

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY, MARCH 21, 2005 6:30 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: Bill McDermott, Joan McDermott, Ethan Smith, Elva Gessaman, Elsa Duford, Mike Corcoran, Margaret Corcoran, Carol Jones, Bruce Campbell, Linda Campbell, Harry Britton, Rick Skates, Hub Dykstra, Bob Fulton, Sharon Fulton, Adam Hertz, Greg Hertz, Lee Manicke, Jim Funke, John Laimbeer, Bob Williams, Bill Ingram, Walter C. Zollars Jr., Thomas G. Brown, Jeff Young, Ron Grogan, Tony Porrazzo, James N. Brown, Judi Brown, Marietta Johnson, Margie Hendricks, Dale Gillespie, David Wolf, Larry Lawin, Cindy Lawin, Dave Sheesley, Rick Johnson, Frances Hamm, Ed Hamm, Dennis Duty, Carolyn Pardini, Jens Gran, Dennis Bennett, Mary Bennett, Brooke Ingram, Sharon Richardson, Tami Sanderson, Carol Jones, David Rensvold, Ryan Avison, Mark Jurasek, Linn Carlson, Cindy Willis, Doug Chase, Chris Malke, Tom Malvo, Bruce Amrine, Don McMillan, Gayle Siemers, Irene Marchello, Bin Olson, Ronnie Davis.

PUBLIC HEARING – ZONE CHANGE FOR COUGAR RIDGE SUBDIVISION REQUESTED BY DREAM FIELD DEVELOPMENT – STAFF REPORT: Mayor Ingram called the public hearing to order and asked Joyce Weaver, City Planning and Zoning Official, to present her staff report. He noted that after her presentation the public will be asked for comments, first from proponents and then from the opponents, giving each a chance to be heard. He asked the speakers to remember that this is a public hearing on the zone change and it would be appreciated if they could try to keep their comments directed to that topic. He felt sure that there are a number of people who will want to speak and asked that the comments be kept to the point and try to avoid being redundant. He thanked everyone for coming to this meeting. He noted that Councilman Maddy recused himself from his Council seat and was seated in the audience.

Bob Williams asked if this will result in a vote. Mayor Ingram replied that it may.

Joyce Weaver asked that Council take note of a petition which was presented to her today and therefore was not part of the Council's agenda packet. The petition stated that, "The following property owners protest against the zone change amendment to the Polson Development Code proposed by the Cougar Ridge Subdivision." The petition was signed by Carl R. Waddell, Jim and Jenny Ho, Judith A. Brown and James N. Brown, Mary Bennett and Dennis Bennett, Ken Siler, Gerry Fink and Chris Fink and Gayle Siemers. The original petition was presented to City Clerk Aggi Loeser by Margie Hendricks earlier today and she distributed copies to the Council and Joyce Weaver.

Joyce Weaver displayed a map and pointed out the areas of the Cougar Ridge Subdivision that are proposed for a zone change from Rural Residential Density to Low Residential Density, as requested by the developers. She referred to page 14 of her staff report and stated that the applicant is requesting a zone change amendment to the Polson Development Code zoning district maps. The proposed change is for 115 acres, consisting of two large parcels of undeveloped land with various degrees of slope, which is currently in Rural Residential Zoning District and proposed to be changed to Low Residential Density Zoning Districts. These parcels are within the Polson Master Plan and they are appropriate for Low Density Residential Zoning Development. In order for the City to have authority to change the zoning the property would need to be annexed into the City limits. The Polson Development Code states that the City Council has the authority to approve or reject or table this item. She referred to page 15 of her staff report which contains the staff analysis and conditions 1 through 10. She noted the highlights followed by the City County Planning Board recommendation for approval. After they reviewed the information for compliance with local and state regulations addressing zoning, the City/County Planning Board recommended Council approval for the zone change proposal with conditions 1 through 10 and any additional or modified conditions proposed by the City Council. She noted that this decision was made by the City County Planning Board at their February 8th, 2005 meeting. Mayor Ingram asked if there are any questions for Joyce Weaver. No questions were asked. Mayor Ingram asked for comments from proponents. Mike Maddy stated that the property in question tonight for the zone change is contiguous to the City limits and is zoned in the County as RRZD. The reason they are asking for the zone change is to put that property into the City's lowest density zoning which would make the zoning flow from CIZD, commercial zoning, to MRZD to LRZD and then to County zoning. With regard to the council meeting agenda item, they have agreed as a team to postpone asking Council for Preliminary Plat approval tonight, until the full water report is available. It was put on the agenda because they were told that the water report would be available before tonight. As they stated earlier they are willing to wait until the full report is received, which hopefully won't take too much longer. They will wait until the Council and the public gets a chance to review the full water report and then they would return for the preliminary plat approval.

Councilman Clavadetscher asked for clarification if the zone change and annexation is on the agenda for this evening. Mike Maddy replied that they have removed the request for preliminary plat approval for Cougar Ridge and would not expect the Council to vote on the zone change and annexation unless they wish to, or

for Preliminary Plat approval tonight, until the full water report is available. It was put on the agenda because they were told that the water report would be available before tonight. As they stated earlier they are willing to wait until the full report is received, which hopefully won't take too much longer. They will wait until the Council and the public gets a chance to review the full water report and then they would return for the preliminary plat approval.

Councilman Clavadetscher asked for clarification if the zone change and annexation is on the agenda for this evening. Mike Maddy replied that they have removed the request for preliminary plat approval for Cougar Ridge and would not expect the Council to vote on the zone change and annexation unless they wish to, or they could postpone that as well. The City advertised giving advance notice to the public about the public hearing and for that reason he felt they should proceed with the hearing. He doesn't care or expect the Council to make a decision on any of the issues tonight. Although a zone change might not have a bearing on the water issue, they had agreed to wait for the final water report which isn't available and they are postponing their request for preliminary plat approval for the Cougar Ridge Subdivision until further notice.

Councilman Corse asked for clarification, that if the property were annexed then the City would be forced to change the zoning because there is no RRZD in the City zoning districts. Mike Maddy stated that there has never been an RRZD zoning in the City of Polson and he doesn't know why that is. He clarified that RRZD zoning has a minimum lot size of 4 acres for land in the Wellhead Protection zones or 2 acres if the land is outside of the Wellhead Protection Zone. The City would either have to adopt the RRZD zoning or change the zoning into one of the City's existing zoning districts. Councilman Maddy agreed that currently there is no RRZD zoning inside the City limits of Polson. Councilman Corse said he wanted to make that clear. Councilman Maddy said he would be glad to answer any further questions.

Mayor Ingram asked for comments from proponents. No comments were made. Mayor Ingram asked for comments from opponents and reminded them to keep the comments focused on the zone change issue and also that speakers try to keep the redundancy down.

Bob Williams said he represents a new group in town called the Polson Citizens for Better Government. He stated they are not an anti growth organization, they are a better government organization and they have retained an attorney concerning Cougar Ridge Subdivision. Their group is going to bring to their attention tonight to some statutes of regulations that they feel that this Council and previous Councils haven't adhered to. He handed the Council and Mayor a document which he said was from their attorney. He apologized for not getting it to them earlier but he stated that he just got it about an hour ago. Mike Maddy asked for a copy and Bob Williams refused to give him a copy. Bob Williams stated that they listed several issues in the document which he thought was self explanatory. They just feel that the regulations and codes have not been followed to date and again the letter speaks for itself. It is from their attorney and they would like the Council to consider each and every one of the issues. Also it has come to their attention that the water summary report that was mentioned tonight was denied to citizens based on homeland security. Mayor Ingram replied that it was never denied access to by citizens. Bob Williams said it has come to his attention that it was, and Tony Porrazzo cited homeland security. Margie Hendricks said no, it was that copies were denied. Mayor Ingram stated that anyone had a chance to review the report on City premises. Bob Williams asked if they are't giving out copies. Mayor Ingram replied that Water and Sewer Superintendent Tony Porrazzo told him that he was not allowed to give that document out because of homeland security. Bob Williams asked if Bob Fulton was given a copy. Mayor Ingram replied that Bob Fulton is employed by the City of Polson as the City Engineer. Bob Williams asked what is required to get a copy. Mayor Ingram replied that he is more than welcome to come to City Hall at anytime and review that document. Bob Williams asked what is required to get a copy. Mayor Ingram replied that as he understands it the copies cannot be given out. Bob Williams asked if only City employees can get a copy. Mayor Ingram said he will not cite a specific code, but his understanding is that copies cannot be given out but the public is more than welcome to review the document at City Hall.

