

**CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, MARCH 19, 2007**

**ATTENDANCE: City Council: Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Tom Corse, Fred Funke. Mayor Jules Clavadetscher presiding. City Attorney James Raymond present. Others Present: Doug Chase, Ben Griffing, Norm Johnson, Bryan Long, Ken Siler, Gerry Browning, Bob Lajoie, Mark Everetz, Dave Sheesley, Don McMillan, Lee Manicke, Ethan Smith, Linda Noble, Bonnie Manicke, Elsa Duford, Ed Hamm, Fred Phillips, Tim McGinnis, Greg Hertz, Kate Hertz, Paul London, Carlisa London, Hub Dykstra, Carol Jones, Bruce Campbell, Linda Sappington, Rory Horning, Margie Hendricks, Bud Wilkins, Justin Johnson, Bob Williams, Steve Jensen, Aggi Loeser, Nathan Pierce.**

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

**CITY COUNCIL MEETING**

**CONSENT AGENDA**

**A. CITY COUNCIL MEETING MINUTES MARCH 5, 2007**

**B. ANIMAL CONTROL OFFICER/EVIDENCE ROOM TECH BASE PAY  
RETRO TO HIRE DATE MARCH 12, 2007 @ \$8.00/HR - CHANCE ANDERSON  
- DOUG CHASE.**

**C. JOAN RODRIGUEZ-COURT & POLICE CLERK-PERMANENT STATUS +  
\$.50/HR-JUDGE DOUG OLSON AND POLICE CHIEF DOUG CHASE**

**D. HIRE PROBATIONARY POLICE OFFICER ANTHONY DENTLER  
@15.05/HR - CHIEF DOUG CHASE.**

**E. CORA PRITT TRAINING - MANAGING MULTIPLE PRIORITIES  
WORKSHOP APRIL 25 - MISSOULA - \$87 - BUILDING/PLANNING  
DEPARTMENT - JOYCE WEAVER.**

**F. STREET CLOSURE-MAIN STREET FESTIVAL-JUNE 16 & 17 - 200-300  
BLOCK OF MAIN STREET & 3RD & 4TH AVE. E. & W UP TO ALLEYS -  
POLSON BUSINESS COMMUNITY - GERRY BROWNING.**

**G. STREET CLOSURE-MACK DAYS-APRIL 14 - 200-300 BLOCKS OF MAIN  
STREET & 3RD AVE. EAST TO ALLEY 6 A.M. TO 6 P.M. - POLSON  
COMMUNITY DEVELOPMENT AGENCY - GERRY BROWNING.**

**H. STREET CLOSURE-CHERRY FESTIVAL CELEBRATION -  
AGRICULTURAL FOOD & MERCHANDISE BOOTHS - 200-400 BLOCKS OF  
MAIN STREET, 3RD & 4TH AVE. W & E UP TO ALLEYS - 6 A.M. TO 6 P.M.  
POLSON COMMUNITY DEVELOPMENT AGENCY - GERRY BROWNING.**

**I. NOTICE OF PUBLIC HEARINGS SCHEDULED FOR THE APRIL 2, 2007  
CITY COUNCIL MEETING - 6:00 P.M. - POLSON DEVELOPMENT CODE  
AMENDMENT - NEW ZONE PROPOSAL - RCZD: RECREATIONAL  
VEHICLE CONDOMINIUM SITES AND OR CAMPGROUNDS ZONING  
DISTRICT; 6:30 P.M. INTENTION TO CREATE A SPECIAL IMPROVEMENT  
DISTRICT #40 RESOLUTION #940 - TO UPGRADE EXISTING UNPAVED  
PORTION OF CLAFFEY DRIVE.**

**J. SHRINERS' CERTIFICATE OF APPRECIATION TO THE CITY OF POLSON.**

**Mayor Jules Clavadetscher pointed out that both Police Chief Doug Chase and Acting Fire Chief John Fairchild had both signed off on the street closures. Councilman MacDonald moved to approve the consent agenda items A through J, City Council Meeting Minutes of March 5, 2007, with the notation of the Cherry Festival street closure being on the date July 21. Councilman Corse seconded. Motion carried unanimously. Tony Porrazzo presented a plaque from the Shriners' Bagdad Temple to the city for its participation in the spring ceremonials last year.**

**DAN FOX (FOSTER CARE AND ADOPTION) FUN RUN - SATURDAY - MAY 12, 2007: Linda Noble requested permission for the fun run, beginning and ending at Sacajewa Park, Saturday May 12. Mayor Clavadetscher asked if the police and fire chief had reviewed and approved of the run. Police Chief Doug Chase foresaw no reason to not approve. Councilman Funke moved to approve this item, seconded by Councilman Agrella. Motion carried unanimously.**

**PRE-APPLICATION REVIEW OF 21 LOT MAJOR SUBDIVISION - JON & KATHY KEITH - LONG ENGINEERING - BRYAN LONG - WILL THE KEITHS BE ALLOWED TO USE 15TH AVE. E. HILLSIDE COURT, CLAFFEY DRIVE AND SKYLINE DRIVE TO ACCESS THEIR PROPOSED SUBDIVISION-TABLED AT 3/05/07 CITY COUNCIL MEETING:**

**Bryan Long** said the property has been annexed with a LRZD ZONING, so it only made sense to come in with an LRZD subdivision. He mentioned 2 provisions; that Hillside Court dead ends with no fire turn around or cul-de-sac, so it made sense to extend it further up the road to a tie-in or a cul-de-sac, and also the right away coming off of Claffey had been platted at 60 feet. He is requesting a 10% grade on the proposed subdivision, but they will be building the development with streets with sidewalk, curbs & gutters, which Hillside Court lacks. He pointed out that at the beginning of the project they had been informed the two roads would have to be connected without a double cul-de-sac. He mentioned his awareness of the safety concerns surrounding the streets in question. Long also brought up that since the last Traffic Impact Study there have been additional developments on 15th and Claffey that have added traffic to both streets. He said this subdivision and all its lots are within and according to the LRZD, with a 60' right away easement for future extension to the west, although the property owners are not ready to subdivide. He reiterated that his only question tonight was if Claffey and 15th Ave. E. are possible access points for the subdivision. **Mayor Clavadetscher** asked if the access up to Claffey was at 10% grade. **Bryan Long** replied they have a city standard approach coming off of Claffey with a 3% out to the minimum required distance according to the development code. **Mayor Clavadetscher** asked for clarification on which areas would be at the 10% grade. **Bryan Long** explained that several more linear feet would be needed to decrease the grade, eliminating much of the hillside. **Councilman Jones** emphasized the cities standard of 8%, and reminded that was a major safety concern from the last meeting that caused the issue to be tabled. **Bryan Long** referred to approved city streets that had comparable grades to this development. **Mayor Clavadetscher** stressed the issue at hand was not existing substandard streets, it was whether or not to create a

new one. **Bruce Agrella** questioned how they plan to prevent storm water from running to Hillside Court. **Bryan Long** replied the initial plan was for curbs and gutters with catch inlets every 300-400 feet. And in the subdivision there was a substantial low lying area they would set aside for a storm water retention fund. They would probably build a ditch to intercept all water at the low point, the DEQ standards will be met. **Tom Jones** asked what protection guarantee could be given to the landowners of Hillside Court that their property won't be water damage. **Bryan Long** admitted the potential for the inlets and drains to be plugged and suggested that there be maintenance performed on the facilities to be likely included in the homeowners association. **Fred Funke** advised he understood the streets were city maintained after the initial development, thus leaving the city responsible for any ensuing storm water, which will be drastic after large storms. He stated his opposition to the 10% grade and suggested they redesign the road with a possible SID in the future. **Brian Long** mentioned the Fire Chief accepted the 10% grade under the condition sprinkler systems were added to the homes. **Tom Jones** asked if Claffey Drive was privately owned. **Mike Lies** mentioned Claffey Lane is a private road connected to Hillside Court. **The issue died for lack of a motion.**

**Mayor Clavadetscher** commented on the safety issues of city streets and noted they have been the same for a number of years. He asked the council if they would like him to move forward to contact an engineer and find out about potential solutions for the traffic problems on 15th Avenue and other city streets. **Councilman MacDonald** stated his approval of the initiative and the council agreed.

