

**CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY, SEPTEMBER 19, 2005 7:00 P.M.**

ATTENDANCE: Councilmen: 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: Bonnie Manicke, Will Mavis, Gerald Kenmir, Lee Manicke, Dennis Duty, Doug Chase, Rory Horning, Elsa Duford, Margie Hendricks, Tony Porrazzo, Lita Fonda, Murat Kalinyaprak, Elliot Johnson.

CONSENT AGENDA:

A. CITY COUNCIL MEETING MINUTES OF SEPTEMBER 7, 2005

B. MONTANA LAW ENFORCEMENT ACADEMY FIREARMS INSTRUCTOR TRAINING IN HELENA, SEPTEMBER 26 THROUGH 30 FOR LEVI READ AND BILL SMITH: Motion made by Councilman MacDonald, seconded by Councilman Clavadetscher, to approve the consent agenda items A. and B. as presented. Motion carried unanimously.

CONTRIBUTION TO PARKS DEPARTMENT IN LIEU OF INSTALLING SIDEWALKS FOR SKYLINE ADDITION #4 SUBDIVISION: Will Mavis explained that since there are no sidewalks to the east or west of his subdivision, the sidewalks he is being required to install for his subdivision would not be useful. He proposed contributing \$5,625 to the Parks Department which is the amount of the bid he received for the cost of the sidewalks. He felt it would be enjoyed by more citizens of Polson and he understands that funds are needed in the Parks Department. Motion made by Councilman Morrison, seconded by Councilman Maddy to allow a \$5,625 contribution to the Parks Department in lieu of installing sidewalks in Skyline #4 Addition subdivision. Mayor Ingram asked City Engineer Bob Fulton if he considers that as a reasonable cost for the required sidewalk. Bob Fulton replied that a recent bid was \$11 per square foot, which would be three times that amount for the sidewalk required. Will Mavis replied that he received several bids and one was even under \$5,000. Councilman Clavadetscher suggested that the City Council be consistent and follow their policy of requiring sidewalks for subdivisions. Will Mavis clarified that the bid was quoted according to the City specifications. Councilman Morrison clarified that the City County Planning Board has made recommendations to require sidewalks in the subdivisions they have approved recently. Councilman Clavadetscher stated that all subdivisions should have sidewalks and in ten years there might be sidewalks connecting to those that are not connected when installed in prior years. Councilman Maddy suggested that the whole sidewalk issue should be reviewed. He suggested that the motion be amended to require that the amount be based on a bid, which is confirmed by the City engineer. Will Mavis stated that the few bids he received from local contractors were higher. He received six bids from Helena and four bids from Missoula and he is not proposing to pay the lowest bid he received. Councilman Morrison amended his motion to approve a contribution to the Parks Department in lieu of installing sidewalks for Skyline #4 Addition, in an amount that is appropriate as determined by the City Engineer, per City standard specifications. Motion seconded by Councilman Maddy. Motion carried. Councilmen Morrison, Maddy, MacDonald, voted in favor and Councilmen Clavadetscher and Corse voted against the motion.

FINAL PLAT APPROVAL FOR MISSION BAY VILLAGE PHASE II - 19 LOT SUBDIVISION – NORTHWEST HOLDINGS LLC – DENNIS DUTY: Mayor Ingram informed Council that Joyce Weaver, the City Planning and Zoning Official is ill and could not make this presentation. Dennis Duty stated that they have met all the conditions of their preliminary plat approval. City Engineer Bob Fulton stated that the sewer, water and road are in place as required. City Water and Sewer Superintendent Tony Porrazzo agreed. Motion made by Councilman Morrison, seconded by Councilman Corse, to approve the final plat for Mission Bay Village Phase II, a 19 lot subdivision, as presented. Motion carried unanimously.

