

**POLSON CITY COUNCIL MEETING MINUTES
CITY HALL COUNCIL CHAMBERS
MONDAY, JULY 2, 2007, 7:00 P.M.**

ATTENDANCE: City Commission: Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Tom Corse, Fred Funke. Mayor Jules Clavadetscher presiding. City Attorney James Raymond present. City Manager Jay Henry present. Others Present: Marc Carstens, Tony Porrazzo, Lee Manicke, Lowell Tyler, Anne Hubbard, Bonnie Manicke, Linda Sappington, Ethan Smith, Dennis Duty, Karen Duty, Julie Berry, Doug Chase, Lou Marchello, Jim Sohm, Barb Sohm, John Crosby, Ralph Luke, Sonja Bowen, Alex Bowen, Marty Corse, Elsa Duford, Rory Horning, Karen Sargeant, Evelyn Henry, Hailey Henry, Marilyn Burt.

Pledge of allegiance. Mayor Clavadetscher called the meeting to order.

INTRODUCTION OF NEW POLICE OFFICERS: Police Chief Chase introduced the newly hired police officers Devon Waddell and Anthony Dentler, giving a brief personal and professional background about each officer. The officers were applauded.

RECOGNITION OF OFFICER CHRIS WRIGHT: Police Chief Chase introduced Officer Chris Wright and gave an account of his recent successful water rescue and life saving efforts, of a child at Riverside Park on Saturday, June 23, 2007. Officer Wright was applauded and given a standing ovation.

SWEARING IN OF CITY COMMISSIONERS AND MAYOR UNDER NEW CHARTER FORM OF GOVERNMENT: City Commissioners, Bruce Agrella, Marc MacDonald, Tom Jones, Mike Lies, Tom Corse and Fred Funke, took their oath of office administered by City Judge Olson. Mayor Clavadetscher asked Commission president Marc MacDonald to chair the meeting. Commissioner MacDonald asked Council to vote for an interim Mayor under the new charter form of government. Motion made by Commissioner Jones, seconded by Commissioner Funke, to approve Jules Clavadetscher as the interim Mayor of the City of Polson. Motion carried unanimously.

APPROVAL OF PROPOSED AGENDA: Mayor Clavadetscher clarified that this item is non-debatable. Motion made by Commissioner Lies, seconded by Commissioner Agrella, to approve the July 2, 2007 agenda as presented. Motion carried unanimously.

CONSENT AGENDA:

- A. CITY COUNCIL MEETING MINUTES JUNE 18, 2007**
- B. WAGE INCREASE \$1.00/HR PATROL OFFICER CHRIS WRIGHT, ONE YEAR PROBATIONARY PERIOD COMPLETED**
- C. WAGE INCREASE \$.50/HR WATER/SEWER CLERK BETH SMITH, SIX MONTH PROBATION COMPLETED AS WATER/SEWER CLERK**
- D. POLICE TRAINING, MANAGING EMOTIONS UNDER PRESSURE, JULY 24, MISSOULA, \$122, ANIMAL CONTROL OFFICER CHANCEY ANDERSEN**
- E. APPROVAL OF CITY ALCOHOL BEVERAGE LICENSE RENEWALS**
- F. APPROVAL OF CITY ATTORNEY CONTRACT**
- G. APPOINTMENT OF JAMES RAYMOND AS CITY ATTORNEY**
- H. APPROVAL FOR AUCTION FUNDRAISER AT SACAJAWEA PARK FOR COALITION FOR KIDS, AUGUST 11, 2007, DACIA WHITWORTH**
- I. JUNE 2007 CLAIMS**

Motion made by Commissioner MacDonald, seconded by Commissioner Agrella, to approve the Consent Agenda items A through I as presented. Motion carried unanimously. (Seven votes in favor including Mayor Clavadetscher who is a voting member under the City of Polson's new charter form of government.)

