

POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY APRIL 15, 2013, 7:00 PM

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Mike Lies, Stephen Turner, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Manager Todd Crossett, City Attorney James Raymond, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, Police Chief Wade Nash, Street Superintendent Terry Gembala and Water and Sewer Superintendent Tony Porrazzo present. Others present (that signed in): Rory Horning, Jack Hane, Jill Southerland, Dave Cottington, Elsa Duford, Pete Daniels, Andrew Speer, Arlene Manrue, and Margie Hendricks.

Mayor Pat DeVries called the meeting to order. The pledge of allegiance was recited.

APPROVAL OF PROPOSED AGENDA: Commissioner Funke moved to approve the proposed agenda, seconded by Commissioner Campbell. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

CONSENT AGENDA:

A. MARCH 29 – APRIL 10 CLAIMS

Commissioner Lies moved to approve the consent agenda, seconded by Commissioner Campbell. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

COMMISSION WORKSHOP MINUTES MARCH 8, 2013: Commissioner Campbell moved to approve the City Commission workshop minutes of March 8, 2013, seconded by Commissioner Funke. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

COMMISSION SPECIAL MEETING MINUTES MARCH 18, 2013: Commissioner Lies moved to approve the City Commission special meeting minutes of March 18, 2013, seconded by Commissioner Funke. Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

COMMISSION MEETING MINUTES APRIL 1, 2013: Commissioner Lies said that he had read the minutes and did not find any errors. Commissioner Lies moved to approve the City Commission meeting minutes of April 1, 2013, seconded by Commissioner Funke. Commission discussion: None. Public discussion: Elsa Duford thanked Commissioner Erickson for his comments at the last City Commission meeting regarding the late agenda packet. She said the agenda packets had been late a number of times in the past when she was on the Commission and it makes it difficult for the Commission to make decisions when there is not enough time to review the agenda information. **Motion carried unanimously.**

CITY MANAGER COMMENTS: City Manager Crossett expressed his condolences for the citizens of Boston and the participants in the Boston Marathon who were victims of a terrorist bomb attack earlier in the day. He recalled a quote from Mister Rogers (Fred Rogers of the Mister Roger's Neighborhood television series) *"When I was a boy and I would see scary things in the news, my mother would say to me, "Look for the helpers. You will always find people who are helping." To this day, especially in times of "disaster," I remember my mother's words and I am always comforted by realizing that there are still so many helpers – so many caring people in this world."*

He thanked the Polson Fire Department along with the Finley Point and Ronan Fire Departments for their assistance at the residence fire on 6th Street East on April 2nd. He also thanked those that have stepped up to help the Donnégans as they lost everything.

The Skyline Tiger Grant project has started again for the season and there are delays due to the single lane of traffic allowed on Skyline Drive.

City Manager Crossett said the RFQ (Request for Qualifications) process has been completed for the West Pier and Riverside Path Tax Increment Financing project. He said the RFP (Request for Proposal) was sent out today to those who qualified.

Commissioner Campbell said that he has fielded comments from downtown businesses regarding the warranty work on Main Street and asked City Manager Crossett what the status is. City Manager Crossett said that the contractor was unable to complete the warranty work last fall so the warranty has been extended through this spring and any damage incurred this past winter will be covered. The warranty work will be done by a subcontractor from Spokane, but all correspondence goes through the general contractor who is LHC, Inc. from Kalispell.

OLD BUSINESS

APPROVE AMENDMENT TO LAVISTA OVERLOOK SUBDIVISION DECLARATION OF RESTRICTIVE COVENANTS: City Attorney Raymond said this is a “housekeeping matter”. He said it used to be common practice in the 1980s and 90s to have Homeowner Associations seek approval from the City government for their restrictive covenants and future amendments to those covenants. He said that in this case the homeowners want to make amendments to height restrictions and their covenants read that this needs to be approved by the City Council. City Attorney Raymond said the homeowners’ association attorney Mr. O’Neill sent a letter to him to get the City Commission’s approval and he told Mr. O’Neill that the City did not want to be in the business of approving homeowner covenants since the City already has zoning regulations that cover such things as height restrictions. Attorney O’Neill then sent another letter with a waiver for the City to approve which removes the City from any further need to approve the homeowners’ restrictive covenants. He said the Commission’s action this evening would be to either approve the amendment to the restrictive covenants or approve the waiver. City Attorney Raymond’s recommendation is to approve the waiver. Commissioner Campbell asked if the homeowners could approve a change that would be less restrictive than the City’s current zoning regulations. City Attorney Raymond said no – the City’s regulations would supersede their restrictive covenants. City Manager Crossett said one of the reasons that cities do not want to approve restrictive covenants is that they don’t want to be involved in such decisions as what color a house or fence can be painted. **Commissioner Morrison moved to approve the waiver as recommended by City Attorney Raymond, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: Rory Horning said the City would not be involved in making decisions on fence painting because those matters would be handled in civil court. He thought that homeowner associations may have wanted the City’s approval so they would stay in compliance with zoning regulations. He said the City should advise all subdivisions in the City with restrictive covenants that they are approving this waiver so that everyone will be treated the same. Elsa Duford asked if LaVista Drive in the subdivision is plowed by the City and Street Superintendent Gembala indicated that it is a private street and is not plowed by the City. **Motion carried unanimously.**

NEW BUSINESS

CITY TREASURER/CITY CLERK CASH REPORT FOR MARCH 2013: City Clerk Dooley presented the cash report package for March 2013. She reported that the General Ledger balance was \$4,310,217.48 at March 31st which balanced with the demand deposits and investments. City Clerk Dooley said there were no changes in the CDs for March but there will be a CD maturing in April and City Treasurer Manicke will look for investing opportunities. City Clerk Dooley pointed out the cash balance in Fund 5010 for the Sinking and Interest account which has a negative balance of \$400,000. She explained that it was necessary to wire the funds for the payoff of the Golf Revenue Bond on March 29th in order to meet the bond call on April 1st and that the closing with Glacier Bank took place on April 1st which put the \$400,000 back into this account. Commissioner Campbell asked if the new Golf Revenue Bonds contain a similar provision as the previous bonds on the amount of the administrative transfer to the General Fund to not exceed \$30,000. City Clerk Dooley said this was written into the new Bond Resolution as well because it is part of the cash flow projections that were used in deciding to refinance the bonds. Mayor DeVries thanked City Clerk Dooley for the report and commented that it is great to be caught up on the cash reports. City Clerk Dooley said it is wonderful!

APPROVE RESOLUTION NO. 1043 TO ANNEX 1007 11TH STREET EAST – WESTON & SANDRA MACDONALD: Water and Sewer Superintendent Porrazzo said this is a normal annexation – the homeowners would like to hook up to the City’s sewer service. He said there are no problems with this request that he is aware of. **Commissioner Funke moved to approve Resolution No. 1043 to annex 1007 11th Street East, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

SCHEDULE WORK SESSION WITH CITY MANAGER SEARCH COMMITTEE: City Clerk Dooley said the search committee’s general consensus is that Tuesdays are the best day for their committee to meet and would like to schedule a meeting with the Commission on Tuesday April 23rd if possible at 5:00 pm. There were several conflicts for the Commissioners on that day so the Mayor set the workshop for Monday, April 29th at 5:00 pm. City Clerk Dooley said she would notify the committee members. Mayor DeVries asked City Attorney Raymond if he would attend that meeting and he said he would.

APPROVE GOLF BOARD RECOMMENDATION TO DONATE SEASON PASS: Dave Cottington, Golf Board Chairman, said the Finley Point/Yellow Bay Fire Department made a verbal request at their March 13th meeting for donation of one season golf pass to be raffled off as a fundraiser for the department. The golf board approved the request at that meeting but did not include it in the minutes because they needed the necessary paperwork. The paperwork was later completed and dropped off to Director of Golf Roger Wallace but Mr. Cottington was not made aware of that until recently. The Golf Board included the approval in their April minutes. Chairman Cottington said this is the 5th pass that has been donated this fiscal year and the Golf Board is allowed a total of six. **Commissioner Lies moved to approve the Golf Board recommendation to donate one season pass to the Finley Point/Yellow Bay Fire Department, seconded by Commissioner Morrison.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA:

Elsa Duford asked if the meetings of the City Manager Search Committee would be public meetings. Mayor DeVries said the meetings would be public and noticed.

Mayor DeVries closed the public meeting at 7:24 p.m.

EXECUTIVE SESSION

PERSONNEL/LITIGATION: Mayor DeVries brought the executive session to order. Matters of litigation and personnel were discussed. Mayor DeVries re-opened the meeting, and there being no further business, the meeting was adjourned.

The meeting adjourned at 7:58 p.m.

Mayor Pat DeVries

Attest: Cindy Dooley, City Clerk

Attest: Raymond Law Offices, PLLC, City Attorney