

**POLSON CITY COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
MONDAY, JULY 18, 2005 6:30**

**COUNCIL ATTENDANCE:** Councilmen Mark MacDonald, Lou Marchello, Mike Maddy, Tom Corse, Dan Morrison. Acting Chairman, Dan Morrison. **ABSENT:** Mayor Randy Ingram, Councilman Jules Clavadetscher and City Attorney James Raymond.

**OTHERS PRESENT:** Fred Plummer, Dick Ainsworth, John Kellogg, Bob Massey, Rick Smith, Lee Manicke, Rick Johnson, Mark Carstens, Patrick Plummer, Ron Plummer, Margie, Hendricks, Elsa Duford, Sam Williams, Robert Lajoie, Tim McGinnis, Tami Sanderson, Rory Horning, Dennis Duty, Mike Lies, Ethan Smith, Doug Chase, Tom Maloney, Joyce Weaver, Bonnie Manicke.

**PUBLIC HEARING:**

**TIMBERWOLF ESTATES ZONE CHANGE-OWNER FRED PLUMMER- AGENT JOHN KELLOG 40 UNIT CONDOMINIUM DEVELOPMENT AND PEACEFUL HAVEN ESTATES ZONE CHANGE-OWNER MACO- AGENT JOHN KELLOGG 21 LOT SUBDIVISION:** Joyce Weaver; Polson Building/Planning Official, presented her staff report regarding the zone change for the Timberwolf Estates and Peaceful Haven Estates subdivisions. She noted that both the subdivisions were presented to the City County Planning Board together and share the same thoroughfare. The subdivisions are presently in Low Density Residential Zoning District within a Resort Residential Overlay District and Highway Commercial Zoning District. All of Timberwolf Estates is proposed to be in Low Density Residential Zoning District within a Resort Residential Overlay District. Peaceful Haven is proposed to be in Low Density Residential Zoning District within a Resort Residential Overlay District and three lots in Highway Commercial Zoning District, which would have access off of the frontage road. The City County Planning Board recommended both subdivisions subject to the same conditions. The subdivisions are proposed to have both private and public roads. Councilman Marchello expressed his concern about the additional traffic that would access Bayview Drive. Councilman Maddy noted that the density could increase if they plan to change any of the proposed single family dwellings to multiple family dwellings since the property is located within the Resort Residential Overlay District.

Chairman Morrison asked that comments be limited to five minutes.

**PROPONENTS:** Dick Ainsworth Professional Consulting Incorporated spoke on behalf of both proposals. Bob Massey, owner, requested approval from council and stated that the proposed developments will add tax dollars to the community. Rick Smith, Real Estate Broker, Century 21 stated that the proposed development would be an improvement from what is currently there.

Joyce Weaver, City Planning Official clarified that the zone currently allows single housing and up to 6 units per acre. Councilman MacDonald suggested that the subdivisions be considered separately. Councilman Maddy noted that neither subdivision can stand alone and one can't be approved without the other. Council agreed they would consider the subdivision proposals together.

Dick Ainsworth stated that last year, at a City Council Meeting, Fred Plummer discussed the access onto Bayview Drive for the proposed subdivision. He noted that their current proposal also provides access onto Highway 35 and provides two ways in and out of the subdivisions with some private streets. Both developments exceed the state law requirement for open space as common area and would be maintained by the Homeowners Association. They will discuss the parkland dedication with the Park Board and that recommendation will be presented to Council for their approval.

**OPPONENTS:** Elsa Duford expressed her concern about proposed developments and felt that the Council should make their decisions based on safety of streets, water, sewer and public health issues, which should be the primary purpose of government.

The public hearing ended at 6:55 p.m.

