

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, MARCH 20, 2006, 7:00 P.M.**

**ATTENDANCE:** Councilmen: Mark MacDonald, Jules Clavadetscher, Mike Lies, Tom Corse, Fred Funke. Councilman Agrella absent. Mayor Randy Ingram presiding. City Attorney James Raymond present. Others present: Carolyn Zuehl, Wayne Zuehl, Sarey Robinson, Mark Robinson, Tim McGinnis, Irene Marchello, Lou Marchello, Karen Sargeant, Gehrand Bechard, Shelly Wheeler, Doug Chase, Tony Porrazzo, Sharon Richardson, Ann Clavadetscher, Rick LaPiana, Marilyn Trosper, Lita Fonda, Ethan Smith, Dennis Duty, Robert Lajoie, Kate Hertz, Linda Sappington, Cindy Willis, Rory Horning, Bonnie Manicke, Mark Nunlist, Bruce Campbell, Elsa Duford, Murat Kalinyaprak, Heidi Sturm, C.S. McGuinness, Tom Maloney, Bob Fulton, Bob Knoll, Nathan Pierce.

**CONSENT AGENDA:**

- A. CITY COUNCIL MEETING MINUTES MARCH 6, 2006**
- B. RESIGNATION OF BILL SMITH POLICE OFFICER**
- C. CARRY OVER OF ACCURED VACATION TIME**
- D. WORK SESSION-LAW ENFORCEMENT MINUTES MARCH 8, 2006**
- E. HIRE APPROVAL FOR LIBRARY ASSISTANT SARAH GOLDMAN**
- F. LEVI READ POLICE OFFICER PERMANENT STATUS \$1/HR INCREASE**

**Motion made by Councilman Corse, seconded by Councilman Funke, to approve consent agenda items A-F.** Councilman Clavadetscher requested to make an amendment to the City Council Minutes March 6, 2006, page 2, paragraph 4, be amended to read that the iron removal filter system is completed and that the meters are still in the process of being replaced. Council approved the change and **Motion carried unanimously.**

**REQUESTING SPACE TO BUILD POLSON BOYS AND GIRLS CLUB UNIT @ KERR DAM SPORTS COMPLEX- B & G CLUB OF THE FLATHEAD RESERVATION & LAKE CO.**

Agenda item pulled by initiator and rescheduled for April 17<sup>th</sup> .

**REQUESTING 2 YEAR EXTENSION OF MISSION BAY PRELIMINARY PLAT – DENNIS DUTY.** Agenda item pulled by the initiator for a later date.

**APPROVE 20 WATER HOOK UPS FOR MISSION BAY VILLAGE PHASE 3 DENNIS DUTY:** Dennis Duty asked the council for a letter from the city that these hook up are available, necessary for the DEQ final approval, also requested approval to use some 1 inch taps. Would like multiple family units to be able to separate irrigation water from domestic water and with ¾ taps you just can't get enough water to irrigate the whole group. This will also allow the city to turn off if need be. **Motion made by Councilman Corse, seconded by Councilman Clavadetscher to approve 20 water hook ups for Mission Bay Village Phase 3, using ¾ inch taps and some 1-inch taps where needed.** Rory Horning asked council if Mr. Jeff Young had any thing to do with any of the phases of this project? Mayor said not that he is aware of. **Motion carried unanimously.**

**EXTENSION OF RESOLUTION #914 -EXTEND SUSPENTION OF ANNEXATIONS - FRED FUNKE:** **Motion made by Councilman Funke to extend Resolution #914 for another 60 days,** Councilman Corse questions City Attorney James Raymond if the resolution has expired technically an extension can not be done and a new resolution has to be done. James answered technically yes a new resolution will have to be done. Mayor Ingram said the issue needs to be dealt with one way or another. **Councilman Lies seconded to approve extension of Resolution #914.** Councilman Clavadetscher asked Councilman Funke, because he was not here when the first Resolution was adopted, what is the purpose of the suspensions on annexations? Councilman Funke replied by saying he feels there is not enough water and would like to wait until another well is in place before allowing any more annexations. Councilman Clavadetscher responded by saying then instead of a 60 day moratorium and then another 60 day moratorium wouldn't you just make a motion to stop annexations until we get another well, isn't that the issue. Councilman Funke replied that he has to find out how the rest of the council feels. As Councilman Clavadetscher understood from the first resolution it was needed for the new council to acquaint them selves with the facts. He states that one reference is a 3 inch PER book that is in Tony's office, and a recent letter from TDH, one of three engineering groups, Quote" if the larges non auxiliary pump is out of service, pumping capacity falls to 1625 gallons per minute, this would allow the city to meet projected maximum day demand through the year 2013, with the estimated system population of 6,078", this is not enough water he asked? Councilman Funke replied, it seems like every time we get one of those reports some of them contradict one another. He does not feel comfortable with some of the

