

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, JULY 18, 2011, 7:00 P.M.**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Judy Preston, Elsa Duford, Fred Funke, and Commission President Mike Lies presiding. Mayor Pat DeVries absent. City Manager Todd Crossett and City Attorney James Raymond present. Others present: Parks Superintendent Karen Sargeant, Water & Sewer Superintendent Tony Porrazzo, Police Officer Clint Cottle, Dennis Labonty, Rory A. Young, Mark Waatti, and Murat Kalinyaprak.

**APPROVAL OF PROPOSED AGENDA:** Commissioner Duford moved to amend the agenda, removing the vote from item #8 and leaving the agreement up for discussion only. Commissioner Preston seconded the motion. The motion failed, Commissioners Preston and Duford in favor and Commissioners Erickson, Campbell, Funke, and Lies opposed. Commissioner Campbell moved to approve the agenda as proposed, seconded by Commissioners Erickson. The motion carried 4-1 with 1 abstention. Commissioner Duford opposed, Commissioners Erickson, Campbell, Preston, and Lies in favor, and Commissioner Funke abstained.

**CONSENT AGENDA:**

**A. ADDITIONAL JUNE CLAIMS**

**B. JULY 1-15 CLAIMS**

Commissioner Campbell moved to approve the Consent Agenda items A & B, seconded by Commissioner Erickson. Commissioner Campbell inquired about a water department bill's coding. Water & Sewer Superintendent Porrazzo advised that he would correct the coding. Commissioner Duford inquired about a streetscape bill's coding. City Manager Crossett advised that he would correct the coding. **The motion carried unanimously.**

**CITY COMMISSION WORKSHOP MINUTES JUNE 1, 2011:** Commissioner Campbell moved to approve the Commission workshop minutes for June 1, 2011, seconded by Commissioner Funke. The motion carried with 4 in favor, Commissioner Preston and Erickson abstained.

**CITY COMMISSION WORKSHOP MINUTES JUNE 27, 2011:** Commissioner Preston moved to approve the Commission workshop minutes of June 27, 2011, seconded by Commissioner Campbell. The motion carried, Commissioner Funke abstained.

**CITY COMMISSION MEETING MINUTES JULY 6, 2011:** Commissioner Campbell moved to approve the Commission meeting minutes of July 6, 2011, seconded by Commissioner Preston. Commissioner Duford noted the mention of MVP easements in the July 6<sup>th</sup> minutes. She advised that she had a copy of the "Power Notes" enclosed within MVP bills from the previous year. The note included a description of the width required for MVP easements at 10' on each side of a power pole. She wished to alleviate misunderstandings and noted that she had a copy of the note if anyone wished to see it. Murat Kalinyaprak commented

that at previous meetings changes and additions had been requested and suggested for the minutes, but they had not been done. He commented that he could understand not adding more to the minutes, but he felt that some were inaccurate portrayals which looked like intentional attempts to defame some people. He hoped they would correct them. **The motion carried, Commissioner Funke abstained.**

**CITY MANAGER COMMENTS:** City Manager Crossett advised that changes to the minutes were required to be made by a motion. He added that if any changes that had been included in motions to pass minutes had not been made to please inform the City and they would make those corrections.

City Manager Crossett advised that Mayor DeVries' father had passed away. He expressed that their thoughts and prayers were with her and her family.

City Manager Crossett presented a plaque from the Arbor Day Foundation in honor of the City of Polson being a Tree City USA for 20 years.

Construction on Skyline project phase I had begun on 1<sup>st</sup> Street East. They would be working steady for the next 3-4 months, set to be completed on November 1<sup>st</sup>. They would be letting the bid for phase II in August 2011, and that project would be completed the following year. He noted that there was a tremendous amount of utilities work that would be completed in tandem with the Skyline project.

The City was hoping to have the HVAC system up and running within the week. He advised that as soon as that installation was complete, the drop ceiling would be finished. He noted that the lighting would be different than the current setup in the Chambers.

