

**CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, JANUARY 5, 2009 7:00 P.M.**

ATTENDANCE: City Commissioners: Bruce Agrella, Jules Clavadetscher, Elsa Duford, Fred Funke, Mike Lies, Mayor Marchello presiding. Interim City Manager/City Attorney James Raymond present. Commissioner Jim Sohm absent.

Mayor Marchello called the meeting to order and the Pledge of Allegiance was recited.

Mayor Marchello informed the Commission that Joe Kerby had turned down the position of City Manager at 11:30 that morning. However, he had contacted Michael Cramer and he was still interested in the position. Mr. Cramer was sent the contract to review.

APPROVAL OF PROPOSED AGENDA: Commissioner Clavadetscher moved to approve the agenda as proposed, seconded by Commissioner Agrella. The motion carried unanimously.

CONSENT AGENDA

- A. CITY COMMISSION MEETING MINUTES DECEMBER 15, 2008**
- B. CLAIMS FOR DECEMBER 2008**
- C. RESCHEDULE NEXT CITY COMMISSION MEETING TO WEDNESDAY, JANUARY 21ST, DUE TO STATUTORY HOLIDAY ON MONDAY JANUARY 19TH.**

Commissioner Lies moved to approve the consent agenda items A-C, seconded by Commissioner Funke. Commissioner Duford mentioned that the Missoulian had printed a correction to accurately reflect what she had said during the November 17, 2008 meeting. The motion carried unanimously.

BOARD OF ADJUSTMENT (BOA) MEMBER APPOINTMENTS TO FILL 3 VACANCIES KEN SILER, MICK HOLIEN, & MICHAEL MADDY: Commissioner Clavadetscher moved to appoint Ken Siler, Mick Holien, and Michael Maddy to the Board of Adjustment. Commissioner Agrella seconded the motion. Commissioner Duford noted that the December 4th publication of the BOA openings had printed the deadline for applicants on November 30th. She asked if it was required that members of the BOA reside within the city limits. City Attorney Raymond explained that neither the City nor the State had a specific rule on the subject. Commissioner Duford expressed that she did not feel county residents should serve on the City's BOA. Mayor Marchello noted that he had been under the same assumption until they had researched the issue. He pointed out that the Commission had the power to make a rule on the issue. City Attorney Raymond indicated that the question had come up previously, and it was decided that if they are willing to volunteer, the City should take them. Commissioner Duford felt that the advertisement should have made it clear that County residents could apply, as more people may have applied. She admitted that she had reservations about appointing Mr. Maddy since he had just sued the City over a BOA decision in regards to density. She felt it was a problem to appoint him to the board since he'd tried to get special favors, and he did not reside in the City. Mayor Marchello pointed out that Mr. Maddy had lost the lawsuit, and he did not get

any special treatment. Commissioner Clavadetscher wondered why people would assume the opening was only for City residents if the ad had not stated that. As for Mr. Maddy, he had a different interpretation of the law, and that's what Courts are for. He didn't feel Mr. Maddy had sought out special treatment; he had just disagreed with the City's interpretation of the law. He added that Mr. Maddy was very knowledgeable about development codes and zoning. Commissioner Lies stressed that they needed someone on the board that was reliable, and Mr. Maddy had only attended 1 or 2 out of the last 8 meetings he had served on the BOA. He emphasized that they needed board members who will attend the meetings. When there are less than five board members at a meeting they have to cancel, and that was not fair to the people coming before the board. Commissioner Duford pointed out that the ad stated that applicants must be dependable. She felt that the appointments should be postponed, and the advertisement should be run again, with it clearly identifying that it was open to the entire area. Rory Horning commented that he had been told he could not serve on the Polson Redevelopment Agency because only City residents could serve, even though he owned a business within the City. He commented that within the business community they could find lots of people who would want to volunteer, who were skilled and knowledgeable. He stated that if that was their new tact, he would like to volunteer for the Board of Adjustment. He thought if they were going to change horses mid stream, they should have it in writing, so it doesn't look like favoritism. He commented that it was interesting how they allowed people to have a difference of opinion of the law, but he didn't think they did that all the time. He felt that they were very selective of who they let challenge the law, and at that moment, he challenged their law. **The motion failed 2-4, with Mayor Marchello and Commissioner Clavadetscher in favor, and Commissioners Duford, Lies, Funke, and Agrella opposed. Commissioner Lies moved to appoint Mick Holien and Ken Siler to the Board of Adjustment, seconded by Commissioner Funke.** Commissioner Duford reminded that Mr. Horning had just volunteered to serve on the board. Mayor Marchello replied that the deadline was passed and he would have to wait until they opened it up and advertised again. Rory Horning commented that they were changing the rules if they appointed one person from outside the city limits. Commissioner Lies pointed out that no rules had been changed. **The motion carried 5-1 with Commissioner Duford opposed.**

RESOLUTION #976 – MDOT CITY AGREEMENT FOR NH5-2(146)61-FLATHEAD RIVER POLSON – ARMED FORCES MEMORIAL BRIDGE RESTORATION: Commissioner Lies moved to approve Resolution #976, seconded by Commissioner Funke. The motion carried unanimously.

AUTHORIZE CREATING A MID-BLOCK CROSSWALK ON 4TH AVENUE EAST BETWEEN 1ST AND 2ND STREET EAST: City Attorney James Raymond informed the Commissioners that the Street Department felt a crosswalk would be beneficial in front of the Courthouse's main entrance and the post office, since many people cross there into traffic. They would lose a few parking spaces, but the crossing would be safer. The County Commissioners had sent a letter in favor of the crosswalk, but the Post Office had not replied. He added that Street Superintendent Rod Hanson said he already has the materials for the striping, which melts on and would be applied in the spring. Commissioner Funke asked if there would be signs. City Attorney Raymond replied that MDOT did not have any in the design, but the signs might be placed there. **Commissioner Agrella moved to authorize creating a mid-block crosswalk on**

4th Avenue East between 1st and 2nd Street East, seconded by Commissioner Lies. The motion carried unanimously.

CITY MANAGER COMMENTS: City Attorney James Raymond advised the Commission that the amount of snow that had fallen was challenging, but the Street Department workers Rod Hanson, Tim Dolphin, and Terry Gembala had been doing a good job clearing the streets, starting at 3 a.m. daily. He added that there were a few complaints, but it was mostly about snow berms in driveways. He informed the Commission that Abbi Dooley would be coming before them at the next City Commission meeting to ask to be released from her contract. He advised that he had offered to let her out in exchange for her inventory. He commended the Fire Department for responding within minutes to a house fire at 2 a.m. He pointed out that the house was made of cedar and could easily have been destroyed. The homeowner had sent a very nice note to the Fire Department for their service. He mentioned that MMIA had approved the personnel policy. He added that he had advertised for volunteers to serve on a parking commission to address the downtown parking problem. Commissioner Duford asked what the parking commission's duties would be. City Attorney Raymond replied that it was a recurring problem, and he felt they should have people look at the issue and propose steps to alleviate it. Commissioner Clavadetscher asked if there was any criteria for people who apply. City Attorney Raymond replied that he did not recall it being limited in any way. He indicated that he had sent a follow up letter to the Department of Revenue in regards to Polson's status as a resort town. Commissioner Duford asked if the parking restrictions on Main Street were for snow removal. Mayor Marchello replied that it was for snow removal and also for the street sweeper and flower basket watering. Police Chief Chase noted that some tickets had been given out, but no vehicles had needed to be towed.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: Etta Moore advised that she was recruiting for the 2010 Lake County and Sanders County censuses. She provided brochures and other information for anyone who was interested in working for the census. The phone number for those interested was 1-866-861-2010. She explained that from the 2000 census Montana had lost a seat in Congress, and this upcoming census was critical in regaining it. She advised that Lake County needed 230 people hired and she must test 400. Commissioner Lies expressed concern over some businesses plowing their snow into tall berms in the City right-of-way, despite the City's ordinance, which prohibits it. He worried they would cause an accident leaving the City liable. Mayor Marchello advised he would speak to the Police and Streets Departments about the issue. Rory Horning commented that the person who plows Linderman School also plows the snow into the street. He indicated that it was tough being neighborly and still making things work. He also commented that some sidewalks aren't even on some people's property. Alan Marcus suggested the Commissioners hire someone local, considering the difficulty they were having hiring someone from out of the area.

The meeting adjourned at 7:40 p.m.

Mayor Lou Marchello

Attest: Kala Parker, Assistant City Clerk