CONSIDER ACCEPTING LAVISTA OVERLOOK LANE AS CITY ROAD – NOW PRIVATE – 26 FEET WIDE – 2,192 FEET LONG – ELLIOT JOHNSON AND JERRY KENMIR: Jerry Kenmir noted that the La Vista Homeowners Association met one week ago and have agreed to ask the City Council to maintain and take ownership of LaVista Overlook Lane, as a City street. There are twelve homes built and some vacant lots along La Vista

Overlook Lane, which is four tenths of a mile long and South Bayshore Drive is a side street access that is frequently used. Mayor Ingram stated that he spoke with Street Superintendent Rod Hanson and Fire Chief Tom Maloney who had no problem accepting it. The road was built in 1995 according to Lake County specifications and has a good paved surface but no curb and gutter. Mayor Ingram stated that a petition signed by the owners or an official request from an authorized representative of the Homeowners Association will be required before Council can vote on it. City Attorney James Raymond agreed that the ownership will have to be determined and a quiet title quit claim deed from the Homeowners Association would be needed. Mayor Ingram asked that they present a statement from the Homeowners Association verifying that the request is being done according to their covenants and conditions stated on the plat of the subdivision, which will be reviewed by the City Attorney. Councilman Corse stated that these requests for the City to take over private roads within subdivisions have been happening more frequently. Developers are getting approvals on their subdivisions with private roads, which are less cost to the developer because they don't conform to the City street standards. If the City takes them over as a substandard road then it becomes the City's burden of the maintenance and repair. He suggested that the Council be strict and not take over any private street unless there is a good reason and extenuating circumstances that would require them to do so. Mayor Ingram stated that a site visit will be arranged.

RUNG LANE SEWER LINE EXTENSION PROJECT: Water and Sewer Superintendent Tony Porrazzo informed Council that this sewer line extension project is being proposed because over the years more of the septic systems on Rung Lane are failing and it has become a health issue. Of the nine lots, five are ready to hook into the City sewer when it becomes available. Rung Lane is in the County and is privately owned by a number of individuals. Because of the septic systems failing he requested a letter from Lake County Sanitarian Sue Brueggeman that he provided to Council in which she stated her support for this project. He spoke with the property owners on Rung Lane and none were opposed to it because their septic systems are old and many are failing causing the sewage to puddle on their property. This project was designed one year ago and estimated to cost approximately \$9,000, which would be paid back proportionately by the property owners when they hook into the sewer line. The project involves two manholes and seven hundred feet of pipe. Bob Fulton noted that the sewer lines would be shallow and the right-of-way is only 20' wide. If the City annexed the road then it would assume the responsibility for it. Tony Porrazzo stated that the road cannot be made wider. Bob Fulton stated that the ground would have to be annexed because sewer main lines have to be in the City limits. He suggested that the annexation language could be crafted so that the property is stated as a right of way and not a road. City Attorney James Raymond stated that taking control of the road is an issue because it has five joint interest owners whose permission they need prior to doing the project. They could do the project and ask permission later because it is a benefit to the property owners, although there are others who have rights to the road. The City could potentially get an easement from the adjacent property owners who have an interest in the road, which would indemnify the City in the chain of title, but it doesn't solve the annexation problem. Bob Fulton noted that the City's sewer service area is limited to property within the City limits and doesn't extend sewer pipe outside the City limits. As an example the City annexed Mission View Drive when the sewer main lines were extended to the Skyline Addition. Developers have extended main lines and arranged to get reimbursed for their cost when properties hook up to services, but the City can't put main lines outside the City limits. Councilman MacDonald asked and Mayor Ingram replied that the road is not wide enough to develop according to City standards but there are five lots that could be served by the main line being proposed. Councilman Clavadetscher said he agrees with the City Attorney's recommendation to get an easement from the property owners before the City takes any steps that could result in any conflict. Councilman MacDonald related that Kyle Karstens suggested that the City could use a prescriptive easement for the road. Councilman Clavadetscher stated that he doesn't believe there is a reason to put the City into a potential litigation situation. City Attorney James Raymond stated that a quiet title lawsuit could be processed but the annexation and maintenance of the road would still be an issue. Mayor Ingram suggested that the City should at least get something from the property owners indicating they are interested in getting the City sewer service. Councilman Maddy proposed that the property owners be sent a letter requesting that they provide an easement for the project. Councilman Clavadetscher stated that the City needs to get the necessary legal documentation or an agreement from the property owners. Council proposed that the Mayor, the City Attorney and the Sewer Superintendent draft a letter be sent to the property owners requesting an easement for this project.

