

**POLSON CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
FEBRUARY 4, 2008, 7:00 P.M.**

ATTENDANCE: Council Present: Bruce Agrella, Jim Sohm, Tom Jones, Mike Lies, Elsa Duford, Mayor Lou Marchello presiding. City Manager Jay Henry and City Attorney James Raymond present.

Pledge of Allegiance and meeting brought to order at 7:00 p.m.

APPROVAL OF THE PROPOSED AGENDA: Councilman Mike Lies moved to approve the proposed agenda, seconded by Councilman Jim Sohm. The motion passed unanimously.

CONSENT AGENDA

- A. CITY COUNCIL MEETING MINUTES JANUARY 23, 2008**
- B. CITY COUNCIL WORKSHOP MINUTES JANUARY 24, 2008**
- C. MOVE CITY COUNCIL MEETING FOR MONDAY FEBRUARY 18, 2008 TO WEDNESDAY FEBRUARY 20, 2008 DUE TO HOLIDAY**
- D. ACCEPT RICK LAPIANA'S RESIGNATION FROM GOLF BOARD**
- E. APPOINT CODY BROWN (WARD 2), SHARON LINK (WARD 1), AND TOM CORSE (WARD 3) TO GOLF BOARD**
- F. JANUARY 16-31 CLAIMS**

Councilman Bruce Agrella moved to approve the consent agenda. Fred Funke seconded the motion. The motion passed with 6 in favor and one abstention of Councilwoman Elsa Duford.

IMPACT FEE REVIEW BOARD RECOMMENDATION FOR MR. ASHCRAFT AND MR. RUSSELL: City Manager Jay Henry explained that the Impact Fee Review Board recommended charging both Mr. Ashcraft and Mr. Russell the \$500 fire impact fee and an administrative fee of \$27 for their airport hangers. He added that the Impact Fee Review Board had left whether or not to charge the \$100 redetermination fee up to the Council. Councilman Mike Lies moved to accept the recommendation of the Impact Fee Review Board, and not to charge Mr. Ashcraft the \$100 redetermination fee since his application was in prior to the implementation of that fee. Councilman Bruce Agrella seconded the motion. The motion passed unanimously.

APPROVAL OF A BUDGET AND RESORT TAX WORKSHOP FEBRUARY 9, 2008:

City Manager Jay Henry informed the Council that Kenneth Weaver of Local Governments Inc. would present a workshop based on budgeting and resort tax. He explained the cost of the workshop would be \$500 plus travel expenses. He stressed that budgeting was an area they could get into trouble with if they were not informed on the latest rules and regulations. He added that this was an initiated as an educational opportunity for Council and staff. **Councilman Jim Sohm** asked if the date was critical or they could change it. **City Manager Jay Henry** explained that any Saturday was possible, but he would like it before March since that's when the budget process would begin. **Mayor Lou Marchello** suggested the 23 of February. **Councilwoman Elsa Duford** expressed that she had been disappointed with Ken Weaver when she was on the Study Commission and at the last workshop he had held for Council. She felt that some of his info was unreliable. She stated that she had lost confidence in his presentation. **Councilman Bruce Agrella** added that Councilman Mike Lies and himself had discussed that Ken Weaver was difficult to follow. **Mayor Lou Marchello** asked if the Council would like to proceed further with the resort tax. **Councilwoman Elsa Duford** expressed that she was not in favor of the resort tax. She stipulated that local residents would pay the majority of the resort tax since the

tourist season was only about three months long. **Mayor Lou Marchello** replied that his understanding was that residents would be given a reduction in property tax that would offset the cost. **Councilman Jim Sohm** added that having a workshop covering resort tax would help them to make an informed decision. **Mayor Lou Marchello** commented that cities similar to Polson's seasonal tourist only have the tax in effect for the tourist season. **Councilman Mike Lies** expressed that he would prefer to have a representative from a city that has dealt with resort tax. **Councilman Tom Jones** mentioned that he would like to pursue looking into a resort tax. **Councilwoman Elsa Duford** agreed that they needed to explore it further. **Councilman Jim Sohm moved to have a workshop or public hearing by an individual from Whitefish or another person with expertise on resort tax.** **Councilman Fred Funke seconded the motion.** **Councilman Tom Jones** expressed that there should be a timeline the motion. **Mayor Lou Marchello** emphasized that it should take place as soon as possible. **City Manager Jay Henry** mentioned that it might be easier to facilitate sending representatives from Polson to go to the towns than to have someone present the information in Polson. **Councilwoman Elsa Duford** asked if they would have another meeting for the residents of Polson. **Mayor Lou Marchello** replied they would, and would find someone else with the expertise to make a presentation in Polson as well. **Councilman Bruce Agrella** mentioned that the budget was not included in the motion. **Mayor Lou Marchello** asked if Councilman Sohm would like to amend his motion to include it. **Councilman Jim Sohm** agreed that they needed information on budget as well as resort tax. **Councilman Jim Sohm amended his motion to have the workshop include both the areas of budget and resort tax.** **Councilman Fred Funke amended his second.** **The motion to amend the motion passed unanimously.** **The motion to have a workshop in Polson or public hearing presented by another person with expertise on resort tax and budget passed unanimously.**

APPOINT CITY/COUNTY PLANNING BOARD MEMBERS TO ALSO SERVICE AS THE MEMBERS OF POLSON'S ZONING COMMISSION: **Planning and Zoning Official Joyce Weaver** explained that under the new form of Charter government, they were obligated to have a Zoning Commission with appointed members as a separate entity from the City/County Planning Board. She noted that the members could serve on both boards. She explained that the Planning Board meets four times a month and this would make it easy to have the Zoning Commission meetings the same night, before or after the Planning Board. She added that it would also be helpful since the Planning Board was already familiar with the Polson Development Code. **City Attorney James Raymond** added that the Council had approved the revised first four titles of the Polson City Code for the transition to Charter Government, which included a new Zoning Commission according to the Legislature. He explained that the Attorney General had opined that while the Planning Board needed to be separate from the Zoning Commission they could have the same members. **Councilman Mike Lies moved to appoint the City/County Planning Board members to serve on the Zoning Commission.** **Councilman Fred Funke seconded the motion.** **The motion passed unanimously.**

REQUEST FOR SIGN IN SHEET AT COUNCIL MEETINGS AND THE MINUTES TO INCLUDE THE NAMES OF PEOPLE WHO SIGN IN: **Murat Kalinyaprak** expressed that he thought the idea of doing away with the sign in sheet was Ken Weaver's and added that he would like to see it back. He mentioned that he wasn't sure if the law required it, but that he would like to see his attendance documented. He added that it wouldn't cost the City anything. He questioned if an attendance sheet would violate privacy if signing in were not mandatory. **Councilwoman Elsa Duford** felt that it was a reasonable idea. She mentioned that she didn't understand when Ken Weaver said it was a privacy issue if it wasn't mandatory. **Councilman Jim Sohm** expressed that less information was better if it was not something they were legally supposed to enforce. **Councilman Tom Jones** added that the privacy issue goes beyond their knowledge. **City Attorney James Raymond** explained that Montana has the strictest right to privacy laws of any State or the Federal Government. He ascertained

that since a City Council Meeting was a public forum, people attending had no privacy. He stipulated that it was a matter of Council policy since there was not and never had been an Ordinance on the issue. **Councilwoman Elsa Duford moved for a sign in sheet, that was not mandatory, for those who wish to sign in. Councilman Mike Lies seconded the motion. Councilman Bruce Agrella** expressed that he had no problem with a sign in sheet one way or the other, but felt that if someone were going to speak at the meeting it would be helpful for the clerical employees. **Mayor Lou Marchello** mentioned that having a sign in sheet on the podium for those who speak to help the clerk to have correct spelling. **Tom Corse** mentioned that he was at the workshop with Ken Weaver and that he was under the impression it was a form of intimidation. He stipulated that some people might not attend the meetings if they had to sign in. He opined that the word “voluntary” should be bolded on the sign in sheet. **Murat Kalinyaprak** asked for a clarification of the law in the Montana Code (MCA 2-3-212) he had attached to his agenda item. **City Attorney James Raymond** explained that item (b) of MCA 2-3-212 referred to the members of the public body, agency, or organization in attendance, which was the Council members. **Murat Kalinyaprak** questioned why the members of the public present were not a part of the public body. He asked if a member of the public would have to speak at the meeting to be recorded in the minutes as attending. **Mayor Lou Marchello** replied that was true at the present time. **The motion for a voluntary sign in sheet failed 1-6 with Councilwoman Duford in favor, and Councilmen Agrella, Sohm, Jones, Funke, Lies, and Mayor Marchello opposed.**

