

**POLSON CITY COMMISSION MEETING MINUTES**

**CITY HALL – CITY COMMISSION CHAMBERS**

**MONDAY, MAY 7, 2012**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Manager Crossett, City Attorney James Raymond, Human Resource Director Ardrene Sarracino, Police Chief Wade Nash, Police Officer Rick Schoening, Water & Sewer Superintendent Tony Porrazzo, Street Superintendent Terry Gembala and Parks Director Karen Sargeant present. Others present (that signed in) Agnes F. Rinehart, Ken Siler, Ben Griffing, Rory Horning, Ted & Kay Witham, Rick Smith, Lee , Diane Alderdice, Michael Gale, Carol Daniels, Pete Daniels, Paul London, Janna Taylor, Elsa Duford, Heather K, Dean & Tarri Duncan, Terry Gembala, Mark Evertz, Judy Preston, David Venters, Margie Hendricks and Mark Nunlist.

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

**APPROVAL OF PROPOSED AGENDA:** (5.17.12; 00:23) Commissioner Lies moved to accept the proposed agenda, seconded by Commissioner Funke. Commission discussion: None. Public discussion: None. Motion carried unanimously.

**CONSENT AGENDA:**

**A. APRIL 13-30 CLAIMS**

Commissioner Funke moved to approve the consent agenda for April 13-30 claims, seconded by Commissioner Morrison. Commission discussion: None. Public discussion: None. Motion carried unanimously.

**COMMISSION MEETING MINUTES APRIL 16, 2012:** (5.17.12; 01:40) Commissioner Campbell moved to approve the commission meeting minutes of April 16, 2012, seconded by Commissioner Lies. Commission discussion: None. Public discussion: None. Motion carried unanimously.

**CITY MANAGER COMMENTS:** (5.17.12; 01:40) City Manager Crossett mentioned that Cindy Dooley and Cora Pritt are at the clerk's conference and Ardrene Sarracino is covering for tonight. Staff is busy with budgets. Health insurance information will be coming in this month.

The Sacagawea Park walkway is under construction. It was not necessary to go out to bid because the cost was under the threshold due to an opportunity to piggyback on the larger project. Rail designs were being looked at and Hugh Beaver proposed a design similar to what is at the KwaTaqNuk: wood posts with double rope rails of mooring line thickness.

City Manager Crossett and Jules Clavedetche spoke with the Salish Point Committee regarding the concept of the trail connecting under the bridge. There is a lot of support for this project; the next step is to get a design started, a monetary number worked up and to bring it to the PRA and commissioners for funding approval, then on to the shoreline protection committee for permitting. At this time TIF was being looked at funding. The City Manager, staff and the PRA are looking into bonding on the basis of the TIF. This would enable the City to start projects now, while interest rates are low. Commissioner Campbell inquired about the length of time the City is extended on the CTEP funds. City Manager Crossett explained that he believes the City has borrowed five (5) years worth and has three (3) more years left. Commissioner Campbell commented that CTEP monies can be used for this type of project and City Manager Crossett agreed that these monies could be used for this project.

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Skyline walk through on Phase I is this week and is nearly complete. The final, and main, phase should go out to bid this month with the add to be placed in a week or so, the project is on track and should be moving dirt right after the 4<sup>th</sup> of July. It should be finished by Fall 2013.

Commissioner Campbell inquired about the Main Street warranty work and the deadline. City Manager Crossett said he needs to schedule a Main Street meeting and have flyers handed out. The deadline for the warranty is thought to be November. All warranty work needs to be done by early fall, anyone who has warranty concerns needs to contact the City. Mayor Devries inquired about the re-stripping and when it will be done. City Manager Crossett commented that this will be completed after the warranty work is complete, which should be before Memorial Day or after Labor Day, to avoid a main street shut down.

### **SECOND READING – ORDINANCE NO. 661 – SUBSTANTIALLY REVISING ORDINANCE 624 REGARDING IMPACT FEES FOR NEW DEVELOPMENT: (5.17.12; 08:30) Motions, Commission**

discussion: Commissioner Campbell questions the wording of document in several places and stated that the document could be easier to understand. Attorney Raymond responded with the understanding that some house keeping will need to be done with this ordinance. Commissioner Campbell stated on page 2, Section 6.2(a) he is fine with the first part, but thinks the last sentence needs to be eliminated, stating at “The City has experienced...(ending with) public facilities and services.” The first sentence can stay in. Commissioner Campbell asks if the Transitional Provision on page 12, Section 6.10(b)(4) can be replaced with simple language, easier to understand and if that would that accomplish the same thing? Commission Lies believes it would. Commissioners stated that the City has receipts of all the monies and who paid how much and that the City has record of this. Commissioners stated that fees could be charged for any new construction. Commissioner Lies states that he think the document should reference all lots. Commissioner Lies points out on page 14, Section 6.12(3) that he likes Mr. Fulton’s idea about the Board of Adjustment (BOA) taking care of the fee adjustment if necessary. Commissioner Campbell asks if the BOA is made up of both outside and inside the City limits people and is there anything that explains their duties? City Manager Crossett makes a statement regarding the importance of the interface with City staff; who has knowledge of costs and that there would need to be involvement by them. Commissioners make comment that public representation is important. Mr. Fulton states that the City needs to let each side present their arguments to a separate impartial board. Mayor Devries asks if the decision will come back to the council; the answer is yes. City Manager Crossett states that the BOA meets once a month and voiced concern about being able to deal with applications in a timely fashion. Commissioner Campbell would like to hear from the BOA. He states that he would hate to dump a job on them, something that is not their responsibility. Council is unsure about the BOA responsibilities and believes there are many items to look at to come to a conclusion on the roles and responsibility of the BOA. Commissioner Campbell suggests that this ordinance be tabled again and that Attorney Raymond can do some research. Superintendent Porrazzo stated that in the past a panel had given his much needed fees away; he does not want to see the elimination of Department-heads and/or employees from the review process. Commissioner Campbell agrees with Superintendent Porrazzo and states that he thinks non-city residents should not be on the board. Commissioners agree that those currently involved should stay involved. **Commissioner Campbell moves to table the second reading of Ordinance 661, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: Cheryl Wolfe stated the need for a policy to be written with someone who has a CPA to reflect cash handling, also noting that there is now a Mayor as well and a City Clerk with this credential. Ms. Wolfe also states that there needs to be internal controls to detect and correct problems; that the document is too long and has too much legalese and it should be easy to read and understand. Miss Wolfe also objects to repeated statements will verbiage such as ‘exercise of the Cities Police power & Police power authority.’ Dean Duncan states that the verbiage has flaws and is contradictory. Margie Hendricks states she is happy that the

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ordinance will be called a new ordinance and that the old one should be null and void. Miss Hendricks gave a definition of an impact fee and pointed out that the old ordinance definition is not the same as the new ordinance definition as well as discrepancies with the way impact fees are being charged. **Motion carried unanimously.** Council agrees to a workshop on Wednesday, May 16, 2012 at 7 p.m. for 1.5 hours, open to staff and public.

**PRESENTATION OF NEW ELGIN BROOM BEAR SWEEPER PURCHASED WITH MACI GRANT AND MATCHING LOCAL FUNDS:** (5.17.12; 40:17) Street Superintendent Gembala presented new street sweeper purchased with MACI Grant, sweeper is considerable better, easier to maintain, one issue found with door which was fixed today, schooling on it last Thursday. Recess call by Mayor Devries for 15 minutes to view the New Elgin Broom Bear Sweeper. (5.17.12\_2; 01:01) Mayor Devries brought meeting to order. Street Superintendent Gembala stated that the new unit comes with a sander/deicer unit that will need to be picked up in Helena when it becomes available. Superintendent Gembala mentioned that Montana is one of two states that build their own snowplow trucks, also stated the facility is impressive and tours are available when requested. Comment by Bob Fulton stating that Superintendent Gembala should be commended for his excellent work managing the snow plowing for the City. Mayor Devries also thanked Superintendent Gembala for bringing the new sweeper to the meeting for a showing.

**INTRODUCTION OF NEW POLICE OFFICER RICK SCHOENING:** (5.17.12\_2; 02:25) Polson Police Chief Nash introduced Officer Schoening to the Council, stating that as an officer he has over 28 years of experience, mainly with Fish, Wildlife and Parks as a Game Warden. Officer Schoening has his bachelors' degree in Wildlife Biology from the University of Montana and a minor in Education. Officer Schoening has been married for 35 years, has three children and is community oriented. Chief Nash continues to state, because of Officer Schoening's community orientation he has the same vision and qualities that the Polson Police Department is built on. Chief Nash states that he believes that Officer Schoening will be an excellent addition to the City of Polson; he then presents him. Officer Schoening speaks, thanking Chief Nash and acknowledges the Council; he mentioned moving to Polson in 1986, his role as a peacekeeper at a young age as well as having retired, playing farmer and eventually living to miss dealing with the public. Officer Schoening ended with the statement that he appreciated the opportunity provided to him by Chief Nash and he looks forward to serving the citizens Polson as well as the commission.

**POLSON ROTARY FOUNDATION REQUEST FOR TWO (2) SEASON GOLF PASSES FOR THE 2013 GOLF SEASON:** (5.17.12\_2; 05:00) Jules Clavadetscher addresses the Council and states the reason for his request and that he is speaking as a representative of the Polson Rotary Foundation; making mention that the Foundation is a 501c3 organization, which has an annual signature event for children. With proceeds for the past 5-years averaging over 70 thousand dollars per year, which cycles back into the greater Polson community. In 2011 the Foundation was able to help purchase a new van for the Boy's and Girl's Club and in 2012 the Foundation is working to help the Mission Valley Aquatics pay for their new pool. One of the big fundraisers for the upcoming event is a raffle ticket; in the past 5-years the City has been gracious enough to award the Foundation two free Golf Passes and is look for two more for the 2013 year. The upcoming Chili Cook-Off event is on August 25, 2012. Mr. Clavadetscher formally asks for the two free golf passes, contingent on golf board approval. **Commissioner Morrison moved to approve the two free golf passes, seconded by Commissioner Turner.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

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**FESTIVALS ON THE FLATHEAD REQUEST FOR USE OF SALISH POINT FOR A BLUES**

**FESTIVAL ON July 3, 2012:** (5.17.12\_2; 07:00) Keryl Lozar states that the Festival on the Flathead is a non-profit organization established in 2011 and is designed to present a quality entertainment/musical festivals. Miss Lozar is requesting an open container permit on July 3, 2012 from 5:30p.m. to 11:30p.m, asking permission for an extension of curfew to 11:30p.m. as well as the closing of Kootenia Avenue at the top of the venue as per Fire Chief Fairchilds’ request; similar to the 2011 Festival. The event will present a night of Blues. **Commissioner Campbell moved to approve the open container permit, extended curfew to 11:30p.m. and the closure of Kootenai Avenue to the top of the hill (to the point), seconded by Commissioner Morrison.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**APPROVAL OF TWO NEW PARK BOARD MEMBERS: MEMBER-AT-LARGE VACANCY – JILL CAMPBELL AND WARD III VACANCY – ROBIN WALLACE:** (5.17.12\_2; 9:05) Parks Director Karen Sargeant requests placement of new Park Board Members, Jill Campbell (Member-At-Large) and Robin Wallace (Ward III). Park Board Member term is four (4) years. Jill Campbell made a comment. **Commissioner Funke moved to approve the New Park Board Members, seconded by Commissioner Morrison.**

Commission discussion: None. Public discussion: None. **Motion carried with six (6) votes for and one (1) abstain by Commissioner Campbell.**

**APPROVE RESOLUTION NO. 1027, REVISING IMPACT FEE RATES:** (5.17.12\_2; 11:52) Attorney Raymond speaks regarding the concerns to lower rates and suggests only lowering Water and Sewer impact fee rates by 50%. This percentage was discussed with City Staff and was found to be the safest budgetary solution. Attorney Raymond discussed detailed changes to be made to Resolution 1027. Commission discussion: There was much discussion as well as concerns expressed by Commissioners. Public discussion: Elsa Duford suggests reviewing this resolution with ordinance 661. Dwayne Smith stated that the fees will still be high, suggesting lowering building fees. Cheryl Wolfe expresses her concern to ensure that the fees cover expenses incurred and stated that she believes the fees were based and calculated by an outside firm. Paul London said the City should make an impact on growth. (5.17.12\_2; 29:24) A citizen questioned why there are impact fees only on newly built structures and not a surcharge fee on all other existing structures, to ensure a steady source of income. Commissioner Campbell states that the main reason for the fee structure is to keep water rates low by assessing providing a vehicle for development to pay part of the cost of the additional infrastructure new development demands, rather than that cost being born entirely by rate payers. City Manager Crossett gave further explanation about the legal structure of impact fees. Public discussion: Mark Nunlist makes statements regarding the history of impact fees and that the fees were the highest in the state when they were introduced. Mr. Nunlist said the rates are too high and should be reduced by 80%. Jules Clavadetscher gave some history, stating that Randy Ingram hired Tishler Bise to evaluate the impact fees and that capital expenditures need to be paid for required capital expenditures. Mr. Clavadetscher stated that the total impact fee is about \$7000 dollars and over a 30 year fixed mortgage the cost would be about \$34 dollars a month. Rory Horning made a statement, thanking the council for an answer. Ben Griffin made a comment that a workshop is a good idea. Mr. Griffin mentions an article regarding the sale of some homes, new and old, stating that only half were subjected to impact fees; that there is not much growth and that a reduction in impact fees could possibly spark some growth and development. Mr. Griffin also stated that impact fees are not supposed to be used for sewage lagoons or paving streets. Denise Duty states that ‘this is a good start’, the fee has gone from \$6800 to \$4400 and we need to make an impact by encouraging growth. Mr. Duty recommends making a large impact and to reassess the fees in a year and raise them if needed. Rick Smith states he does not believe that a 50% decrease in fees will make an impact at all, he also states; be aware that conservationists and developers have come to agree that increasing density in town will help prevent sprawl through out the County, it is also a good idea

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environmentally. Lita Fonda questioned: Is the construction slow because of impact fees or because there are a lot of houses for sale? **Mayor Devries States Motion to Approve Resolution 1027 with changes to 661 to 624**, with Resolution clarification from Attorney Raymond. **Motion does not pass, with 2 for and 4 against.** (5.17.12\_2; 47:35) Mayor Devries states that refunds will be made in the future if rates are reduced. Question from Commissioner Erickson regarding where the 50% decrease for Water and Sewer came from. Attorney Raymond explained the reasoning behind the reduction and that it was a decision made with input from the City Staff. Mayor Devries and Commissioners agreed that this resolution would be tabled until the meeting on Wednesday, May 17, 2012 at 7:00 p.m.

**CONCERN ABOUT COMMISSIONERS SITTING ON SUBORDINATE BOARDS:** (5.17.12\_2; 50:20)

City Manager Crossett expands on agenda request by Diane Alderdice regarding members of the commission sitting on other subordinate boards and states that there is no rule regarding the restriction for commissioner who want to sit on subordinate boards. There are two types of boards, advisory boards who make recommendations and quasi-judicial boards who operate like a jury, such as the City County Plan Board and Board of Adjustments. This item is up for discussion only. He commented that the current practice is legal and that he saw no conflict of interest with commissioners sitting on advisory boards as they advise only. He did see potential for conflict with commissioners sitting on subordinate quasi-judicial boards as they actually make legal decisions and as the commissioner may sit on multiple “juries” in the case of a subdivision or an appeals process. Commission discussion: Discussion was both pro and con regarding the conflict of interest regarding being on more than one board, Commissioner Campbell said that he currently sat on the Planning Board and that he was willing to abstain if needed. Public discussion: Diane Alderdice has a concern with a commissioner who has more than one vote, because of being on the City Commission and a subordinate board. She would like Commissioners to be more transparent regarding the reasoning behind the decisions that are made. Miss Alderdice asks that the City Manager rescind his appointment of this Commissioner to the Golf Board and replace him with a citizen. (5.17.12\_2; 1:02:52) A citizen states that he has concerns regarding a Commissioner who would have two votes and agrees that a commissioner should abstain on the vote made during a City Council meeting if participating in a vote on the same subject on another board. Judy Preston stated that she appreciates the support of experienced board members, whom she relied on and acknowledges the conflict of interest issue. Lita Fonda states that there are state laws regarding Council members and citizens on City County Planning Boards. Rory Horning states there needs to be more community involvement in the City decision making process and that the Council needs to discuss issues and make their decisions in an open format; words of Mayor Devries on October 22, 2009. Cheryl Wolfe appreciates when commissioners abstain when a conflict of interest presents itself, she believes rules should be in place to prevent such speculation and she stated the ‘good ol’ boys club’ perception was recognized in the Foundation Envision Polson survey. Mark Everetz states he was on the Board of Adjustment, experienced conflicts of interest and is against any Council Members or Department-Heads from being on any of the boards and stated that a citizen’s place has been taken.

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

(5.17.12\_2; 1:07:26) Cheryl Smith states she does not feel represented as a parent of young children, we need more women in government; it is hard for women and young parents to participate on the boards and in government.

**RECESSED:** 8:57 P.M.

**EXECUTIVE SESSION:**

**ADJOURN:**

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Pat DeVries, Mayor

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Attest: Ardrene Sarracino, Office Manager

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Attest: James Raymond, City Attorney