RESOLUTION #906 – AUTHORIZE INTERNAL LOAN FOR SID#39 – HILLSIDE COURT PAVING PROJECT: City Treasurer Bonnie Manicke stated that the final cost for Special Improvement District #39 for the Hillside Court street improvement was \$18,995. Each lot will be assessed \$1,188 over a five year period and three property owners have paid their share up front. She proposed that Council approve a loan for \$14,431 from the Curb and Gutter Fund 2510 at 5% interest, which is the balance of the cost of the project and includes a 5% administration fee. She noted that at any time during the five year period the property owners can pay off the sid in full. She clarified that if there is a change from the current property owner then the full payment of the sid will be required to be paid off. It is not transferable to a new owner. **Motion made by Councilman Corse, seconded by Councilman Maddy, to approve Resolution #906 to authorize an internal loan of \$14,431, from the Sidewalk Curb and Gutter Fund 2510 at 5% interest, for Special Improvement #39, the Hillside Court paving project. Motion carried unanimously.** Councilman Maddy suggested that the local title companies be notified about the payoff requirement so they are aware if a property in the special improvement district sells. Bonnie Manicke replied that it was Pat Trusler's suggestion to require the payoff when property ownerships changed because of the small amount involved. The payments will be reflected on the tax statement and will be \$268.12 for each half year's assessment. Elsa Duford expressed her concern regarding the design of the road which she feels will cause runoff to go into the irrigation canal. She asked if the City received approval from the Flathead Irrigation District for the design because they said no to runoff going into the canal. Mayor Ingram replied that there are several feet between the road, and there is no issue with the canal because they are not discharging into it. Elsa Duford replied that she is surprised if the runoff doesn't go into the canal. She also asked about Rick Johnson's property, which is in Hillside #3 on Claffey Lane. It is a private road, which was included as part of the special improvement district and the other property owners are paying for improvement of a private road. Mayor Ingram explained that the property owners will be paying their share of the road improvement and the City Council agreed to accept and maintain the road after it is improved. Elsa Duford stated that her main interest is the runoff and asked what the City could do to stop it if it should occur. Mayor Ingram replied that the runoff would go down the road and into the park.

Mayor Ingram asked Council President Dan Morrison to preside over the meeting for the next agenda item and removed himself from the agenda.

PUBLIC FUNDS INVESTMENT BID - \$500,000 CERTIFICATE OF DEPOSIT – 1ST CITIZENS BANK – 4.25% 181 DAYS: City Treasurer Bonnie Manicke asked Council approval of investment of \$500,000 at 1st Citizens Bank for 181 days at 4.25%. Other bids were Glacier Bank 4.12%, Community Bank 3.92% and 1st Interstate Bank 3.01%. Comparisons were a 6 month Treasury bill yield at 3.442% and a 6 month Agency paper yield at 3.944%. **Motion made by Councilman Mark MacDonald, seconded by Councilman Maddy, to approve investment of public funds in a \$500,000 Certificate of Deposit at 1st Citizens Bank at 4.25% for 181 days, maturing on March 9, 2006. Motion carried unanimously.**

AUGUST 2005 CASH REPORT: City Treasurer Bonnie Manicke presented the August 2005 Cash Report and noted several negative balances. Fund 2943, CDBG/RCDI Growth Policy, has a negative balance of \$5,789.38. Grant funds will be received when the growth policy report is completed. Fund 5210, Water Operating, has a negative balance of \$134,110.49. CDBG grant funds of \$228,000 for the water pipe river crossing project is expected by next month. **Motion made by Councilman Maddy, seconded by Councilman MacDonald, to approve the August 2005 Cash Report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

