

**CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, MARCH 5, 2007, 7:00 P.M.**

ATTENDANCE: City Council: Mark MacDonald, Tom Jones, Mike Lies, Tom Corse, Fred Funke present. Councilman Bruce Agrella and Mayor Jules Clavadetscher absent. Council President Mark MacDonald presiding in Mayor's absence. City attorney James Raymond present. Others Present: Ken Siler, Bob Lajoie, Ben Griffing, Bryan Long, Sue Taylor, Walter C. Zollars Jr., Elsa Duford, Carol Jones, Hub Dykstra, Bruce Campbell, Kala Parker, Ed Hamm, Lee Manicke, Tony Porrazzo, Linda Sappington, Margie Hendricks, Doug Chase, Rory Horning, Kim York, Dennis Duty, Nathan Peirce

CITY COUNCIL MEETING

CONSENT AGENDA

A. CITY COUNCIL MEETING MINUTES FEBRUARY 21, 2007

B. CORRECTION TO JANUARY 17, 2007 CITY COUNCIL MEETING MINUTES - Motion made by Councilman Corse, seconded by Councilman MacDonald, to approve the number and type of representation on the City Manager Search Committee to be, 2 council members, 2 local government commission members, 1 department head, 1 citizen at large and the mayor as *ex-officio member*, for a total of 7 members.

C. HIRE CHANCE ANDERSEN-F/T EVIDENCE ROOM TECH/ANIMAL CONTROL OFFICER 3/12/07 \$7.50/HR PLUS 50 CENTS AFTER 6 MONTH PROBATION.

D. PURCHASE BLACK MOUNTAIN CASH RECEIPTING SOFTWARE PROGRAM WATER & SEWER DEPARTMENT \$5,846, ANNUAL SERVICE SUPPORT \$1,006.

E. FEBRUARY 2007 CLAIMS

Motion made by Councilman Lies, seconded by Councilman Corse, to approve the consent agenda items A through E, City Council Meeting Minutes of February 21, 2007, with Tom Corse's correction that Dale Gillespie's name was miswritten as "Doug" Gillespie. Motion carried unanimously.

PRE-APPLICATION REVIEW OF 21 LOT MAJOR SUBDIVISION - JON & KATHY KEITH - LONG ENGINEERING - BRYAN LONG. WILL THE KEITH'S BE ALLOWED TO USE 15TH AVE. EAST, HILLSIDE COURT, CLAFFEY DRIVE AND SKYLINE DRIVE TO ACCESS THEIR PROPOSED SUBDIVISION: Joyce Weaver reminded that this is a pre-application review, an unadvertised work session between the council and the applicant's agent (Bryan Long) for the purpose of discussion and guidance from the city council in regards to their subdivision's access. The location is a low density residential zoning and wellhead protection overlay district which restricts wells and septic tanks. The proposed access points are the intersections of 15th Ave. East at Hillside Court and Claffey meeting Skyline Drive. Department heads' comments included that the 10% road grade exceeds the 8% limit, which either needs to be redesigned, or a variance needs to be sought from the board of adjustments. **Brian Long**, civil engineer from Kalispel, pointed out that at the Hillside Vista Estates' pre-application hearing the Planning Board's concerns included the road grades. They had possible plans for a double cul-de-sac at Claffey and Hillside Court which the city requested be tied together. Long had a complete road redesign that included a substantial slope that cut into the hillside with a 10% road grade. Long discussed this with the fire marshal, who was in support of the variance, provided the Keith's met conditions for sprinkler systems, which they are open to do. The environmental assessment discussed subsurface infiltrators for storm drainage which brought to his attention that a retention pond would have to be made within the wellhead protection zone, projecting that overflow would go to the irrigation canal. Secondary access roads are projected to feed 90% of the traffic downhill to 15th as opposed to uphill to