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**CONSENT AGENDA:** Chairman Morrison asked the Council to vote on the consent agenda. Councilman Maddy requested that item B. Ordinance #610 Code of Ethics to be pulled for later discussion. **Councilman Corse motioned, Councilman Marchello seconded, to approve the consent agenda as follows:**

**A. Approve City Council Meeting Minutes July 6<sup>th</sup> 2005**

**C. Release Subdivision Improvements Bond for Mission Bay Phase II B**

**D. Approve Lake County Joint Airport Board Agreement for Transfer of Non-Primary Entitlements**

**E. Resolution #898- transfer appropriations within General Fund FY 04-05.**

**Motion carried unanimously.**

**ORDINANCE #610 CODE OF ETHICS – SECOND READING:** No comments were made. Councilman MacDonald moved, Councilman Marchello seconded, to approve the second reading of Ordinance #610 adopting a code of ethics for the City of Polson. Motion carried unanimously.

**LIMIT PUBLIC COMMENT TO FIVE MINUTES:** Chairman Morrison requested Council to approve limiting public comments to five minutes per item per person for tonight's meeting only. Councilman Marchello moved to approve limiting comments to five-minutes per person for each item. Councilman Maddy seconded. Motion Carried unanimously.

**GRAY'S ACRES PRELIMINARY PLAT APPROVAL - 5 LOT MINOR SUBDIVISION BY GERHARD BERCHARD- AGENT MARC CARSTENS:** Joyce Weaver, Building/Planning Official, presented her staff report on the Gray's Acres proposed subdivision. She stated that eighteen letters were submitted from the public not in support of the project. She noted that this proposed development could be up to 4 units per lot, which would equal 20 units.

**PROPONENTS:** Mark Carstens of Carstens Surveying, stated that the project has been crafted to fit the zoning, and possibly could put up to 20 units in the proposed area. He asked for approval from council. Tony Porrozzo Water/Sewer Superintendent stated that this project is great for the infrastructure of the City.

**OPPONENTS:** None

Councilman Marchello moved to approve the preliminary plat for Gray's Acres, subject to the conditions of approval as recommended by the City County Planning Board and subject to increased impact fees. Councilman MacDonald seconded. Motion carried unanimously.

**TIMBERWOLF ESTATES PRELIMINARY PLAT APPROVAL - ANNEXATION RESOLUTION # 899 - ZONE CHANGE ORDINANCE # 611- FIRST READING - 40 UNIT CONDOMINIUM DEVELOPMENT BY FRED PLUMMER - AGENT, JOHN KELLOGG AND,**

**PEACEFUL HAVEN ESTATES PRELIMINARY PLAT APPROVAL - ANNEXATION RESOLUTION #900- ZONE CHANGE ORDINANCE # 612- FIRST READING- ANNEXATION 21 LOT SUBDIVISION BY MACO – JOHN KELLOGG:** Joyce Weaver, City Planning and Zoning Official presented her staff report on both subdivisions.

**PROPONENTS:** Dick Ainsworth; Professional Consultants Inc., Bob Massey; Owner, John Kellogg; Agent.

**OPPONENTS:** Mike Lies asked where all the water will come from for these units, since he feels the water situation is already bad. Tony Porrozzo, Water/Sewer Superintendent, replied that he is not concerned at this time since 425 gallons per minute is a new water source coming from the west shore well and they've had only 48 new connections in the past five years. Robert Lajoie asked what happens to the storm water. Council replied that it is addressed in the staff report prepared by Joyce Weaver.

**PROPONENTS:** Bob Massey; owner, Dick Ainsworth; Professional Consulting Inc.

Councilman Marchello moved to approve the preliminary plat for the Timberwolf Estates subdivision with the conditions of approval as recommended by the City County Planning Board, annexation Resolution #899 and the first reading of Ordinance #611 for the zone change. Approval is conditioned upon an easement being approved by the Golf Board and parkland dedication to be determined by the Park Board and approved by Council. Also, subject to increased impact fees for the Fire Department and if an impact fee is implemented for the Police Department. Councilman Corse seconded. Councilmen Maddy opposed. Motion carried.

