

POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, JULY 16, 2012, 7:00 PM

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Stephen Turner, Mike Lies, Fred Funke and Mayor Pat DeVries presiding. Commissioner Dan Morrison was not present. City Manager Todd Crossett, City Attorney James Raymond, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, Police Chief Wade Nash and Water and Sewer Superintendent Tony Porrazzo present. Others present (that signed in): Mike Gale, Elsa Duford, Rory Horning, Lita Fonda, and Murat Kalinyaprak.

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

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

**CONSENT AGENDA:**

A. JUNE 28 – 30 CLAIMS AND ADDITIONAL JUNE CLAIMS

B. JULY 1 – 12 CLAIMS

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

**COMMISSION MEETING MINUTES JULY 2, 2012:** Commissioner Lies moved to approve the commission meeting minutes of July 2, 2012, seconded by Commissioner Campbell. Commission discussion: None. Public discussion: Elsa Duford commented that she had asked if the minutes from the public hearing would be available at tonight's meeting and City Clerk Dooley had said they would be available and they are not on the agenda. She is wondering when they will be available. City Manager Crossett responded that the staff had not been able to finish those minutes. City Clerk Dooley said the minutes will be available on the website after they are approved at the next meeting. Mayor DeVries commented that this is a busy time of year with the fiscal year end. **Motion carried unanimously.**

**CITY MANAGER COMMENTS:** All City projects that have been planned and approved are moving ahead at this time. Fire Chief Fairchild and Police Chief Nash have worked out the details of egress and ingress for the concert series at the Fairgrounds during weekends in July and August.

Skyline should start construction on Monday July 23rd. The bid was awarded to L.S. Jensen. Traffic flow will be in a northerly direction which may present some hassles. Emergency vehicles will be allowed to go up Skyline. The retaining walls will be the first project and it is hoped that work can proceed through mid-November. The project will then pick up in the spring and hopefully be completed by late summer in 2013. The original project plan included completion of the trail out to Highway 93 but it is not in the current budget and the oversight committee is looking at ways to complete it. The County, the Tribe and the City are all supportive of the trail. The budget provides for the trail to be completed to the intersection of Skyline Drive and Claffey Drive. There is budget commitment for a path that will connect Claffey Drive with JB Drive and the bike path so that individuals do not have to cross Skyline Drive to get on the bike path. The path will follow the city right-of-way. It will be important for construction crews to stay in communication with emergency responders as the construction progresses to keep them apprised of any issues getting up Skyline Drive.

Bob Fulton said that during hearings there was discussion about how the mail would be delivered to those on Claffey and JB Drive and he is wondering if that was resolved. City Manager Crossett did not recall if that had been resolved and he said he would find out (NOTE: the mailbox clusters at JB Drive, Claffey Drive and Mission View will be relocated during the project to 1<sup>st</sup> Street East, just in front of the City shop). Water and Sewer Superintendent Porrazzo said that the County wanted to group the mail boxes into a central location, but the Post Office was not in favor of that, so he is not sure if the issue has been resolved.

## NEW BUSINESS

**APPROVAL OF RESOLUTION NO. 1030 AUTHORIZING THE SALE OF MUNICIPALLY-OWNED PROPERTY:** City Attorney Raymond stated that this resolution is basically a housekeeping matter. This piece of property was sold by the City to the Flathead Irrigation Project prior to December 1970 but there is no record of the ordinance or resolution that is required to be voted on by the City Council. This resolution provides that record and clears the title on this piece of property. The property is now a vacant lot but was the old, old Security State Bank building. Mayor DeVries commented that it was once the City Library. Commissioner Lies asked if this property is on Main Street. City Attorney Raymond said it is on the corner of 1<sup>st</sup> Street East and 4<sup>th</sup> Avenue. Mayor DeVries said she recalled that this property did have a lot of title issues at the time because there were a number of groups interested in buying it. City Attorney Raymond said the Deed was issued but for some reason the resolution was never recorded. **Commissioner Funke moved to approve Resolution No. 1030, seconded by Commissioner Turner.** Commission discussion: None. Public discussion: Elsa Duford commented that the agenda packet on the website did not include a map to show the location of the property. Only the legal description was available. She asked if the location is a lot or a building. There was no information included on the date of the sale, or the sale price at the time. She is wondering if the City has a sale record, copy of a check and/or a buy-sell agreement. She asked if the Flathead Irrigation District has been contacted to confirm the sale. Elsa Duford asked that the agenda item be tabled until the sale records can be found and that the City continue to search for the historical documents. Mayor DeVries asked Elsa if she now understands where the property is located. Elsa Duford responded that she did look on a map and thought it was the old Mission Valley Power office that has been torn down. Mayor DeVries confirmed that she is correct. City Attorney Raymond said the title search does show the sale of the property but this particular document is missing as required by law. Also, City Attorney Raymond commented that the property is currently held by the Federal government in trust for the Confederated Salish and Kootenai Tribes and was conveyed to the government by the Flathead Irrigation District. Commissioner Campbell said that he would like to have a City map that he can refer to when reading minutes or reviewing documents. **Motion carried unanimously.**

