

**CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, FEBRUARY 21, 2007, 6:00 P.M.**

**ATTENDANCE:** City Council: Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Tom Corse present. Fred Funke absent. Mayor Jules Clavadetscher presiding. City Attorney James Raymond present. Others Present: Mark Evertz, Elsa Duford, Tony Porrazzo, Bill Wilkins, Dennis Duty, Lee Manicke, Kim Maloney, Joleen Barce, Rick LaPiana, Michelle Cope, Linda Sappington, Rory Horning, Ben Griffin, Greg Hertz, Gayle Bruggeman, Jim Semmens, Bob Darby, Brian Mathison, Terry Gembala, Thomas L. Sadecki, Joseph M. Cope, Dan T. Tamcke, Kala Parker, George Barce, Kam Ratcliffe, Carla Gallatin, Nathan Pierce, Gerand Bechard, Robert D. Noel, Tim Hinderman, Will Mavis, Cindy Willis, Bonnie Manicke, Doug Gillespie, Sue Taylor.

**PUBLIC HEARING -PROPOSAL TO CHARGE DEVELOPERS ALL COSTS ASSOCIATED WITH ENGINEERING REVIEWS AND OTHER CONTRACTED PROFESSIONAL SERVICE RELATED TO THEIR PROPOSED DEVELOPMENT - JULES CLAVADETSCHER:** Mayor Clavadetscher asked Council President Mark MacDonald to preside over the public hearing. He informed Council that \$11,210 was spent on engineering services last year out of the General Fund and \$13,200 was budgeted this year. Since Bob Fulton retired the City has contracted with TD&H and will have to pay a higher cost for engineering services. This proposal would shift the payment of engineering fees required for development from the taxpayer to the builder/developer who is requesting the service. An additional 5% administration fee would also be charged. He asked Council to vote favorably on this proposal. No further comments were made. The public hearing was closed at 6:05 p.m.

**CITYCOUNCIL MEETING**

**CONSENT AGENDA**

**A. CITY COUNCIL MEETING MINUTES FEBRUARY 5, 2007/X**

**B. CORRECTION TO CITY COUNCIL MEETING MINUTES JANUARY 17, 2007- per recording - Motion made by Councilman Corse, seconded by Councilman MacDonald, to approve the number and type of representation on the search committee to be, 2 Council members, 2 local government commission members, 1 department head, 1 citizen at large and Mayor Jules Clavadetscher, for a total of 7 members. (change from 2 City residents)/X**

**C. HIRE PROBATIONARY POLICE OFFICER ERNEST CAHALA JR. 2/21/07 \$15.05/HR**

**D. RESIGNATION – FIRE CHIEF TOM MALONEY**

Motion made by Councilman Lies, seconded by Councilman Corse, to approve the consent agenda items A through D, with corrections to item A., City Council Meeting Minutes of February 5, 2007, that Councilman Lies voted in favor and Councilman MacDonald voted against the renewal of Golf Pro Roger Wallace's Agreements. Also that Greg Hertz was voted to be on the slate for election as the at large member for the executive search committee for the city manager. Murat Kalinyaprak felt there should be two members at large because the mayor is usually an ex-officio member and would not have a vote, and that would make a seven-member committee. He didn't feel it appropriate to have a department head as a member of that committee. Mayor Clavadetscher clarified that the draft minutes were incorrect and the motion was made as corrected. **Motion carried unanimously,**

**REQUEST FOR FINAL APPROVAL OF MISSION BAY VILLAGE PHASE 3 – TABLED AT THE FEBRUARY 5, 2007 CITY COUNCIL MEETING – DENNIS DUTY:** Motion made by Councilman Jones seconded by Councilman Agrella to approve the final plat for Mission Bay Village Phase 3 as requested. **Motion carried unanimously.** Council thanked Dennis Duty for providing the proof of extension request.

