rights Compact Commission, to create some form of interim water agreement before it is finalized. Motion carried unanimously.**

**PUBLIC RIGHT OF WAY ENCROACHMENT REVOCABLE PERMIT – MISSION VALLEY AQUATICS – SANDWICH BOARD SIGNS FOR FUNDRAISING:** Tana Seeley asked Council

approval to place ten sandwich board signs for fundraising for the Mission Valley Aquatics. The boards would be placed throughout the City in front of businesses on Main Street and possibly inside the banks and hospital. The businesses would have to agree to take the signs in at night and place them out on the sidewalks during the day. They constructed a sample board, which she showed Mayor Ingram, and measured 42" tall and 25" wide depicting the water level that would rise as donations are received. Jules Clavadetscher asked who will assume liability for the boards. Tana Seeley said they are a non profit organization and don't have insurance and asked if the City would assume responsibility if they allowed them. Councilman Marchello stated that the sidewalks in front of the properties do have liability insurance. Even though the sidewalk belongs to the City, maintenance of the sidewalk is the property owner's responsibility. He suggested that she go to the various businesses where the sandwich boards would be placed and if they would agree to that, then it would cover the problem. Tana Seeley said they will make that clear to the businesses when they ask them about placing the sandwich board signs. Mayor Ingram suggested that she communicate with Building and Planning Assistant Lita Fonda, and let her know where and how many signs will be placed and work with her if she has any concerns about their placement. Tana Seeley said they would not be placing them on any corners, which might restrict traffic visibility. They want to attract the pedestrian's attention rather than the vehicle traffic and they feel the signs would be better placed along the street. Councilman Clavadetscher asked if they have considered placing their signs inside the storefront windows where it would be protected from the weather, theft and vandalism. Tana Seeley said they considered making a three sided table top display as a variation but they didn't feel that would catch attention as much and they didn't want to take up that much of the business's window and countertop space. She noted that the City of Whitefish placed similar sandwich board signs and they were fairly successful with their fundraising. **Motion made by Councilman Morrison, seconded by Councilman Maddy, to approve a right of way encroachment permit subject to the Building and Zoning Department's approval, for the Mission Valley Aquatics to place ten (10) sandwich board signs in the downtown area as proposed, for fundraising purposes. Motion carried unanimously.** Elsa Duford asked and Mayor Ingram replied that the City's sign ordinance allows for sandwich board signs. Joyce Weaver asked that she provide Building and Planning Assistant Lita Fonda with the information required on the permit application. Tana Seeley replied that with this approval she will get the signs made and be able to show it when she asks the businesses to display it in front of their store, then she will notify Lita Fonda where the proposed locations will be.

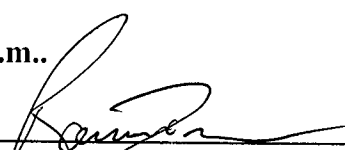
**FEBRUARY 2005 CLAIMS: Motion made by Councilman MacDonald, seconded by Councilman Marchello, to approve the February 2005 Claims #87923 to #88170 for a total of \$179,785.37 as presented. Motion carried unanimously.**

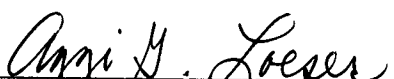
**RESOLUTION #889 – BUDGET AMENDMENT:** Mayor Ingram asked Council to vote on approval of Resolution #889 which would amend the fiscal year 2004-2005 budget as proposed at the public hearing prior to this Council meeting. **Motion made by Councilman Morrison, seconded by Councilman Maddy, to approve Resolution #889 to amend the fiscal year 2004-2005 budget increasing the expenditures by \$26,000 in the General Fund (1000), by \$19,000 in the Building Fund (2394), by \$2,500 in the Water Fund (5210) and by \$2,500 in the Sewer Fund, as proposed. Motion carried unanimously.**

**OTHER PUBLIC COMMENTS:** Mayor Ingram asked Jeff Young to give an update of the Salish Point Improvement Project. Jeff Young noted that the Salish Point Committee met last Friday along with the DNRC staff to review the construction bids that were received. The work to be completed is for a new 100 foot dock, a new swim platform, a new 150' retaining wall, a new parking lot on the east side of Salish Point where it abuts the KwaTaqNuk leased land. A brief paper, with the Salish Point Committee's recommendation to approve the top contractors who bid on the project, will be presented to the Tribal Council tomorrow morning. The Salish Point Committee's recommendation of the top contractors were, Larry Smith for the paving work, Dennis McCrumb for the dock and swim platform and Jerry Whaelen for the retaining wall. If the Tribal Council approves the recommendations the contract negotiations will begin Wednesday and after that they hope to mobilize equipment by the 14<sup>th</sup> and 15<sup>th</sup>. For safety during construction, the City will be asked to provide barricades to cordon off an area in the east part of Salish Point during the construction period.

Rory Horning asked why the posted agenda was different from those passed out tonight. City Clerk Aggi Loeser replied that she handed out the draft copies of the agenda in error. The posted agenda is the final version, which was the same as was distributed to Council and posted for public information.

Mayor Ingram adjourned the meeting at 7:20 p.m..

  
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Randolph B. Ingram, Mayor

ATTEST:   
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Aggi G. Loeser, City Clerk