reports. Councilman Clavadetscher, these are consistent with the PER the city paid thousands of dollars for. Clavadetscher quotes City Engineers letter, "three engineering firms all concluded that the System could accommodate over one thousand new single-family residential connections under the new rules effect today March 1, 2006, which requires peak demand. Our City Engineer, whom we all have a lot of respect for, indicates that there is sufficient quantity. We have a huge compendium of data indicating there is sufficient quantity, Councilman Clavadetscher would like Councilman Funke to show where he thinks there is not enough water. Councilman Funke wasn't sure how many empty lots that the City is required to service. Tony Porrazzo, Water Superintendent, said the lots were included in the reports. The only lots left are the lots around the railroad yard, and those are going to be there for another 20 years. They were all accounted for in the PER. Councilman Clavadetscher said wells and septic as an alternative is not in good sense. Councilman Lies said originally the resolution was put into place because the growth policy and impact fees were not in place, and they still are not. Councilmen Clavadetscher feels the Resolution doesn't meet the facts presented to the Council and the people of this community by the Engineering expertise that the City has paid a lot of money for. Councilman MacDonald said you have to not only look at the water capacity but also the sewer capacity. Councilman Corse responded by saying the City Engineer reports there is enough capacity for another 493 homes, and the ability to expand the current sewer treatment facility; there are no technical problems there. Nathan Pierce stated the most recent engineering report calculated the excess capacity of the sewer system at about 150,000 gpd or 493 homes at the estimated contribution list in the HKM Wal-mart impact report. In addition the 1998 moratorium was imposed due to water issues and due to the short falls of our supplies. It was required that some major improvements be done to the system, which has been done to date. The City was required to identify a new source of water, which was done. Two wells were drilled, each produce approximately 425 gallons per minute. A new million-gallon reservoir was constructed. When the system was brought across the river the system was tested for several months to insure that it worked properly. The requirements of the Moratorium at that time was considered to meet or exceeded greatly. There was no legal choice but to lift the moratorium. Recently a new filtration system had been added to allow twice the filtration capacity and to allow an additional 425 gallons a minute per minute to be treated further improving the supply. Based upon that he asks what legal justification is there in place for imposing moratorium based upon water and sewer. Bill Hines resident from 267 JB Drive asked if the Council were to extend the moratorium that skyline addition be exempt as well. It is in the wellhead protection area. They can't put in a septic system and there is sewer in the street. Councilman Funke asked Mr. Hines if it is just the two lots highlighted and Mr. Hines answered yes. Elsa Duford wanted to find out since it was said that there isn't a problem with water and that there is adequate water for all of these plans, even the ones that are on the agenda for the night, does it mean people in town can go ahead and water without restrictions and water when ever they want to and that the parks will be watered and not burn up like they did last year. It was the Mayors contention that water sprinkling ordinance which Elsa referred to is odd and even days and certain times of the day is a great conservation measure that doesn't have a lot to do with the overall quantity of water. He thinks it is just a great conservation measure. Elsa wants to know whom the water is being conserved for because people have been complaining that they can only water at certain times. Councilman Corse reads to Elsa a couple reasons why there are alternated day watering restrictions: First alternating the watering reduces peaks on demand on hot days. This reduces large fluctuation in the storage tanks and insures continues flows for domestic use. Second it just makes good environmental conservation sense to discourage excessive use of drinking water to keep lawns green. Drinking water is a limited resource and should be used wisely. The City also charges more for water used above the reasonable amount for a resident. This is also used to discourage wasting drinking water. People can still use as much water as they wish. They should be prepared to pay extra for over use. Neither of these measures are a response to a limited water supply. Tony Porrazzo, Water Superintendent, told the Council at a conference this year Pen State standard rules are going to be mandated for sprinkling ordinances. Bob Knoll asked council if the resolution has expired. The Mayor said the resolution has expired. Mr. Knoll asked can you extend it without a new resolution? City Attorney James Raymond said it should be a new resolution. Bob Knoll feels that Councilman Funke should have to make a new resolution. You can't extend something that has expired and Councilman Funke has made a motion that is not in order. Bob addresses Councilman Funke and would like to know if possibly the issue is with annexations not water. Councilman Funke again said he would like to see another well. Councilman MacDonald said that every lot brought into the city cost money and Polson is going through some growing pains right now and thinks annexations should be done in a sensible manner. Bob Knoll said Councilman Funke should have done things properly. City Engineer, Bob Fulton said prior to the first of the month the HKM concluded that are over 3000 homes could be accommodated with the water system now in place, and with the wells that are in place. He does not know how it could be concluded that there isn't enough water. Sewer is not a burden, the system can be expanded with planning and money. There's no politics involved, it's a matter of will on the part of the council. Bob Fulton thinks it is ludicrous to conclude that there is not enough water. It has to be documented that there is a reason. Engineers

look for a problem. They would love to find a problem but they didn't. Councilman Clavadetscher said that the growth continues and solutions to the growth continues. It's a continuing effort. Rory Horning commended Tony on finally getting the system across the river. He asked does it increase the capacity on the line coming across river, and can we use all the 800 gallons per minute that is filter across the river. Tony said if needed yes. Rory asked if it could be done without breaking any of the mains. Tony said yes. Rory also asked about the delivery system. Tony said there will be delivery systems for the rest of our lives. There are little things being fixed along the way and with the last hydraulic analysis done, it was brought up that some small lines need to be made larger. They also said if all the little problems are fixed it would be almost like having another well in its self. The City is working on the system and it has been let go for a long time. Mark Nunlist, past president of the Lake County Building Association, said Bob Fulton has put his life's blood into the City's System. In other areas instead of fighting about personal opinions they are looking at 2025 right now. 2030 they are not just looking at next week or 2013. We should be looking way ahead. He said the Councils been voted in by the people of the City of Polson to make rational decisions. You cannot be taking personal opinion to the table. If you have information done by an engineer it is your responsibility to read it. Unless you are an engineer and you have a higher authority he thinks that the information is in front of the Council should be the answer and take the personal opinion out of the issues at hand. Look ahead at the future he said. Currently there is a student house being built and what do you tell these students. There is no work here because we don't have any water. Tell them to move to Missoula because there is no water and you can't build here. Think ahead. Take personal opinions out of it and read the facts. Murat Kalinyaprak agrees that people should be looking at 2025. He wonders what is different today than two months ago when Jensen/Wilkens annexation subject to a new water source. What has changed? How come all the sudden the studies have changed when a few months or years ago when we were told we didn't have water. Another point was anybody who is along a main can get a connection to the main. He is concerned about the Jensen/Wilkens having cattle and the cattle can drink a lot of water. Is there a limit to how much water can be drawn from the system? Has this been considered in the reports when it says there is enough water for another 1000 houses? Sewer should be considered just as important as water when considering annexations. Improve filtration and that costs money and maybe we don't want to pay for this so some guy can annex into the City. City Attorney James Raymond said there are some lots on top of the hill that should be exempted. **Motion made by Councilman Funke, seconded by Councilman Lies, to approve Resolution # 916 suspension on annexation, verbiage identical to Resolution #914, and exempting lots on JB Drive, Claffey, Mission View Drive, the two proposed, Gillespie and Bonner properties and along with Hillcrest and Rung Lane.** Councilman Corse said the City Attorney and City Engineer are designed to give us professional judgments based on facts and laws. If we choose to ignore their advice he thinks that the Council would be abdicating their duty to the public and acting irrationally, committing a great disservice to the community. Mayor Ingram agreed. Bob Knoll asked if in fact you could be putting your selves into the position of being liable by allowing something that could cause you grief. Councilman MacDonald addressed City Attorney and asked if the council could be liable. The City Attorney said no. Future applicants? City Attorney James Raymond said the City has every right to control their own borders. Murat Kalinyaprak said about the facts, the City engineer or other engineers are offering. He would like to know how much water is allocated or calculated along the main lines. The deed on the Jensen/Wilkens property the homeowner has the right to connection on water line to feed cattle. That is different than household usage. He is concerned about how much water a cow can drink. **Motion carried. Councilman Lies, Councilman Funke, Councilman MacDonald voted in favor and Councilman Clavadetscher, Councilman Corse voted against the motion.**

**RESOLUTION # 917 ANNEXATION OF UNIT 2 OF TRACT 8-1, COS 5261 - DALE GILLESPIE:** Dale Gillespie was not present. **Motion made by Councilman Lies, seconded by Councilman MacDonald to approve Resolution #917, annexation of unit 2 of Tract 8-1, COS 5261 as requested by Dale Gillespie on behalf of Lake Mountain Estates Partnership, LLP.** Rory Horning said he likes to debate and would like to know if Mr. Jeffrey Young had anything to do with this property that is being annexed. Mayor replied not that he is aware of. Rory would like the council to take a closer look since Mr. Young has been posing as an engineer and has confessed as to not having a degree. **Motion carried unanimously.**

**RESOLUTION # 919 ANNEXATION OF LOT 4 ELTON ESTATES - ACCESS 11<sup>TH</sup> AVENUE EAST TO PROVIDE ASSISTED LIVING - BOB AND PAM BONNER:** **Motion made by Councilman Clavadetscher, seconded by Councilman Lies to approve Resolution #919 to annex Bob and Pam Bonner's property, lot 4 of Elton Estates currently accessing via 11<sup>th</sup> Avenue East.** Rory Horning would like to know if Mr. Jeffrey Young had anything to do with this property and is doing his civic duty by making sure that Mr. Young doesn't get a chance to work on any more projects. Bob Bonner confirmed that he does have legal and physical access to the property.

