

**CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, FEBRUARY 2, 2009, 6:30 P.M.**

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

Mayor Marchello called the public hearing to order at 6:30 p.m. and the Pledge of Allegiance was recited. Commissioner Clavadetscher moved to approve the proposed agenda for the public hearing. Commissioner Sohm seconded the motion. The motion passed unanimously.

**PUBLIC HEARING – CTEP – (COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM) – PEDESTRIAN AND BICYCLE FACILITIES AS DEFINED BY MDOT:**

Mayor Marchello read a letter submitted by Mark MacDonald requesting CTEP funds be used for a sidewalk or path, beginning from the west side of the bridge to the fairgrounds, citing that more people cross the bridge every day and this would help with safety issues. Lee Manicke encouraged the Commission to use all of the CTEP funds for the project proposed for Main Street, citing the Polson Growth Policy and the plans for the water system on Main Street. He pointed out that far more pedestrians use Main Street than cross the bridge. Commissioner Clavadetscher confirmed that CTEP funds were set aside specifically for sidewalks and walkways. He asked if Streetscape anticipated using all available funds from CTEP. Lee Manicke replied that they did plan to use all of the funds, which totaled approximately \$140,000. Commissioner Clavadetscher asked if the entire project, including the trail systems could be accomplished with that amount. Lee Manicke replied that the total of the cost of the project would be \$1,500,000; of which the SID would be \$725,000 and grants and donations would cover the remaining \$775,000. The CTEP would be the first of the grants, meant to cover the five blocks of Main Street between Highway 93 and 7<sup>th</sup> Avenue. Those figures were based on last year's estimates. He added that they had been looking at this project for 15-20 years and it was time to get it done. Commissioner Duford asked why the Hawk Drive allocation had gone to the County, and why was it now being returned? Commissioner Clavadetscher explained that it had been the City's contribution to a sidewalk project for Hawk Drive. Mission Bay and the County had also planned to contribute. However, the engineers' estimated cost was astronomical, far more than was available, and the project had died. Geri Browning, a Main Street property owner, expressed that the plan submitted to the State was for the Main Street project, and they may question the use of the funds for a separate project. She felt the bridge improvements were a good idea, but were not part of the Streetscape project and could be done in the future when the bridge was repaired. She strongly encouraged the Commissioners to allocate all of the available CTEP funds for the Streetscape project. Commissioner Duford wondered if Main Street being a secondary federal highway would mean they could receive alternative funding, to take the burden off of the property owners. Geri Browning commented that the property owners had approved the SID. The numbers had been reworked many times, and whether it was a burden or not, the property owners had accepted it by the majority. She opined that since the bridge and beyond was a federal highway, perhaps they should be

responsible for putting in sidewalks, not the City. Water and Sewer Superintendent Tony Porrazzo expressed that they had been working on Main Street for years, and it would be the best place to use that money. He stressed that he would like to see the project accomplished. Dick Blumberg commented that during the boat races last summer he had walked across the bridge to the fairgrounds, and despite the heavy traffic he felt the bridge crossing was reasonable and safe. He felt the money should be used for the Main Street project. City Treasurer Bonnie Manicke asked the Commissioners to consider Streetscape project's value. She stressed that she did not want to see Main Street tore up twice, because the water line on Main Street would be replaced this year with or without Streetscape. She asked the Commissioners to allocate all of the CTEP fund to the Streetscape project, so the water project and the businesses' plans could be completed together for the beautification of the downtown. In 2006 the City Council had appointed volunteers to the Streetscape committee, and the committee had worked for the past 3 years on the SID and formulating costs. We need to move forward. She noted that Mark MacDonald had been very supportive of the project when he had served on the City Council. She urged the Commissioners not to fragment the funds, per the advice she had received from the CTEP office in Helena. The project plans had been sent in, the CTEP staff is currently engaged in the project. She pointed out that the CTEP and SID were only part of the picture; once they had these funds concretely, other grants are anticipated. The allocations in 2007 and 2008 had been approximately \$20,000, therefore the estimate for 2009 is \$20,000. No further comments were made.

**The public hearing adjourned at 6:58 p.m.**

#### **7:00 COUNCIL MEETING**

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

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

#### **APPROVAL OF PROPOSED AGENDA & CONSENT AGENDA:**

**A. CITY COMMISSION MEETING MINUTES, JANUARY 21, 2009**

**B. RESCHEDULE NEXT MEETING TO WEDNESDAY, FEBRUARY 18<sup>TH</sup>**

**C. JANUARY 16 THROUGH 30 CLAIMS**

**Commissioner Sohm moved to approve the agenda with items 8-10 tabled and the consent agenda items A-C, seconded by Commissioner Clavadetscher. Commissioner Lies asked that he would like item 8 to remain as a discussion item. Commissioner Sohm moved to amend the motion to make item 8 a discussion item. Commissioner Clavadetscher seconded the amendment. The amendment passed unanimously. The motion to table items 9 & 10, discuss item 8, and approve the Consent Agenda passed unanimously.**

#### **REVIEW FINAL TEXT OF RESOLUTION #975 TO CREATE MAIN STREET SID:**

**City Manager Raymond informed the Commission that the SID had already been passed, however it was very complex legislation, and he had wrote it as he understood the Commission to have passed it. He had Lee Manicke review the SID number of times to make sure that he was**

covering all that the Commissioners, as well as Streetscape, had intended. The City had received a letter from the Elks Club, stating that they would like to be removed from the district. The City Commission would have to decide whether or not to include them in the district. They are not exempt under State legislation despite being a 501C3 tax-exempt charitable organization. Commissioner Duford asked why the Elks Club would not be exempt. City Manager Raymond explained that fraternal organizations are not exempt under the Montana Code. He noted that the City would be installing the ¾" lines into the buildings, however both the fire and water departments were in favor of installing 4" sprinkler lines if the owners pay the difference in cost from the ¾" installation. Commissioner Clavadetscher clarified that the owner's would only be paying the cost of the upgrade.

**POLSON DEVELOPMENT CODE UPDATE – COMMITTEE RECOMMENDATION APPROVE CONTRACT WITH DAVE DEGRANDPRE – LAND SOLUTIONS – CHARLO:** City Manager Raymond informed the Commission that a committee had reviewed the four proposals received, ranging from \$50,000-\$150,000. They discussed the merits of each and Dave DeGrandpre's proposal for \$50,000 best met the City's needs. Commissioner Clavadetscher noted that it was required by the State that the City periodically update the zoning code. City Manager Raymond added that Dave DeGrandpre suggested the City also look into the Highway 93 bypass in connection with the rewrite. **Commissioner Lies moved to approve the contract with Dave DeGrandpre Land Solutions to update the Polson Development Code, seconded by Commissioner Agrella. The motion carried unanimously.**

**AUTHORIZE CITY MANAGER TO SIGN LEASE DOCUMENT FOR MARINERS FIELD WITH MISSION VALLEY MARINERS, INC., BASEBALL ASSOCIATION:** Mayor Marchello noted that this item had been tabled, but would be discussed. Commissioner Lies told the Commission that he had spoken with an individual from Montana State Fish, Wildlife, and Parks in Helena and he had been advised that no leases were allowed on parkland property if federal funds have paid for the installation of park equipment or buildings. He expressed that they had no choice but to deny the lease. He noted that the concession stand was built with federal funds and must be open to all of the public. Commissioner Agrella opined they make an agreement that allows the Mariners to use the field. Dick Blumberg suggested the Commission adopt a usage schedule and have them sign up for their games.

**CITY MANAGER COMMENTS:** City Attorney Raymond noted that City Planner Joyce Weaver, Commissioner Bruce Agrella, local businessmen Marc Carstens and Lee Manicke had served on the PDC update proposal review committee. The steering committee for the rewrite would be Joyce Weaver, Bruce Agrella, Lee Manicke, and Dennis Duty. There had been three proposals for the golf course restaurant, and the committee had chosen Papa Don's as the top candidate. The water and sewer study was on track. The street department was considering a three-way stop at the intersection of 17<sup>th</sup> Avenue and 2<sup>nd</sup> Street West, at the middle school. The senior housing project being done by Mark Nunlist and Gehrand Bechard Bouchard had failed, and they had requested the City revoke their variance and refund their impact fees. He noted that Building Inspector Ron Melvin was taking great care to make sure the refunded fees were correct. The man who crashed into the City dock would be paying \$1,000 in restitution to the City. He asked the Commission whether they felt street closures should come before the City Commission, or if the department heads approval was adequate. There were no objections to the

department heads approving street closures. He advised that the remaining members of the PRA had been contacted. He asked the City Commission what they should do about the City Commission members, Jules Clavadetscher and Mayor Marchello, sitting on the PRA. Commissioner Clavadetscher suggested they call a meeting and the PRA members could discuss how to move forward. He asked for a monthly update on the budget as well. City Manager Raymond noted that they were already beginning to work on the budget for next year, and he was considering having the department heads' second in command present it to the City Commission. He warned collections may be off 8%. He had advised the department heads to base their budgets on the FY 07-08 actuals. Commissioner Clavadetscher asked to be periodically updated on the upcoming water and sewer projects.

**PUBLIC COMMENTS ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA:** Janice Lindsey described the water main break that had flooded her basement on September 30<sup>th</sup>, 2008 and her subsequent denied insurance claim through MMIA, Tony Porrazzo being the source of their information. She commented that the water and sewer department had not acted in a timely manner, taking an hour to respond. She expressed gratitude for how Commissioner Lies had treated her as acting city manager. She commented that at her appointment with Acting City Manager James Raymond he had told her that it was her responsibility to communicate with the insurance company. The insurance claim was later accepted after they received the 911 tape of the calls that night, and she had recently received payment. She commented that she believed in fairness and honesty, and she worried other citizens would be subject to similar treatment by some City officials. Murat Kalinyaprak commented that it was disrespectful for the City Manager to leave during public comment. Dick Blumberg commented that had been incensed by the "disconnect notice" stamp on his water bill when he had been on vacation and had a late payment. He recommended to the City Commission that they change the bold, red stamp, as many people are scared in these economic times. He agreed the City Manager and City Attorney should stay through the public comments.

**The meeting adjourned at 7:40 p.m.**

**EXECUTIVE SESSION:** The executive session was brought to order at 7:45 p.m. and was held on the subject of personnel. A special meeting was scheduled for Thursday, February 5, 2009 at 5:30 p.m.

**The meeting adjourned at 8:30 p.m.**

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**Mayor Lou Marchello**

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**Attest: Kala Parker, Assistant City Clerk**