

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

ATTENDANCE: Councilmen present: Lou Marchello, Jules Clavadetscher, Mike Maddy Tom Corse. Councilmen absent: Mark Macdonald, Dan Morrison. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others present: Dave Tolley, Russ Canaday, Bill Wilkins, Greg Hertz, Steve Jensen, Stanley Petersen, Tyrel Maughan, Stacia Hamilton, Bob Bushnell, Jackie Trujillo, Carolyn Beecher, Elsa Duford, Ethan Smith, Bonnie Manicke, Murat Kalinyaprak, Doug Chase, Tony Porrazzo, Rory Horning, Susan Evans.

CONSENT AGENDA:

- A. CITY COUNCIL MEETING MINUTES, OCTOBER 17, 2005**
- B. PARADE ROUTE FOR 2005 PARADE OF LIGHTS, DECEMBER 2, 2005, 5:30 P.M. TO 7:30 P.M., RORY HORNING.**
- C. WORKSHOP ON SENATE BILL 185, ENABLING IMPACT FEES FOR SUBDIVISIONS, NOVEMBER 16, HELENA, JOYCE WEAVER.**
- D. PERMANENT STATUS, TERRY GEMBALA, STREET DEPARTMENT AND CRYSTAL LAWRENCE, WATER DEPARTMENT.**
- E. POLSON CITY LIBRARY BOARD OF TRUSTEES RECOMMENDATION TO APPOINT ROSE BRIDENSTEIN TO REPLACE KYLE KARSTENS.**
- F. LETTERS OF RESIGNATION, POLICE OFFICER RYAN PRATHER AND ASSISTANT GOLF MAINTENANCE SUPERINTENDENT.**
- G. ALCOHOL BEVERAGE LICENSE, TRANSFER OWNERSHIP OF DIAMOND HORSESHOE LOUNGE AND GRILL TO RALEIGH'S, KEITH KOVICK.**
- H. OCTOBER 2005 CLAIMS, #90050 TO #90343 FOR A TOTAL OF \$146,102.84.**

Councilman Marchello stated that for item B, the cars could not be removed from the parade route as requested. **Motion made by Councilman Marchello, seconded by Councilman Corse, to approve the consent agenda items A, C, D, E, F and G as requested. Item B was approved except for the request to clear the parked vehicles from the three and four hundred blocks of Main Street on Friday night December 2, 2005 from 5:30 p.m. to 7:30 p.m. Motion carried. Councilmen Marchello, Clavadetscher, Corse voted in favor. Councilman Maddy abstained.**

RESOLUTION #912 – AUTHORIZE CITY PLANNING DEPARTMENT TO CHARGE FEE FROM DEVELOPERS FOR COMMUNITY IMPACT REPORT COST AND A PERCENTAGE FOR ADMINISTRATIVE FEE – JOYCE WEAVER: City Planning and Zoning Official, Joyce Weaver, noted that the Polson Development Code requires a community impact report for certain developments. As discussed at the previous council meeting, it will require extra work in her department. She asked Council to approve her department to charge an administrative fee in addition to the cost of the impact report, estimated at ten percent of the cost of the impact report. City Attorney James Raymond stated that Council could pass an enabling resolution to charge an administrative fee. Joyce Weaver clarified that HKM estimated a fee of \$10, 891 for the proposed Super Wal-Mart impact report and adding 10% would be \$11,980.10. City Treasurer Bonnie Manicke stated that the administration fee on grants is typically eight to ten percent. **Motion made by Councilman Clavadetscher, seconded by Councilman Marchello, to approve Resolution #912 authorizing the Planning and Zoning Department to charge the developer an administrative fee of 10% above the cost of a Community Impact Report, when it is required by the Polson Development Code. Motion carried unanimously.**

