

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, JUNE 17, 2013 7:00 P.M.**

**ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. Absent: Stephen Turner. Interim City Manager Karen Sargeant, Human Resource Director Ardrene Sarracino. Absent: City Attorney James Raymond. City Staff: Police Chief Wade Nash, Fire Chief Fairchild, Planning Officer Joyce Weaver, Water & Sewer Superintendent Tony Porrazzo and Streets Superintendent Terry Gembala. Members of the community: Ken Siler, Rich Forbis, Rory Horning, Andrew Speer, Diane Speer, Elaine Hawk, Heather Knutson, Chris Toppan, Sue Toppan, Michael Brandt, Drew Hoel, Bonnie Manicke, Lee Manicke, Margie Hendricks, Robin & Keith Erickson, Elsa Duford**

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

**APPROVAL OF PROPOSED AGENDA: (00:38) Commissioner Funke moved to accept the proposed agenda, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: None. **Motion carries unanimously.**

**CITY COMMISSION MEETING MINUTES JUNE 3, 2013: (01:01) Commissioner Lies moves to accept the meeting minutes with a minor change, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: Elsa Duford clarifies and corrects the content related to her reference. Mr. Horning recalls a correction to his comments suggested from the May 6<sup>th</sup>, 2013 minutes and asks what the process is. Madam Mayor informs Mr. Horning that some comments are not pertinent and/or appropriate for the minutes; this conclusion was confirmed with City Attorney. **Motion carries unanimously.**

**CONSENT AGENDA MAY 29 – JUNE 11 CLAIMS: (04:00) Commissioner Campbell moves to accept the proposed agenda, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: Mr. Horning asks for clarification. Madam Mayor restates item up for discussion. **Motion carries unanimously.**

**CITY MANAGER COMMENTS: (04:43)** City Manager Sargeant informs the council of the well-attended ice rink/roller rink organizational meeting held on June 10<sup>th</sup> at 7pm. One of the outcomes of this meeting was the establishment of a 14 member committee which will start the feasibility research of construction and operation, design creation and fundraising for a completely operational facility. The committee meeting will be conducted similar to the prior skate park committee.

The vermiculite was tested at the Donagon home for asbestos, none was found. In order to be compliant with the EPA, Federal and Tribal standards more samples are needed and were taken on Friday and results are expected on Tuesday. At this point no contamination results are expected to show up. When the report is received a copy will be given to Mark Nelson and the Tribal EPA representative. When and if the results are negative the demolition of the home will start on Thursday by Steve Jensen who was hired by Mr. Donagon. Chief Fairchild and Inspector Howke have spent many hours on this project because there was no president in the state of Montana established to determine how to handle this type of situation.

Matt Kessler of Fisher Industries a professional company out of Arizona is coordinating the delivery of steel bridge girders, from the plant in Libby to Monroe Washington. There is a height and width predicament, the girders are 210' long, 12' wide and 16' high, the wrought will go

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through Highway 93 to I90. Fisher Industries has obtained their permit from MDOT and will start the deliveries this week and it is expected to last from 7-9 weeks, running on Tuesday, Wednesday and Thursdays during the day light hours. The girders will be trucked 3 at a time, one on each truck, delivered once a week. The transportation plan is good and emergency transportation plan copies have been distributed to the Police and Fire Chief, Lake County Dispatch and the ambulance service. No concerns surfaced from the department heads and nor any issues from the Chiefs. Mr. Horning asked for clarification on the time of day the deliveries will be made.

The Fire Department was given a boat slip donation, with a value of \$1500, from Mark McDonald to use at his marina at the Flathead RV Resort and the use of a boatlift that was setup free by Tim Marinin of TRM and Steve Stanley. Another exciting note, the Fire Department is now the proud owner of a 1948 American Le France fire truck, which was taken out of City service in 1990. The Engine was purchased by Roland Peterson and then given to his son, who donated it back to the Fire Department. Volunteers are now working to get the engine in to the Main Street Museum. One of the well-known stories about this engine is when it pumped water out of the ice in to a hydrant to supply the City water for its necessities.

Dillon McCrum from Scout Troup 1947 is working on a project at Travis Dolphin Dog Park, putting a ramp along side of the docks to make it easier for the dogs to get back on shore. Dillon has to complete his Scout project before end of July and before he turns 18. The Parks Department appreciates the Boy Scouts contribution, dedication and service to the dog park.

**4<sup>TH</sup> OF JULY FIREWORKS – WAIVE BOND REQUIREMENT:** (14:23) Heather Knutson on behalf of the Chamber and Steve Dupui asks for the waiver, for the fireworks show over the river. Mayor DeVries states that this has been an ongoing waiver for at least 10 years. **Commissioner Morrison moves to approve the Waiver of the Bond Requirement for the 4<sup>th</sup> of July Fireworks, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: None. **Motion carries unanimously.**

**WAIVE OPEN CONTAINER LAW FOR CRUISIN’ BY THE BAY AUGUST 10, 2013:** (15:55) Mayor DeVries states, this has been an ongoing waiver. **Commissioner Funke moves to approve the Waiver of the Open Container Law for Cruisin’ by the Bay on August 10, 2013 from 7pm to 11pm at Riverside Park, seconded by Commissioner Campbell.** Public and Commission discussion: Chief Nash asks the Council for a specific time limit for the open container waiver. Discussion ensues regarding a time limit for open containers. City Manager Sargeant offers to talk to Jackie Brown about the time. **Motion carries unanimously.**

**FLATHEAD LAKE 3-ON-3 2013 REQUEST FOR JULY 26-28:** (19:19) Rich Forbis comes before Council for the 21<sup>st</sup> year asking for help with street closures. He requests that the streets be cleaned and swept, for the use of the barricades and he mentioned that the organization will compensate the City for the over time hours it incurs. **Commissioner Campbell moves to allow for the street closures from July 25<sup>th</sup> at 5pm to July 28<sup>th</sup> at 7pm and for the use of the City barricades, seconded by Commissioner Funke.** Commission discussion: Commissioner Erickson asks if a clean up plan is in place and if port-a-potties will be setup. The answer was yes. **Motion carries unanimously.**

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**SELECTION FOR NEW SEWER TREATMENT PLAN & ENGINEERING:** (22:04) Superintendent Tony Porrazzo informed council of the engineering process. There were 5 engineering companies that submitted bids and they were narrowed down to 2. The committee, consisting of Commissioner Campbell and Turner, City Manager Sargeant, Engineer Johnson, Superintendent Porrazzo and Assistant Superintendent Walker; whom interviewed the top two companies. The conclusion was unanimous and the committee chose HKM. A final package will be assembled for council's final vote. City Manager Sargeant stated she was very impressed with the process and the companies who made their presentations. Mr. Horning asked if the public would be a part of future sessions.

**REQUEST POLSON CITY FIRE DEPARTMENT TO DO A STUDY FOR BETTER SERVICE TO THE COMMUNITY:** (25:10) Fire Chief Fairchild expounds on the growth of the City and explains his need for more space. Considering the City now has a record number of volunteers, the largest to date: 50 volunteers. Chief Fairchild mentions the future needs of the Fire Department and the fact that the Polson Rural Fire District is conducting a study. The District has committed \$10,000 to the study, looking at station location and what is needed for the department. Chief Fairchild wants to prepare to help serve them better; he is asking to spend some monies. Currently the department's response times are getting longer, averaging 4-5 minutes to take action. In order to improve response time a move needs to be made, the biggest hindrance at this time is the stoplight as well as parking. The study may cost from \$9,000 to \$20,000 and he would like to take \$2,500 more out of his budget to help fund the study. There are three proposals from Crandall & Associates, DeGrotzkey and ESI, which are in front of the committee, they will decide which proposals serve the needs and what is best for community. Commission discussion: Mayor DeVries asks if the money for the study will work in conjunction with the rural monies and study. The answer is yes. Commissioner Campbell asks if there will be public surveys conducted. The answer is yes. Chief Fairchild has budgeted \$5,000 for this study and has set aside another \$2,500 to contribute, he is asking for council to approve the extra contribution. The Rural Board has already approved up to \$10,000 toward this study. Commissioner Campbell asks if there are cost estimates in the proposals. The answer was yes, from 9,000-20,000. The main objective is if the proposal will fit the needs of the community. Commissioner Erickson asked if the winning company would be looking at traffic patterns and fire calls. Chief Fairchild stated yes and that the Fire Department has been keeping statistics on trends and one that was noticed was the shift in the location of calls. At this time the Department has already accumulated over 400 man-hours this year a steady increase over the last 10 years. **Commissioner Campbell moves to approve the request for the study with a maximum expenditure of \$7,500, seconded by Commissioner Lies.** Public discussion: Drew Doyle comments that the study will help the entire department, both rural and city. **Motion carries unanimously.**

**AUTHORIZE CITY MANAGER TO RENEW CITY ENGINEER CONTRACT:** (34:12) City Manager Sargeant states the contract did not change at all. The City is in the middle of a few large projects, the waste water treatment plant, the city docks and walk way under the bridge. City Engineer Johnson has been instrumental in getting the projects going and overseeing the projects. There is a project in the near future that will need her expertise. **Commissioner Funke moves to authorize the city manager to renew the city engineer contract, seconded by Commissioner Erickson.** Commission discussion: Commissioner Campbell makes the

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statement that this is a lot of money, about \$65 an hour. He also asked is the City receives a timesheet from Engineer Johnson. The asker is yes, with job numbers and times. Public discussion: Elsa Duford asks if the contract is the same and asks about all the engineering lines on the claims. The answer is yes and Superintendent Porrazzo states that he pays many engineers under the budget line called engineer. Andrew Spear asks how much the contract comes out to in a year. Commissioner Campbell answers, \$67,584. Mayor DeVries reiterates that the contract stayed the same, with no changes. **Motion carries unanimously.**

**AUTHORIZE CITY MANAGER TO EXECUTE LAND SOLUTIONS, LLC, CONSULTING AGREEMENT:** (38:28) City Manager Sargeant states, Dave DeGranpre is the one working with the City to update the Polson Development Code and that she is apart of the committee. The contract remains the same, with some small details to look at. A tentative timeline is provided and these services are budgeted under Planning every year. The process is long but it is the process which the committee chose to follow. Having the involvement of different factions of the community takes more time. Mayor DeVries asks for clarification regarding the lack of labeling of the timetable and time to review. Clarification is that the entire timeline is considered Exhibit A. **Commissioner Funke moves to table this vote due to lack of time to review Exhibit A, seconded by Commissioner Lies.** Commission discussion: Commissioner Campbell asks for clarification on page 2, the .5 cents per mile. Clarification from Mr. DeGrandpre is it should read .50 cents per mile. Mr. DeGrandpre speaks about the zoning and development rules and that he was hired in late 2008 to update the draft. He stated the existing code was adopted in 1993 and is now 20 years old. Montana legislature meets every 2 years, making amendments to subdivisions rules and sometimes zoning rules; meaning that they have met 10 times since the Cities Polson Development Code was adopted. The current code is not in compliance with state law. There are statutory requirement for updating these rules, such as recommendations by the Planning Board and adoption by the governing bodies. What was chosen in this case is to utilize a committee, which consists of Karen Sargeant, Joyce Weaver from the City, Jill Nelson and her designee from the County, Dennis Duty, Lee Manicke, Josylne Shackelford, Steven Turner, Lita Fonda (as citizen member) and Tim McGuinness. The update is major according to Mr. DeGrandpre. The process is a word by word, page-by-page, detailed analysis of the draft. The meetings are once or twice a month, for two hours at a time at the county building. After the committee is done with the current draft Mr. DeGrandpre will revise the code, start the planning board process, set up public meeting twice a month which will be advertised and focusing on issues brought up by the committee. Final draft will go to the planning board and then he will start the public hearing process. At this point the implementation is in the hands of the City and County Commissioners. Mayor DeVries asks if the county is contributing to this process. The answer is yes. Lee Manicke states that the original project was scheduled for 18 months and with this new timeline, it will now be an 18-month project going into 72-months. Originally the draft was not provided until 2010 and the committee has been working with it since. Mr. Manicke is not confident with the time estimates of this project, and final date needs to be established and adhered to. At this time some volunteers have spent 250-350 hours on this project. Mr. Manicke states the copy prices in the contract are high, need to be looked at and their needs to be an end to this rewrite. Mr. Horning states that doing this project is a big job, would like to see draft copies available as they are updated; and when and where they can be picked up. **Motion carries unanimously to table this agreement.**

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**ANNEXATION & APPROVALS: ANNEXATION APPROVAL OF 7 PARCELS TOTALING 157 ACRES; APPROVE PDC AMENDMENT FOR 2 ZONE CHANGES OF THE 7 SAID PARCELS IF ANNEXATION IS APPROVED:** (52:14) Joyce Weaver states Elaine Hawk held a workshop in December regarding this annexation between viewed visual area on a Highway 93 map. There are 7 lots, four applicants, Mike Mattie, Mr. and Mrs. Toppens, Mr. Davies and Knife River, with zone changes, and a description on page 2. Mrs. Weaver goes over packet particulars. The December workshop minutes are included in packet for the council's reference regarding comments and concerns raised. There will be 800 plus units available in City limits, Ordinance 637 is the process steps, page 4 is the growth policy, 5A lists property owners, Knife River lot break down is on page 5B, analysis is on page 5 and Mrs. Weaver reads page 6. Elaine Hawk presenter and Ken Jakens surveyor present a power point presentation to council and the public, covering the details of the interests of the property owners. (01:28:07) Superintendent Porrazzo believes this is a good idea, having a future plan with mandatory City input and control of the land. Sue Toppens states that controlling the look of that area will benefit the City and the great impression it will have on visitors first entering the City. Superintendent Gembala is concerned with street maintenance and the effect the lack of planning of other properties has had on the Street Department. Mayor DeVries asks if the streets will need snow plowing. The conversation regarding the street responsibility was unclear. One of the answers was no, the street is considered a private drive.

Audio failure at (2:02:27) missing less than 5 minutes of discussion.

**Commissioner Morrison moves to approve the annexation of 7 parcels totaling 157 acres with Mrs. Weaver's conditions, as they were read with approval from Attorney Raymond, seconded by Commissioner Erickson.** (00:01) Public comment: Margie Hendricks speaks of the City water rights and the need for a public hearing, she refers to and reads a letter from the Mayor, dated February 2007. Superintendent Porrazzo states the compact does not control the water rights, he makes note of the Brueggeman Act passed in 2003 and states that the reference Miss Hendricks refers to is for irrigation and personal wells, not the City water. **Commissioner Campbell and Lies oppose; Commissioner Funke, Morrison and Erickson in favor. Motion carries. Commissioner Morrison moves to approve the PDC amendment for 2 zone changes, seconded by Commissioner Funke. Motion carries unanimously.** (09:20)

**BUDGET PROCESS PROGRESS REPORT:** (11:30) City Manager Sargeant informs council that City Clerk Dooley is currently compiling the budget numbers for the budget workshop on June 18<sup>th</sup> which will be from 1-3pm in the council chambers.

**SECOND READING OF ALCOHOL BAN ORDINANCE #664:** (12:02) **Commissioner Lies moves to approve the second reading of alcohol ban ordinance #664, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: Mr. Horning asks if any public hearing information was included in the ordinance. Mayor DeVries states no; there were no changes. **Motion carries unanimously.**

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA:** (13:23) Superintendent Porrazzo gives kudos to Acting City Manager Karen Sargeant and the Commissioners on a smooth well done job. He states that it is once again a

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pleasure to attend Council meetings. Mr. Horning states that having executive sessions where payment of fines is determined circumvents the public's right to know.

**ADJOURN: 9:20 P.M.**

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**Mayor Pat Devries**

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**Attest: Ardrene Sarracino, Human Resource Director**