

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, JANUARY 18, 2006, 7:00 P.M.**

ATTENDANCE: Council: Bruce Agrella, Mark MacDonald, Mike Lies, Fred Funke. Councilmen Corse and Clavadetscher absent. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others Present: Lee Manicke, Robert Lajoie, Joan Lajoie, Virginia Hertz, Karen Sargeant, Shelley Lawrence, Lita Fonda, Lori Lasche, Ralph Lasche, Doug Chase, Marilyn Trospen, Tim McGinnis, Jeff Smith, Beth Smith, Wayne Gryde, Bill Wilkins, Cesar Hernandez, Tony Porrazzo, Melva Sturm, Sam Williams, Sheri Morrison, Wanda Robinson, Carol Jones, Elsa Duford, Sue Taylor, Chris Weiss, Katlyn Sarena, Joleen Barce, Gail Wright, Dennis Duty, Linda Sappington, Bonnie Manicke, Todd A. Bassett, Tom Maloney, Clint Cottle, Joann Rekstin, Steve Jensen, Phyllis Ferguson, Dale Ferguson, Cort Potter, Rosemary Hickey, Margie Hendricks, Ethan Smith/Leader.

CONSENT AGENDA: Mayor Ingram clarified that the consent agenda includes items A through I, which were approved at the January 4th Council Meeting. They are on this agenda for re-approval because Montana Codes require that incumbent elected officials (Councilman Clavadetscher and Randy Ingram) to also take the oath of office. **Motion made by Councilman Funke, to approve the Consent Agenda items A through U, excluding items S. Department Appointments for Councilmen and item T. Appointments of City Treasurer, Bonnie Manicke; City Clerk, Aggi Loeser; City Attorney James Raymond; Police Chief Doug Chase; Fire Chief Tom Maloney. Seconded by Councilman Lies.**

- A. December 19, 2005 City Council Meeting Minutes
- B. December 2005 Claims
- C. Steve Kendley, Taser School, Police, January 15-17, 2006
- D. Larry Newlin GCSAA Trade Show, Golf, February 6-11, 2006
- E. Authorize Mayor to sign MDOT agreement for police grant
- F. Board of Adjustments Council Representative appointment, Mike Lies
- G. Board of Adjustments appointments, Lou Marchello and Mike Maddy
- H. City County Planning Board New City Council Representative, Bruce Agrella
- I. Investments \$600,000 4.5%, 6 months at Glacier Bank
- J. January 4, 2006 City Council Meeting Minutes
- K. Permanent status, Police Officer Bill Smith, \$13.75/hour
- L. Levi Read, Taser School, Police, March 16-17, 2006
- M. Kassandra Smith, Permanent Status, Assistant Librarian, \$8.50/hour
- N. Advertise for full time Library Assistant, \$7.00/hour, \$7.50 @ 6 months
- O. Extend increased hours for Mary O'Brien, as Library budget allows
- P. Kassandra Smith, Offline Training, Library, February 24-25, 2006
- Q. Lake County Solid Waste Board City representative appointment, Randy Ingram
- R. Linn Carlson, resignation from Government Review Committee
- U. Employees' Voluntary Retirement Savings Plan Agreement with Valic

Motion carried unanimously. Elsa Duford asked that there be more information included on the consent agenda, including the total cost of training being proposed. Police Chief Chase clarified that the MDOT grant for the Police Department is for an \$18,000 for purchase of mobile vision cameras, radar detectors and breathalyzers, and requires no matching funds.

ORDINANCE #615 – SECOND READING – TOM JONES – PETITION TO REMOVE RESIDENTIAL RESORT OVERLAY ZONING DISTRICT FROM SPECIFIED AREA ON BAYVIEW AND BAYSHORE DRIVE: Motion made by Councilman Funke, seconded by Councilman Agrella, to approve the second reading of Ordinance #615, to remove the Residential Resort Overlay District from a specified area on Bayview Drive and Bayshore Drive. Motion carried. Councilman Lies abstained.

ANNEXATION PLAN FOR RESOLUTION #913 – ANNEXATION BY MUNICIPALITIES PROVIDING SERVICES AS PETITIONED BY JENSEN AND WILKINS: Mayor Ingram clarified that the Council is asked to consider approval of the annexation plan, prepared by Planning and Zoning Official, Joyce Weaver. The report would then be available for the public to review and comment, at the public hearing scheduled February 1. **Motion made by Councilman MacDonald, seconded by Councilman Lies, to approve the Annexation plan prepared for Resolution #913, annexation by municipalities providing services as petitioned by Jensen and Wilkins.** Mayor Ingram emphasized that this is not the

approval of the annexation but approval of the plan for annexation as required by the Montana Codes for this type of annexation. Joyce Weaver explained that the plan consists of the City departments' answers to the questions in the Polson Development Code. The plan will be available for review at City Hall and the City Library. Public comments should be presented in written form by Friday, January 27th, to give time to review them and provide copies to Council. **Motion carried unanimously.**

EXAMINING LAND SURVEYOR CONTRACT – D. MARK ROEDEL OF LANDMARK SURVEYING: City Planning and Zoning Official, Joyce Weaver, noted that Don Wester retired from surveying and they would like to contract with D. Mark Roedel of Landmark Surveying out of Kalispell, who is also providing that service to the Lake County Land services. **Motion made by Councilman MacDonald, seconded by Councilman Funke, to approve the Professional Services Agreement for examining land surveyor services with D. Mark Roedel of Landmark Surveying out of Kalispell.** The agreement is to review plans at the rate of \$30 for five lots or less and \$45 for six lots or more. The City pays the costs which are then reimbursed by the developer when the services are provided. **Motion carried unanimously.**

CITY COUNTY PLANNING BOARD NEW MEMBER APPOINTMENT – ONE VACANCY. APPLICANTS: ROBERT WILLIAMS, ROBERT C. LAJOIE, TAMI SANDERSON: Councilman MacDonald noted that he favors Bob Lajoie because of his background in engineering which he feels would be an asset. **Motion made by Councilman MacDonald, seconded by Councilman Agrella, to approve Robert Lajoie's appointment to fill the vacancy on the City County Planning Board. Motion carried unanimously.**

RESOLUTION #914 – TO SUSPEND ANNEXATION OR EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF POLSON FOR A PERIOD OF SIXTY DAYS – DISCUSS MORATORIUM ON ALL ANNEXATIONS - DUE TO WATER SITUATION AND IMPACT FEES: **Motion made by Councilman Lies, seconded by Councilman Funke, to approve Resolution #914 suspending annexation or extension of the corporate limits of the City of Polson for a period of sixty days, to allow time to review the City's water situation and its impact fees.** Steve Jensen asked if this suspension would include annexations that have already been applied for. Mayor Ingram replied that his interpretation would be that it does not affect those who have already started the annexation process. The public hearing for Jensen and Wilkins petition for annexation has been scheduled and advertised for February 1, as required by the Montana Codes Annotated. City Attorney James Raymond explained that he prepared Resolution #914 to exclude those annexations for which a fee has already been paid, but the Council can change that if they wish. Mayor Ingram clarified that annexations are reviewed by Council individually and any of them could be denied for reason.

Carolyn Beecher asked why the sixty day period is being proposed and if Council would consider extending that time frame. Councilman Lies replied that it would give the Council time to review the growth plan and decide on impact fees, which directly relate to annexation issues. James Raymond clarified that Resolution #914 would expire within sixty days, without further action from Council, but they could extend that time frame. Elsa Duford asked if the City guarantees services to properties it annexes. Mayor Ingram replied that the City does assume the responsibility to provide services to the properties it annexes.

Carol Jones asked that the three new Councilmen be given more time to review the large 99 lot development being proposed by Jensen and Wilkins on Mission View Drive, because it will overstress the City's ability to service its existing users. She understands that Skyline 3 has low water pressure, and cannot provide adequate fire flows. She asked that Council place a suspension on all annexations. Mayor Ingram noted that petitions of annexation that are in progress could be voted down by Council. During this sixty-day suspension no new petitions of annexation would be accepted, it would be a blanket stay, as a tool to buy time. Councilman Funke stated that this would give the three new Councilmen time to review the volume of information related to annexations.

Steve Jensen clarified that he would not build on his property until another source of water is available. Mayor Ingram clarified that this is not a water moratorium but a suspension of annexations for a period of sixty days.

Bob Fulton, City Engineer, noted that the City could not extend sewer services unless the property is annexed. He asked if the suspension would apply to the sewer extension projects on Hillcrest Drive and Rung Lane, because he is in the process of sending those project applications to the Department of Environmental Quality. Tony Porrazzo, Water and Sewer Superintendent, asked that Council not include those projects in the suspension because they service existing homes which have failing septic systems. Margie Hendricks agreed that existing homes should be an exception. **Motion made by Councilman MacDonald, seconded by Councilman Lies, to exclude the Hillcrest Drive and Rung Lane sewer extension projects from Resolution #914, suspension of annexations for a sixty-day period. Motion carried unanimously.** Councilman Lies noted that this suspension period is to provide the Council an opportunity to review the impact fee and growth policy without being pressured from outside sources.

Murat Kalinyaprak stated that he feels he should be able to use as much water as he wants, whether on his lawn or elsewhere, before the City agrees to provide water to other subdivisions. Mayor Ingram replied that as a conservation measure, the City has implemented a sprinkling ordinance to limit the amount of water being used on lawns, similar to other communities that have water restrictions.

Margie Hendricks asked if the Fire Chief has answers as to why the City can't provide adequate fire protection in the Skyline 3 Subdivision, at the high school and downtown areas, because of low water pressure. Carolyn Beecher, Carol Jones and Margie Hendricks asked that the Council schedule a public hearing to give the public an opportunity to discuss the City's water issues and impact fees. Councilman Lies called for a vote on the motion. **Motion to approve Resolution #914, suspending annexation or extension of the corporate limits of the City of Polson for a period of sixty days, to allow time to review the City's water situation and its impact fees, excluding Hillcrest Drive and Rung Lane sewer extension projects. Motion carried unanimously.**

DECEMBER 2005 CASH REPORT: City Treasurer Bonnie Manicke presented the December 2005 Cash Report and noted a negative balance of \$6,943.86 in the FEMA Grant Fund for the fire department. A reimbursement request for \$8,850 is being processed and will be received from FEMA in January 2006. SID #38 {Lake Hills Estates and surrounding property} bond call and semi-annual interest was paid December 15, 2005, \$2,500 principal and \$595.01 in semi-annual interest. The fund totals balance with current investments. **Motion made by Councilman Lies, seconded by Councilman MacDonald to approve the December 2005 Cash Report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

OTHER PUBLIC COMMENTS NOT ON THE AGENDA: Elsa Duford asked why City Attorney James Raymond doesn't prepare the impact fee study since he is familiar with the state law. City Attorney James Raymond replied that the study requires factual understanding of impact fees, which he doesn't have, and is required by current legislature. It was clarified that TischlerBise, Fiscal, Economic & Planning Consultants, has been contracted by the City to do the study which will cost \$7,000.

Meeting adjourned at 7:50 p.m.

Randy Ingram, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk