

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY MAY 7, 2007, 7:00 P.M.**

ATTENDANCE: Councilmen, Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Fred Funke. Tom Corse absent. Mayor Jules Clavadetscher presiding. City Attorney James Raymond present. Others Present: Ken Siler, Lee Manicke, Deave Sheesley, Hub Dykstra, Dennis Duty, Doug Chase, Robert Lajoie, Elsa Duford, Carol Jones, Bonnie Manicke, Margie Hendricks, Robert Williams, Walt Zollars, Rob Kinzle, Murat Kalinyaprak, Tony Porrazzo.

Mayor Clavadetscher led in reciting the pledge of allegiance.

INTRODUCTION OF POLICE DEPARTMENT STAFF: Mayor Clavadetscher noted that Police Chief Chase requested this item be deferred to due to illness.

CONSENT AGENDA

- A. CITY COUNCIL MEETING MINUTES, APRIL 16, 2007/X**
- B. REQUEST APPROVAL TO CONDUCT ELKS STATE CONVENTION PARADE ON MAIN STREET JULY 21, 2007 – MIKE LIES/X**
- C. MEMORIAL DAY PUBLIC DISPLAY OF FIREWORKS - PERMIT AND WAIVE BOND – FREEDOM DAY COMMITTEE – JAMES RAYMOND**
- D. MEMORIAL DAY PARADE – USUAL PARADE ROUTE AND SUPPORT OF CITY DEPARTMENTS - MONDAY, MAY 28 - JAMES RAYMOND**
- E. BRIDGE DEDICATION AND MEMORIAL DAY CELEBRATIONS – CLOSE ONE BLOCK - 1ST ST. WEST FROM HIGHWAY 93 TO THE BISHOP BUILDING ON SATURDAY, MAY 26 THROUGH 5 P.M. SUNDAY, MAY 27 – RICK SKATES/X**
- F. DRUG ENFORCEMENT SCHOOL – ERNEST CAHALA & CHRIS WRIGHT GREAT FALLS MAY 21 & 22 – POLICE CHIEF DOUG CHASE/X**
- G. BUDGET & CONFLICT WORKSHOP – JOYCE WEAVER – MAY 16 & 17 HELENA - BUILDING & PLANNING DEPARTMENT/X**
- H. RESOLUTION #943 – ANNEXATION - PETITION TO ANNEX BY MICHAEL J. & DYANNE G. BURKE - 1709 HILLCREST DRIVE/X**
- I. APRIL 2007 CLAIMS**

Motion made by Councilman Lies, seconded by Councilman Funke, to approve the Consent Agenda A through I as presented. Motion carried unanimously.

FINAL PLAT APPROVAL – PHASE II MISSION BAY PRESERVE ORCHARD - 14 LOT MAJOR SUBDIVISION: Dennis Duty noted that he is presenting this request in Joyce Weaver's absence. He stated that a two-year preliminary plat extension of this phase was approved by Council one year ago. All the documents required for final plat approval have been submitted to Joyce Weaver and all the conditions of preliminary plat approval have been satisfied as confirmed by her staff report. A bond has been submitted for the asphalt work, which will be finished this week. Motion made by Councilman Jones, seconded by Councilman Funke to approve the final plat of Phase II Mission Bay Preserve Orchard a 14 lot major subdivision. Motion carried unanimously.

EXTENSION OF RIDGEWATER SUBDIVISION PRELIMINARY PLAT TO 2017: Dennis Duty explained that he discussed his request for extension of the Ridgewater Subdivision

preliminary plat to 2017 with Joyce Weaver. Since he is restricted to 30 water hook ups per year it would take ten years to complete the 300 hook ups for the subdivision. He will submit a request to DEQ upon Council's approval of the extension. He noted that Council has granted other developers extensions of preliminary plat and Joyce Weaver gave her recommendation to approve this request. **Councilman Agrella** said he would agree if it is legal to approve a ten year extension. **Motion made by Councilman Funke, seconded by Councilman Agrella, to approve an extension of Ridgewater Subdivision Preliminary Plat to 2017 as requested.** **Rory Horning** expressed his concern that the subdivision would be exempt from impact fees, which would be a greater impact on the community as it grows. He noticed the water pipes have gone well beyond Mission View Drive. The City accepted two wells from this subdivision and if the City does not use them in ten years they would revert back to the developer. The conditions of approval were set for completion in one year not ten years. If it isn't feasible to do the subdivision now then he suggested to let it die and have the developer start his application all over again. **Mayor Clavadetscher** responded that although in this case the developer is not responsible for payment of the impact fees, the property owners in that subdivision would pay the impact fees when applying for a building permit. **Rory Horning** asked about the easements for the water line. **Mayor Clavadetscher** replied that the easements have been granted. **Margie Hendricks** stated that the approval of this subdivision, previously known as Cougar Ridge, was a flawed process. The City did not require easements to be in place prior to approval. The plat stated that they had five roads including highway access and easements, which they got after the preliminary plat approval. Proof of easements should be a requirement. The subdivision never had an emergency access. They were able to block Ken Siler's view and he was blackmailed into giving the easements to get his view back. The same thing happened to Westana that Bauer did not have an easement and his subdivision was developed with illegal access putting Westana in an untenable situation. Cougar Ridge was flawed and the City County Planning Board called it incomplete. The chairman was put under pressure to say it was complete during a meeting at City Hall. The Master Plan and Development Code was not followed and should have been given more time before approval. **Murat Kalinyaprak** suggested that the extension should be for twenty years not ten years. **Bob Williams** stated that granting the extension may violate the Polson Development Code, and also if payment of impact fees is not paid up front by all developers. **Motion carried to approve the extension of preliminary plat for Ridgewater Subdivision to 2017. Councilman Jones opposed.**

EMERGENCY ORDINANCE # 627 – IMPOSE WATER & SEWER CONNECTION FEES - EFFECTIVE IMMEDIATELY: **Mayor Clavadetscher** explained that this ordinance is being proposed as an emergency ordinance since the impact fees are in effect now questions and issues have arisen regarding the hook up fees for water and sewer connections. **City Attorney James Raymond** noted that the prior connections fees were \$1,000 for water, \$1,000 for sewer and \$500 for the first lift station and \$250 for each additional lift station. Now the impact fees overlap those connection fees and the legislation that allows charging impact fees does not allow those charges. It required a new calculation for the actual cost for connection to the City water and sewer service. The formula he devised includes the annual operating budget for water and sewer operating, together with the facilities budget and amounts to approximately \$300 for each water and sewer connections and might vary depending on actual cost of the individual hook up. **Motion made by Councilman Lies, seconded by Councilman Agrella, to approve Ordinance #627 Impose Water and Sewer Connection Fees Effective Immediately, as presented.** **Rory Horning** asked what the fees are since he is a realtor and would need to relay this information to his clients. **Mayor Clavadetscher** stated that for a single family house, the approximate water connection fee is \$300, the sewer is \$316 depending on actual cost and the impact fee is \$7,300. He noted that he will send

a letter to the Hillcrest residents giving them the exact cost and will put it on the City's website to try to resolve confusion. **Margie Hendricks** said she does not agree with charging the Hillcrest Drive property owners the impact fees. She stated that the discussions on impact fees were to charge new development, not apply it to 50 to 75 year old residential homes. There should be public hearings providing opportunity for public input and it should not be adopted without public comment. Many of the homes have been paying into the water system for many years. She questioned why the City was so anxious to annex Cougar Ridge before the impact fee was in place, now others will have to pay for the needed pipeline expansion. The impact fees charged are arbitrary and capricious. She asked that Council reconsider charging impact fees to the Hillcrest property owners, which she thought was for new development. **Lee Manicke** noted a correction in the placement of the decimal point for calculating the percentage in the water and sewer connection fee formula presented by James Raymond. The correction was acknowledged and will be changed. **Dennis Duty** asked if the new impact fee affected the existing developments that receive preliminary or final plat approval after April 19, 2007. **Mayor Clavadetscher** replied that if the fees were paid there is no charge to the developer but the new fees apply and would be paid when building permits are applied for. The impact fees and new water and sewer connections fees will apply to all new subdivision approvals. **Motion to approve Ordinance #627 carried unanimously.**

APPROVE \$13,000 EXPENDITURE FOR FEASIBILITY STUDY OF 15TH AVENUE EAST BY THOMAS, DEAN & HOSKINS: **Mayor Clavadetscher** asked Council to approve the \$13,000 expenditure, a quote presented by Thomas Dean and Hoskins engineering firm, for a feasibility study to come up with a solution for the safety issues raised by the property owners on 15th Avenue East. **Councilman Funke** said he would be in favor if the 7th Street storm drain extension was addressed in the study. **Mayor Clavadetscher** replied that the proposal is not intended to be specific and would address the storm water runoff. **Councilman Funke** questioned if the City should spend \$13,000 or more if they can't get a satisfactory solution for the road design. **Mayor Clavadetscher** replied that he is trying to provide the Council with alternatives then Council can make an informed decision. **Councilman Agrella** agreed that other roads also need improvements. **Mayor Clavadetscher** cautioned the Council that the cost estimate for a 7/10 of a mile walking trail was recently quoted at ¼ million dollars. He has no idea what this project might cost and will need to research grant options. **Councilman Lies** asked that the engineers use the existing surveys to cut down their estimated survey costs. Council agreed that the existing surveys should be utilized by TD&H. **Councilman Funke** suggested that Mayor Clavadetscher negotiate with TD&H to reduce the \$7,500 survey and right of way research part of the contract. **Motion made by Councilman Agrella, to authorize Mayor Clavadetscher to negotiate the Feasibility Study of 15th Avenue East with Thomas Dean & Hoskins to reduce the \$13,000 contract and bring the final proposal back to Council for final approval.** **Bob Williams** stated that he owns property on either side of the proposed option #2 and he will initiate a lawsuit because it will devalue his property. The City took jurisdiction and paved Hillside Court illegally, without Bob Fulton signing off on the project. It is a private road and the City created a private SID. There are a lot of issues that need to be resolved and this will not solve the problem. He questioned if the City and County discussed ownership of Hillside Court. Discussion followed regarding ownership of the road. **Carol Jones** noted that alternate #1 and #2 are too steep for the existing road. It is adequate for Westana and the existing development but it is unsafe to provide access for future subdivisions such as Keith's and Cougar Ridge and they should use 11th Avenue as suggested by the City County Planning Board. It should be the developer's responsibility to provide an alternate route and not be the City's cost. She suggested that the Keith's negotiate with Ingram and use 5th Street for their

access, which would have no safety issues. **Dennis Duty** clarified that he has no intention to use 15th Avenue East for Ridgewater subdivision. He has access to Hillcrest Drive and the Highway and will gate off the road after the sewer line is extended. This agenda item has nothing to do with his subdivision. **Elsa Duford** assured Council that there are numerous surveys of 15th Avenue that have been prepared and paid for privately which would be available to the engineer. There is a wooden fence that is in the street right of way and it is verified by a recent survey. She felt that options #2 and #3 are not feasible because of the grade change. She asked that Council take the time to look at the road before they invest money in this study because she doesn't believe there is a feasible solution to the s curve in the road as Bob Fulton stated in the past. **Rory Horning** encouraged Council to save the taxpayers dollars by having the engineer use existing surveys of 15th Avenue East. He felt that people seeing the current route of excavation for the sewer pipe installation creates confusion. **Walter Zollers Jr.** said he sold his house on 15th Avenue East, telling the buyers with Council's assurance, that there would be no improvement of that road at this time and asked that Council not proceed with improvements. **Mayor Clavadetscher** replied that 15th Avenue has been called unsafe by homeowners and this is an effort to improve the road. **Dave Sheesley** assured Council that the survey stakes are in place and grades were shot by competent professionals and the City should not have to pay for surveying the road again. **Elsa Duford** asked how the project would be paid for. **Mayor Clavadetscher** replied that it is premature and either a grant or an SID would be considered after the residents are surveyed. **Murat Kalinyaprak** suggested they build a tunnel under the road. **Bob Williams** asked Council to take options #2 and #3 off because the City doesn't own the property, which is the first issue that needs to be solved. **Motion to approve authorizing the Mayor to negotiate with TD&H to reduce the survey cost of \$7,500 by using previously done surveys and present the final proposal to Council for their approval, carried unanimously.**

UPDATE ON TSEP GRANT FUNDING – CITY MATCH \$750,000: Water & Sewer Superintendent Tony Porrazzo informed Council that the City's application for TSEP funding is in the legislative approval process and according to John Brueggeman the money has been allocated and will be official when the bill is signed. The grant is for the City's water system improvements that were proposed in the Anderson Montgomery Engineering report prepared by Kevin Johnson. When the City is officially notified that it has been successful in its application for the TSEP grant the Council will need to approve a resolution to authorize \$750,000 in matching funds. It was clarified that this TSEP grant is for upgrading reservoirs, water mains, distribution lines and looping water lines according to the 2005 water study recommendations. **Rory Horning** asked how the water line from Ridgewater will provide adequate pressure to Mission View Drive residents. It was clarified that Wal Mart will build a pumping station. **Councilman Agrella** stated that the wells in Ridgewater need to be treated before they are utilized.

Meeting adjourned at 8:10 p.m.

Jules Clavadetscher, Mayor

ATTEST: _____
Aggi G. Loeser, City Clerk