**Motion carried unanimously.**

**BOETTCHER PARK CONCESSION LEASE AND SALE -WAYNE AND CAROLYN ZUEHL - KAREN SARGEANT, PARKS SUPERINTENDANT:** Karen Sargeant told council that Dino and Joyce Combs sold their lease to Mark and Sari Robinson last season. The Robinson's are expecting an addition to their family and are moving. They will not be leasing the Boettcher Park Concession for this season and have sold the concession to Wayne and Carolyn Zuehl, who will take over the lease this season. The Zeuhls have been approved by the Park Board, at last week's meeting, with a unanimous decision for them to take over the concession lease. The Lease will be for one year only and after it expires they could request a change to a five-year contract if wanted. Mayor makes a clarification that the lease is the same as before just a one-year rather than five. City Attorney James Raymond makes note that in the past concessions have worked on exclusivity. The concessions get exclusivity in exchange for clean up. This issue ran into some sticky points and would like council to visit the exclusivity issue at this time. Charitable organizations like to use city parks and bring in their own concessionaires. Wayne and Carolyn Zuehl don't feel that there will be a problem with exclusivity. **Motion made by Councilman Lies, seconded by Councilman Clavadetscher to approve Boettcher park concession lease sale for 1 year to the Wayne and Carolyn Zuehl as recommended by the Park Board and Park Superintendent Karen Sargeant. Motion carried unanimously.**

**RESOLUTION # 918 A SPECIAL POLICE LEVY REQUEST-DOUG CHASE:** Polson Police Chief, Doug Chase addressed Mayor Ingram, Council members, and members of the audience. In the last four years and prior to his arrival the police department has had a serious problem with funding. Doug Chase asked the Council for consideration to a proposed mill levy that will have a four-pronged effect. 1. Stabilize the turn over the department has been experiencing. Current starting wage is \$2.30 less than Lake Co. Sheriffs Department. Hamilton's department starts out at \$16.50 per hour. Polson starts out at \$12.75 per hour. Currently two officers have been lost to the Lake Co. Sheriffs office; two resignations are in hand due to salary. One is being courted by another agency and another officer is testing with another agency. 2. Reduce the cost associated with the i.e. overtime and 3. Service and maintain the excellent equipment. Plan for vehicle replacement. Currently there are two cars that need to be replaced. They are eight years old. These cars are the officers' office, home and transportation. 4. Need for approximate 5,000 year for air cards. These mobile data terminals can talk car-to-car and 911 information, and run criminal through National Crime information center. Top priority is the safety to the citizens and officers. Police Chief requested the council to pass Resolution #918 for the Police Levy to be placed on the June Primary Ballot. Question from audience asking what was the assessed value on a \$100,000 home. Mayor answered estimated @ \$ 65.00. **Motion made by Councilman Clavadetscher, seconded by Councilman Corse to approve Resolution # 918 a Special Police Levy to be placed on the June primary ballot. Motion carried unanimously.**

**FEBRUARY CASH REPORT-BONNIE MANICKE:** Bonnie Manicke, City Treasurer, reported that there was only one negative balance on the February 2006 Cash Report in the Crime Control State Grant fund 2870. A check has been received from the state for a grant and the March report will reflect a positive balance in that fund. **Motion made by Councilman Lies, seconded by Councilman Funke to approve February 2006 Cash Report as presented by City Treasurer Bonnie Manicke.** A member of the audience asked for a copy and was given one. **Motion carried unanimously.**

**OTHER PUBLIC COMMENTS NOT ON THE AGENDA:** Rory Horning would like to know what the City is doing about Mr. Jeffrey Young. He gave Council a written request for information and asked for a response on City letterhead. Rory Horning would also like to know why the City of Polson has an agenda request form that asks if you will be asking for a vote. He said that even if you ask for a vote it doesn't mean that you will get one, and why should it be there. Murat Kalinyaprak question of curiosity since he earlier mentioned Jensen/Wilkens annexation, he remembered the city attorney had mentioned looking into a matter regarding to something to the issue, Murat would like to know who paid for the three or four pages to be reviewed by the city attorney. Mayor Ingram answered Murat and said it is part of job duty of the City Attorney.

**Meeting Adjourned 8:27 p.m.**

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**Randy Ingram, Mayor**

**ATTEST:** \_\_\_\_\_  
**Beth A. Smith, Assistant City Clerk**