He advised that they were looking for solutions for issues on Main Street's chip sealing. He listed several options to help with the rocks being kicked out of the chip seal by traffic backing up, and the tar that had been uncovered and was being walked through. He advised that they would do their best to alleviate these issues working with the street department, MDOT, and the contractor. Commissioner Campbell noted that he had received complaints about the exposed tar being tracked into stores. City Manager Crossett advised that they were also looking at the river rocks in the bulbouts, which they were experiencing difficulty keeping the rocks in. They would be experimenting with different materials, and if there is a significant improvement with one of those materials they would switch them out. However, if the improvement did not outweigh the cost they would remain the same. He added that next year the plants would be taking up more of the landscaping. Commissioner Preston expressed that the chip sealing was creating a bigger problem. City Manager Crossett agreed. Commissioner Erickson inquired if the results from the Chamber of Commerce's survey had been received. City Manager Crossett advised that he had not seen them yet.

City Manager Crossett advised that the Jazz Festival at Salish Point had been successful and he had received a lot of good comments. He noted that the Main Street Festival and Cherry Festival had also gone very well. He added that the Campbell's would be having a celebration at Jana Campbell Park the upcoming weekend. Commissioner Campbell expressed that his family

reunion was taking place in Polson the upcoming weekend and they had purchased a variety of trees to plant in Jana Campbell Park, named in memory of his daughter. The Boy Scouts would be digging holes and the family would be placing the trees in the ground. Commissioner Erickson expressed gratitude for their project.

**AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BENERIKA LLC (THE SALISH BUILDING ON HWY 93 AND MAIN ST) FOR COOPERATIVE USE OF SHORELINE AND PUBLIC ACCESS. SPECIFICALLY THE AGREEMENT WOULD ALLOW BENERIKA LLC TO USE A PORTION OF THE CITY'S FRONT-FOOTAGE-BASED BOATSLIP ALLOTMENT IN RETURN FOR PUBLIC ACCESS TO A FUTURE BOAT TIE-UP AREA AND TO A FUTURE PEDESTRIAN PATHWAY ACROSS BENERIKA PROPERTY:** City Manager Crossett mentioned that he had discussed this agreement with the Salish Point Committee, and they were all looking for a win-win. Benerika LLC own's the Salish building, and they were looking to put in new boat slips. The Tribal permit they would need for such a marina required a certain amount of footage. If the City were to dedicate 127.02 feet of their lakeshore property in Sacajawea Park, they could meet their number of slips, 9 of which would be for public use. Looking to the future, Benerika LLC had also agreed to pay to put a walk path in across their shoreline if there were not grand funds available, which was part of a connectivity plan between all the parks. The projected walk path would begin near the docks at KwaTuqNuk resort, passing through Salish Point and Sacajawea Park, across the Benerika and Glacier Bank properties, under the Armed Forces Memorial Bridge, to Riverside Park. He noted that he had spoken to Todd Bassett at Glacier Bank and they want to be part of the discussion and were in favor of the walk path. He pointed out several of the benefits of the walk path stretching that distance, including keeping foot traffic from having to cross the highway. He advised that the City would be responsible for maintaining the trails, which they already did on a variety of paths throughout the City. He noted that the City would be losing no parkland in allowing them to use the waterfront footage, however they would not be able to use that area for their own marina. He expressed doubt that the City would ever go into the marina business. Commissioner Campbell inquired if there were any grants other than TSEP, which was committed for several years. He added that this walk path had been a plan for a long time. City Manager Crossett advised that they would be looking into other grant options, and they might partner with the Tribe and the Salish Point Committee. Rory Young commented that they were currently working on phase I of the Salish building renovations. They would be moving to Phase II after that, which included the marina. To make the design feasible for them, they would need 19 slips. He advised that there would be 9 slips that were for public use. They desired to have the waterfront walk path go across their property. He added that Benerika, LLC had also agreed to build a ADA accessible path down to the marina, which would have the proper slope to allow wheelchair access to the marina and walk path. City Attorney Raymond clarified that the 127 feet of the City park would only be used for allocation purposes, and none of the marina would actually be built on the City property. Commissioner Preston inquired about parking and dock use. Mark Waatti advised that the parking spaces in the Salish Building lot would remain private parking for those businesses. The public boat slips would be available for public boat docking and tying up. Commissioner Preston inquired if the docks on the Salish Point property would preclude the City from building their own docks if they chose. City Manager Crossett advised that they would not be able to use that same footage in their own allocations if they chose to build a marina. Commissioner Duford inquired if anyone had been in