**REQUEST FOR APPROVAL OF BOOSTER STATION, WATER MAIN EXTENSION & ACCEPTANCE OF WATER WELLS - RIDGEWATER SUBDIVISION (PREVIOUSLY KNOWN AS COUGAR RIDGE):** **Dennis Duty** brought forward 3 items which he'd like to the council to see as one. Firstly, the booster station, which they were working with Wal-Mart in effort to get their water supply from the Skyline station and the booster combined. He reported that Mission View Drive, Claffey Drive, and JB Drive would be improved and provide adequate fire protection and residential water flows. **Fred Philips** spoke for Great West Engineering and explained how they had modeled the system from Skyline's tank, which required the booster station to add pressure. They sited the booster at the location where they could meet required specifications for sizing. He summarized the design provided for the supply line coming off the tank and the booster station, which would tie into the existing station at Mission View Loop. That portion of the distribution system will be physically disconnected from the upper pressure zone, it will increase the service pressure from 15 PSI to 60, it will also provide 1000 gallons/minute residential fire code. The booster station was designed for areas that can't be served off of the tank alone, which accounts for fire flow and up to 549 residential units at typical occupancy. The booster station will have a maintenance access road off of Mission View Loop. **Mayor Clavadetscher** inquired as to the cost of the project. **Fred Philips** estimate was \$500, 000 for the pipeline and booster station. **Tom Corse** asked if the Mission View Loop residents would have high cost plumbing changes as a result. **Fred Philips** replied that some would have to make modifications, namely those connected to service line booster, which will no longer need since the booster station will provide them adequate water pressure and would be slight

construction, replacing sections of pipe. He mentioned another benefit would be the old booster station at the intersection of Mission View Loop and Skyline would no longer be needed. **Dennis Duty** mentioned his second topic, a waterline extension, a pressurized gravity flow line connecting at the end of JB Drive and tying back into Claffey, which would go through Ridgewater subdivision all the way to the highway. He asked that they be provided a meeting with Tony Porrazzo, the water and sewer superintendent, to discuss a late comers fee for those who might use the line in the future to their benefit. He also stated the easements are all in place. Dennis mentioned his final item, which included the 2 water wells with a combined capacity of 500 gallons/minute which will be given to the city, since they can not use them after they had reached final plat of phase one. He asked that the Ridgewater Subdivision be allowed to use the water to construct the project's roads and for residents who will be connected to the wells until that point. The wells do contain manganese, which will need a treatment facility if the city chooses to use the wells for domestic water. Dennis asked that if the city chose not to use the wells for any reason after 10 years that they give them back to Ridgewater subdivision. **Mayor Clavadetscher** referred to the city's current 2,000 gallon/minute water pump capacity with combined wells, pointing out the 25% increase in the water supply with the booster station. **Mike Lies** motioned to accept the proposal, seconded by **Bruce Agrella**. **Fred Funke** voiced his support, but asked that a written agreement for the wells be provided. **Tom Corse** extended his approval for the project's concept and the problems it will solve. **Mike Lies** expressed his gratitude to Dennis Duty for being so open about the project. **Rory Horning** inquired as to the cost of making the two wells' water drinkable. **Mike Lies** replied manganese only effects the color of the water, not the drinkability. **Elsa Duford** wondered who would be responsible for the cost of treatment facilities and where the facilities would be built. **Mayor Clavadetscher** explained the tax payers are not responsible the sewer and water rate payers are. It would be put in Ridgewater Subdivision. The estimated cost was roughly one million dollars. **Margie Hendricks** expressed concerns about the new wells and the cities existing wells. She mentioned difficulty finding available information, and also that in 2002 she'd been informed the wells had decreased abilities to pump. She requested the city test the wells, specifically in the hot summer months, before they agree. **Tony Porrazzo** communicated that during the past two summers the highway construction had been responsible for extreme water use, and that there are current records on all the city's wells. He also referred to the two wells from Ridgewater, which have a permit for 500 gallons/minute, but actually have a capacity closer to 600 gallons/minute. **The motion carried unanimously.**

**EXTENSION OF TIME FOR PRELIMINARY PLAT SUBDIVISIONS: TIMBER WOLF ESTATES AND PEACEFUL HAVEN - FROM JULY 2007 TO JULY 2010:**

**Mike Ferguson** communicated he was unclear on whether his July 8, 2007 deadline, and informed that he would be done with the infrastructure by the end of May, but if the deadline included the buildings he would need the extension. **Mayor Clavadetscher** informed that Joyce Weaver per her notes indicated infrastructure work had been done and the project is moving forward, but it has not reached the stage of satisfactory completion. **Councilman Corse** motioned to approve the extension, seconded by **Mark Macdonald**. **Motion carried unanimously.**

**ORDINANCE #624 - SECOND READING - IMPLEMENT IMPACT FEES:** **Tom Jones** said some of the main questions resulting from the public meeting held at Kwatuqnuq on March 15 were who pays and when. And a major concern was the park impact fee's cost, compared to water and sewer. They discussed a possible review board similar to the Board of Adjustments, so credits for waiving the fee for certain situations or organizations, such as Habitat for Humanity, can be reviewed. He endorsed the ordinance, feeling that it was fair and that their meeting had been productive. **James Raymond** presented the changes since the council last saw the draft, most of which were administrative which don't constitute policy change from the committee, but there were 2 major changes. Firstly, in section 6.10 for a subdivision to get final plat they pay half up front on all lots to extend the city mains, and the other half will be paid by individual lot owners when they apply for a building permit. He relayed the reason for the change was it affords the city and the developer money up front and provides the remaining income later. He also explained the first payment essentially acted as a credit on each individual lot, regardless of size. It also included a rule that the credit expires after ten years. He reported the second change was in section 6.12, in which the city must form an Impact Fee Review Board, which could look at each impact fee case by case. He mentioned as an example, Paul and Carlisa London's campground which they would like to develop into condominiums, where the cost difference in operation compared to residential was 10%. **Mayor Clavadetscher** asked if the ordinance specified the make up of the review board. **James Raymond** replied 2 councilman and a member of the Impact Fee Advisory Committee. **Tom Corse** brought up two concerns of his regarding fairness, first to whom it applies, specifically those who already have preliminary plat approval. He mentioned those who already had approval could possibly put years behind planning and estimating only to find out near the end they have another huge cost to factor they had no prior knowledge of to include in their calculation. He hoped the ordinance would only include those who did not have preliminary plat approval. His second concern was parks. He suggested they take a cash payment in lieu of impact fees for the park. **Mike Lies** expressed his agreement with the second point. **Tom Jones** said at the meetings they discussed reducing the park impact fees and also reduced connection fees from their current \$2,500-3000 cost. But the committee felt the park impact fee was still needed from developments to offset the cost of repair and maintenance for existing parks and trail ways. **Mark MacDonald** explained he and Tom Jones would agree to the changes if the ordinance did not already take off the \$2,500 connection fee and mentioned he felt it was fair as it was. **Mayor Clavadetscher** noted that the cost of our infrastructure would not be going down, and that it was something eventually that had to be done. Who will pay for it is the remaining question. **Mike Lies** stated the city can't use this impact fee for maintaining the parks and offered that he would prefer to see the money in lieu of parkland and the impact fees for parks. **Mayor Clavadetscher** clarified they could reduce the impact fee by the amount of money in lieu. **Tom Corse** agreed and felt Councilman Lies' comment added flexibility for the use of funds. **Councilman Corse moved to accept the ordinance as written, with the following changes; that it not apply to those with preliminary plat approval, and that park payments in lieu would be used to offset the Park Impact Fee. Mike Lies seconded. Steve Jensen** asked what would happen if there were a particular piece of park land the city would not want to pass

up. **Mayor Clavadetscher** explained that the proposed board would review and evaluate the park land. **Nathan Pierce** expressed his appreciation for Councilmen MacDonald and Jones' efforts on this ordinance. He recommended a park fee in lieu and the elimination of the park impact fee, and stated the legislature contemplates nexus and proportionality, and currently parks are slated from the softball field to the high school. He asked how a subdivision such as Ridgewater has a direct impact on parks across town, and he noted that TischlerBise advised against park impact fees. He also urged the council to empower the existing Impact Fee Advisory Committee instead of forming a new board, possibly appointing an *ex-officio* member. He also requested a mathematical methodology be established for unique situations, and not leave it open for interpretation. He stipulated there were multiple issues that should be addressed before the ordinance passed and requested the council consider them before passing the ordinance. **Mark MacDonald** responded all residents of the city in every subdivision use all the city's parks, and emphasized the quality of Polson's parks enhance any subdivision. He also offered that a smaller board would be more efficient than a larger one. **Carol Jones** observed the parks department would be needing more money to maintain the "Y" parkland and would have to hire people to maintain it. **Ben Griffing** addressed figures in the TischlerBise Report which directly derived the impact fees in the ordinance, and asked if the 2.3 million dollars worth of repairs to parks included the \$358,000 for parks to accommodate the estimated growth of the city. He also noted the daily rate of average residential water usage was listed as 293 gallons per residence per day, while sewers was listed as 157 gallons per day. He mentioned he would like the figures explored and, if they are correct, citizens should be informed of more discretionary water usage. He expressed concerns about the service charge, and also a semantics issue in section 6.3, in which the word "regulate" is used to describe impact fees. He stated the MCA addresses impact fees as a valuable part of development, not as a regulation. **Bob Lajoie** expressed concerns about favoritism on fee adjustment and would like to see the rules for fee exemption clearly spelled out and specific. He also wondered why impact fees applied to parks, water, and sewer, but not to roadways. **Mayor Clavadetscher** explained the state legislation prohibited that. **Margie Hendricks** commented that to exclude certain developments from the fees, when many of the developers knew the water moratorium would be lifted, would be unfair to new developments. **Mike Ferguson** stressed his feeling that for Timberwolf Estates, with only a few weeks left in development, to be slapped with a large fee would not be fair. **Norm Johnson** reported that the average wage in Lake County was \$12.75/hour, and that the average house payment was 37-45% of a person's wages. He advised that average home buyers can't afford this and a retirement community will result. He mentioned 2,000 students K-12 are lost statewide each year. He questioned what it will cost the future generation if we can't keep things affordable and warned they will take their families and leave the state. **Greg Hertz** agreed with the Mayor that the changes will have to be done, it was only a question of who will pay and when. He indicated exempting too much would be a problem. He wondered if empty lots with no buildings were included, or if after years of paying taxes on the property they would have to pay impact fees to build a house. He stipulated that some new developments have not paid enough taxes to be provided the water and sewer improvements they require. He worried exempting too much would not allow for the funding for the city improvements needed, in parks as well which have

many facilities that need up kept, and suggested possibly lowering the fees slightly and moving away from exemptions all together. He also conveyed passing on the burden to old tax payers would impede city growth. **Mark Evertz** disagreed with Councilman MacDonald and stressed his faith in the Impact Fee Committee as a review board. **Carlisa London** directed attention to Polson's above the national average impact fees which she said are \$1,812 for single families and \$2,467 for multifamily units. She voiced fears that developers won't be able to build multifamily units that service industry residents typically live in, and they will move away from the area. She noted her and her husbands' campground that isn't in a clearly defined area and asked for clarification on what board they would go before. **Mayor Clavadetscher** answered they would be on the agenda for a new zoning ordinance, but in a more general way there will be a board of appeals for variances. But any proposal from this board has to come before City Council. He stressed there are many scenarios and possibilities they are anticipating, and that each development needs to be dealt with in the context of the ordinance but none the less on an individual basis. **Dennis Duty** thanked the board for their hard work. He pointed out that new developments have been paying along the way, approximately \$3,500 per lot to the city. He stated he was unclear when subdivisions were to pay. **James Raymond** replied that it was only in cases where there was a mainline extension and when the section was going for final plat approval. **Dennis Duty** also asked if existing lots who are applying for a building permit are going to pay the assessment impact fee. And if so, will those who have paid existing capital improvement fees going to be offered credit? **Mayor Clavadetscher** answered yes, if an existing fee had been paid a developer will be given credit when they go through the board. The credit however only covers each lot as one, if one is subdivided from, for example, 1 to 6, there is still only one credit. **The motion was approved 4-2, with Councilmen Corse, Agrella, Lies, and Funke voting for and Councilmen Jones and MacDonald opposed.**

**FIRE CHIEF POSITION INTERVIEW BOARD - TOM CORSE AND TOM JONES AND ONE MEMBER OF THE FIRE DISTRICT BOARD WITH THE INPUT VOLUNTEERS - THE INTERVIEW BOARD WILL MAKE A RECOMMENDATION TO COUNCIL AT A SPECIAL MEETING ON FRIDAY, MARCH 30, 2007 AT 7 P.M. TO APPROVE HIRING OF NEW FIRE CHIEF: Tom Jones moved that the council set up the interview board of Tom Corse and himself, and if the Fire District Board can have an immediate meeting to select their member by the end of the week. Mayor Clavadetscher suggested the rural fire board supply in writing who their member would be. And mentioned he would like that information by Wednesday. Councilman Jones amended his movement to include the fire board to submit their member by Wednesday, March 21 at 5 p.m. Bruce Agrella seconded. The motion carried unanimously.**

**FEBRUARY 2007 CASH REPORT:** **Bonnie Manicke** reported the month of February was a normal month, but she had a few comments. The February Golf revenue, including season passes, was nearly \$198,000, a healthy collection. She mentioned there was a funds transfer of \$58, 500 from the Operating Fund to the Golf Revenue Bond Interest Fund. The interest will be due on April first, which is why the funds were transferred. She noted they also needed to approve the fund balance Golf Revenue Bond

Fund for payment for the June 30 amount, the interest of which is only \$27,500. Regarding debt service, payment number 3 was made on the golf course. The remaining balance on that loan is \$42,300. **Mike Lies motioned to accept the cash report. The motion was seconded by Tom Corse. The motion carried unanimously.**

**Mayor Clavadetscher** thanked all of the councilmen for their work on helping the city progress, specifically Councilmen MacDonald and Jones for their work on the Impact Fees, and thanked Tom Corse for his work on the golf board and golf restaurant improvements.

**OTHER PUBLIC COMMENTS:** **Carol Jones** stated the HKM report from July 2005 said that the Skyline tank needed to be emptied, and cleaned as it was full of rust. She inquired as to what had been done so far on that work and how close they were to getting existing water needs met. **Mayor Clavadetscher** responded they were waiting for confirmation of approval on a TSEP Grant for \$750,000. Much of the city's decisions on how to move forward on that project will be based on that grant money. He encouraged anyone with contacts in the State Legislature ask that they act positively for this grant. He mentioned his appreciation for Senator Bruggeman's active support. **Elsa Dufford** asked how that would effect the proposed subdivisions on Skyline if the grant is not approved. **Mayor Clavadetscher** answered that it would not.

**Meeting adjourned at 8:45 p.m.**

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**Jules Clavadetscher, Mayor**

**ATTEST:** \_\_\_\_\_  
**Kala Parker, Assistant City Clerk**