**APPROVAL OF TRANSFER OF OWNERSHIP OF BEER AND WINE LICENSE NO. 15-860-3732-401:** City Attorney Raymond said State law allows the transfer of liquor licenses. This license transfers ownership of the premises located at 325 Main Street to Kimbi Lyn Fowler dba Big Sky Bistro. The City needs to approve this transfer. Commissioner Campbell asked if the license was being transferred from another facility or if ownership of the facility was changing. City Attorney Raymond clarified that ownership of the facility was changing and that the license was already at the location. **Commissioner Campbell moved to approve the transfer of ownership of restaurant beer and wine license 15-860-3732-401, seconded by Commissioner Erickson.** Commission discussion: None. Public discussion: None. **Motion carried unanimously.**

**SCHEDULE BUDGET PUBLIC HEARING:** City Manager Crossett said that we need to schedule the public hearing for the FY2013 budget. City Clerk Dooley had spoken with the Department of Revenue and they indicated the certified values may be available as early as next week (Clerk note: week of July 23<sup>rd</sup>). City Manager Crossett said that the hearing could be held prior to the regular commission meeting on August 6<sup>th</sup> or sometime during that week. Mayor DeVries said she would not mind having the public meeting prior to the regular commission meeting as long as the agenda was light, otherwise she would prefer it on a separate night. Commissioner Campbell said it should be on a separate meeting night. The Commission agreed to meet on Wednesday, August 8, 2012 at 7:00 pm for the public budget hearing. Mayor DeVries asked if this required a vote and City Attorney Raymond responded that it did not.

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

City Treasurer Bonnie Manicke gave a report on the Main Street Beautification project. She often walks downtown and has been visiting with tourists - and everyone is enchanted with the beautification project. The daughter of a former Polson Mayor visiting town said the 4-way stop signs at each intersection give the street a pedestrian mall atmosphere. The Streetscape committee has received a donation to purchase an additional bench. The benches are being well used by the tourists and other pedestrian traffic. The committee has also purchased some additional trash receptacles and the Parks Department has volunteered to empty the receptacles. Mayor DeVries commented that on Fridays at the Market, someone is always sitting on Barry's (Webb) bench. City Treasurer Manicke said that someone planted daisies around the bench. Mayor DeVries asked if all of the bricks have been placed in the bump outs. City Treasurer Manicke said that the committee needs to place filler bricks in with those that have been personalized. She said that the committee is not selling the pavers at this time. She and other members of the committee have made countless phone calls trying to sell additional pavers but they have reached a standstill. Mayor DeVries thanked City Treasurer Manicke for the information and her hard work on this project. City Treasurer Manicke said the committee is a lively group to work with and she has enjoyed being on the committee. Commissioner Turner asked if the trees are going to be protected. He has noticed kids jumping on the tree limbs. City Manager Crossett said that four trees have been lost at this point. He said Parks Superintendent Sargeant has been working on some designs for this to give the trees a chance to get established. Police Chief Nash commented that he had spoken with Jocelyn Shackelford about purchasing tree protectors. City Manager Crossett said he would follow up with Ms. Shackelford.

Bob Fulton had inquired of all six commissioners and the mayor last week about whether Mike Maddy had paid the impact fees on the Mansion property. Mayor DeVries had answered back to him that - no the impact fees have not been paid, but that the amount was possibly going to be placed on the taxes as a lien on the property. Mr. Fulton looked back at the motion made by Commissioner Campbell on January 18, 2012 which read that the City should accept the \$5,704 for all the improvements at that time and all other improvements shall be assessed using Ordinance 624. Bob Fulton said that Ordinance 624 does not have any language that allows a lien or placing the amount on the taxes. He further commented that the second half of the motion which was part of the amended motion approved unanimously requested that an additional \$14,327 in impact fees was to be paid if additional improvements were started on the building. Bob Fulton claimed that additional improvements have been started on the building in the basement. Mr. Fulton said his claim is based on his observations looking in the basement window as he walks through the property. Mr. Fulton claims a payment of \$20,031 is now due. He also said that the marina owned by Mr. Maddy started out as a private facility and has become a marina. He said the Polson Development Code (PDC) requires that a marina needs to come before the City-County Planning Board (CCPB) and this has not happened. He said that City Attorney Raymond has told Mr. Fulton that the CCPB cannot set its own agenda and Mr. Fulton agrees with that, but he feels that the PDC should

have some bearing on what Mr. Maddy has done in the City. Mr. Fulton again asked why the \$20,031 has not been paid when payment was requested six months ago and why has the marina been allowed.

Murat Kalinyaprak asked that Mayor DeVries announce the date and type of meeting when she first opens the meeting. When listening to audio tapes it can be confusing because no date and meeting type is mentioned. He would like other boards to do this as-well.

**The meeting adjourned at 7:29 p.m.**

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**Mayor Pat DeVries**

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**Attest: Cindy Dooley, City Clerk**