Claffey and Skyline, which Brian felt was more appropriate. The plan, as it exists, would require 5 variances. Brian discussed with Keith's, expanding roads to minimum city standards of 55' right of way with a 22' pavement with curb, gutter, and sidewalks, which the Keith's were also open to. There's an existing well that services one lot. Their intention is to tie the lots into the city services and offer the well to the city unless it's substantially lacking quality or quantity (in which case they would abandon it). Brian asked the council for a feel on the councils stand on 15th avenue and the effects on it, and the variances of non-perpendicular intersection and the road grade. **Tom Corse** stated his past vote against using 15th Ave. as an access included in Cougar Ridge and maintained his vote would be the same for Hillside Court because of the road conditions, including the dangerous S curve. **Mark MacDonald opened for public comment.** **Ed Hamm**, Claffey Drive resident, remembered his opposition to the Cougar Ridge development and feels the same results are echoed by this new development, pointing out that the road conditions have only degraded since that proposal was denied. He stated that there are unaddressed concerns in the plan he has seen, one being the water damage to driveways which is already substantial and proposed that increasing use by other development would only serve to increase the damage done. **Bob Williams** queried as to whether there was a jurisdictional issue over Hillside Court being privately owned and not yet accepted by the city. He expressed the resulting flooding problems in private homes and deterioration of the surrounding ground causing vehicles to be stuck and leaving no safe means of traveling by foot along the street. Also denoting the danger in driving along the S curve and the intersection already present without the added traffic. He asked that the council consider the engineering problems on all streets concerned if they do have jurisdiction. **Carol Jones** articulated from the Alpine Surveying Report from March 4th 2005, that then Councilman Maddy had his own professional report that stated 15th Ave. was the best choice for Cougar Ridge. She recounted Bob Fulton had told her that the professional study did not include road conditions, merely the amount of traffic on one winter weekend. She suggested contacting the Ingrams in regards to a road through their land that would meet 5th Ave. as opposed to using 15th Ave. East. **Kim York** relayed her and her husbands concerns over Claffey Drive (where they have lived 2 years) and the intersection with Skyline. She noted that despite the marked speed limit and police enforcement, the nature of the geography for the intersection was risking imminent danger for traveling both uphill and down. She also mentioned the newer blacktop above their home has caused severe flooding damage to their private driveways, and voiced her fears that added development will only increase it. She also mentioned the zoning was incorrect for the lots, and that all aspects of this development needed addressing, especially safety issues. **Ed Hamm** agreed with Kim York, bearing a letter from Polson Police (at the time of Cougar Ridge) asking for them not to use either 15th Ave. East or Claffey Drive for the new development. **Elsa Dufford** reminded that the people of 15th Ave. East have twice submitted petitions objecting to additional traffic on that street. She reiterated Bob Fulton's statements about traffic surveys and that the MDOT Planning Staff was not aware of any studies done on the traffic on 15th. She also voiced that the two intersections in question were a double situation that was dangerous for residents and drivers. **Walter Zollars** asked that people not forget those who are effected by the choices they make, especially people in control and with influence on governmental issues that make real and life altering changes for the civilians involved. **Bruce Campbell** reiterated the safety concerns of the other speakers, and asked that people who are unaware of 15th's geography see for themselves the hazardous driving condition. **Margie Hendricks** brought the 2002 petition that the Claffey and 15th Ave. residents had signed in response to the Bauer Subdivision accessing 15th Ave East reminding the city of the misrepresentation of what was happening to their streets back then and the resulting Westana lawsuit. She felt that there had been preferential treatment with people of public trust that had started a trend of developers not having to do curbs, gutters and sidewalks. She wanted justification on why not all rules apply to all developments. She also pointed out that Whitefish and Missoula are having the same water runoff problems that Polson is having, to which they are taking swift action against with their own city ordinances. **Hub Dykstra** stated that he saw no reason to deny Cougar Ridge the 15th Avenue access if the new development will be allowed. **Joyce Weaver** asked the council for what legal advice they have in regards to allowing road access,

limiting lots, etc., and she appreciated the suggestions for alternate accesses. **Brian Long** said that water runoff questions specifically for that site would be taken care with the required DEQ approval that has guidelines and rules for drainage and how to keep it from escaping to other sites. He admitted that the intersections were not ideal, but the Keith's would be open to paying their share of the SID for improvements on the streets. He noted they had an easement set aside for a possible alternate access through the Ingram property. In reply to the jurisdictional issue, he stated the Keith's had other lots and had paid a fair share of the SID for Hillside Court, and that it would be unfair for the Keith's to pay for what other developments had not been required to pay for. **Bob Williams** brought up Hillside Court's detrimental effect on 15th Avenue and pondered if the city was setting itself up for lawsuits as a result of the flood damage to homes, due to misgivings about past city council members and their motivation in allowing such bending of the rules on the developments. He brought attention to infrastructure problems that subdivisions create and that the current developments still need to solve. **Carol Jones** pointed out the city engineer had not signed off on that. **Fred Funke** said that safety is the main concern. And he cannot agree to anything more than an 8% grade. He felt the Keith's were making a good start to doing things correctly, but there was still more to be done before he could agree to it. **Mike Lies** asked the agent if the water is being drained into the irrigation ditch and what percentage the slopes were. **Brian Long** replied that the run off eventually makes it to the ditch, wherever it goes predevelopment it will go post development. And that the slopes are 11% slopes, 19% and up to 25%. **Joyce Weaver** pointed out that the slopes didn't prevent development it just altered the percentage of land they were able to use. An 8% slope leaves 35% of the lot, while a 20% slope leaves only 5%. **Mike Lies** wondered if it wouldn't be simpler for the council to turn down the subdivision rather than have the applicants continue all the way to The Board of Adjustments only to meet with the same decision. **Joyce Weaver** stressed the importance of specific reasons for any development's denial, and suggested the council put out a moratorium on development accessing Claffey Dr., Skyline Dr., and 15th Avenue, to prevent future developments from meeting with the same obstacles. **Tom Corse** expressed his view that 5 variances was in excess of what is acceptable for safety risk and functionality, and repeated his early belief that since one development had already been denied the same request, they couldn't grant approval for another one. **Mike Lies motioned to postpone action on this item until March 19, Fred Funke Seconded. Motion carried unanimously.**

REQUEST FROM STREETScape TASKFORCE TO SET TARGET DATE FOR INFRASTRUCTURE IMPROVEMENTS ON MAIN STREET FROM 2ND AVENUE TO 7TH AVENUE INCLUDING WHAT INFORMATION WOULD THE COUNCIL LIKE TO RECEIVE FROM THE TASKFORCE PRIOR TO SETTING A TARGET DATE. **Sue Taylor**, a member of the Streetscape Taskforce, a group that is trying to work with the business owners and the city to come to an agreement between themselves to fix the business fronts and the city water mains in tandem with each other, instead of the same circular discussions that thus far has not resulted in any foreseeable date of construction. The taskforce is aiming for a March 2008 beginning of construction. Her group would like to know from the Council what date they would be open to, with the belief that the city would be taking a step toward action and would aide in the business owners taking action on their own. But she wants to know what questions the Council has before they make any decision to move forward. **Mike Lies** asked where the money would come from. **Sue Taylor** replied there would be a variety of sources. And that she had spoken to Tony Porrazzo and he had money set aside in his budget for the project. And because they were working towards beautification and storefront to storefront project they would have to issue an SID which the Taskforce is campaigning for with the landowners. They were also looking to fundraising projects for the benches, foliage, etc post construction. **Tom Jones** asked what the city's time frame would be for the water main replacement. **Tony Porrazzo** responded that the main itself would be the easiest part of the job, mentioning that two years ago one block had been completed in 5 days. However, it was dependent on the businesses to decide when they wanted the construction done so that the mess and resulting business closure during the job could be done all at once instead of prolonging the

construction. **Sue Taylor** felt the businesses are ready, and the Taskforce has been split into two groups for the business owners, one which will help in the process of beautification, and one that will work on promoting the businesses throughout the construction phases. She mentioned that flooding on store property has been difficult to get insurance claims paid on because they need to prove city negligence, however the city is not. They are waiting for the store owners to move forward. She feels that information has served to motivate the businesses into starting since it will never be easier or cheaper. She felt if the city set the date, it would push things forward. **Tom Jones** replied that he didn't think they could set a target date without agreement from the affected district. And that he'd like signed approval from the business. **Tony Porrazzo** also stressed the importance of the businesses coming up with a realistic date and time frame and being 100% in agreement about it. **Mike Lies** inquired about the total length of project in ideal circumstances. **Tony Porrazzo and Sue Taylor** agreed about 8 weeks. Sue mentioned prior considerations of two construction phases, that would only serve to make the process take longer, possibly 6 months. **Mark MacDonald** thought it important to find the time of year the people would prefer. **Sue Taylor** mentioned they had already decided on the ideal time being March and the alternate would be in September. **Mike Lies** asked if they intended to tear it all up at once or complete it as they go North on the street. **Sue Taylor** replied that some of the process still had to be decided upon, but the street would probably not be torn up at once, completing each section as they go. **Tom Jones** inquired as to the condition of Main Street from 7th Avenue up to the hospital. **Tony Porrazzo** replied that it has a bigger and better water main, with the storm drains running through the avenues and crossings at Main Street. **Lee Manicke** asked that James Raymond start a synopsis on an SID for the project. **James Raymond** responded that a petition needs to be signed by those who will be paying for it, and then the city council considers a resolution to create an SID, stating cost, the district and how it will be paid. There are varying ways that it can be paid for depending on lot size, divided by the amount of people who will benefit from the project. A public hearing is required and if less than 50% of the residents to be taxed vote against it, the council is given the choice to vote on it. **Fred Funke** asked if they were looking for any other guidance on the construction. **Sue Taylor** said the Taskforce was only looking for the city to agree to a projected construction date so they have a realistic time frame to propose to the landowners. **Tom Corse moved that the Council suggests 60 days for a consensus from the people on Main Street to begin in March 2008. Fred Funke seconded. Motion carried unanimously.**

OTHER PUBLIC COMMENTS: **Nathan Peirce** mentioned that a Public Meeting on the proposed Impact Fees will be held March 15, 2007 at 7:00 p.m. at Kwatuqnuk, where developers and concerned citizens will have an input session on the proposed ordinance and implementation of impact fees. **James Raymond** provided a memorandum of the existing ordinance with 35-40 points for the council to look over. **Rory Horning** expressed his desire for the City Council to provide a more solid date for the Main Street project, for skeptical residents, more of a determined attitude to get the people's attention and propel them into making their own serious actions towards the Main Street repairs. He feels the City really needs to get people's attention considering the 20 years the construction has been planned. He also mentioned Police Chief Doug Chase's gratifying speech for Polson's former Fire Chief Tom Maloney. in which he had spoken of the emergency response system and all the information in regards to the local safety and businesses that the PBA (Polson Business Association) had provided for them. Rory questioned why the city has not continued with the national program called The Downtown Business Watch. He felt disheartened by a lack of action and overabundance of words.

Meeting adjourned at 8:22 p.m.

Jules Clavadetscher, Mayor

ATTEST:

Kala Parker, Assistant Clerk