

**CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
WEDNESDAY, JANUARY 19, 2011, 7:00 P.M.**

ATTENDANCE: City Commissioners: John Campbell, Judy Preston, Elsa Duford, Fred Funke, and Commission President Mike Lies presiding. City Attorney James Raymond present. City Commissioner Don Smith, Mayor Pat DeVries, and City Manager Todd Crossett absent. Others Present: Assistant Police Chief John Stevens, Civilian Police Assistant Brian Kunz, Planning Official Joyce Weaver, City Treasurer Bonnie Manicke, Ken Siler, Ric Smith, Dennis Duty, Murat Kalinyaprak, Lee Manicke, Suzanne Luepke and Margie Hendricks.

CALL TO ORDER: President Lies called the meeting to order, and the Pledge of Allegiance was recited.

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

CONSENT AGENDA

- A. CITY COMMISSION MEETING MINUTES JANUARY 3, 2011**
- B. JANUARY 1-15 CLAIMS**

Commissioner Funke moved to approve the consent agenda items A and B, seconded by Commissioner Preston. The motion carried unanimously.

CITY MANAGER COMMENTS: City Attorney Raymond advised that City Manager Crossett had asked him to mention that the mission statement and vision workshop was tentatively scheduled for Thursday, January 27, 2011 at 4:00 p.m. in the Commission Chambers.

APPROVE APPLICANT BRUCE AGRELLA TO THE 1 YEAR TERM VACANCY ON THE BOARD OF ADJUSTMENT: Commissioner Campbell moved to approve the appointment of Bruce Agrella, seconded by Commissioner Funke. The motion carried unanimously.

REQUEST EXTENSION FOR PRELIMINARY PLAT APPROVAL FOR MISSION BAY PRESERVE PHASE 3 UNTIL JANUARY 20, 2013: Planning Official Weaver advised that there was a correction to the agenda item; the intent had been for a two year extension to expire in 2013 rather than 2012. She added that the developer was in good standing with the City, and the economic situation was affecting all of the developments. **Commissioner Funke moved to approve the request for extension of preliminary plat approval for Mission Bay Preserve Phase 3 until January 20, 2013, seconded by Commissioner Preston.** Commissioner Duford expressed that she was unsure of the location of the development, there had been no map included in the packet and the original approval had been prior to some of the Commissioners being a part of the board. Dennis Duty pointed out on a map the area that was Mission Bay Preserve Phase 3. He added that Highway 35 was now a limited access highway, and their access was now approved by the State. He noted the emergency services loop the development would create. Murat Kalinyaprak commented that the application had expired some time ago and questioned how the developer could be in good standing. Planning Official Weaver advised that the preliminary plat was expired, but

the Commissioners still had the ability to extend the approval. Commissioner Preston inquired if there was a reason to not to extend the approval. Murat Kalinyaprak commented that there were different regulations from when the development's preliminary plat was originally approved, and the developer should have asked for the extension prior to it expiring. Planning Official Weaver advised that people were human and deadlines were missed. She felt it was reasonable to approve the extension, and the City Commission was not breaking any rules. And she pointed out that no regulations had changed, the PDC was exactly the same. Murat Kalinyaprak expressed disagreement that the extension could be granted after it was expired. Commissioner Duford inquired if there were different regulations in reference to stormwater. Dennis Duty advised that DEQ would make any decisions regarding stormwater, and the development would have to go back for DEQ approval prior to final plat. He noted that this was only preliminary approval. Murat Kalinyaprak felt that it was unfair to grant the extension after it had expired when other developments had been denied by the Commission for not doing so. Planning Official Weaver advised that she did not know which developments he was referring to. City Attorney Raymond advised that in his opinion it was within the Commission's jurisdiction to grant or deny the extension. Commissioner Preston expressed that she had looked over the item thoroughly and saw no reason to deny the extension. Margie Hendricks comments that she had come into City Hall earlier in the day to view the developments folder because she had questions and wanted to see the location. She complained that the file was not available to her prior to the meeting, and felt that it affected citizen participation. Commissioner Preston offered the map Dennis Duty had provided for the meeting. Margie Hendricks responded that she did not want the map; she wanted to see the planning department's entire file. She inquired why the approval for preliminary plat used to be 1 year and why it was changed to 2 years. Planning Official Weaver advised that it had always been 2 years according to the PDC, and the purpose of preliminary plat was to make sure the developers were working towards their goals prior to final approval. Margie Hendricks inquired why Mrs. Weaver would grant the extension. Planning Official Weaver advised that it was the Board's decision. Margie Hendricks commented that she had questions about the item, and felt that the item should be tabled even if she was the only member of the public who wished to view the information so she could determine what questions she wanted to ask. Commissioner Duford noted that they did not need to rush the approval as it was already expired. She wondered if tabling the item would make a great difference. Commissioner Campbell advised that the developer had already been through all of the process required for preliminary plat. Commissioner Funke noted that there were no changes, and if there were any made the developer would have to come back before the boards for approval. Commissioner Campbell noted that prior to final approval the developer would be back through the entire process. Ric Smith urged the Commissioners to approve the extension; the developer had gone through all the requirements and was not making any changes. He felt it was important for the business community for the Commission to be consistent. Tabling an item may be convenient at times when it was needed, but just because one person came in the earlier in the day and couldn't access a file was not a reason to table the item. Commissioner Duford noted that the other Commissioners present, aside from Commissioner Preston and herself, had either served on the City County Planning Board or the City Commission at the time the development was originally approved, and so it was no information for them. She was concerned about shutting out the public's access to information and ability to ask questions. Commissioner Preston noted that she had many questions when she went over the item, and so she had contacted Mr. Duty and spoke with him. She was very concerned about the public feeling pushed out and information not being available. She also noted that there was extra time between the agenda being released and the meeting due to the holiday. Margie Hendricks inquired if this decision would set a precedent for other subdivisions

to apply for extensions after their deadline had passed. Planning Official Weaver noted that this may be the longest after the deadline that has come before the Commission, but it was not the first time someone had requested an extension after their deadline had passed, and given the economy she felt it was reasonable. She pointed out that the Diamond Horseshoe building was tied up with the FAA currently and couldn't move forward, and Mission Bay had been similarly tied up with MDOT over Highway 35 access. Commissioner Lies advised that each request was handled on a case by case basis. Murat Kalinyaprak commented that Mr. Duty mentioned joining two cul-de-sacs and he didn't think that was part of the original application. He commented that being held up by MDOT was prior to the preliminary application and was not responsible for the application expiring. He commented that he would like to see the Commission show respect for the Municipal Code and not call it an extension when the applicant failed to apply prior to the expiration. He asked that they not trample over the code and show some self respect as well. Commissioner Duford inquired if the emergency access was new. Dennis Duty replied that it was approved at the preliminary approval as requested after 4 public hearings. **Commissioner Preston moved to table the request for extension for preliminary plat approval for Mission Bay Preserve Phase 3, seconded by Commissioner Duford. The motion failed with Commissioners Lies, Campbell, and Funke opposed. Commissioner Preston and Duford in favor.** President Lies asked for a vote on the prior motion. **The motion to approve the request for extension for preliminary plat approval of Mission Bay Preserve Phase 3 until January 20, 2013 carried unanimously.**

UPDATE ON EFFORTS TO MEET OSHA REQUIREMENTS FOR CITY HALL STORAGE: Assistant Police Chief John Stevens advised the Commission that City Hall had storage issues, including the facilities storage above the fire hall and the police evidence storage upstairs in the adjacent hall. Until a new facility was found, the police department had rented storage spaces due to legal requirements that their files and evidence be secured. The current facilities were out of compliance. Commissioner Campbell inquired if they had looked into purchasing moveable storage spaces. Assistant Police Chief Stevens replied that they had not, they had made the quickest decision to make their department compliant, however it was not just the police department affected. City Attorney Raymond advised that City Manager Crossett had asked him to relay that storage needs were part of the long range planning needed for the City. There was a future need for additional space, and they were looking hard at the future facility needs. They would explore the costs of storage rental and space purchasing. They would also be looking into the viability of digitizing some files. Commissioner Campbell inquired why OSHA had become involved in the City's storage. City Attorney Raymond advised that it was likely due to with the federal grant the City had received for renovation of the building. Civilian Assistant Kunz commented that the sheer amount of items, weight, height, and accessibility, were the primary concerns which created a potential hazard, along with the asbestos in the upstairs. City Treasure Manicke advised that she and Administrative Assistant Pritt had inventoried the entire upstairs earlier in the year. She noted that there were various documents that needed to be kept for 20 years, and some documents could be disposed of. They needed to contact the State Archive Association to find out what could be destroyed, however due to time constraints they had not been able to move forward with that. She noted that with the permission of the State Archive Association, there were many historical documents that could be donated to the museum. She advised that the administrative department was handling their storage issue, but they required time to complete it. She noted that all documents may not be digitized as they were aged and faded carbon copies.

RESOLUTION #1017 – TO LEVY AND ASSESS SPECIAL IMPROVEMENT DISTRICTS: Commissioner Campbell moved to approve Resolution #1017, seconded by Commissioner Funke. Commissioner Campbell inquired if this was an annual assessment. City Treasurer Manicke advised that it was annual, and this resolution was for the fiscal year 2010-2011 to apply to the real estate taxes to be submitted to the Department of Revenue. She noted that her conversion this year was done on a download, and it worked quite well and it had been posted correctly this year. Commissioner Campbell asked if the delinquent utility bills were always on the taxes. City Treasurer Manicke advised that last year was the first year they had applied the delinquent utilities, and it was for long term unpaid accounts. Last year they had 100% collection. Suzanne Luepke inquired if this was additional taxes applied to their real estate taxes. Commissioner Lies advised that these were not new taxes; only the already approved SID's and light maintenance districts. **The motion carried unanimously.**

PRELIMINARY DECEMBER 2010 CASH REPORT: City Treasurer Bonnie Manicke advised that it was an odd year for collection, the final date to make a payment had been December 17th. She stressed that this report was very preliminary, and she wished to update them on two funds in particular. The general fund would be receiving approximately \$350,000 in additional property tax revenue in December. SID 42, the streetscape fund, had only 15.2% delinquent payments out of 58 properties. She had made an early semi-annual debt service payment for the district of \$44,112.33. The early payment had given the district and interest savings of \$162.33. She planned to have a full cash report at the following Commission meeting.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: Murat Kalinyaprak directed attention to the letterhead for Mission Bay which had the same boat logo as the golf course. He felt the City should copyright the logo and that it should not be shared with a private business. Dennis Duty advised that the logo had been a gift from himself to the City when the golf department had been looking for images of Polson boats. His uncle was the artist, and he owned the image. If the City wanted to copyright the image they would have to go through them. Murat Kalinyaprak commented that he was concerned that it linked the public golf course to the private business, and when you looked on Google it seemed as if the course was owned by Mission Bay. He asked that if the City were going to use someone else's logo, that the City consider using his logo. Commissioner Lies advised that they were happy with current logo. Murat Kalinyaprak commented that the public was unhappy.

The meeting adjourned at 7:45 p.m.

Commission President Mike Lies

Attest: Kala Parker, City Clerk