

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY, FEBRUARY 6, 2006, 7:00 P.M.**

ATTENDANCE: Council: Bruce Agrella, Mark MacDonald, Jules Clavadetscher, Mike Lies, Tom Corse, Fred Funke. Mayor Randy Ingram absent. Councilman MacDonald presiding. City Attorney James Raymond present. Others Present: Ken Siler, Loerene Gembala, Michelle Cope, Doug Chase, Virginia Hertz, Kate Herts, Suzanne Luepke, Hub Dykstra, Bruce Campbell, Keith Nelson, Nathan Pierce, Rod Hanson, Dennis Duty, Melva Stirm, Lita Fonda, Elsa Duford, Jay Wilson Preston, Norma Granley, Tony Porrazzo, Polson Fire Auxiliary Members, Murat Kalinyaprak, Bill Olson, John Strommes, Karen McMullen, Rory Horning, Margie Hendricks, Ethan Smith, Bill Koberg, Carolyn Beecher, Cindy Willis, Bob Fulton, Carol Jones, Robert Noel, Ellen Dunn, Jack Dunn, Tom Maloney.

COUNCIL PRESIDENT APPOINTMENT: Councilman Clavadetscher called a point of order that the Council vote on appointing a Council President, who can preside over this meeting in lieu of Mayor Ingram's absence. **Motion made by Councilman Corse, seconded by Councilman Clavadetscher to appoint Councilman MacDonald, as Council president. Motion carried. Councilman MacDonald abstained.**

CONSENT AGENDA: Acting Charirman MacDonald asked Council to vote on approval of the consent agenda.

- A. CITY COUNCIL MEETING MINUTES JANUARY 18, 2006/X**
- B. GORDON GRAHAM PRESENTATION – GREAT FALLS MARCH 11 POLICE –2@ \$40 EACH/X**
- C. PLAT AND SUBDIVISION LAW IN MONTANA - MISSOULA APRIL 13 BLD/PLNG DEPT. JOYCE WEAVER AND RON MELVIN \$329 EACH/X**
- D. PEAKS & PRAIRIES & GCSA SPRING MEETING MARCH 6 & 7 SHERIDAN, WYOMING – GOLF - LARRY NEWLIN - \$65/X**
- E. JANUARY 2006 CLAIMS**

Motion made by Councilman Clavadetscher, seconded by Councilman Funke, to approve the consent agenda A. through E. as presented. Murat Kalinyaprak stated that the minutes do not reflect what was said at the meetings. He noted that several issues were incorrectly documented in the minutes. Councilmen Lies and Clavadetscher stated they felt the minutes were correct. Councilman Corse clarified that the minutes are not a verbatim account of everything spoken at the meeting. A motion second and the result of the vote is required to be documented but the discussion is not required, and we try to put in as much as we feel is important. He asked when the Council department appointments and the officer appointments that were deferred at the January 18th Council Meeting will be decided. Councilman Funke replied that they will decide those issues soon. Councilman Clavadetscher clarified that the issue is if the Council wishes to amend the minutes. Chairman MacDonald stated hearing no motion to amend the motion, he asked if Council would vote on approval of the consent agenda as presented. **Motion to approve the consent agenda was carried unanimously.**

RESOLUTION # 917 - SUPPORT AND APPROVE MONTANA MAIN STREET 2006 PROGRAM APPLICATION - PRESENTATION BY SUE TAYLOR, EXECUTIVE DIRECTOR OF POLSON COMMUNITY DEVELOPEMNT AGENCY -SUE TAYLOR:

