

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, JULY 20, 2009, 6:00 P.M.**

ATTENDANCE: City Commissioners: Bruce Agrella, Jim Sohm, Jules Clavadetscher, Mike Lies, Elsa Duford, and Fred Funke present. Mayor Lou Marchello presiding. City Attorney James Raymond and City Manager Todd Crossett present. Others present: Marc Carsten, Bruno Friia, Joyce Weaver, Tony Porrazzo, Pat DeVries, Margie Hendricks, Susan Eggers, and Bonnie Manicke.

Mayor Marchello called the public hearing to order and the Pledge of Allegiance was recited.

6:00 P.M. PUBLIC HEARING

UTILITY BILLING ADMINISTRATIVE FEES – PROPOSED ORDINANCE #648: Water and Sewer Superintendent Tony Porrazzo informed the Commission that the purpose of Ordinance 648 was to update the past due and late billing charges. The current late charge for being 30 days late was set at .0045%, which amounts to very little. He would like that late charge changed to five dollars, like Mission Valley Power. He explained that the way the City code is currently written, no action can be taken until a bill is 90 days past due. Once a bill is that far behind, it is difficult for people to catch up paying their balance due. Waiting that long also causes problems with rental properties. He suggested the Commission consider no longer allowing renters to put the account under their names, leaving the landowners in control. He also wished to have the non-emergency call-out fees on the weekend increased. The current charge of \$25 is actually less than it can cost to have an employee called out during the weekend. Ordinance 648 also included a \$25 fee for insufficient funds on automatic bank transfers. Mayor Marchello asked if there were any proponents for Ordinance 648. There were none. Mayor Marchello asked if there were any opponents of Ordinance 648. Pat DeVries commented that not allowing renters to put the property in their name would be a huge burden on the landlord, tenants would not care how high their usage was if they were not the ones paying for it. She stressed that this was the only part of Ordinance 648 she was opposed to, and all other utilities do allow renters to put accounts in their names. Commissioner Duford expressed concern that raising the penalties for low-income residents. She added that they already could not afford to water their lawns, which translated into an inability to protect their homes from fire. She stressed that she did not like adding penalty fees. Water & Sewer Superintendent Porrazzo pointed out that low-income residents were not the problem accounts. He explained every month there is a lot of battling to get bills paid, typically by the same group of people. Commissioner Clavadetscher asked if the other communities the water & sewer department had contacted allowed renters to put accounts into their names. Water & Sewer Superintendent Porrazzo replied that it was split pretty evenly between communities that do and those that don't. He added that if the Commission chose to continue to allow renters to put accounts into their name, the price of the rental deposit must be increased. Commissioner Clavadetscher noted that some tenants skip town with all of the bills

behind. Water & Sewer Superintendent Porrizzo agreed that was a huge problem. Commissioner Agrella asked if the City gives the landowner a heads-up when renters are behind. Pat DeVries commented that the City's penalties were not harsh enough. She again stressed that renters without the accounts in their name would have increased usage. Water & Sewer Superintendent advocated increasing the deposit. Commissioner Lies agreed and added that the deposit should be at least \$50. Water & Sewer Superintendent Porrizzo felt that a minimum of \$50 would be appropriate, and they would be able to compare past usage on a property or renter and adjust the deposit according to the past usage and customer history. He stressed they did not want the penalties so high that people would not be able to pay them. City Manager Todd Crossett warned that any difference in deposit would have to be carefully documented. Mayor Marchello suggested they look at how MVP ranges their deposits. There were no further comments.

The public hearing was adjourned at 6:28 p.m.