Councilman Corse moved to approve the preliminary plat for the Peaceful Haven subdivision with the conditions of approval as recommended by the City County Planning Board, annexation Resolution #900 and the first reading of Ordinance #612 for the zone change. Approval is conditioned upon an easement being approved by the Golf Board and parkland dedication to be determined by the Park Board and approved by Council. Also, subject to increased impact fees for the Fire Department and if an impact fee is implemented for the Police Department. Councilman Marchello seconded. Councilman Maddy opposed. Motion carried.

Discussion: Councilman Maddy stated for the record that his no vote had nothing to do with the merit of the development. He feels that the two subdivisions should be treated as one and his objection is not with the fundamental issues of their subdivision. He also stated that he feels that all the roads in the subdivision should be public. Dick Ainsworth and John Kellogg replied that they might gate off the residential driveways and they prefer not to have public access to all the roads in the subdivisions.

**VICWOOD PRELIMINARY APPROVAL – 12 UNIT CONDOMINIUM DEVELOPMENT BY WENDAL WOODALL – AGENT MARC CARSTENS:** Removed from agenda by developer.

**JUNE 2005 CASH REPORT AND JUNE CLAIMS 2005:** Bonnie Manicke; City Treasurer, no negative balances everything is positive. Councilman MacDonald motioned to approve the remainder of the June 2005 Claims #89277 to #89291 for a total of \$12,774.75 and the June 2005 Cash Report. Councilman Marchello seconded. Motion carried unanimously

**BANKING SERVICES - SOLICIT FOR PROPOSALS:** Bonnie Manicke; City Treasurer, provided council with information on banking services. The City Facilities Department met with a Glacier Bank representative. They requested an opportunity to review the City's needs for banking. They will present a package for Council to consider, to provide banking services for the City's operating cash accounts. Council directed Bonnie Manicke; City Treasurer to contact other financial institutions and ask for a request of services. Bonnie assured the Council that she would get the "request for services" out in the next five to ten working days. Bonnie also stated that the Auditor would be in the second full week of August to start the prior year audit process and hopefully the audit report would be ready in due time.

**OTHER PUBLIC COMMENTS NOT ON THE AGENDA:** Marc Carstens asked how the future impact fees would work. Council responded that they would hold public hearings. Police and Fire departments would have their input and fees would be determined. Once the development is granted final approval then the door is closed on future fees.

Rory Horning requested the Council to define the process for getting on the Agenda. Council replied that filling out the form would get an item on the agenda but if there isn't a motion made then the item is not voted on, and it dies for lack of motion.

Elsa Duford questioned if the City's new Code of Ethics would use the Polson Municipal Code numbers and not Missoula's code numbers.

Councilman Corse noted that the City received a letter from Bob Williams regarding the Hillside Court road improvement. The Mayor asked for direction from the Council whether to proceed or to postpone action, Councilman Corse made a motion to proceed with the digging of Hillside Court. Councilman Marchello seconded. Robert Lajoie said he is in favor of the project on Hillside Court and lives on that road.

His wife has asthma and the air quality will definitely be an improvement to the health of the community.


Elsa Duford said she is concerned about the canal and the storm water run off on Hillside Court. Councilman Maddy replied that the meeting on site with the Mayor, County Commissioner Patty Trussler, and City Engineer Bob Fulton resulted in everyone agreeing to take the culvert out. The project will be a great improvement. Elsa Duford clarified that she has a bigger map that shows the canal.

Rick Johnson said he lives on Hillside Court and feels this project has been a great example of Government and Citizens working together. They came together as a County, City, and a group of property owners and went through the SID process. The proposal is definitely an improvement over the road that is currently there and he appreciates Councils support to get the project completed.

Sam Williams stated that the residents of Hillside Court as a whole will support the City in this project and will continue to overcome any obstacles that may come before them. They all want the project to go through and want to thank the Council for their support.

Council agreed that they didn't need to pass another motion to confirm continuing with the project unless there was a motion proposing a different course of action. **Councilman Corse withdrew his Motion to Proceed with Project Hillside Court.**

**MEETING ADJOURNED AT 8:25 p.m.**

  
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Randy Ingram, Mayor

ATTEST:  
  
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Beth Smith, Assistant Clerk