**CITY SUPPORT FOR A “FREEDOM DAY” CELEBRATION – PARADE - MEMORIAL DAY 5/28/07 POLICE AND FIRE DEPARTMENT INVOLVEMENT AND GOLF TOURNAMENT 5/27/07 - RICK SKATES:** Rick Skates informed Council that he and his wife have formed a non profit group to promote a large freedom day celebration on Memorial Day. They have made this presentation over the past four months across western Montana, of a CD from the CNN production of an emergency room hospital in Iran where their daughter is serving, to get support for the events they have planned in Polson. This would be a two day event which would include a three-hour parade (which they are asking for the support of the Polson Fire and Police Departments) and a golf tournament (offering free or discounted golf to veterans and military personnel, if possible). Letters of support have been provided by Jana Taylor, Lake County Commissioners and the Tribes, stating their support to rename the Polson bridge, “Armed Forces Memorial Bridge”. If the City of Polson would provide a letter of support and if approved, then a dedication ceremony would also be held during the two day event. A 10' high sign made of rebar in

the shape of an American flag with fiber optic lighting at night, is proposed for Riverside Park across from Glacier Bank. They are currently organizing fund raising for donations. The event would also include helicopters, tanks and military units in the parade with Silver Tip Skydivers also making a presentation. A Five Star Award will be awarded to the Polson community for organizing this event. Karen Lewing will provide 300 to 400 elementary students dressed in t-shirts in colors that will display the American flag and they will sing a song composed especially for this event. **Motion made by Councilman Corse, seconded by Councilman Agrella, to approve the City of Polson's Fire and Police Department's participation in the Freedom Day events planned for Memorial Day as proposed. Motion carried unanimously**

**CITY SUPPORT TO RENAME HIGHWAY 93 BRIDGE - WEST OF TOWN – TO “ARMED FORCES MEMORIAL BRIDGE” - RICK SKATES:** Motion made by Councilman Corse, seconded by Councilman Agrella, that the Mayor write a letter in support of the proposal to rename the Highway 93 Polson Bridge to the Armed Forces Memorial Bridge. Rory Horning asked that the City also ask MDOT to paint the bridge, which the Chamber of Commerce has been trying to get done for years. Mayor Clavadetscher said he would write a letter of support for that also. **Motion carried unanimously.** Rick Skates thanked Council for their support and noted that the troops also appreciate their support.

**ORDINANCE #624–SECOND READING - IMPLEMENT IMPACT FEES BASED ON THE TISCHLER BIASE REPORT:** Motion made by Councilman Corse, seconded by Councilman Jones, to table the approval of the second reading of Ordinance #624, to implement impact fees based on the TischlerBise report, to allow time to discuss some issues. Rory Horning asked Council to consider offering alternative payments because requiring payment up front would cut down on the size of developments. He proposed that SID's could be used at 2% and spread over 20 years to reduce the impact on the homebuyer who pays taxes yearly. Impact fees should be set up to serve the public not just the City. **Nathan Pierce** spoke in favor of the impact fee but asked that Council work with the Impact Fee Committee to discuss some issues of concern. **Doug Gillespie** spoke in favor of tabling the issue because of concerns relating to inequities he experienced in Bozeman when they implemented impact fees although he is in favor of impact fees. **Joleen Barce** asked to have a public forum on the impact fees being proposed in order to get clarifications on issues including the impact on properties to be annexed such as Lakeview Drive. **Bob Noel** asked if a representative from TischlerBise could be present to clarify the intricacies of the State Law, which contains a large amount of data. Mayor Clavadetscher noted that since they would charge for that service a list of questions could be compiled and answered before the March 19<sup>th</sup> Council Meeting. **Motion to table the second reading of Ordinance #624 carried unanimously.** It was agreed that Councilmen MacDonald and Jones and Nathan Pierce a member of the Impact Fee Committee schedule a meeting and lead a discussion group to get citizens' input and to inform the community on the proposed implementation of impact fees. Mayor Clavadetscher recommended that City Attorney James Raymond, Ron Melvin, Joyce Weaver and Tony Porrazzo be present at the scheduled meeting.

**APPOINT JUDGE DOUG OLSON – 4 YEAR TERM - PER CITY MUNICIPAL CODE 2.22 DECEMBER 31, 2006 THROUGH DECEMBER 31, 2010:** Motion made by Councilman MacDonald, seconded by Councilman Lies, to approve the appointment of Judge Doug Olson to a four year term per City Municipal Code 2.22 from December 31, 2006 through December 31, 2010. This appointment is separate from a contract. **Motion carried unanimously.**

**RESOLUTION #942 – APPROVE POLICY TO BACK CHARGE DEVELOPERS FOR PROFESSIONAL SERVICES FEES INCURRED BY CITY OF POLSON TO PROCESS THEIR APPLICATION:** Motion made by Councilman Lies, seconded by Councilman Agrella, to approve Resolution #942 to back charge developers for professional services fees incurred by the City of Polson to process their application, plus a 5% administration fee. **Motion carried unanimously.**

**JANUARY 2007 CASH REPORT:** City Treasurer Bonnie Manicke presented the January 2007 Cash Report, noting that there wasn't a lot of activity this month, all the funds have positive balances including the gas tax 2820 with a balance of \$1,862.15. The investments shows repurchase agreement interest was 4.71%, which was higher basis points than other banks. **Motion made by Councilman Lies, seconded by Councilman Agrella, to approve the January 2007 Cash Report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

**PUBLIC FUNDS INVESTMENTS – PURCHASED CERTIFICATES OF DEPOSITS 1<sup>ST</sup> CITIZENS BANK @5.48% - 1)\$300,000 - 208 DYS 9/11/07; 2)\$500,000 – 9 MOS. 11/15/07:** City Treasurer Bonnie Manicke asked Council approval of investments she purchased, two certificates of deposit at 1<sup>st</sup> Citizens Bank at 5.48%, one for \$300,000 term 208 days, maturing 9/11/2007, another for \$500,000 term 9 months maturing on 11/15/2007. She noted the comparison,

to other types of investments are as follows. 6-month Treasury Bill Yield 5.19%. Treasury Note Maturity 9/30/07 5.091%. 6-month Agency of U.S. Government Yield 5.156%. 6-month National Jumbo C/D Rate 5.030%. 9-month Treasury Bill Yield 5.123%. Treasury Note Maturity 11/15/07 5.085%. 9-month Agency of U.S. Government Yield 5.095%. 1 year National Jumbo C/D Rate 5.070%. She noted that a 9 month C/D rate was unavailable. **Motion made by Councilman Corse, seconded by Councilman Lies, to approve public funds investments, Certificates of Deposits from 1<sup>st</sup> Citizens Bank @5.48%, \$300,000 for 208 days maturing 9/11/07; and \$500,000 for 9 months maturing 11/15/07. Motion carried unanimously.**

**ELECTRICAL UPGRADE – GOLF RESTAURANT FACILITY:** Councilman Corse informed Council of the existing electrical problems at the golf course restaurant resulting from the facility being wired to residential, not commercial specifications, as it should have been. Because of the recent fire and safety concerns in the future, the Golf Board is recommending Council approval to upgrade the electrical wiring to commercial specifications. They received two bids from electricians and are recommending approval of Lake City Electric's bid of \$18,100, with a commitment to start on the project immediately. The payment would be made out of the Golf Reserve Fund, which has \$100,000 available for this purpose. **Motion made by Councilman Corse, seconded by Councilman Jones, to approve Lake City Electric bid, an expenditure of \$18,100, for electrical upgrade to commercial specifications at the golf course restaurant, as recommended by the Golf Board. Motion carried unanimously.**

**PERMISSION TO NEGOTIATE A CONTRACT WITH THE PERSON CHOSEN BY THE GOLF SEARCH COMMITTEE FOR THE GOLF RESTAURANT MANAGEMENT:** Councilman Corse informed Council that the search committee interviewed three of the applicants and they have chosen one to whom they would like to make an offer for a contract. The offer they would make would not exceed the offer that was made to Phil Smith to renew his lease. **Motion made by Councilman Corse, seconded by Councilman Agrella, to give permission to Mayor Clavadetscher to negotiate and sign a contract with the search committee's first choice of applicants, and if not successful then their second choice of applicants, to manage the golf restaurant offering no more than what was offered to Phil Smith to renew his lease. Motion carried unanimously.**

**QUESTIONS ABOUT CERTAIN ACTS AND ATTITUDES OF MAYOR AND SOME COUNCILMEN - MURAT KALINYAPRAK:** Murat Kalinyaprak expressed his concern that the City officials are continuing to limit free speech to the public and discouraging them from attending meetings by how they are treated when they speak. He felt the three-minute rule is not necessary in a city the size of Polson and it proves that they don't want to hear public comment. He suggested that the City Manager search committee have seven voting members and include both at large applicants since the Mayor would be a non-voting member. He asked Council to not give leeway on agenda items.

**RESOLUTION #940–INTENT TO CREATE SID#40 – IMPROVE PORTIONS OF CLAFFEY DRIVE- DAWN RAYMOND PRESENTED BY JAMES RAYMOND:** James Raymond, spoke on behalf of his wife Dawn Raymond, on Hideaway subdivision, lot 5 of Lake Hills Estates, a four lot subdivision, regarding improvements to Claffey Drive. He informed Council that Claffey Drive is a dead end road, which is ½ paved and ½ not paved. The proposal is to improve 1,700 feet of road with intent to create a special improvement district to pay for the improvement. The paved portion does not meet City specifications. He received a bid of \$43,000 to pave the unpaved portion with 2" gravel and 3" paving with no curb and gutter or sidewalk, which would be a better road than exists currently. There are 24 lots that have waived their right to protest this SID, which is more than 50% of the owners and would share the cost of improvements. He asked what the City Council wants to do. Councilman MacDonald clarified that the options are 1) to improve all of Claffey Drive to City specs, 2) to pave the unpaved portion the same as the first half, 2) or do nothing. James Raymond said Bob Fulton estimated that the improvement of all of Claffey Drive to City specs would cost approximately 1.2 million dollars. **Motion made by Councilman MacDonald, seconded by Councilman Lies, to approve Resolution #940, the intent to create an SID#40 to pave the unpaved portion of Claffey Drive with a 2" gravel base and 3" paving surface with no curb and gutter or sidewalk.** Councilman Corse expressed his concern that the City should be consistent with requiring street standard specifications and without storm drainage the improvements potentially damage other private property. They should establish a policy to help improve the function and safety of roads in the City at a reasonable price. Councilman MacDonald agreed that sharing the cost of \$600,00 would be a lot for each of the 24 property owners' to pay. The option to pave at the \$43,000 quote would make the road better at a more reasonable cost. Councilman Lies noted that it is the same on JB Drive where there are easements at both ends of the road and that limits them from creating a thru street. Councilman Corse felt that when there is a potential for storm water runoff damage created, if curbs, gutters and sidewalks are built without a storm drain system, there should be a policy for street standards that

allows for a compromise that is reasonable and consistent. He felt that the mid ground, not to require curbs gutters and sidewalk, is appropriate for this site. **Jay Kirby**, architect, noted that he has done two building projects in Polson for which he had to put in curbs, gutters and sidewalks, that added a major cost to the projects. He asked the Council to be fair when requiring development standards and to consider allowing pedestrian walk paths as an alternate to sidewalks. **Tim Hinderman** said that the Mission Bay golf course development was mentioned as a shining example of a development without curbs, gutters and sidewalks, when he recently discussed a potential development in Kalispell. **Steve Jensen** noted that the County is looking at implementing a six-foot curb next to walking paths along the highway, which he feels is a good idea to keep the pedestrians away from the traffic. **Mike Roberts**, a member of Pathways to Activities, Recreation & Culture group, said they are working to create a trail system around the City to hook up to the walking paths being created in developments and encouraged Council to approve walk paths in lieu of sidewalks. It is less cost and the trend all over the country. **Rory Horning** asked that the City charge 2% interest for special improvement districts to decrease the financial impact on the property owner. In other projects the Council required the developer to pay to put in the sidewalk. He questioned the accuracy of the 1.2 million dollar quote for curb, gutter, sidewalk and paving of Claffey Drive, to bring it to City specs. **Ben Griffin** stated that flooding resulted when Hillview Way in Missoula, a street steeper than Claffey Drive, was paved with curb and gutter. He stated that since it is not a thru street it might be better to leave the surface as it is rather than pave it. A hard surface does not allow water to percolate and could affect the houses in that area. **Lee Manicke** stated that the last few subdivisions were required to put in curb, gutter and sidewalk and DEQ requires that storm water be contained on site. There is a provision in the codes for a walking path with Council approval. When there are no sidewalks walking trails are used. The curb gives a lot a finished look and it is better to have some curb to support the paving. He felt that a walking trail rather than a sidewalk is preferable in this case. **Will Mavis** said he developed the subdivision on Claffey Drive in the 70's and when he recently developed several lots on JB Drive, he was required to install curb, gutter and sidewalk, which cost him \$8,500. He felt that gravel would have been more appropriate because the water run off collects with no drainage provided. **Motion to approve Resolution #940, the intent to create an SID#40 to pave the unpaved portion of Claffey Drive with a 2" gravel and 3" paving surface with no curb and gutter or sidewalk. Motion carried unanimously.** Councilman Corse asked City Treasurer Bonnie Manicke what interest rate she would recommend for the SID. She replied that considering recent investment bids and the current rate that Council approved for sidewalk loans, she recommends 5%. She noted that SID 39 had a five-year payback timeframe. James Raymond clarified that state law requires an interest rate not to exceed 7% for no more than 20 years. Bonnie Manicke noted that \$43,000 over 20 years is too long and recommended that the payback not be over 5 years. James Raymond clarified that the SID could be less than \$43,000 and this is a resolution of intent to put the lot holders on notice. **Motion made by Councilman Jones, seconded by Councilman Agrella, to approve that the interest rate for SID#40 not exceed 7% and the duration of the payback not exceed 20 years.** Rory Horning said the residents of the City should not have to pay top interest rate for a sub standard street. It is open to challenge since the street will not be built to City code. **Motion carried unanimously.**

**OTHER PUBLIC COMMENTS:** **Rory Horning** noted that it appears that the three-minute rule does not apply to presentations. Mayor Clavadetscher replied that the applicable ordinance allows the Council to make an exception. Rory Horning asked that Council send a letter of support to get the bridge painted. Mayor Clavadetscher said he has made a note to make that request. **Doug Chase** expressed his appreciation for Fire Chief Tom Maloney's years of service and extensive contributions to the City of Polson and the surrounding community and his cooperation with the emergency services agencies. His vision for the fire department and the thousands of dollars he procured in grants for equipment and training was exemplary. He was recognized at the state level for his management of the Diamond Horseshoe deck collapse where 80 people were injured and he managed to take control in less than two hours, which was no small feat. He purchased three new fire apparatus and state of the art equipment for the fire department and established extensive training for the firemen. There is currently a waiting list to be a volunteer fire department and Tom Maloney created that interest. He will be recognized for all he has done for years to come. **Doug Gillespie** thanked the Council and Mayor for all the hard work they do and wanted them to know that they are appreciated by himself and a lot of the community members. **Murat Kalinyaprak** said he will be filing more claims against the City of Polson related to their reference to an imaginary policy.

**Meeting adjourned at 8:40 p.m.**

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**Jules Clavadetscher, Mayor**

**ATTEST:** \_\_\_\_\_  
**Aggi G. Loeser, City Clerk**