HKM ENGINEERING – SCOPE AND FEE FOR COMMUNITY IMPACT REPORT ON THE PROPOSED SUPER WAL MART: Joyce Weaver, City Planning and Zoning Official, referred to City Engineer Bob Fulton's comments of his review of HKM's proposed scope and fee. Councilman Clavadetscher asked that Bob Fulton's recommendations be applied to HKM's scope and fee proposal, acknowledging a possible increase in cost and proceed with the community impact report. **Motion made by Councilman Marchello, seconded by Councilman Clavadetscher, to accept HKM's scope and fee proposal, applying City Engineer Bob Fulton's recommendations and adding emergency and solid waste issues in preparing a Community Impact Report for the proposed Super Wal-Mart. Gregg Hertz asked that the impact on utilities and traffic be included in the report. He asked that the entire 17**

to 19 acre development be considered in the report, which might include more than the Super Wal-Mart. Carolyn Beecher commented on the need to consider law enforcement issues because this type of development typically impacts the crime rates and is additional cost to the City's cost to provide emergency services. Susan Adams asked that hazardous waste issues be addressed if they are proposing a service center as part of the Super Wal-Mart. Mayor Ingram replied that those standards are regulated on the state level by DEQ. He added that he doesn't agree with Bob Fulton's letter regarding the effects on fire and police protection. He clarified that although the City cannot require an economic impact study to be done, Wal-Mart has hired Paul Polzen, a professor at the University of Montana in Missoula, to do an economic study, which will be available to the public. Greg Hertz informed Council that Paul Polzen has done these studies for Wal Mart in the past and is being hired independent of the University of Montana. Stanley Peterson informed Council of an economic report published recently in the LA Times, which he felt was credible, had global insight and academic rigor. Mayor Ingram noted that the Council has a copy of that report. Greg Hertz expressed concern regarding the Fire Department's need to respond to this development. Wal-Mart Manager, Dave Tolley replied that the Super Wal-Mart plans were reviewed by the Fire Chief and the only comment was relating to lighting. **Councilman Marchello amended his motion to include the impact on emergency services in the report, for information only, without requiring them to follow the recommendations. Motion seconded by Councilman Clavadetscher.** It was clarified that there is a one hundred twenty day time frame to complete the report. **Motion carried. Councilmen Marchello, Clavadetscher and Corse in favor. Councilman Maddy abstained.**

JENSEN AND WILKINS ANNEXATION PETITION: Mayor Ingram noted that he and City Attorney James Raymond have met with Steve Jensen and Bill Wilkins regarding annexation contingent on a new water source for the City. City Attorney James Raymond recommended that they proceed with annexation through the City's planning staff in accordance with state law on this type of annexation, which is subject to a contract and requires holding a public hearing on the issue. It was clarified that the City has an agreement only for the reservoir tank location, which is on Jensen's property. Jensen stated that he would give the City 2.4 acres, which could be used for an additional reservoir and maintenance requirements.

IMPACT FEE PROPOSALS FROM 1) TISCHLER BISE, 2) WIKSTROM ECONOMIC PLANNING CONSULTANTS: Mayor Ingram noted that two proposals were received to perform an impact fee feasibility study for the City. The committee felt that Tischler Bise has a greater level of experience and recommended them for approval. Councilman Clavadetscher noted that representatives from Tischler Bise spoke at this year's League of Cities and Towns conference. They spoke with confidence and experience regarding new laws benefiting Montana communities. Although they charge more he feels the end result would be more beneficial for the City. **Motion made by Councilman Clavadetscher, seconded by Councilman Corse, to accept Tischler Bise's proposal to develop impact fees for the City of Polson, as presented. Motion carried unanimously.**

CITY GOLF COURSE RESTAURANT – MANAGEMENT CONTRACT RECOMMENDATION FROM COMMITTEE: Mayor Ingram noted that the golf course restaurant management contract review committee consisted of himself, Councilmen Morrison and Corse and Dick Weaver, who is a member of the Golf Board. The committee received and reviewed eight applications and unanimously recommended Phil Smith and Ed Zabany as their first choice and Ken and Tamara Avison, of The Cove Deli, as the committee's second choice. **Motion made by Councilman Corse, seconded by Councilman Marchello, to authorize Mayor Ingram to negotiate the Golf Restaurant management contract with Phil Smith and Ed Zabany, as recommended by the committee.** City Attorney James Raymond clarified that the management contract would be the same as last year's contract with Burt and Vicki Cannon, for a one-year term. Murat Kalinyaprak asked if they would keep the same name to provide some continuity. Mayor Ingram replied that it would cost \$2,800 to do so. Councilman Clavadetscher commented that new proprietors prefer to have a different name in order to establish their own reputation, which is basic marketing strategy. **Motion carried unanimously.**

Mayor Ingram removed himself from his seat as chairman and asked Councilman Marchello to preside over the meeting for the following agenda item.