ORDINANCE #629 – SECOND READING – REVISE TITLE 1 AND 2 OF THE POLSON MUNICIPAL CODE: Motion made by Commissioner Corse, seconded by Commissioner Funke, to approve the second reading of Ordinance #629 approval of revision of Title 1 and 2 of the Polson Municipal Code as presented. Commissioner Jones noted there were some spelling errors and in places Mayor was used instead of City Manager. He suggested that in Title 2, the Golf Board members should consist of two from each ward, the same as the Commission. Also, that all the City's volunteer board members be invited to the City's Christmas party. Commissioner Lies stated that the current response time of 20 minutes is excessive for emergency personnel and that it be changed to five minutes and with the cost of fuel, employees should be required to live within or adjacent to the City limits of Polson. Commissioner MacDonald stated that he doesn't know of anyone in the Police and Fire Department who live very far from the City limits and it hasn't been a problem in the past. Commissioner Agrella agreed that they should live within a certain radius of the City limits. Commissioner Corse stated that a 20 minute response time limit is sufficient and allows the City to retain and acquire quality people. Commissioner Jones stated that if a certain distance is designated the response time could be different depending on the access road being used and the response time could vary a great deal. Police Chief Chase stated that in the summer when he lives out of the City limits his response time is eleven and a half minutes. Previously the requirement was ten minutes and then Council changed it to twenty minutes. Half of the current police officers live outside the City limits because they can find more affordable housing there. In comparison the majority of other cities allow thirty minutes response time. Recruitment of new officers is very hard and in the six years he worked for the City this is the first three consecutive months that the department has operated with a full staff. He noted that if the Commissioners chose to change the response time to less than 20 minutes he would have to resign. He explained that it is not meant as a threat but knowing the consequences that the restriction would have on his department staff, it would make it impossible for him to do his job as police chief. Marilyn Burt, owner of Page by Page Bookstore downtown, a resident and property owner, asked the city commissioners to reject the proposal to reduce the response time for emergency personnel, stating that it is unreasonable unless the City offers monetary compensation for the requirement. She commended Police Chief Chase for his ability to increase the police staff and operate his department as he does with limited funding he has available. Commissioner Corse said he appreciated Police Chief Chase's comments. He noted that officers are scheduled for shift work around the clock and when emergency situations arise the officers on duty respond initially and if necessary backup is available within twenty minutes. He doesn't know of a situation where response time was a problem. Motion made by Commissioner Corse, seconded by Commissioner MacDonald, to approve the second reading of the revisions to Title 1 and 2 of the Polson Municipal Code with the change to the Golf Board members consisting of two representatives from each ward and that all the City boards be invited to the City's Christmas party. Motion carried unanimously.

PROVIDE STREET LIGHTING TO WOODBINE AND ISLAND VIEW SUBDIVISIONS: Commissioner Funke stated that he and City Treasurer Bonnie Manicke have worked together to consider establishing a lighting district in Woodbine and Island View Subdivisions. Bonnie Manicke contacted Brett Burland of Mission Valley Power to determine the cost for the project. They are now ready to present a lighting district proposal to the property owners giving them a choice of wood or metal poles and an opportunity to express their interest in the project. Mayor Clavadetscher asked if they could find a member of the community to volunteer to gather the

information from the property owners in those subdivisions. City Treasurer Bonnie Manicke stated that there are 137 residents within the subdivisions and she is sure she can find a person to initiate the project and hopes to get the letters out in the next couple weeks. Commissioners MacDonald and Agrella stated they were in favor of the proposal. Commissioner Funke stated that safety and security were the main issues for promoting this project, which would be supported and appreciated by the Police and Fire Departments.

PRELIMINARY PLAT APPROVAL OF 2 LOT MINOR SUBDIVISION – CLAFFEY DRIVE IN LRZD – SCHNEIDER: Joyce Weaver, Planning and Zoning Official, presented her staff report on the proposed subdivision to divide a 4.6 acre lot into 2 lots with lot 2 access on J B Drive through a private road and lot 1 access on Claffey Drive. Conditions #16 and #20 have been removed and replaced with impact fees, which will be collected for two lots with one sewer and one water hook up each. Applicable impact fees will be determined by Building Inspector Ron Melvin. Condition #26 requires curb, gutter and sidewalks unless waived by the City Commission. Condition #11 requires the owners of lot 1 to participate in the SID in process to improve Claffey Drive or manage runoff with a plan supported by engineered plans. Mayor Clavadetscher stated that it is not appropriate for the City County Planning Board to require the City to improve the road or initiate an SID and then recommend approval of a subdivision based on this requirement, especially considering that the cost is substantial. Marc Carstens, Carstens Surveying, representing the owners, respectfully requested that they alter condition #11 to state only that the owner of lot 1 would waive their right to protest an SID because only one lot would impact Claffey Drive. He also asked to remove the restriction that lot 2 could not be divided unless the restriction is lifted by the City commission. He stated that any future division would require subdivision review and therefore it is not necessary to include it as a condition. City Attorney James Raymond clarified that under existing subdivision law, division of lots requires further review and approval. Motion made by Commissioner MacDonald, seconded by Commissioner Agrella, to approve the preliminary plat for a two lot minor subdivision on Claffey Drive in LRZD zoning owned by Schneider, subject to all conditions as presented in the staff report, except omit #9, the restriction to further subdivide the two lots, and revise condition #11 to state that the owner shall waive their right to protest creation of any SID, omit #16 and #20 with impact fees applicable. Motion carried unanimously.

PRELIMINARY PLAT APPROVAL OF 2 LOT COMMERCIAL SUBDIVISION IN CBZD – NORTHWEST CORNER OF 1ST STREET EAST and 5TH AVENUE EAST – CARTER/BARTA: Joyce Weaver, City Planning and Zoning Official, presented her staff report on the proposed commercial subdivision with the City County Planning Board's unanimous recommendation for approval. She noted that since the City's impact fees are effective conditions #12, #14 are removed and replaced by condition #16. Condition #26 restricts lot 1 and 2 from further subdivision without adequate parking provided. Mayor Clavadetscher clarified that the Impact Fee Review Committee is only for contesting impact fees. Commissioner Corse stated that condition #26 is unnecessary and should be removed. Joyce Weaver replied that the City has a parking problem in the business district and this condition forces the community to find other parking solutions. Commissioner Corse said he is not inclined to use backdoor tools for addressing problems. Motion made by Commissioner Jones, seconded by Commissioner Lies, to approve the preliminary plat of a 2 lot commercial subdivision in CBZD located at the northwest corner of 1st Street East and 5th Avenue East owners Carter and Barta, subject to the conditions of approval as presented, striking condition 12 and 14 replaced by condition 16. Rory Horning stated that no additional parking is required since they are just splitting two lots. Motion carried. Commissioner Corse opposed.

PROPOSAL FOR DOG PARK WITH OFF LEASH AREA – EAGLE SCOUT PROJECT: Karen Sargeant, Park Superintendent, stated that the number of pet owners using the City Parks indicates a need to provide a location for dogs to run off leash legally and dog parks have been created to fill that need in other communities. John Crosby, a Boy Scout in the local 1947 troop, asked her if he could help create a city dog park as his Eagle Scout project. A public meeting was held by the Park Board to determine public interest in establishing a dog park. It was well attended by representatives from Animal Life Savers and the general public, most of whom were pet owners. Travis Dolphin Park, located on the west side of the sewer lagoons, has river access. It is an undeveloped designated park area that has not been utilized. John Crosby expressed his interest in developing the park area into a dog park and pointed out its advantages. It is large enough for a good long walk, it has river access and one side is already fenced. He would organize to clean up the metal debris in the park, construct a fence on one side of the park, provide a dock in the future and establish a clean up day by having the Boy Scouts Troop 1947 adopt the park. He will arrange to have the 2.5 acre park surveyed by Jack Duffy. They plan to have several more meetings to get public input for the design and development of the dog park. Initially it will be a primitive park with future plans for an alternate water source than the river. It would be a city park maintained by the City Parks Department. Mayor Clavadetscher noted that the fencing will be in the 2007-2008 budget and the sewer department has offered to pay half the cost of the fence with additional funds available from impact fees and the Parkland Fund. Karen Sargeant noted that Poop stations will be set up and rules posted and observance of those rules will be monitored. Commissioner Agrella noted that MDOT has a Montana Junk Vehicle Program that could help with removal of the junk vehicles. Karen Sargeant noted that the Tribes have offered to help with the clean up. Commissioner Lies asked if the land is parkland or the sewer department's. Karen Sargeant replied that she was told by Dan Morrison, a previous councilman, that the land was donated by the sewer department to the parks department when John Campbell was the Water and Sewer Superintendent and the property is covered under the City's insurance policy through MMIA. She plans to follow other cities' lead in the set up and operation of the dog park. Motion made by Commissioner Corse, seconded by Commissioner Funke, to approve the Travis Dolphin Dog Park as proposed. Ralph Luke stated that they hope to complete the initial clean up project by November of this year, when John Crosby turns 18 and is the deadline for his Eagle Scout project. Marilyn Burt stated that John Crosby is a customer and a friend and expressed her appreciation of the positive efforts the city and others have put toward his project. She noted that the dog park will benefit residents and visitors alike. She is frequently asked if there is a designated place to walk dogs in the City of Polson and is glad that she will be able to send them to the Travis Dolphin Dog Park. Motion carried unanimously.

Mayor Clavadetscher introduced City Manager Jay Henry and administered the oath of office. Jay Henry expressed his delight at being in Polson, and that he is looking forward to getting to know the community and to move the City of Polson in a positive direction.

Rory Horning welcomed the City Manager and hoped he would clarify what items the public can or can't comment on, which he finds hard to accept. Mr. Horning stated that Commissioner Lies had asked that the City Attorney's contract be presented for approval and because it was on the consent agenda there was little opportunity for public comment.

Meeting adjourned at 8:25 p.m.

Jules Clavadetscher, Mayor

Attest: _____
Aggi G. Loeser, City Clerk