PRELIMINARY APPROVAL OF MAVIS’ TANNER HEIGHTS, 32-LOT MAJOR SUBDIVISION IN LRZD W/WPOD OFF SKYLINE DRIVE AND ROSOLUTION #958, ANNEXATION APPROVAL: **Mayor Lou Marchello** suggested that since Tanner Heights was not in the City Limits at the present time that the Council first vote on the annexation before discussing the subdivision. **Councilman Tom Jones moved to proceed to the annexation approval before further discussing the issue. Bruce Agrella seconded the motion. Adel Hanson** asked if the Council had a plan for where the Council would like more or less traffic and where they would like open space. **Mayor Lou Marchello** replied that he could not answer that question at this time. **Adel Hanson** asked if the Council should have an idea of what they want and where. **Councilwoman Elsa Duford** asked what would happen if they voted to annex and later decided they did not want it in the City. **Councilman Mike Lies** replied that they could de-annex the property. **Mayor Lou Marchello** added that the applicant could withdraw their application. **Margie Hendricks** told the Council that the Water-Compact Committee would be meeting on Friday and she would like to discuss the issue of water rights. She questioned if any of the water was legally the City’s to promise to subdivisions since the Tribes claimed all water in 1992. She said that all the water was subject to negotiation between State, Federal, and Tribal governments or a court decision. She said that the wells across the river that the City depends on are subject to a final decision on those negotiations. She suggested the City should not promise more water for new subdivisions before they know if they have legal ownership of the water. **Dick Scott** informed the Council that near the location where Tanner Heights is proposed has a great water pressure problem. He also mentioned that there were fire protection problems that would result from not having enough water pressure to even take a shower. **Margie Hendricks** asked if she would receive a legal opinion from the City Attorney on the water rights. **Mayor Marchello** replied that he would discuss with the City Manager and City Attorney, but that the Tribe is currently trying to get the rights issue resolved. **Councilmen Mike Lies** explained that he had attended most of the water rights meetings and that the Tribe has rights to all the water on the reservation and they are currently in negotiation. He added that they couldn’t speculate on the result until the final gavel falls. **Margie Hendricks** expressed appreciation for Councilmen Lies response. She said there was probably a legal question about committing residents to provide water. **Mark Carsten** commented that the water moratorium stated that you couldn’t put in extensions on the mainline for future developments, but now that it has been lifted the City was allowing 30 hook-ups per development. He added that if the City doesn’t feel there is

adequate water they can deny the development. **Mayor Lou Marchello** explained that the Water Department is taking steps with programs in place to provide more water to that area. **Margie Hendricks** said that the steps to supply more water were from the old mill site wells. She commented that the City doesn't know what capacity those wells will pump. She stipulated the City should know more about the water rights and wells' capability. **City Attorney James Raymond** clarified the motion was purely procedural to move forward. **The motion to move item of annexation ahead of the subdivision item passed unanimously.** **Councilman Tom Jones made a moved to approve Resolution #958, the annexation of Tanner Heights.** **Councilman Jim Sohm seconded the motion.** **The motion to annex failed unanimously.**

SETTING A DATE FOR A COUNCIL WORK SESSION TO COMMUNICATE COUNCIL GOALS AND OBJECTIVES TO CITY MANAGER: **City Manager Jay Henry** explained to Council that this was initiated as a request by Councilman Agrella to communicate the Council's goals and objectives to the City Manager. He recommended a meeting for early March, before the budget began. **Mayor Lou Marchello scheduled the meeting for 5:30 p.m., Monday, February 25.**

CITY MANAGER COMMENTS: **City Manager Jay Henry** handed out to the Council draft copies of the rewritten personnel manual. He explained the he would like the Council to review the draft and in about a month give him their input on it. He added that following the Council's review he would send the draft to MMIA for their approval, and then it would come before the Council for adoption.

PUBLIC COMMENTS: **Melody Scott** expressed appreciation to the Council for taking the time to understand Tanner Heights Subdivision before approving it. **Murat Kalinyaprak** commented that he appreciated being able to ask questions. He observed that in two elections the whole Council had been replaced although some people have been re-elected, but that was okay in a small town. He mentioned that he was truly happy Elsa Duford was on the Council because she had been rudely prevented from asking questions at one point when he had joked about asking questions in the jeopardy format.

The meeting adjourned at 8:00 p.m.

Lou Marchello, Mayor

ATTEST: _____
Kala Parker, Assistant City Clerk