Carolyn Pardini, said she lives in the neighborhood where the subdivision will be next to. She asked if the City County Planning Board vote for the zone change was unanimous. She asked the City to do a little research on making copies of that report available to the public, because some people may find it difficult to view the document because they can't get to City Hall before it closes. Mayor Ingram replied that the research is currently under way and if it does come to bear that the document cannot be copied they will make as many concessions to allow them to view it. Carolyn Pardini suggested it be available at the library because the hours there are a little longer.

Mayor Ingram said he will look into that and they certainly want to make it as available as possible. Carolyn Pardini asked if Council would consider if they truly have to change the zoning to annex the property or could the zoning remain the same. That seems like it would solve a lot of problems and that would be a way for everyone to get a little bit of what they want. The Cougar Ridge property could still be annexed and provided with City sewer and water and other City services, but the density would remain lower which is what some people in the audience would like to see happen, and it might be a win win situation. Although we don't have the RRZD zoning in the City yet, that doesn't mean that they couldn't have it in the future. Mayor Ingram said they would certainly look into that. Joyce Weaver replied that the City County Planning Board vote was unanimous to approve the zone change with the staff recommendations and ten conditions.

Carol Jones distributed a handout to the Mayor and Council. She stated that their comment is not directly to the zoning but they would like to speak to the Cougar Ridge access issue again. She stated that she has lived on 15th Avenue East since the early 70's. She represents not only herself but the homeowners on 15th Avenue. The copies of minutes provided to Council is a reminder to them that on Tuesday, January 22nd, 2002, a number of 15th Avenue residents were present at the City Council meeting to express their concerns over the safety of using 15th Avenue East as an access to the Cougar Ridge Development. They attended the City County Planning Board meeting on the Cougar Ridge Development when Mike Maddy stated that his traffic impact study report had chosen 15th Avenue East as the best access to Cougar Ridge. They found it very hard to understand, taking the grade of the hill and curve and the blind corner, how in the world anyone who was doing an impact study of that road could have taken that into consideration. When they inquired further they found out that it was not part of that study. It was mainly a number count of the cars using that street, from a Sunday morning to a Tuesday night and it was not in a prime time of the year. The area residents hired Jack Duffy, who is from Alpine Surveying and Consulting, and he researched the existing road grade on 15th Avenue and Hillside Court. They asked him to take the width and the grade of the slope and what the possibility for expansion was for that road. His report indicates that the grade goes anywhere from 9.4% to 10.6% which is over the City codes. Mayor Ingram asked Carol Jones to focus on the zoning issue, but said he would give her a little leeway. Carol Jones asked if Council would review the research documents they provided them. She noted that the option of using 11th Avenue as an access was suggested by the CCPB and asked that the Cougar Ridge developers check into that access. The property owner that has the access is willing to talk about that possibility. Since it's a straight shot, they are asking that it be considered. Carolyn Pardini noted that it does tie into the zoning change because if there are more houses built there, there is more traffic coming out from the growth.

Walt Zahlers said he is speaking for the elderly hearing impaired people, he has no idea what is going on at this meeting for the most part. He asked if the Council will only be voting on a zone change. Mayor Ingram replied that they may not even be voting on a zone change. Walt Zahlers asked if it is correct that they are not accepting or rejecting the whole Courgar Ridge Subdivision plan. Mayor Ingram replied that is correct. He clarified that the developer has agreed to postpone any decision on the subdivision until the water study is in hand and folks have had a chance to review it.

Elsa Duford said she would like to comment on the density which Caroline Pardini mentioned. Changing the zoning will create more density and it will make more traffic on the streets and that is the safety issue they have talked about and have been concerned about for over three years. It seems that all the concerns they have expressed on these issues relating to the increased traffic because of the density have gone unheeded. They have presented petitions at different times and one in December of 2002. People from Claffey Drive have also presented petitions. They believe that more people that are on a dangerous street the more dangerous the street becomes. The copies of information presented by Joyce Weaver tonight was given to Council members and others who get the copies are informed of this, but the rest of the public have not seen the information and they cannot comment on that information which makes it more difficult. She received copies of some reports but now the City charges for copies which can be costly for anyone who wants to have the same information the Council has. So in order to comment and be informed with their comment, the public is at a disadvantage because they don't have the same information. For example the water study that was mentioned which the public cannot have copies. They can't expect the public to make comments on topics which they haven't been given relevant information on, puts the general public in an impossible position to do that. She feels that they have expressed their concerns over the years about the safety issues on 15th Avenue and the concerns of the residents and of the other affected streets have just been ignored.