PUBLIC FUNDS INVESTMENTS: City Treasurer Bonnie Manicke asked Council to approve public funds investments of \$650,000, a purchase two Certificates of Deposit at Glacier Bank, one for \$400,000 at 4.46%, maturing on May 11, 2006 and one for \$250,000 at 4.26% maturing on February 15, 2006. Other bids she received for the \$400,000 were 4.35% from 1st Citizens Bank, 2.62% from Community Bank, 3.69% from First Interstate Bank. Other bids she received for the \$250,000 were 3.68% from 1st Citizens Bank, 2.42% from Community Bank and 2.59% from 1st Interstate Bank. She also provided comparisons as follows: 182 day Treasury bill yield was 4.26%; 182 day Agency paper was 4.40%, 90 day Treasury bill yield was 3.88% and 90 day Agency paper was 4.23%. Councilman Clavadetscher asked if the City is overloading its assets at Glacier Bank. Bonnie Manicke replied that Glacier Bank has the required pledging for the amount invested. She will be providing a report on the City's pledging from the local banks at the next meeting. **Motion made by Councilman Clavadetscher, seconded by Councilman Corse, to approve the public funds investments of two certificates of deposits at Glacier Bank; \$400,000 at 4.46% for 192 days and \$250,000 at 4.26% for 107 days as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

CITY LIBRARY REQUESTS INCREASED HOURS FOR MARY O'BRIEN TO 32 HOURS PER WEEK FOR THE MONTH OF NOVEMBER TO COVER FOR MARILYN TROSPER'S SICK LEAVE HOURS – TOTAL ESTIMATED COST \$1,828.32. Mayor Ingram informed Council that City Librarian Marilyn Trospen will be out on sick leave for approximately four weeks and she asked that Mary O'Brien's part time hours be increased to cover some of those hours. Councilman Clavadetscher noted that the request was presented to Council as part of this year's budget but it was turned down. **Motion made by Councilman Clavadetscher, seconded by Councilman Marchello, to approve the Library's request to add 32 additional hours for Mary O'Brien in the month of November to cover for some of Marilyn Trospen's sick leave hours, an estimated cost of \$1,828.32. Motion carried unanimously.**

OTHER PUBLIC COMMENTS NOT ON THE AGENDA: Greg Hertz asked Council to consider using the University of Montana Law School to update the City's land planning laws. He suggested making quick fixes by passing ordinances. Mayor Ingram replied that the City Attorney recently contacted them regarding the update required. Councilman Maddy explained that changes to the Polson Development Code requires scheduling and due notice of a public hearing and passage of an ordinance, all of which would take at least sixty days. Discussion followed about the State and City's laws pertaining to development. It was clarified that the City's laws are in compliance with pertinent State laws. Councilman Maddy clarified that the Council would consider the public's request to change any particular part of the Polson Development Code but they know that the whole document needs to be reviewed and revised.

Murat Kalinyaprak said he felt that Council's passage of Ordinance #613 is a sting on the community and was harshly applied to him at the last meeting. He presented the Mayor and City Council with a timer so they could equally apply the three minute rule to everyone speaking at Council Meetings. He said he would use the rest of his three minutes be observed in silence as a protest to that ordinance. Mayor Ingram asked that he use that time to tell the Council whatever he didn't have a chance to say at the last meeting. Murat Kalinyaprak replied that he didn't want to speak, but wanted silence for the rest of his time. Mayor Ingram said he would not ask the audience to sit in silence and asked for further comments. No further comments were made and Mayor Ingram adjourned the meeting.

Meeting adjourned at 8:00 p.m.

Randy Ingram, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk