

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 22, 2006, 6:30 P.M.**

**ATTENDANCE:** Councilmen: Bruce Agrella, Mark MacDonald, Jules Clavadetscher, Mike Lies, Tom Corse, Fred Funke. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others Present: George Hess, Joan Hess, Melva Stirm, Ric Smith, Lee Manicke, Robert Lajoie, Ken Siler, Jim White, Elsa Duford, Lita Fonda, Rory Horning, T. K. Botsford Attorney for Westana, Doug Chase, Carol Jones, Carolyn Beecher, Bob Fulton, Sue Taylor, Bill Wilkins, Mark Nunlist, Bruce Campbell, Hub Dykstra, Dennis Duty, Robert Noel, Irene Marchello, Lou Marchello, Tom Maloney, Ross Hoyt, Murat Kalinyprak, Bonnie Manicke, Ernie Butt, Dan Morrison, Terry Gembala, Chad Morgan, Brit Schliep, Chris McGuinness, Joe Cope, John Fairchild, Tom Sadecki, Ray Geiser, Ellen Dunn, Dale Ramesar.

**PUBLIC HEARING**

**SALISH POINT IMPROVEMENTS - LAND AND WATER GRANT:** Barry Hanson, Tribal Fish and Wildlife Biologist and member of the Salish Point Committee, gave an update of the progress they have made so far. The committee members have found that their estimates were overly ambitious and their timeframe for completion of the project had to be extended to three more years and the cost has also increased. Donations are being collected including fund raising through the Monte Dolack print sales. This grant is for \$30,000 and requires matching funds or in kind services which the Tribes and City will share equally. The estimate for all the proposed improvements is \$2,000,000 and \$400,000 has been spent for the improvements made so far. Barry Hanson clarified that the beach area is designed to address the possibility of erosion, which might occur through wave action.

**The public hearing was adjourned at 6:42 p.m.**

**CITY COUNCIL MEETING 7:00 p.m.**

**CONSENT AGENDA:**

- A. CITY COUNCIL MINUTES – FEBRUARY 1, 2006, FEBRUARY 6, 2006/X**
- B. STREET CLOSURE – MACK DAYS, APRIL 15, 8A.M.-6P.M/X**
- C. STREET CLOSURE – MAIN STREET FESTIVAL , JUNE 17 6A.M.-JUNE 18 6P.M./X**
- D. TASER SCHOOL-POLICE-LEVI READ-KALISPEEL-\$225/X**
- E. HIRE GOLF ASSISTANT GREENSKEEPER \$13.50/HR – TIM STOZZI/X**

**Motion made by Councilman Corse, seconded by Councilman Lies, to approve the consent agenda items A through E, as presented. Motion carried unanimously.**

**WESTANA SUBDIVISION – EXPIRATION OF BOND FOR IMPROVEMENTS**

**DEVELOPER – BRUCE AMRINE:** T. K. Botsford, attorney for Westana, Inc., addressed the Council by reading a letter he presented to them, in which he detailed documentation comparing the conditions of subdivision approval for Westana Homesites and the Bauer Subdivision which are adjacent to each other. On behalf of Westana, he asked Council to agree to eliminate all liability for costs for any portion of the road subgrade, including the Geotextile fabric and all gravel, the asphalt and paving costs and costs for curbs, gutters, and sidewalk drainage and finish site work. To release Bauer's from the street improvement obligations allowing the City to create a Special Improvement District to design and install a drainage system for 15<sup>th</sup> Avenue East. That the City unconditionally release and exonerate Westana's Subdivision Bond No. 58606135 issued by Western Surety Company upon completion of the utility services obligations and release all claims with each party being responsible for their own attorney fees.

Councilman Clavadetscher asked why Westana didn't mention these issues previously when they asked for an extension of the completion of improvements. **Motion made by Councilman Corse, seconded by Councilman Lies, to call the Westana Bond No. 58606135 issued by Western Surety Company and charge a 10% administrative fee.** Councilman Corse stated that he feels the Council has been ambushed being presented with the complicated document tonight. The subdivision was approved six years ago and since then two extensions have been granted and the improvements still haven't been done, and now they are presenting an argument

of unequal treatment. He considers the conditions of approval in the staff report to be a contract that both parties have agreed to follow.

Elsa Duford spoke in favor of releasing Westana's bond for improvements. She reminded Council of the safety concerns that the residents of 15<sup>th</sup> Avenue had presented to Council and presented them with petitions about the current condition of the road and their protest for approval of additional development that would access the road, including Bauer and Maddy's subdivisions.

Carol Jones spoke in favor of releasing Westana's bond for improvements. She noted that these issues were brought to Council previously when the residents of 15<sup>th</sup> Avenue presented petitions to Council and alerted them of the drainage issues. She expressed as to where the water drainage will go when the improvements are completed.

Rory Horning asked if it would not be cheaper for the City to table the issue and review the information that has been presented instead of causing more legal expense.

**Council called for a vote. Councilmen, Agrella, Clavadetscher, Lies, Corse and Funke voted in favor. Councilman MacDonald voted against. Motion carried.**

**RESOLUTION #916 - LAND & WATER CONSERVATION FUND 2005 GRANT APPLICATION - SALISH POINT IMPROVEMENTS: Motion made by Councilman Clavadetscher, seconded by Councilman Funke, to approve Resolution #916, approving a Land and Water Conservation Fund Grant Application for the Salish Point Improvements. Motion carried unanimously.**

**7<sup>TH</sup> STREET & 11<sup>TH</sup> AVENUE EAST – FLOODING PROBLEM - PROPOSE CONTROL BY PLACING STORM DRAIN - RON WHITEFOUNTAIN:** Ron Whitefountain was not present. City Engineer Bob Fulton stated that Water and Sewer Superintendent Tony Porrazzo suggested installing a culvert and catch basin to solve the flooding problem. Councilman Clavadetscher said he is aware that it is a legitimate problem and would make a motion to approve an expenditure of \$500 to address the problem. Bob Fulton noted that \$500 would not be sufficient to complete the project. At best it might cover the cost of the design and the culvert alone would be about \$2,500. Mayor Ingram suggested that he could contact the Tribal Trust authorities and ask them to share in the cost of this project, because the flooding problem affects tribal property, and would report back to Council. Councilman Clavadetscher agreed to Mayor Ingram's proposal.

**ORDINANCE #616 – SECOND READING - ANNEXATION - JENSEN PROPERTY ADJACENT TO SKYLINE #3: Motion made by Councilman Corse, seconded by Councilman Funke, to approve the second reading of Ordinance #616, annexation of Steve Jensen, Jensen Backhoe, Inc.'s property, adjacent to Skyline #3 Subdivision, with the provision that approval is subject to all conditions as stated in the City's Plan, Annexation by Municipality Providing Services, MCA7-24707, prepared by the City's Planning & Zoning Official. That a deed restriction be placed of record, stating that final plat approval of a subdivision on this property would be dependent on the availability of a water supply adequate to serve the proposed subdivision. Motion carried unanimously.**

**ORDINANCE #617 - SECOND READING – ANNEXATION - WILKINS PROPERTY ADJACENT TO SKYLINE #3: Motion made by Councilman Lies, seconded by Councilman Clavadetscher, to approve the second reading of Ordinance #617, annexation of Bill Wilkins, Drew & Debra Holderman's property adjacent to Skyline #3 Subdivision, with the provision that approval is subject to all conditions as stated in the City's Plan, Annexation by Municipality Providing Services, MCA7-2-4707, prepared by the City's Planning & Zoning Official.. That a deed restriction be placed of record, stating that final plat approval of a subdivision on this property would be dependent on the availability of a water supply adequate to serve the proposed subdivision. Motion carried unanimously.**

**RESOLUTION #915 – AUTHORIZING PARTICIPATION IN THE MAIN STREET PROGRAM AND DESIGNATION OF CITY OFFICIAL - SUE TAYLOR:** Councilman Clavadetscher thanked Sue Taylor for clearly defining the boundaries included in this program.

**Motion made by Councilman Clavadetscher, seconded by Councilman MacDonald, to approve Resolution #915, authorizing the City of Polson to participate in the Main Street Program and designation of Mayor Randy Ingram as City Official. Motion carried unanimously.**

**DESIGNATION OF COMMUNITY DEVELOPMENT LINE ITEM BUDGET TO BE USED FOR MAIN STREET FAÇADE GRANT PROGRAM – SUE TAYLOR:** Sue Taylor asked Council approval to designate the Economic Development budget line in the General Fund to be used for part of the Main Street façade project. They will present Council with a more specific project description for their approval, when the funds are required. **Motion made by Councilman Clavadetscher, seconded by Councilman Lies, to approve designation of the General Fund line item 1000 470310300, of \$2,500, for the Main Street Façade project, a Polson Redevelopment Agency program, which will be presented in detail to Council for a final approval.**

Lee Manicke expressed concern that PCDA is taking taxpayer money to improve private property, which they should not do.

Rory Horning asked about the status of the Tax Increment Financing District, which was established through the Polson Redevelopment Agency. Mayor Ingram replied that the base year is 2002 and there is no overall increase of the taxable value in the district at this time and that it is actually a deficit. Rory Horning asked how that could happen. Mayor Ingram replied that he would be glad to explain what he knows of the process if he would come to City Hall.

**Motion carried unanimously.**

**CONFIRM POLSON REDEVELOPMENT AGENCY MEMBERS – JULES CLAVADETSCHER, LOU MARCHELLO, JOHN GLUECKERT, NATHAN PIERCE - SUE TAYLOR:** Motion made by Councilman Lies, seconded by Councilman Corse to approve the confirmation of the members of the Polson Redevelopment Agency, Jules Clavadetscher, Lou Marchello, John Glueckert and Nathan Pierce. Cindy Willis, President of the Polson Community Development Agency, clarified that the PRA members were previously appointed but did not meet for a period of time after Todd Erickson's resignation. They are now planning to meet regularly and wanted the members confirmed. **Motion carried. Councilman Clavadetscher abstained from voting.**

**JANUARY 2006 CASH REPORT - BONNIE MANICKE:** City Treasurer Bonnie Manicke presented the January 2006 Cash Report. She explained two negative balances, one in the Police Training fund 2810, -\$141.94, which received an annual payment of \$10,013 from the State of Montana in February and a -\$4,410 balance in the Crime Control State Grant fund which will be reimbursed after the invoices for the items purchased are submitted in a few months. She noted that the \$500,000 TSEP Grant for the City of Polson Water Improvement River Crossing project, received a conditional closeout; contract #MT-TSEP-CG-04-235 references completion of the financial audit June 30, 2006. The remaining \$10,000 of the grant funds were received January 12, 2006 and appear on the January 2006 cash report in the water operating fund. The project completion report and closeout certification complies with state closeout reporting requirements. According to the financial records, all TSEP funds were expended. The City's portion of the project was \$612,607.39. On behalf of the City she thanked Kim Hayes for her assistance in administering the grant and quality time during her site visit. **Motion made by Councilman MacDonald, seconded by Councilman Agrella, to approve the January 2006 Cash Report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

**Mayor Ingram asked Council President Mark MacDonald to chair the meeting for the next agenda item and removed himself from his chair.**

**INVESTMENTS - \$500,000 AND \$350,000 AT GLACIER BANK - BONNIE MANICKE:** City Treasurer Bonnie Manicke asked Council approval of the purchase of two investments at Glacier Bank, a \$500,000.00, 9 month Certificate of Deposit and a \$350,000.00, 6 month Certificate of Deposit, both at 4.9% interest. Other bids for \$500,000 were 4.71% from First Citizens Bank, 4.21% from First Interstate Bank and 3.56% from Community Bank. Other Bids for the \$350,000 investment were 4.57% from First Citizens Bank, 3.81% from First Interstate Bank and 3.17% from Community Bank. Comparisons for 9 month Treasury bill yield was 4.711%, 9 month Agency of U.S. Government was 4.852%, 6 month Treasury bill yield was

4.50% and 6 month Agency of U.S. Government was 4.61%. **Motion made by Councilman Corse, seconded by Councilman Lies, to approve the purchase of two investments, a nine month Certificate of Deposit for \$500,000 and a six month Certificate of Deposit for \$350,000, both at 4.9% from Glacier Bank as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

**Mayor Ingram returned to chair the meeting.**

**SCHEDULE MEETING WITH MAYOR AND CITY COUNCIL TO DISCUSS SERIOUS ISSUES REGARDING FUNDING POLICE DEPARTMENT – POLICE CHIEF DOUG CHASE:** Police Chief Doug Chase asked Council to meet to discuss the problems he has in his department due to turnover which has created a financial impact over the last three years. Council agreed to meet on Wednesday, March 8, at 3:00 p.m.

**DEPARTMENT APPOINTMENTS FOR COUNCILMEN:** Motion made by Councilman Clavadetscher, seconded by Councilman MacDonald, to approve the Department appointments as proposed. Listed in order of Department, Primary Councilman and Secondary Councilman. Court – MacDonald and Funke; Police – MacDonald and Corse; Facilities – Lies and MacDonald; Fire – Corse and Clavadetscher; Parks – Funke and Lies; Streets – Agrella and Funke; Library – Lies and Agrella; Golf – Corse and Clavadetscher; Building/Planning – Clavadetscher and Corse; Water/Sewer – Clavadetscher and Corse; Council President – Mark MacDonald. Motion carried unanimously.

**APPOINTMENT OF NON-ELECTIVE OFFICERS: BONNIE MANICKE-CITY TREASURER; AGGI LOESER-CITY CLERK; JAMES RAYMOND-CITY ATTORNEY; DOUG CHASE-POLICE CHIEF; TOM MALONEY-FIRE CHIEF:** Motion made by Councilman Funke, seconded by Councilman Agrella, to approve the non-elective appointment of officers as follows: Bonnie Manicke as City Treasurer; Aggi Loeser as City Clerk, James Raymond as City Attorney; Doug Chase as Police Chief for four year terms and Tom Maloney, Fire Chief for a six month probation period. Mayor Ingram questioned if another probation period can be placed on an employee after satisfactorily completing their initial employment probation. City Attorney James Raymond replied that the probation could apply to the office and not his employment. Councilman Corse stated that he knows of no reason to put Tom Maloney on probation. His performance appraisals indicate that his performance is excellent and there is no indication that he is not doing his job. Councilman Clavadetscher asked and Mayor Ingram confirmed that there is no documentation of Tom Maloney's failure to perform his job in his personnel file. Tom Maloney asked Councilman Funke what his reason is for the probation. Councilman Funke replied that he didn't want to embarrass him and would talk to him about it privately. Tom Maloney said he disagreed with the probation. Mayor Ingram reminded Tom Maloney that it is his right to decide whether to discuss this issue in a closed meeting. Tom Maloney replied that he has nothing to hide and would like to hear why Councilman Funke is proposing the probation.

Ric Smith said he expected a unanimous vote of approval for Tom Maloney as Fire Chief because of his exemplary performance. He praised the Fire Chief and Fire Department members for their excellent performance especially during his wife's recent car accident, and personally wanted to thank them.

Councilman Clavadetscher recognized Fire Chief Tom Maloney's handling of the Diamond Horseshoe deck collapse incident several years ago. The incident affected a lot of people and required coordination of efforts between a number of emergency service agencies. He heard from John Glueckert, the Executive Director of St. Joseph's hospital, that Tom Maloney and the fire department met the challenge of the situation and he could not fault their level of performance in any way.

Martin Glasson, Captain of the Fire Department, expressed his support for Tom Maloney and felt that Fred Funke's recommendation for probation is based on a personal agenda and not about his ability to perform as Fire Chief. Tom Sedeke agreed with Martin Glasson's comments and expressed his support for Tom Maloney. Paul Bishop asked Councilman Funke what the conditions of the probation are. Councilman Funke replied that he had spoken briefly with Tom Maloney about some issues. Karen Sargeant, Fire Prevention Officer, questioned the relevance of the probation to his appointment as Fire Chief and expressed her support for his full term

appointment. Terry Gembala, President of the Firefighters Association referred to the letter of support signed by all the firefighters. He noted that Tom Maloney has brought the fire department into the 21<sup>st</sup> Century with his leadership and training which he implemented since he has taken over as fire chief. Dan Morrison stated that in the twelve years he served as Councilman he has seen the Fire Department change in a positive direction and expressed his support for Tom Maloney's full term appointment.

Councilman Lies expressed his concern regarding how Tom Maloney communicated with Dave Poukish, who works for DNRC. Dave Poukish told him that Tom Maloney was not very nice and he cannot work with him because he has a one track mind. Tom Maloney responded that there is another side of that story and explained that he spoke to Dave Poukish's immediate supervisor about that situation. He noted that to his knowledge there was no documented complaint made to the Mayor about it.

Murat Kalinyaprak asked why the City Attorney doesn't have a contract and a job description. Mayor Ingram replied that the state statutes dictate his responsibilities as City Attorney and the Council approves his compensation annually through the City's General fund expenditure budget.

Council called for a vote on the motion. **Councilmen Funke, Lies and Agrella voted in favor. Councilmen MacDonald, Clavadetscher and Corse voted against. The vote was tied. Mayor Ingram voted against the motion. Motion failed.**

**Motion made by Councilman Corse, seconded by Councilman Clavadetscher, to approve the non-elective appointment of officers as proposed. Bonnie Manicke as City Treasurer, Aggi Loeser as City Clerk; James Raymond as City Attorney; Doug Chase as Police Chief and Tom Maloney as Fire Chief, all appointed for a four year term. Councilman Corse, Clavadetscher and MacDonald voted in favor. Councilmen Funke, Lies and Agrella voted against. The vote was tied. Mayor Ingram voted in favor. Motion carried.**

**OTHER PUBLIC COMMENTS NOT ON THE AGENDA: Councilman Corse noted that the Golf Board Members voted in favor of changing the Golf Course name to Polson Bay Golf Course. Richard Bell recently resigned as president of the Polson Golf Association and Bob McLellan is the vice president and will take over as president. The Golf Board also changed the date of their monthly meetings to the third Thursday of each month at 7:00 p.m.**

George Hess asked Mayor Ingram if the City would pursue some solution to the safety issues on Skyline Drive and Mission View Drive, that were raised at the last meeting. Mayor Ingram said he is currently involved with ongoing discussions with the Lake County Commissioners about those issues.

Murat Kalinyaprak asked that the minutes of a previous meeting be corrected regarding the Mayor stating the City was taking conservation measures which he did not hear on his recording of the minutes. He also asked clarification of the three minute rule, considering that others were allowed to speak for longer than three minutes. Mayor Ingram clarified that Council has the option to waive that rule especially for those who have an item on the agenda.

Congratulations were extended to Mayor Ingram and his wife Brooke on the birth of their son, Evan Anthony, born at Community Medical in Missoula on February 18<sup>th</sup>.

Meeting adjourned at 8:47 p.m.

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Randy Ingram, Mayor

ATTEST: \_\_\_\_\_  
Aggi G. Loeser, City Clerk