contact with the highway department in regards to having the walk path go under the bridge and wondered about safety standards. City Manager Crossett advised that they would have to work with MDOT, but they were in the very early planning stages. They did not have project plans, nor were there funds available for the project at this time. He added that they would follow all processes with necessary organizations before going forward. He noted that they would be required to meet design and safety standards. He pointed out that this agreement would open the door to the project. Commissioner Campbell expressed that having public access to docks was very valuable to the citizens, and had been sorely missed since there had been none available for about 10 years. The public access to the docks would allow them to come and go to the City via boat, and he was very pleased that they would get 9 slips for free. City Manager Crossett agreed that it was an attractive offer, and would give a reason for visitors to come into the downtown. Commissioner Preston agreed that it was a value to the public. She inquired about other values the Salish building complex had for the public. City Manager Crossett advised that it encouraged economic development and would foster more jobs. It helped to make Polson more attractive to other businesses and visitors. The path would have increase the connectivity for pedestrians, which was a growing value for municipalities. He noted that without public and private partnerships it would be difficult to make connective loops. Commissioner Preston asked if there were a downside to the project. City Manager Crossett advised that he could see no downside, other than the cost to maintain the walk path. However he felt that the benefit of the agreement would outweigh that cost. Commissioner Erickson expressed excitement for the project and tying in 20 year old plans. He felt this was a good step to begin and saw a good partnership. Mark Waatti noted that the Salish complex's walk path would match the material used by the City. City Manager Crossett advised that they would be getting together the funding agencies to have a cooperative team for the design. Commissioner Preston inquired about the Parks Department's view on the agreement. Parks Superintendent Sargeant advised that they were all for it. She had spoken to Tom McDonald of the Salish Point Committee and they were also in favor of the pedestrian connectivity from Riverside to KwaTuqNuk. She felt that there were great benefits to the agreement. She noted that the section of park shore that they were asking to allocate was not in use, there was no seawall in that section. She added that the handicap access would be a great value. **Commissioner Campbell moved to authorize the City Manager to execute an agreement with Benerika, LLC to build the marina using a portion of the City's property in their allocation, seconded by Commissioner Funke.** Commissioner Duford inquired about exhibit "A" mentioned in the agreement. Rory Young replied that was a legal survey of the properties. City Attorney Raymond concurred that the in the version he had reviewed exhibit "A" was a plat work of the existing properties. City Manager Crossett noted that no construction would take place on the City property and no boundaries would change. Dennis Labonty expressed safety concerns about the walk path and the marina. He inquired who was responsible for the marina. City Manager Crossett advised that the docks would be Benerika, LLC's property but they would need to be permitted through the Tribe to build them. Dennis Labonty expressed concern that juveniles would be playing on the boat docks and swimming off of them causing safety hazards. He felt that the safety concerns were not being addressed in the agreement. He felt that they were building on speculation and were ahead of themselves. He asked them not to approve the agreement as it was. Commissioner Duford noted condition #5 of the agreement, which stated the City was responsible for enforcing the dock rules. She echoed Mr. Labonty's concern for safety on the docks. Parks Superintendent Sargeant advised that Sacajawea did not have an appeal for the

younger children, the patrons were mostly high schoolers and up. Most of the younger children played at the Riverside where there was playground equipment. She pointed out that there was inherent risk with all recreational activities, however that did not stop safety from being of the utmost concern. Commissioner Campbell opined that like with any other public dock misbehavior, the police would be called to enforce the rules. City Manager Crossett advised that there would be posted rules, and they would need to set the precedent that those slips were only for boats docking. Commissioner Preston inquired who had written the agreement. City Attorney Raymond advised that Benerika's attorney had originally wrote the agreement, however they had went back and forth on several drafts while they reviewed it. Dennis Labonty commenting that he was not questioning that safety was a goal, but he felt they had a responsibility as a City to consider these issues and they should be included. Commissioner Duford pointed out that people working in the Salish building would have a direct view of the docks, where the police and park staff could not see as well. She questioned that it was the City's responsibility to enforce the rules. Officer Clint Cottle advised that the police were mandated to enforce City and State laws on public and private property. He suggested that in order to enforce something that was not mandated by law they should pass an ordinance to make it enforceable by the police department. Commissioner Lies noted that they could change condition 5 to make both properties responsible for police action. Murat Kalinyaprak wondered if a public hearing were required to give up public property. Mark Waatti noted that a public hearing would be required for the dock when they went before the Tribe for their permit. Murat Kalinyaprak expressed his agreement with the vapor promises of the path going in front of the bank and under the bridge. He felt that if a vote was taken it should be conditional on the path going through the property. He commented that without the path the agreement would only serve business. He felt the docks should not be built unless the path was there. He questioned the future phases of the Salish building project and why 19 was the magical number of docks they needed. Rory Young advised that with the cost of construction and the docks' value, they would require 19 docks to make it economically feasible for them. Murat Kalinyaprak asked what was the value of the 127' of shoreline they were giving up, and how much would they pay him for that footage if he owned the land. City Manager Crossett advised that they were not selling the proper. Commissioner Campbell added that they were not limiting use of that area of the park either. He felt there was an advantage for the people of Polson in having the 9 public slips at no cost to the City. He saw that as the best benefit of the agreement, and no reason to tie the completion of the walk path to the construction of the docks. He noted that this was a benefit to the owner of the Salish building; however he was giving something back to the residents. Commissioner Preston saw the value of having the walk path along the water and passed the docks. Commissioner Lies noted that they could not make anyone build on to their walk path but they could look into CTEP funds and extend the path as far as they wanted to. Commissioner Preston inquired about the length of the agreement. City Manager Crossett advised that it was perpetual. Commissioner Duford inquired if there would be a cost to use the boat slips. Rory Young advised that there would be no charge for using the public boat slips. Murat Kalinyaprak asked why they were giving away 127', why not give away the whole length of the park and let them build more docks. He commented that to make it feasible for them there was a value for it to them. He commented that if the walk path never goes on the bank property and under the bridge to Riverside, the City would get screwed. He asked for the record if anyone was getting bribes, kick backs, or brokerage fees in the deal. Commissioner Lies expressed that was a very poor insinuation. Murat Kalinyaprak commented that it was a question. Commissioner Preston

commented that she saw the point in Mr. Kalinyaparak's comments about the footage having value if the City ever decided to have a marina. Parks Superintendent Sargeant advised that the parks department was not interested in building a marina, and they were not supposed to compete with private industry and there was a great deal of maintenance that would be required. Commissioner Preston noted that there was value in what the City was getting from the agreement. Commissioner Duford expressed concerns about parking and public congestion down at the Sacajawea and Salish Point parks partly due to the one way road. Commissioner Lies noted that was a different subject than the matter on the agenda. **Commssioner Campbell moved to ammend the motion to include a change listing Benerika, LLC and the City be jointly responsible for condition #5 of the agreement including rule enforcement, seconded by Commissioner Funke. The motion to ammend the motion carried 5-1, Commissioner Duford opposed. The motion to authorize the City Manager to execute the agreement with Benerika, LLC carried 5-1, Commissioner Duford opposed.**

The meeting adjourned at 8:22 p.m.

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Commission President Mike Lies

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Attest: City Clerk Kala Parker