

**CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, APRIL 2, 2007**

**ATTENDANCE: City Council: Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Tom Corse, Fred Funke. Mayor Jules Clavadetscher presiding. City Attorney James Raymond absent. Others Present: James White, Ken Siler, Bob Lajoie, Paul London, Carlisa London, Lee Manicke, Bonnie Manicke, Aggi Loeser, Joyce Weaver, Elsa Dufford, Arn Hart, Lois Hart, Rory Horning, Nathan Lucke, Bob Fulton, Carol Jones, Mary Bennett, Dennis Bennet, Sid Rundell, Gayle Siemers, Tony Porrazzo, Greg Hertz, Kate Hertz, Murat, Kalinyaprak, Sue Taylor, Nathan Pierce, Pat Nowlen, Stein Anderson.**

**Councilman Macdonald chose to not sit with the council for the first Public Hearing.**

**PUBLIC HEARING - POLSON DEVELOPMENT CODE AMENDMENT - NEW ZONE PROPOSAL - RCZD: RECREATIONAL VEHICLE CONDOMINIUM SITES AND OR CAMPGROUNDS ZONING DISTRICT - Joyce Weaver** began with stating the location of the new zone and also that it was currently a KOA campground. She also mentioned the zone change in Polson Development Code from the February 27, 2007 City Council Planning Board special meeting, which had a unanimous vote for the new zone. The KOA is 24 1/4 acres and is currently in the commercial industrial district, CIZD. Regardless of what zone it is in it has a district airport overlay to insure safety, ASOD. She noted the only change from the meeting February 27 meeting was from Karen Sargent , who wanted to ensure it was understood this new zone will adhere to the Parks requirement for the Montana Code Annotated as all other zones do. **Tom Jones** asked if riding stables would affect permanent uses. **Joyce Weaver** replied that was part of the Mission Bay overlay district, and that they were making an entirely new zoning district tonight. She also mentioned that if riding stables were mentioned it was an error. **Proponents: Nathan Lucke** stated he was representing Paul and Carlisa London and noted it was in total about 24 acres. He thanked Joyce for her accurate presentation. **Opponents: Mark MacDonald** spoke, as a citizen, of his respect for the London's as friends and Polson residents. He addressed his concern, which was the RZD zoning allows for RV parks, manufactured home parks etc, but RZD applies mostly to waterfront in Polson. He commented the London's dilemma stemmed from having an RV Park in a commercial industrial area and he thought it was more appropriate to be zoned as the new zone allows, however he has his own RV park which has gone through the proper zoning. He wonders if now, after condominiumizing on the 9 acres remaining, would he be required new zoning. **Mayor Clavadetscher** asked if Councilman MacDonald was recusing himself. **Mark MacDonald** said there would be conflict so he would be abstaining from voting on the matter. Nathan Lucke replied to Mark that the resort zoning couldn't be used at the KOA because it is specifically for waterfront property and felt Mark wouldn't have to do any different zoning. **Joyce Weaver** also mentioned that Mark MacDonald is located in RZD which the council could amended to allow condominiums as it already allows recreational vehicle parks. She suggested continuing this new zone as it is and then, later, amend that RZD zone to