Sue Taylor gave her power point presentation on the proposed Main Street Polson district which is a comprehensive plan for revitalization of the traditional commercial district. The Main Street Project is part of the Polson Community Development Agency and they will not be forming another group. The initial plan is to include several blocks of 1st Street East, Main Street, 1st Street West and possibly the Salish Point area. The district will be determined prior to submitting the application. The Main Street Four-Point Approach is a proven method used to revitalize traditional commercial districts. Developed by the National Main Street Center of the National Trust for Historic Preservation, Main Street is based on a comprehensive strategy of work, tailored to assist historic commercial districts to compete in today's marketplace. She noted the application requires a resolution to be passed by the City committing the \$2,500 that is currently budgeted for Economic Development. The City of Polson would be one of 13 communities applying for one of two available spots. The program provides technical assistance from the Department of Commerce. The application requires Council approval of the resolution authorizing participation in the Main Street program and designating Randy Ingram, who is the City representative on the local nonprofit Main Street governing board of directors. Councilman Clavadetscher said he believes it is a good program but felt that they should defer action until the next meeting to consider the boundaries of this project and have a definition of the project. **Motion made by Councilman Clavadetscher, seconded by Councilman Lies, to table the Resolution to make application for the Main Street**

Polson project, in order to get a definition of the Main Street project area. Motion carried unanimously.

WESTANA SUBDIVISION EXPIRATION OF BOND FOR IMPROVEMENTS: City Planning and Zoning Official, Joyce Weaver noted that Westana is a minor subdivision which received its final plat approval in 2003. She referred to her report summarizing the happenings since then. The improvements that were bonded for have not been completed. She is concerned that the bond posted with a low estimate and that it is not adequate to cover the cost of completing the required improvements. It was clarified that Westana was not present tonight.

Margie Hendricks referred to a letter dated December 19, 2005, in which Westana claimed they were treated unequally compared to a subdivision adjacent to their own, in regard to the Polson Development Code requirements. They requested that the City Council defer action on the bond until the February meeting to give both parties adequate time to assess the offer made by Westana in their letter. She noticed Bob Fulton's letter to Joyce Weaver in the Staff Report does not reflect the intent or purpose of the \$40,000 offer to complete the specific conditions of subdivision approval. It is not intended to be considered an offer that completes the conditions of the project, it is only a part of the conditions that the \$40,000 referred to. Polson Citizens for better government want to make it a matter of record that citizens living on 15th Avenue East, who object to Council's decisions regarding Bauer and Westana subdivisions, also believe that they have had unequal treatment applied to them regarding the subdivisions. She asked the Council members who may not be fully informed in regard to this issue to give Westana and the Citizens for Better Government and the people on 15th Avenue East, a chance to inform them.

Ken Siler stated that he met Bruce Amrine in April 2003 at the City County Planning Board when his Westana subdivision was approved with a recommendation to the City Council that they require streets, curbs and sidewalks to be placed. He was told personally that these improvements would be done. On April 21, 2003 Council granted final plat approval with the specific requirements to construct streets, curbs and sidewalks according to City specifications. He later asked Council to remove the sidewalk requirement which failed with no motion. Jason Rice designed the improvements in order to get final plat approval for the subdivision, he believed because he had a sale for one of the lot. He posted a bond for improvements in order to sell the one house in the subdivision. Ken Siler said he provided a quitclaim deed for the street improvements, which is in front of his house. He was given two years to get the job completed. Between May 2001 through August 2005 he sold all the lots without completing the improvements and hires an attorney to try and go against what he agreed to do. He found out that the contractors he contacted for bids have provided them but Westana did not respond and were not given contracts. Westana is complaining about only getting one year extension after they already had two years. Council required that he complete the improvements in six months. He only took action a few days before the City was going to call the bond. The burden is on the City if the infrastructure is not put in by the developers. He hopes the Council follows through with the completion of the improvements.

Water and Sewer Superintendent spoke to Jason Rice, who told him that they are waiting for a hydrant to finish the water system, and have put in four of the five sewer taps. They are waiting for the inspection of the water lines and Crockett is working on the job. He agrees something should be done about it.

Elsa Duford referred to a letter she and her neighbors received from Westana in June 2002 regarding this project, which stated that if curbs, gutters and sidewalks and asphalt were put in then the runoff would collect and settle in a field in another homeowners land because there is no storm drain system for hill runoff. She referred to the report that came after the January 31, 2002 meeting pertaining to Bauer's subdivision, in which Mayor Ingram stated that the overriding concern is expense. Asking Bauer to build a street with City standards that doesn't connect to a City street that also meets standards. It further states that the Council approved the subdivision without the requirement of curbs gutters and sidewalks and soon after Westana was required to make those improvements. The people on 15th Avenue are getting conflicting information as to what is required when the Bauer subdivision was exempt from this and Westana is required to do it, with no solution as to what will be done with the runoff from impervious surfaces. The residents of 15th Avenue provided the City with two petitions on January 22, 2002 opposing the approval of additional traffic from the adjoining Westana and Bauer subdivisions because safety issues.

Ken Siler clarified that Jason Rice has addressed all of the concerns regarding the Westana Subdivision. All of the lots have swales that have to collect water from that lot, which is their responsibility. The runoff from the street will flow the way it always did. He provided a storm

water overflow system that will collect the water until it is absorbed. It is dated April 14, 2003 and he feels it is a good plan.

Motion made by Councilman Corse, seconded by Councilman Lies, to table action on the Westana Subdivision Bond for Improvements, until the next Council Meeting on Wednesday, February 22nd at 7:00 p.m., and to notify them of such by certified mail. Motion carried unanimously. Councilman Corse and Lies expressed their frustration with the developers of Westana for delaying completion of the improvements.

GROWTH POLICY – ADDITIONAL PUBLIC HEARING COST \$6,500: Joyce Weaver, Planning and Zoning Official, informed Council that the Growth Policy is in the final draft stages and HKM is asking if the City would agree to holding another public hearing which would cost an additional \$6,500. **Motion made by Councilman Clavadetscher, seconded by Councilman Lies, to accept the additional cost of \$6,500, to hold another public hearing for public comments on the Draft Growth Policy.** Joyce Weaver clarified that the cost is an estimate and would include a revision in seven to ten days, to rewrite and republish another draft document. Councilman Corse stated that he personally doesn't feel we need another public hearing because there have been adequate discussions and should not spend an extra \$6,500. Councilman Clavadetscher said he feels it would be an insurance policy and they have an obligation to try and give the citizens an opportunity to speak. Having reviewed the Draft Growth Policy, he found that it is tedious and takes some time to get through it. Joyce Weaver clarified that the comment period was extended by two weeks to January 31st and HKM plans to make a final presentation to Council. **Councilmen Agrella and Clavadetscher voted in favor. Councilmen Lies, Corse and Funke voted against the motion. Motion failed.**

ABOLISH THE FREE GOLF DEAL FOR MAYOR AND CITY COUNCIL MEMBERS - MURAT KALINYAPRAK: Murat Kalinyaprak stated that he raised this issue at the Golf Board last year and also to Council on February 22nd, to ask for a motion and no motion was made. Since there are new Council members he is trying again. He doesn't know how the free golf came about and how it expanded to all the people it includes at this time and it was discussed every now and then. He referred to the past minutes, which reflect discussions about free golf. He considers this a fringe benefit that not many people know about and is not in the employee manual and never used in the help wanted ads and he doesn't know if everyone who is entitled to have it know about it. He doesn't consider the Mayor and Council to be employees. Polson has been compared to Whitefish and they don't get free golf and not too many other places either. He feels they are using public assets which they have granted to themselves and without it being widely known. The golf employees and the volunteer fire department also get free golf. He felt that all volunteers for the City would deserve the same. He doesn't think their work is any less noble than the volunteer firemen. If the condition set is that one has to risk his life performing that volunteer duty, then military veterans can be given that free golf too. He personally feels it shouldn't be given to anyone. If it is done, it should be done properly and equally. If it is a fringe benefit it needs to be in the line of the business that the employees are working in, otherwise it is a hidden benefit. It appears that the well paid employees and the Mayor and Council are the ones taking advantage of the free golf. He believes that someone could pretend to be an employee or volunteer fireman and play free golf because the pro shop doesn't seem to have a way of identifying those who are eligible. He asked if the Council would make a motion to abolish the free golf deal for now and if the City wants to extend the free benefit then properly structure the employee manual. Councilman MacDonald said he personally would like to give the free golf privilege to all the volunteer people in the City. He asked if any Council would like to make a motion to abolish free golf for the Mayor and City Council members. **Motion made by Councilman Lies, to abolish the free golf for the Mayor and City Council members, no second to the motion was made. Motion died for lack of a second to the motion.** Lita Fonda said she worked for a non-profit organization and they were entitled to use that facility and also for guests. It fostered pride in the facility, being familiar with other parts that they might not be aware of. She felt it is reasonable considering their pay compensation. It was clarified that the Mayor receives \$2,397 and the Council receives \$165 per month. Murat Kalinyaprak stated that he has a problem with how the Mayor's compensation was increased. Cindy Willis said she has been coming to this meeting for thirty some years and she feels that being Mayor is quite different than what the Mayors were paid years ago. She personally feels that a person who is giving of their time to sit on the Council probably deserves a whole lot more than they are given and she appreciates the volunteer work that they are doing. Regardless of how the increase came about she thinks the Mayor deserves more than \$28,000 for a full time job and this City needs a full time Mayor. The City did with a part time Mayor and suffered very much for that. She is very much in favor of the Mayor and Council receiving anything we can give them, it is little enough that we can do for them and certainly for the volunteer firemen. Nathan Pierce noted that the City Council members, employees are our liaisons and if they use the golf passes to take

people out and show what a beautiful City Polson is and what a beautiful golf course we have. He encouraged Council to come up with a policy clarifying who can and can't use it and extend it to all volunteers of the City. Bob Bonner also agreed. Bob Noel thanked them for being in the target of controversial decisions, trying to use their best judgements, when sometimes the audience uses emotional references. He asked that the public give them a break. Murat Kalinyaprak stated that he is not necessarily against the Mayor getting an increase but he would have preferred that it be effective in the next term of office rather than one year into his first term.

REQUEST READING AND ENTERING INTO THE RECORD THE FOLLOWING LETTERS REGARDING SUPER WAL MART PROPOSAL -NORMA GRANLEY: Norma Granley read her letter regarding the proposed Super Wal Mart stating that it would affect not only the Polson businesses but also the surrounding communities' businesses and thereby affecting the residents. She asked that Council Councilman Corse suggested that the City Clerk keep a file of letters regarding the proposed Super Wal Mart in Polson. He noted that the Council would not have time to have people read their opinions at this time and the letters would be referenced during the appropriate time when public comments are solicited. Council agreed.

FILL VACANT POSITION ON GOVERNMENT REVIEW COMMISSION – APPLICANTS - GAYLE SIEMERS, ED HAMM, MURAT KALINYAPRAK: Councilman MacDonald thanked the applicants for volunteering for this position. **Motion made by Councilman Clavadetscher, seconded by Councilman Corse to approve Gayle Siemers' appointment to fill the vacancy on the Government Review Commission. Motion carried unanimously.**

NEXT COUNCIL MEETING RESCHEDULED: **Motion made by Councilman Lies, seconded by Councilman Agrella, to approve rescheduling the next City Council Meeting to Wednesday, February 22nd, 2006, because of a legal holiday on Monday, February 20th. Motion carried unanimously.**

OTHER PUBLIC COMMENTS NOT ON THE AGENDA: Melva Stirm asked what the City Attorney's opinion was regarding the Wilkins and Jensen Annexation. City Attorney James Raymond replied that he wrote a two page explanation in which he explains that the case he examined does not apply to the plan that the plan they are following, which is according to state law.

Ethan Smith asked the deferred agenda items appointing the Fire Chief, Police Chief and other appointments will be addressed. Council explained that they deferred it because the Mayor is absent.

Murat Kalinyaprak noted that the Golf course revenue has been declining for the last five to seven years. Councilman Corse replied that is incorrect.

Terry Gembala, President of the Volunteer Firemen's Association presented the Council with a letter signed by all the volunteer firemen stating that they appreciate Fire Chief Tom Maloney's leadership and asked Council to re-appoint him.

Jay Preston stated that he feels they are very generous with their time and it is understandable that they don't allow everyone to speak. He noted that they had 1,000 signatures on a petition against the Super Wal Mart.

Elsa Duford asked if the petitions they submitted regarding Westana need to be re-submitted at the next Council meeting. Council suggested that they should be present to voice their opinions.

Meeting adjourned at 8:30 p.m.

Randy Ingram, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk