

**CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
WEDNESDAY, FEBRUARY 18, 2009, 7:00 P.M.**

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

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

APPROVAL OF PROPOSED AGENDA: Motion made by Commissioner Clavadetscher, seconded by Commissioner Lies, to approve the proposed agenda as presented. Motion carried unanimously.

CONSENT AGENDA: A. CITY COMMISSION MEETING MINUTES FEBRUARY 2, 2009; B. CITY COMMISSION SPECIAL MEETING MINUTES FEBRUARY 5, 2009; C. CITY COMMISSION SPECIAL MEETING MINUTES FEBRUARY 9, 2009; D. FEBRUARY 1-15 CLAIMS. Motion made by Commissioner Agrella, seconded by Commissioner Lies, to approve the consent agenda items A., B, and C. Commissioner Lies corrected the February 2, 2009 minutes that during the CTEP public hearing Lee Manicke stated that the Streetscape Mainstreet Project SID would be \$725,000 (not \$750,000) and grants and donations would cover the remaining \$775,000 (not \$750,000). Commissioner Duford expressed her concern that there wasn't adequate notice for the special meeting held on February 9th, and only three people attended. **Motion to approve the Consent Agenda items A. B. and C. as presented with corrections as noted carried unanimously.**

AUTHORIZE CITY MANAGER TO SIGN LEASE DOCUMENT FOR MARINERS FIELD WITH MISSION VALLEY MARINERS, INC., BASEBALL ASSOCIATION: (Attachment handed out with 2/2/09 agenda). City Attorney/Acting City Manager James Raymond recommended approval of the lease as previously written and to include the language as proposed by Walt Timmerman of FWP-Land Wildlife Conservation Fund. **Motion made by Commissioner Funke, seconded by Commissioner Clavadetscher, to authorize the City Manager to sign the lease document for the Mariners Field with Mission Valley Mariners, Inc., Baseball Association, to include the language as recommended by Walt Timmerman FWP.** Commissioner Duford read the letter from Walt Timmerman, which stated the section he proposed to be included in the lease. She felt that according to LWCF rules, O'Malley Park must be made available to the general public for recreation purposes and that the sign on the fence needs to be replaced. Commissioner Lies noted that the concession stand should not be included in the lease and that there had been some complaints about its use. Mark Evertz stated that they should not approve the lease to the Mariners because that would give them exclusive use and the public access would be denied. Commissioner Duford stated that the Mariners can schedule their games but the public must have use and access of the field, which should be included in the lease. Commissioner Clavadetscher stated that the Mariners want to install lights in the field and wanted to be assured that they have use of the ballfield, and he felt that the lease could be written according to state law. Mark Evertz stated that the ballfield is locked up and not accessible to the public like other parks in the City. Commissioner Clavadetscher stated that the lease can be written so as not to limit public access. Mayor Marchello noted that the Mariners games could be scheduled the same as is done in the use of other parks. James Raymond noted that the gates are locked in other city parks. Dennis Labonte explained the history of O'Malley Park, that the land was donated to the City in 1941 and in 2000 improvements were made for outdoor recreation. A three quarter section was improved with parking, basketball courts and horseshoe pits and picnic tables, which have not been kept up. The ADA bathrooms have not been made available to the public as they are in other parks and they were part of the LWCF Grant improvements. Dick Blumberg suggested they table the motion and make the lease available for public review. James Raymond stated that the motion was to approve the lease subject to LWCF rules. **Commissioner Clavadetscher and Funke voted in favor. Commissioners Agrella, Sohm, Lies and Duford voted against. Motion failed.**

APPOINT ONE MEMBER TO BOARD OF ADJUSTMENT – ROLF HARMSSEN, DONALD J. MCMILLAN, CHERYL M. WOLFE: Motion made by Commissioner Clavadetscher, seconded by Commissioner Sohm, to appoint Donald J. McMillan as a member of the Board of Adjustment. Ken Siler spoke on Don McMillan’s behalf stating that he has known him for the past three years and feels he is qualified, well spoken and has no agenda but to do the best job he can for the City of Polson. Bruce Bowman said he knows Don McMillan to be a high caliber person who is analytical and will do a good job. Jerry Raunig stated his support for Don McMillan who he said is an intelligent, capable, honest individual who will do a good job in this position. Mark Nunlist said he has known Don McMillan for a number of years and considers him a good person for the job and recommended that he be chosen for the position. Commissioner Lies asked if any of the other applicants are present. None were present. **Motion to appoint Don McMillan as a member of the Board of Adjustment was carried unanimously.** Mayor Marchello thanked the applicants for their interest in the position.

CITY MANAGER SEARCH COMMITTEE RECOMMENDATIONS TO STANDARDIZE THE CITY MANAGER SELECTION PROCESS AND RESOLUTION #979 – ADDITIONAL CITY MANAGER DUTIES: Commissioner Sohm thanked the City Manager Selection Committee, members of the City Commission, the mayor and the City Attorney/Interim City Manager for providing input to create the finalized version of the Polson Updated City Manager Selection Process Guidelines which are being reviewed tonight. The City Manager Search Committee believes that this final version will address the issues brought up at the February 2nd meeting and will provide a successful outcome in hiring a city manager, therefore recommend adoption of the updated process. The input from a number of sources indicated a need to add to the list of duties, which were felt to be important but were not specifically mentioned in the job description. This change is allowed by the Charter, Article III, Executive Branch, Section 3.02 Duties of the Manager, 2., which states that the city manager shall perform the duties required by law, ordinance, resolution or this Charter. He recommended passage of a resolution to add numbers 15 to 17 as additional duties to Section 3.02 of the Charter; these are a. To prepare and market grants to secure additional funds for the City of Polson, b. To be a consensus builder working effectively with diverse groups representing the City of Polson and c. To regularly post to the City’s website and to the media updates of ongoing City of Polson business. The Charter, in Article VII, Transition Provisions, Section 7.01 General Transition, states that “Transition to this charter form of government shall be as prescribed by law. The Study Commission shall provide for such transition with an advisory plan consistent with law”, and provides the legal basis for the Transition Plan under the Charter. Further stated in the Charter under the heading “Transition Plan” states, “As provided by the Constitution and laws of the State of Montana the voters of Polson, Montana did, on November 7, 2006, adopt a self government Charter with the Commission-Manager plan of government. State law (7-3-157 and 7-3-193, M.C.A.) requires that, upon adoption by the voters of a new plan of government, the Local Government Review Study Commission shall prepare an advisory plan for orderly transition to a new plan of local government. This Transition Advisory Plan has been approved by the Study Commission and is hereby submitted for implementation to the City Council and Mayor of the City of Polson”. He recommended a need for training for all commission members pertaining to lawful interviewing techniques and suggested that the city attorney provide a legal review of the proposed plan to determine that they are sufficiently adequate and then schedule training for the City Commissioners prior to interviewing any future city manager finalists. The Search Committee is recommending advertising for two alternate members to be appointed to serve in the absence of a regular member in any part of this process and two replacement members are needed to fill vacancies for the seven member committee. The updated city manager selection process he provided for approval include the City Manager Compensation Package, Polson City Manager Duties, City Manager Information, City Manager Sample Advertising, City Manager Selection Process Time Table, City Manager Advertising Guidelines, **Polson City Commission Meeting Minutes 2/18/2009**

City Manager Selection Process, including background checks both criminal and financial will also be required. He noted that these forms should be posted on the City's website to provide as much information as possible to the candidates. **Motion made by Commissioner Clavadetscher, seconded by Commissioner Lies, to approve Resolution #979 to define additional duties for the City Manager.** Commissioner Duford expressed concern about the changes being proposed and whether they were allowed by law. Commissioner Sohm read sections of the charter that provided for the changes being proposed. Commissioner Lies suggested that the training workshop on interviewing the city manager be open to the public so they also could be better informed. Commissioner Duford asked if Don Seten has declined the position. Mayor Marchello replied that considering the changes in the hiring process he was told he could re-apply. Commissioner Duford asked if the City Attorney agreed with additional duties. James Raymond replied that the duties are allowed. Commissioner Duford asked if the Transition Plan is part of the charter. Commissioner Sohm replied that the advisory plan prepared by the Local Government Review Commission was prepared according to law. Commissioner Lies stated that the additional items added to the job description are important especially requiring grant writing skills. Dennis Anderson expressed his appreciation on behalf of the local businesses and as a Polson Chamber of Commerce member, to the Council body for making the long and diligent effort to fulfill the wishes of those who voted for the charter form of government with a goal to help the commerce and income of the community. He wished them good luck in the process. Dick Blumberg thanked the Search Committee for their hard work and commended them for the professional approach in facing the challenges. He encouraged Council to unanimously approve the updated outline for the city manager hiring process. **Commissioner Duford opposed. Commissioners Agrella, Sohm, Clavadetscher, Lies, Funke and Mayor Marchello voted in favor. Motion to approve Resolution #979, adding duties to the city manager, carried. Motion made by Commissioner Sohm, seconded by Commissioner Lies, to approve the upgraded City Manager Selection Process as recommended by the Search Committee and to advertise for the city manager position immediately using the steps as outlined in the upgraded process.** Dick Blumberg suggested that the City Attorney's review and approval be included in the motion. James Raymond replied that the addition was not needed and that he reviews all documents. **Commissioners, Agrella, Sohm, Clavadetscher, Lies, Funke and Mayor Marchello voted in favor. Commissioner Duford voted against. Motion carried.**

POLSON MEADOWS, LP AND CHERRY LAKELAND LLC REQUEST REFUND OF IMPACT FEES PERTAINING TO THEIR PROJECT: City Attorney/Acting City Manager informed the Commission that the Impact Fee Review Committee met with Gehrand Bechard and Mark Nunlist, who requested refunds of their impact fees paid for the Polson Meadows development because they are no longer proceeding with the project. Building Inspector Ron Melvin provided a detail of the refund amounts, which will be deducted from the funds they were applied to. The Impact Fee Review Committee recommended approval of the refund of the impact fees less the administration fee, as allowed by Ordinance #624. **Motion made by Commissioner Lies, seconded by Commissioner Agrella, to approve refund of the impact fees less administrative fees for the Polson Meadows development project, as requested by Gehrand Bechard and Mark Nunlist, and recommended by the Impact Fee review Committee.** Gehrand Bechard said they regret that the project will not go forward, because of the current economic situation the project is no longer viable. He requested that the administrative fee also be refunded because the funds were not expended and required little or no administration time. **Motion carried unanimously to refund the impact fees as recommended by the Impact Fee Review Committee.**

REAPPOINT LAKE COUNTY CONSERVATION DISTRICT MEMBERS – URBAN SUPERVISORS FOR POLSON – 3-YEAR TERM JOHN CAMPBELL & JIM SIMPSON: Motion made by Commissioner Lies, seconded by Commissioner Funke, to approve John Campbell and Jim Simpson’s reappointment for three year terms as the Lake County Conservation District Urban Supervisors for the Polson area. Motion carried unanimously.

PRELIMINARY APPROVAL OF LEE LODGE - 14-LOT MAJOR SUBDIVISION – WEST SIDE OF BAYVIEW DRIVE AND NORTH END OF BAYSHORE DRIVE: Zoning and Planning Official, Joyce Weaver, presented her staff report for the 14 lot major subdivision and noted that Kristin Smith of WGM Group is present on the developer’s behalf. The proposal is 6.17 acres in Low Density Residential District. The City County Planning Board has reviewed and is recommending approval of the subdivision with conditions. **Motion made by Commissioner Clavadetscher, seconded by Commissioner Agrella, to grant preliminary plat approval of the Lee Lodge 14 lot major subdivision.** Commissioner Lies noted that a utility easement is required from the power pole to the fence, which was not retained when the property was sold by Robert Watson. He also noted that they there needs to be adequate room for vehicles to turnaround safely at the end of the dead end road. Kristin Smith explained that the final plat will require that utility easements be in place and that they will accommodate a safe turnaround for the dead end road. **Motion amended by Commissioner Clavadetscher, that a utility easement be granted or that the power line be relocated at no cost to the owner. The amended motion seconded by Commissioner Lies.** Ken Siler asked that condition #5 require that the developer pay into the road fund for Bayview Drive improvements and require participation in any SID. Joyce Weaver replied that condition #26 states that the following shall appear on the final plat, “all owners, successors, heirs, and assigns, waive their rights to protest any future SID’s for any reason”. **Motion to amend carried unanimously.** Kristin Smith clarified that the parkland requirement will be addressed by payment in lieu of parkland. She also clarified that the lots will be from 2.3 to 5.3 acres, or ¼ to ½ acres in size and meet the low density zone district regulations. **Motion to approve the preliminary plat for Lee Lodge, a 14 lot major subdivision as presented, and that a utility easement be granted or that the power line be relocated at no cost to the owner. Motion carried unanimously.**

RESOLUTION #980 – PETITION FOR ANNEXATION – TOWNSHIP 22 NORTH, RANGE 20 WEST SECTION 10: SE1/4SE1 - BILL WILKINS: City Planning and Zoning Official, Joyce Weaver clarified that this is a small parcel which is adjacent to the Southern Slope Subdivision previously presented to Council. The owner has plans to proceed with a boundary line adjustment. **Motion made by Commissioner Lies, seconded by Commissioner Clavadetscher, to approve Resolution #979 annexation of 4.14 acres adjacent to Southern Slope Subdivision and access from Skyline Drive as petitioned by Bill Wilkins.** City Attorney James Raymond asked that the motion include payment of the rural fire district bond indebtedness. **Motion made by Commissioner Clavadetscher to amend to include the payment of the rural fire district bond indebtedness. Motion seconded by Commissioner Lies. Motion carried unanimously. Motion to approve Resolution #980 carried unanimously.**

JANUARY 2009 CASH REPORT: City Treasurer Bonnie Manicke presented the January 2009 Cash Report, stating that there were no negative balances with a total ending balance of \$5,709,330.83. The transfers out, claims for this month paid out of the General Fund were \$198,258 and included two police cars that are being financed through loans. Another police vehicle, is due for delivery in February and will require a payment of approximately \$25,000. The tax revenues posted from taxes due November 30 were \$139,000, which she estimates to be sufficient to cover expenses for the second half of the fiscal year. **Motion made by Commissioner Clavadetscher, seconded by Commissioner Lies, to approve the January 2009 Cash Report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

PUBLIC FUNDS INVESTMENT BID: City Treasurer Bonnie Manicke stated that there is added stress with the state of the current economy, despite that she feels the City is being treated well by the local banks and she practices safety first requiring ample pledging from the banks. Two bids were received for the investment bids requested. She purchased a \$750,000 Certificate of Deposit at First Interstate Bank, with a term of 243 days, maturity 9/30/09 at 2.55%, and a \$350,000 Certificate of Deposit at First Citizens Bank with a term of 294 days, maturity 11/20/2009 at 2.60%. Glacier Bank and Community Bank did not provide a bid. Comparisons were Ag. Of Government & U.S. Treasury >1 year was 1.00%; 5 year U.S. Treasury auction was 1.75 on 1/31/09; Federal Fund Purchased by Banks was .26%; 1/30/2009 STIP MT Board of Investments was 1.195%; January 2009 Average STIP was 1.502%. She asked the Commission for approval of the public funds investments. **Motion made by Commissioner Clavadetscher, seconded by Commissioner Lies, to approve the public funds investments of Certificates of Deposit, \$750,000, at First Interstate Bank, 243 days, 2.55% maturity 9/30/2009 and \$350,000 at First Citizens Bank, 294 days, 2.60% maturity 11/20/2009, as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.** City Manager James Raymond agreed with the City Treasurer that these are good rates from the local banks.

CITY MANAGER COMMENTS: Acting City Manager James Raymond provided his report to the Commission. *Polson Redevelopment Agency* - The Polson Redevelopment Agency is in the process of getting back on track and there'll be an agenda item related to that effort on the next agenda. *Golf Course Restaurant Lease* - Improvements: The bargain with Papa Don's regarding the golf course lease is all resolved. We are in the process of looking at the costs of a couple of improvements to the space, one, to straighten out the electrical metering between the restaurant spaces and the pro shop; two, to install a walk-in cooler on the kitchen side. Got a couple of bids on these so far; more to follow. They aren't conditions of the contract, but we said we'd look into them. *Water/Sewer Hookups:* The matter of remaining properties on Bayview Drive that are not connected to water and sewer but ought to have been some years ago is back on the burner. Your staff is making sure that we have our ducks in a row in terms of who is and who isn't before we come back here with some recommendations; just want you to know it is in the works. *A Good Piece of Police Work-* Sergeants Cottle and Nash, and Officer Dentler, PPD, received a departmental letter last week, for a good job well done and stick-to-it-eve-ness in the matter of a theft at Southshore Lounge, which resulted in four arrests for theft. Had they delayed at all the case probably wouldn't have been satisfactorily resolved. *Status On New Police Cars:* You may have seen our newest police cruiser on the street; it is blue, rather than white. The second cruiser is being outfitted for the radio gear right now, and we'll be seeing the third and final in about a month. Chief Chase informs me that the blue color on this round was a choice made by the officers, themselves. For your information, the cruiser the Chief is now driving has the number "10" instead of the number "3". *Impact Fee Report on Website:* Our impact fee ordinance requires that a report be made each year on the status of the various accounts and an update to the capital improvement projects. Mr. Clavadetscher was kind enough to compile these reports for us; I had previously passed out to you all the CIP listings. However, for your information, the impact fee report itself is also completed, more than a month ago, actually, and is available for inspection at City Hall by anyone interested. Additionally, and simpler, we've posted it - or at least, will post it - to the City's website as well. *Highway 93 Bridge Resurfacing - Night Work:* Building and Planning has had some discussions with MDOT on the subject of the bridge resurfacing project. Essentially, MDOT has suggested that some of the work proceed at night. My sense of it is that such a course of action should pose no problem, since there is very little nearby residential, although any loud noises will of course carry over the water pretty well. MDOT says the loud noises may be jackhammers, hydro demolition, which makes a loud hiss, and the usual noises of heavy equipment. They're making a definite effort to communicate their schedule by paper and radio and so forth. I assume there'll be no objection on this end. *Streetscape Funding Update:* The Treasurer's office received notice from MDOT