follow the standards of this new zone. That way if someone comes into a project that was in the RZD zone it would cross-reference the new zone and the new project would have to adhere to both codes. **Mayor Clavadetscher** asked if he was correct in stating there were two issues, one being the request for RCZD recreational condominium sites for the KOA campground and the other being Mark MacDonald's existing property and how he can change or modify it for similar usage. **Joyce Weaver** agreed, but mentioned that the new zone was the only issue for tonight, the second would have to be addressed at a later date. **Tom Jones** asked for clarification on the word "condominium" in the city county planning board draft, noting the difference between a recreational vehicle condominium and the condominiums being built across the bridge on the north side of the highway. **Joyce Weaver** agreed the wording was confusing. She clarified the similarity was between permanent structure where the owner owns the land underneath with RV condominiums the owner owns the land but any new models they park there will have to meet with the Homeowner's Association and covenants. **Tom Jones** asked if this new zone will include permanent structures. **Joyce Weaver** said there will not be permanent structures. The land around the structures will be in common with the homeowners association, but each individual will own the land beneath their structure. **Tom Corse** asked how impact fees would be applied. **Joyce Weaver** replied RV's were not included in the present impact fee definitions, and that the impact review committee is aware of the situation and must develop a fee, likely a lesser fee, due to the unique situation. **Mayor Clavadetscher** suggested a formula more complex for the difference between the non-permanent and permanent structures. **This public hearing adjourned at 6:16pm.**

**PUBLIC HEARING - INTENTION TO CREATE A SPECIAL IMPROVEMENT DISTRICT #40 RESOLUTION #940 - TO UPGRADE EXISTING UNPAVED**

**PORTION OF CLAFFEY DRIVE - Bonnie Manicke** said the estimated project was at \$43,000 and the engineer's fee was approximately 10% of that, adding \$4,300 more. She added there was a statute that states 5% of the bond issue needs to be put into a special improvement revolving fund, which will be \$2,365 based on the estimated project. She said the total project will be approximately \$49,665 and between the 24 original lots in the district the estimated price, per lot, is \$2,600. She noted most of the lots are under SID #38, paying \$300 a year in assessment fees and that in addition this resolution would add, in a ten year base, \$329.64 annually or \$27.50/month for each lot. She pointed out the county made a statement that they would put in pit run, reducing the overall cost slightly. She asked the council keep in mind this project does not put any funds in for anything exceeding this cost. There will be a 5% requirement for a revolving fund.

**Opponents: Lois Hart** reiterated from the letter she sent the council concerns about the overall cost, noting a difference in a price with each new attempt at paving Claffey. She stated that knowing an actual cost would help the residents and asked the council to wait to decide on this issue. She also discerned that some lots were larger and had potential for more road usage and damage should they be subdivided. She suggested forming an SID on the end of the road for those who desired more development. **Garth Cox** stated he'd been living on Claffey since 1984 and part of the reason he chose it was because it was outside of city limits, and that recently it has become more and more dense. He described the entrance to Skyline as dangerous, but that residents enjoyed the sparse population and recreation available. He said he was unclear on who initiated the

proposal, and that each lot is steadily getting smaller. His concern was that the people who should be paying are those who use and have access to Claffey Drive, that the amount of land benefiting should be in direct relation to the amount each lot pays. He was confused why lots on JB Drive would be part of this SID. He also questioned the amount of lots, mentioning the county map breaks down to 18 lots on Claffey Drive. He said in his opinion the road should not be paved, fearing that average driving speeds along Claffey will increase. He extended thanks to the city for clearing the road during winter months. He stated that the road was just cut in to the hillside and not meant to be intensely traveled, he felt that if they were to repair the road they should do foundation work to make this a credible road and make it safe and reduce the hassle of repairing it. He also was concerned with water run off. **Linda Cox** mentioned meeting with the mayor in reference to the cost of the drive, which raised concerns over the present condition of the road causing the cost of the SID would exceed estimates by more than 50%. **Mayor Clavadetscher** answered that it was in reference to the total cost not the per lot cost, and the actual approval for the SID would be based on the final estimate. If the total cost exceeds 50% he felt the council should take another look at the SID to be fair to the residents. **Linda Cox** expressed fear of increased speed resulting from the paving and the increased danger for pedestrians and pets that use the road every day. She mentioned the residents are still paying on a previous SID in 2000 from Resolution #108, which was supposed to include fire hydrants and they have not received any. **Gayle Siemers** questioned where the emergency exit for Mr. Raymond's subdivision is, and wondered how a dead end cul-de-sac was passed without one. He advised that water problems are inevitable and questioned the existing water line and whether or not the road will have to be torn up and the water line replaced later. He mentioned his own safety concerns with pedestrians, noting that it was the only road between skyline and the base of the hill. **Mayor Clavadetscher** replied the requirements for the emergency exit as part of the subdivision will have to be researched. **Dennis Bennett** requested exclusion from the SID, due to the fact that they have two lots on 15th Avenue and do not have access nor do they use Claffey so they will not benefit from paving it. **Carol Jones** commented that Hillside Court was unacceptable and hoped it was not the standard. She hoped that any road improvements on Claffey would be up to standard and not follow Hillside Court's example. **Arn Hart** observed that even those opposed would prefer if the road is paved, that it should be done correctly and up to code. He also voiced that he would prefer Claffey stay a dead end road. He felt with more than just a couple additional homes to the street, it would be inviting a traffic disaster. **Bonnie Manicke** endorsed the public comments made and agreed if a road is built it should be built right. She stressed there should be standards and that water concerns should be addressed before paving. She mentioned at budget time hydrants should be considered for the area, and she worried whether water pressure provided adequate fire protection. She suggested the rural fire truck inspect the area. In reference to dollar amounts she felt people would be happier spending a slightly higher amount to do things correctly as opposed to the price of fixing things later. **Mayor Clavadetscher** referred to the report from the city county planning board, and stated that a recorded access easement for an emergency access was a provision for approval of the subdivision, and the Raymond's had acted in compliance with the paving requirements. He explained the SID would be on a lot by lot basis, and also that the council could reduce the number of lots included in the SID, but

they could not add to it. He stipulated that an engineer fee was included in the estimate, and that if the SID takes place the road will be built to specifications. He maintained that at a previous council meeting the council had voted against sidewalks, curbs and gutters. He also explained that the end cost will result from the project being put up for bid, and based on the bid residents will be able to vote for or against the final SID. **Gayle Siemers** suggested the engineer make sure to examine a blind spot on Claffey that was especially dangerous for head on collisions at sunset. **Garth Cox** questioned where it's written they waive their right to protest, and he expressed that he will not give up the right to protest. **Mark MacDonald** answered that the developer is who the clause is aimed at, not the individual lot buyers, and that it is simply a standard clause for most new subdivisions. **Lois Hart** asked the council to consider offering credit from future developments on Claffey so that current residents might recover some of the cost.  
**Hearing adjourned at 7:10 p.m.**

### **CITY COUNCIL MEETING**

Pledge of allegiance and meeting brought to order at 7:15 p.m.

Mayor Clavadetscher read a letter of thanks to the Polson Fire Department from the Otter Creek Volunteer Fire Department for badly needed gear they received from the Polson Department.

### **CONSENT AGENDA**

**A. CITY COUNCIL MEETING MINUTES MARCH 19, 2007**

**B. MARCH 2007 CLAIMS**

**C. MARILYN TROSPER & MARY O'BRIEN - 2007 ANNUAL MLA CONFERENCE - APRIL 25-28 - HELENA - LIBRARY DEPARTMENT**

**D. HIRE ASSISTANT GOLF COURSE SUPERINTENDENT STEIN ANDERSON @ \$12.50/HR FT APRIL 3, 2007**

**Councilman MacDonald motion to accept the consent agenda, seconded by Councilman Funke. The motion carried unanimously.**

**RESOLUTION #941 - CREATION OF SPECIAL IMPROVEMENT DISTRICT 40 - IMPROVEMENT OF CLAFFEY DRIVE TO PAVE EXISTING PORTION OF CLAFFEY DRIVE: Councilman Jones motioned to table the issue, seconded by Councilman Agrella. Councilman Lies added addressing runoff conditions and the cul-de-sac provisions on whether or not the number of lots is overextended. Councilman Corse suggested setting a date to readdress the issue. Councilman Jones suggested 60 days. Councilmen Jones and Funke both accepted the amendments. The motion to table was unanimous.**

### **REQUEST TO CHANGE NAME OF 7TH AVENUE EAST BACK TO**

**HILLCREST DRIVE: Becky Dupuis** advocated the street name changed back from where it meets 11th Street East until it reaches Highway 93. She noted there was no safety reason why the name was changed in the first place. **Mayor Clavadetscher** noted that some homeowners were out of town and unable to sign the petition Becky Dupuis provided. He also stated he had contacted the Polson Police Chief Chase, Fire Marshall

Sargent and 9/11 Supervisor, none of whom have a problem with the name change. He also stipulated that this was a formerly approved name to prevent numerous name change requests. **Councilman MacDonald moved to accept the name change. The motion was seconded by Councilman Agrella. Motion carried unanimously.**

**REQUEST TO DESIGNATE ONE STREET PARKING SPOT IN FRONT OF 414 FIRST STREET EAST AS A 15 MINUTE PARKING ZONE: Councilman Funke motioned to table the issue until Patty Allen is present. Motion was seconded by Lies. The motion was tabled unanimously.**

**REQUEST FROM LAKE COUNTY COMMUNITY DEVELOPMENT FOR INPUT FROM CITY COUNCIL ON COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs): Sue Taylor** said Lake County Community Development is making a document which is a requirement of the Economic Development Administration (EDA), the document must be prepared every five years and updated each year in between that time for federal monies. She informed the council that the county was rapidly working on getting the county document so the it can be compiled with Flathead, Sanders and Lincoln county for the Northwest Regional CEDs. She explained there would be a survey on or before the upcoming Friday, to help prioritize the issues, goals and objects that have come to attention. She stressed that there was an area for the Council to fill in areas they might want funding for because if they weren't listed there won't be federal funding from the EDA. She explained they were very open to Council and public comment on the matter. **Mayor Clavadetscher asked for a copy and said he will talk to the appropriate Department heads and then complete the survey.**

**ORDINANCE #626 - FIRST READING - PAUL LONDON'S REQUEST TO AMEND THE POLSON DEVELOPMENT CODE; GROWTH POLICY; AND ZONING MAP TO CREATE A NEW ZONING DISTRICT RCZD OVER AN EXISTING ZONING DISTRICT OF CIZD: Councilman Lies motioned to approve the zone change. The motion was seconded by Councilman Corse. The motion passed with 5 in favor with the abstention of Councilman MacDonald.**

**REQUEST FOR COUNCIL APPROVAL OF IMPACT FEE REVIEW BOARD MEMBERS - 2 COUNCILMEN VOLUNTEERS & NATHAN PIERCE FROM IMPACT FEE ADVISORY COMMITTEE: Councilman Lies and Councilman MacDonald volunteered to represent the council on the Impact Fee Review Board. Councilman Corse motioned to accept, seconded by Councilman Funke. The motion carried unanimously.**

**ORDINANCE #625 - FIRST READING - AMENDING CHAPTER 2.06.060 OF MUNICIPAL CODES - TO DETERMINE ITS OWN AGENDA AT MEETING: Mayor Clavadetscher** explained there is a situation where the City Council Meeting agendas are prepared by the Mayor or by the soon to be City manager, and this Ordinance is designed to allow the Council to deny or allow their agenda. He pointed out that with

this ordinance the first item on every meeting would be the approval of the agenda. He mentioned his discussions with Barrister Jean Turnage over objections to City Manager forms of government which arose from the power it centralizes around one person, and pointed out this ordinance would then give more control to the whole Council.

**Councilman Corse** directed attention to a section of the ordinance which instructed a yes or no vote from the council to accept or deny the agendas with no debate and questioned not being able to discuss their vote. **Mayor Clavadetscher** answered there was opportunity for the member of Council to explain before the vote. **With that explanation Tom Corse motioned to accept the amendment. Mike Lies seconded the motion. Elsa Dufford** asked if the change pertained to any public requesting to be on the agenda. **Mayor Clavadetscher** explained any member of the public wishing to be on the agenda would appeal to their Councilperson or the City Manager, that it would still be the same process as is currently in place. **Nathan Pierce** asked if the ordinance would be effective before the charter was in place and wondered if there was a conflict with Montana Law. **Mayor Clavadetscher** informed it would be effective before the charter, but expressed there was no conflict with Montana Law in the ordinance. **Murat Kalinyaprak** said he was unclear on the implications of the ordinance and asked if it would result in an inability for the public to speak at meetings and was concerned extensive issues would be limited. **Mayor Clavadetscher** explained there would still be public comment at the meetings and more extensive issues can be submitted for approval. **Rory Horning** asked how the council would determine who would be on the agenda if it is prepared beforehand and not voted on until the beginning of the meeting. He also advised there should be a clearer process for the public to view. **Mayor Clavadetscher** replied the process is the same, they will gain the ability to move to add or strike an item. **Carol Jones** endorsed the ordinance and ascertained the ordinance ensured that the council has more input than just the city manager. **Greg Hertz** agreed with the ordinance, but also noted that a clearer process would be good for the public to understand how something could be stricken from the agenda. **Elsa Dufford** also expressed her agreement that clarity would quell some public fears of not being able to participate at meetings. **Councilman MacDonald** directed attention to the fact that the Mayor currently has the right to set the agenda and deny agenda items, he further explained that ability would simply be transferred to six people as opposed to just one. **Councilmen Lies** added that the council also currently can exercise the right to table any item, effectively denying it. **The motion carried unanimously.**

#### **REVIEW OF MAYOR'S RESPONSE TO REQUEST FROM RURAL FIRE**

**BOARD: Mayor Clavadetscher** noted that his letter had been sent to the Rural Fire Department prior to the City Council Meeting so that they could cancel the interlocal agreement if they wished. He explained Mr. Hoyt confirmed to him that the Rural Fire Department had no intention of terminating the interlocal agreement and that they readily understood they would wait until after July 1st when the city had a new City Manager to continue the discussion.

#### **APPROVAL OF PUBLIC FUNDS INVESTMENT BID - PURCHASED CERTIFICATES OF DEPOSIT AT COMMUNITY BANK - \$650,000.00 - 9 MONTHS - 5.43%; OTHER BIDS; 1ST CITIZENS 5.32%; GLACIER BANK**

**5.29%; 1ST INTERSTATE 5.19%:** **Bonnie Manicke** first made the council aware a security matured, CD #300295 in the amount of \$575,000, and the approval is for \$650,000 purchased at Community Bank at 5.43% APY. She explained other bids were from 1st Citizen Bank at 5.32% APY, Glacier Bank at 5.29% APY, and 1st Interstate Bank at 5.19% APY, she also pointed out the comparisons of the Treasury Bill Yield was 5.07%, the Treasury Note was 4.9%, the US Government Agency Yield was 5.006% and the Jumbo C/D Rate was 5.10%. **Councilman Lies motioned to approve the investment. Councilman Funke seconded the motion. The motion carried unanimously. Bonnie Manicke** also added as a footnote, the treasury is 92.18% in the local bank and government securities are at 7.82%.

**Mayor Clavadetscher launched Councilmen Funke's idea to have a committee to deal with the SID 40 proposal and the issues that were raised. Councilmen Funke, Agrella and Lies volunteered for the committee. Councilmen Jones motioned to approve the committee. Councilmen Funke seconded. The motion passed unanimously.**

**OTHER PUBLIC COMMENTS:** **Councilman Corse** pointed out the Council took Rory Horning's advise and all the council members had drunk water from the wells newly donated to the city during the meeting.

**Meeting adjourned at 7:50 p.m.**

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**Jules Clavadetscher, Mayor**

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