EXPIRATION OF GAMING COMPACT/GAMING NEGOTIATIONS – LETTER FROM LAKE COUNTY TAVERN ASSOCIATION – DONITA SNYDER: Mayor Ingram referred to the letter attached to the Council agenda written by Donita Snyder, Gambling Committee Member of the Tavern Association, to David Ewer, the Montana State Budget Director in Helena. The letter expresses their concerns about renewing the contract for gaming between the state and the CS&K Tribes and to schedule a date for negotiations to begin. Mayor Ingram noted that this item is for information only. Council acknowledged the letter from the Tavern Association.


ORDINANCE #614 FIRST READING – ADOPT REVISED PERSONNEL POLICY: City attorney James Raymond noted that the revisions he made in the personnel policy dealt with

equal employment opportunity and ADA laws, which were address by the City through resolutions and ordinances required for grant applications but were glossed over in the City's personnel policy. The revision includes a detail of those policies and includes the compensation plan as it was in the existing policy. He noted that the compensation plan should be revised to update job titles along with job descriptions and review of the pay grades assigned to the current positions. This revision was made at the recommendation of MMIA , the City's insurance carrier. Mayor Ingram clarified that this personnel policy revision is to obtain an Employee Personnel Liability Insurance, which has been available to the City since January, provided that the personnel policy is updated with the current state labor laws. **Motion made by Councilman Corse, seconded by Councilman Maddy, to approve the first reading of Ordinance #614 to adopt the revised personnel policy as proposed. Motion carried unanimously.**

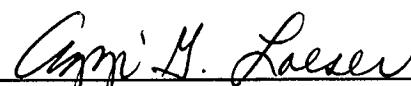
SKATE PARK UPDATE – PARKLAND DESIGNATION – KAREN SARGEANT: Councilman Morrison referred to the information packet on the Skate Park compiled by Parks Superintendent Karen Sargeant and provided to Council with their agendas. He asked that Council officially designate and set aside 17000 square feet of land at the Kerr Dam Sports Complex for the proposed Skate Park, which will be dedicated back to the City when construction is completed. They received a pledge donation of \$200,000 and are close to reaching their goal to raise the required percentage of that amount. He noted that the skate park will be able to be insured by the City's insurance carrier. **Motion made by Councilman MacDonald, seconded by Councilman Morrison, to approve the dedication of 17,000 square feet of land at the Kerr Dam Sports Complex for a Skate Park as proposed. Motion carried unanimously.** Mike Roberts informed Council that EARC, a local group has formed to work on obtaining the former skate park site on Montana Rail Link Property. They are currently negotiating with MRL to have them donate the land and hope to have it finalized by spring. They feel that the old location is perfect for the skate park and he asked that Council consider that location if they can get MRL to donate it by spring. Mayor Ingram said he doesn't know of any resistance to that location. Councilman Morrison stated that they could revisit the issue before they break ground for this project in the spring.

OTHER PUBLIC COMMENTS NOT ON THE AGENDA: Rory Horning asked if there are any City representatives who will attend the League of Cities and Towns Annual Meeting in Helena, September 27 through 29. Mayor Ingram replied that Councilmen Corse and Clavadetscher, James Raymond and himself are planning to attend that meeting. Rory Horning asked if they had advertised for applicants to serve on the Ethics Board. Mayor Ingram replied that he will make sure that is done as soon as possible.. Rory Horning asked if the fire inspections for downtown businesses are continuing. Mayor Ingram suggested that he call Fire Chief Tom Maloney for an update on the scheduling.

Meeting adjourned at 8:00 p.m.



Randolph B. Ingram, Mayor

ATTEST: 

Aggi G. Loeser, City Clerk