that our application for CTEP monies in connection with the Main Street improvements has been received and is in track. Under their projected timeline, we get a final answer by late spring/early summer. There are a couple of extra hoops along the way, of course, but so far as I can tell no show-stoppers. We've specked out a schedule that may allow construction to begin in September, but of course, there are some funding issues in the meanwhile. Doubtless more to follow. *Permit Issuance:* The Building office issued seven building permits in the month of January, 2009, as compared to two in the month of January, 2008. *Fire Volunteer Disability and Pension:* The Fire Chief and I traveled to Helena last week to testify at the Senate Local Government Committee in support of SB 352, which would have, if passed, returned to the local municipalities the authority to impose a mill levy for the sole purpose of adequately funding volunteer firefighter's disability and pension funds without going to the voters first. The bill was tabled in committee, which means it is probably dead. Senator Brueggeman carried the bill for us. The committee was very gracious, and I think I gathered from the nature of the questions asked what is necessary to get a bill that will pass in the next Legislature. *Two Staff Members Taking Qualifying Tests:* Brandon Parker and Cole Davis, W&S, are in Great Falls today taking operator's tests. Brandon is taking the Water Distribution and Treatment exam, and Cole is taking the Wastewater Treatment, first test. Ashley Walker, who is filling in for the Superintendent on vacation at present, tells me the men are ready for their tests and we're wishing them luck. *Congressional Appropriations Requests:* In follow up to a meeting with Senator Tester's staff two weeks ago, the City is compiling appropriations requests for several high-dollar projects in the works, including reservoirs, wastewater treatment, stormwater collection and treatment, and water distribution projects identified in connection with our existing capital improvements plans. We'll be sending those requests along to Mr. Tester's staff next week, and if anybody can get us some additional letters of support please put them in contact with me. We will send the same data to our State district legislators, including Senator Brueggeman and Representative Taylor. *Projects Update:* The reservoir project funded in part by TSEP grant dollars is at present getting ready to kick off later in the spring. The metal building covering the reservoirs is salvageable, and the Golf Department has expressed some interest in it for a maintenance facility. The two departments are working out a bargain of some kind and will in due course let me know, I think. *Bayshore Drive Sewer:* The sewer line from Bayshore Drive across the lower part of the Old Nine to the new lift station on the park roadway is ready to go; the contractor, Jensen, is waiting for the right frost conditions in order to minimize the impacts to the course. We were out there looking it over today, and the Course people are ready to support the project details – including no few irrigation lines that will suffer in the process. *Streetscape Project:* The Main Street water main upgrade is basically ready to go; since we are trying to package it up and coordinate construction with the Streetscape SID project, which is itself early in the timeline, we'll be waiting for a while, yet.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC:

Mayor Marchello informed the Commission that he received confirmation that the bridge reconstruction project contract will be signed by the second week in March and construction is scheduled to start in April and not go into June, July or August.

Meeting adjourned at 8:45 p.m.

Lou Marchello, Mayor

Attest: _____
Aggi G. Loeser, City Clerk