Margie Hendricks noted that she lives on Hillcrest Drive and has City water service. She feels that there has been so much emphasis placed on the water, sewer and the two roads that were proposed for Phase I of Cougar Ridge Subdivision that there hasn't been much attention paid to Phase II and Phase III of the proposed development. It appears that Hillcrest Drive will be affected by Phase III and she is very concerned that they haven't had an opportunity to address that. If the Council decides that they want to approve the zoning, she would like them to consider not zoning Phase II and Phase III, because she thinks that the development of Phase I will offer the community the opportunity to see what will happen concerning the road. Will the high school kids and the people downtown use the roads going through the development to access the commercial area that will be built out there and also to access the highway? They will get a better sense of what is going to happen, so when it comes to Phase II and Phase III they will be able to make a better decision about the zoning concerning that.

Bruce Campbell said he is not sure if this has anything to do with the zoning but asked if they can tell him if the property considered for a zone change is where the old shooting range was. Mike Maddy replied that it is not. Bruce Campbell said there was some concern if it was and if someone had checked on that.

Mayor Ingram asked for further comments and asked if there is anyone who feels they haven't had a chance to speak. No further comments were made. **Mayor Ingram adjourned the public hearing at 7:00 p.m.**

CITY COUNCIL MEETING WAS CALLED TO ORDER AT 7:10 P.M.

CONSENT AGENDA : A. CITY COUNCIL MEETING MINUTES, MARCH 7, 2005
B. ASSISTANT POLICE CHIEF JOHN STEVENS TO ATTEND A PRE-EMPLOYMENT INTERVIEWING CLASS BY MHP ON APRIL 18-19 IN HELENA C. ZONING AND PLANNING OFFICIAL JOYCE WEAVER TO ATTEND A CLASS ON INITIATING AND NAVIGATING THE REQUEST FOR PROPOSAL PROCESS, APRIL 21 IN HELENA D. AGENDA ITEM REQUEST FORM E. AWARD BOETTCHER DOCK REPAIR BID TO FLATHEAD DOCK & PILE INC. \$38,860. Motion made by Councilman Morrison, seconded by Councilman Corse, to approve the consent agenda, A. The City Council Meeting Minutes of March 7, 2005, B. Assistant Police Chief John Stevens to attend a Pre-Employment Interviewing Class presented by MHP on April 18 and 19 in Helena, C. Zoning and Planning Official Joyce Weaver to attend a class on Initiating and Navigating the RFP Process, on April 21 in Helena, D. Agenda Item Request Form, E. Award Boettcher Park Dock Repair bid of \$38,860 from Flathead Dock and Pile, Inc.. Councilman Corse clarified that agenda item number seven is an example of why the Agenda Item Request Form is being proposed. Polson Citizens for Better Government was the item requested to be put on this agenda by Bob Williams, who gave no other information about the item. He understands that Mayor Ingram called Bob Williams many times attempting to get more information about the agenda item. He noted that Council needs pertinent information about agenda items in order to make their decisions. The information needs to be provided by Wednesday noon prior to the City Council Meeting so that the Mayor and Council have an opportunity to review the relevant information. They need to look at it, evaluate it and research it. In the past there have been some deceptive issues brought before Council, which they were led to believe were Hillside Court issues but it was used as a means to get on the agenda and led to a deceptive end. Mayor Ingram asked for further discussion. **Motion carried unanimously.**

WESTANA HOMESITES SUBDIVISION – REQUEST ONE YEAR EXTENSION FOR BONDING FOR IMPROVEMENTS NOT COMPLETED: Joyce Weaver, City Planning and Zoning Official stated that she received the request for completion of improvements for the Westana Homesites from Chris Mulkey. The letter states the reasons they are requesting a one year extension is to complete the improvements and guarantee that the work at this project site would be completed by April 17th, 2006 according to a new bond agreement. The engineer's estimate for the improvements that are required to be completed was also included, and amounts to \$117,195. Chris Malke stated that Westana was granted final plat approval two years ago with a requirement that the utilities and other improvements would be completed by this year but they need a one year extension as allowed with Council approval.

Councilman Clavadetscher referred to paragraph two of Chris Mulkey's letter which states Westana's concern that pending Council decisions regarding the Cougar Ridge Subdivision could affect the quality of the required street, curb and sidewalk work, and asked for clarification. Chris Malke replied that he is aware of public comments that have been made regarding 15th Avenue East.