6:30 P.M. PUBLIC HEARING

ZONE CHANGE AMENDMENT TO THE POLSON DEVELOPMENT CODE FROM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (MRZD) TO MIXED USE RESIDENTIAL ZONING DISTRICT (XRZD) FOR LAKE MOUNTAIN VIEW ESTATES ON HILLCREST DRIVE – REQUESTED BY BRUNO FRIIA: Planning Official Joyce Weaver informed the Commission that the requested area was 10.5 acres of grassland which the applicants wished to develop into residential lots with townhouses. Townhouses were not allowed under MRZD, but she felt that XRZD was an appropriate change for the area, which would allow townhouses. On June 9, 2009 the Zoning Commission had unanimously voted to recommend approval of the zone change. Commissioner Clavadetscher asked if this zone change would fall under spot zoning, and if that was legal. Planning Official Weaver replied that spot zoning is not illegal, and it referred to residential or commercial lots that are zoned completely opposite of the surrounding property. Mayor Marchello asked if there were any proponents for the zone change. Marc Carsten explained that this subdivision had begun 2 years ago, and fourplexes had been planned, which were acceptable under the MRZD zoning. However, in order to appease the surrounding property owners, they had considered putting up townhouses instead. He noted that with townhouses there would not be as many homes in the subdivision, and they were planning on having height restrictions to protect the views of the surrounding property. He stressed that XRZD would cause less of an impact on the community than the current MRZD. Commissioner Duford inquired about figures from the CCPB minutes, which stated 90 units were planned for the subdivision. Marc Carsten clarified that the minutes were referring to old plan in which the fourplexes would be developed under MRZD, however the applicants now were vying for fewer units with the XRZD. Commissioner Duford noted that Mr. Friia had the property listed for sale and wondered if the 20' limit on the development would also be required of the new owners if it sold. Marc Carsten pointed out that tonight's only topic was a zone change, and the correct Board would approve the specifics of the concessions they make with the neighboring property owners.

Commissioner Lies noted the slope of the property. There were no further proponents of the zone change. Mayor Marchello asked if there were any opponents to the zone change. Margie Hendricks commented that Hillcrest would not be able to support more residential traffic. She worried the walk path and property lines prevented the street from being wide enough. She commented that residents had not yet had a chance to comment on the use of Hillcrest by Ridgewater subdivision. Susan Eggers commented that she used the walk path often. Commissioner Duford felt they should take traffic into consideration. Mayor Marchello pointed out that the zone change would allow fewer units on the property. There were no further opponents. **The public hearing adjourned at 6:55 p.m.**

7:00 CITY COMMISSION MEETING

APPROVAL OF PROPOSED AGENDA: Commissioner Sohm moved to approve the agenda as proposed, seconded by Commissioner Agrella. The motion carried unanimously.

CONSENT AGENDA

- A. CITY COMMISSION MEETING MINUTES JULY 6, 2009**
- B. CITY COMMISSION MEETING MINUTES JUNE 29, 2009**
- C. REMAINDER OF JUNE 2009 CLAIMS**
- D. JULY 1 THRU JULY 15 CLAIMS**

Commissioner Lies moved to approve the consent agenda items A-D, with corrections to item A. Commissioner Agrella seconded the motion. The motion carried unanimously.

TO ALLOW KEEPING TWO CHICKENS (HENS) AT #4 WEBER AVENUE WHICH BORDERS COUNTY PROPERTY: City Manager Crossett explained that in order to allow any chickens within City limits Ms. Eggers would need to apply for a variance, or the Commission would need to change the Polson Development Code. He suggested that since the PDC was currently being rewritten that it be addressed there. He noted that many urban areas are now allowing hens within their city limits, when certain guidelines are followed. Commissioner Clavadetscher asked if the urban areas he had researched allowed roosters. City Manager Crossett replied that typically only hens were allowed, with a limit on how many can be in a household. Susan Eggers explained that she had two surviving hens from the rural area she had previously lived, which she wished to keep. She suggested the City get licenses similar to dog and cat licenses. She stressed that she only wanted these two hens to live out their lives, and they were enclosed and not a disturbance. Commissioner Clavadetscher asked what had prompted her to come to the City Commission. Ms. Eggers replied she had live traps in her driveway to catch her own feral cats, and the neighbors had mistakenly thought she was catching their cats. Commissioner Clavadetscher asked if any complaints had been made directly about the chickens. Police Chief Chase replied that he was not aware of any complaints about the chickens themselves. He added that in Missoula he lived next to a house with three hens, and he didn't notice them at all. **Commissioner Clavadetscher**

moved to table the item to be addressed in the Polson Development Code rewrite, seconded by Commissioner Lies. The motion carried unanimously.

ORDINANCE #649 – FIRST READING – ZONE CHANGE TO THE POLSON DEVELOPMENT CODE 10.05 ACRES AT 2203 HILLCREST DRIVE FROM MRZD TO XRZD: Commissioner Funke moved to approve the first reading of Ordinance #649, seconded by Commissioner Agrella. Commissioner Clavadetscher directed attention to the CCPB minutes and expressed how good a job Bob Fulton and the Board do. The motion carried unanimously.

ORDINANCE #648 – FIRST READING – UTILITY BILLING ADMINISTRATIVE FEES: Commissioner Clavadetscher moved to approve the first reading of Ordinance #648, minus subsection A, to be replaced with a more aggressive policy for rental deposits, the minimum being \$50. Commissioner Sohm seconded the motion. City Attorney Raymond noted that these revisions would be included for the second reading. The motion carried unanimously.

JUNE 2009 CASH REPORT: City Treasurer Bonnie Manicke informed the Commission that the cash report was preliminary; the City was waiting for the Lake County June tax revenue. The City had a positive cash balance and a total value of \$5,897,369.88. The Lake County balances for the new total were not available due to bottleneck at the State of Montana with their new software. However she was expecting about \$75,000. Commissioner Clavadetscher moved to approve the June 2009 cash report, seconded by Commissioner Agrella. The motion carried unanimously.

PUBLIC FUNDS INVESTMENT BID – FIRST INTERSTATE BANK 2.21% - 9 MONTH CERTIFICATE OF DEPOSIT - \$1,000,000.00; MATURITY 3/25/2010: City Treasurer Bonnie Manicke informed the Commission that the local banks were aggressively bidding to keep money in the community. 1st Citizens Bank had bid at 1.85% APY, Glacier Bank had bid at .98% APY. The comparison bids were from the Treasury at 6 months .29%, the U.S. Treasury at one year .49%, the U.S. Agency at 9 months .652%, and the STIP funds were at .5528%. She noted that with the current economy preservation of principle was foremost. She was hesitant to buy lengthy bonds. Commissioner Clavadetscher moved to approve the public funds investment bid at First Interstate Bank at 2.21% APY for 9 months, seconded by Commissioner Funke. The motion carried unanimously.

CITY MANAGER COMMENTS: City Manager Todd Crossett noted that he had recently attended a training class in Washington D.C. and offered to tell anyone interested about what he had learned there. There will be a water conference held in Billings on August 10th if any of the Commission was interested in attending, he and the Water and Sewer Superintendent would likely attend. He had been holding weekly staff meetings with the department heads, and soon they would be bi-monthly. He expressed that he had been impressed with the staff and people involved with the City; they seemed to have a very healthy work culture. He pointed out that the Fire Department had been very busy, along with the Police Department. The Fire Department had responded to a

total of 159 calls at the end of June, and just in that month the fire boat had saved 5 people adrift in the lake. The golf course had received record revenue in the months of April and May. He speculated that people were seeking recreation closer to home. He noted that Golf Pro Roger Wallace was satisfied with the food and beverage service Papa Don's was providing the golf course. The County had proposed to sell the City the emergency operations buildings. Currently the building was at the City shop leased by the City to the County. The Police Department was very interested in purchasing the building for evidence and vehicle storage. The County would like to sell the building over 5 years, for the cost of what the County had put into the building, materials adding up to 20,000. He had not received any formal proposal from the County at this time. The County had pledged \$125,000 towards the Main Street project. Mayor Marchello pointed out that the building at the City Shop would be a great location for police storage. Police Chief Chase expressed that in critical felony cases they had nowhere to hold vehicles that would protect them from tampering, aside from wrecking yards, which were expensive and not secure. He added that they were in dire need of storage space for evidence.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: Commissioner Sohm asked that the City Manager and City Attorney address the livestock ordinance quickly. City Manager Crossett said he would be happy to draft something. Planning Official Weaver noted that they would need at least two weeks to have the public hearing.

The meeting adjourned at 7:34 p.m.

Mayor Lou Marchello

Attest: Kala Parker, Assistant City Clerk