

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, JULY 21, 2008, 7:00 P.M.**

**ATTENDANCE: Council Present: Bruce Agrella, Jim Sohm, Tom Jones, Mike Lies, Elsa Duford, Fred Funke. Mayor Marchello presiding. City Attorney James Raymond present.**

**Meeting was brought to order by Mayor Marchello at 7:00 p.m.**

**APPROVAL OF PROPOSED AGENDA: Motion made by Councilman Lies, seconded by Councilman Agrella to approve the proposed agenda. Motion carried unanimously.**

**CONSENT AGENDA:**

- A. CITY COUNCIL MEETING MINUTES OF JULY 2, 2008/X**
- B. CITY COUNCIL MEETING MINUTES OF JULY 7, 2008/X**
- C. REMAINDER OF JUNE 2008 CLAIMS/X**
- D. CITY ALCOHOL BEVERAGE LICENSE RENEWALS FY08-09/X**

**Motion made by Councilman Agrella, seconded by Councilman Sohm to approve the consent agenda items A through D.** Councilwoman Duford and Councilman Funke asked that they be given the full claim report to review before they vote to approve them. Mayor Marchello explained that the new charter form of government does not require their review of the detailed report but they are welcome to look at the claims prior to the meeting. They asked to have the detailed report in their packet. **Motion carried. Councilmen, Agrella, Sohm, Jones, Lies and Mayor Marchello voted in favor. Councilman Funke and Councilwoman Duford voted against the approval.**

**ANNEXATION PETITION – LAKEVIEW CEMETERY – TRACT 2 COS#6655 LAKEVIEW CEMETERY ASSOCIATION RESOLUTION #963:** City Attorney James Raymond clarified that this parcel is not included in Carl Seifert's LaVista Subdivision payback for sewer main line extension. An easement was granted for the placement of the sewer main line extension but was not placed in that easement. **Motion made by Councilman Lies, seconded by Councilman Funke, to approve Resolution #963 Annexation of Tract 2 COS6655 petitioned by Lakeview Cemetery Association. Motion carried unanimously.**

**EMERGENCY MANAGEMENT AND NATIONAL INCIDENT MANAGEMENT SYSTEM COMPLIANCE REQUIREMENT – PRESENTATION BY STEVE STANLEY – LAKE COUNTY DISASTER & EMERGENCY SERVICES:** Steve Stanley, Director of Emergency Services for Lake County, noted that his department has offered emergency management assistance to the City of Polson for thirty plus years. The Emergency Operations Plan will be updated this year. His department assisted the City of Ronan years ago when they lost their water system. The law allows enactment of a two mill levy for similar disasters to fund infrastructure repairs to bring the service back. Government funds are available to the police and fire departments for emergency services when events beyond their control happen. NIMS provides guidance for local government, fire and police departments and some training is required, providing tools to manage disasters. He recommended that Council pass a resolution to use NIMS and to designate a contact person who would coordinate with representatives from Lake County and the Tribes on NIMS compliance issues who would also provide critical information needed to create an emergency plan. To be totally NIMS compliant would be a large commitment and may be hard to achieve. Some grants such as FEMA require that applicants are at least working toward NIMS compliance. He thanked Police Chief Doug Chase and his crew for their assistance in emergency situations throughout the years. He agreed to provide a sample resolution for Council's consideration. Mayor Marchello thanked Steve Stanley for his presentation.

**ANNEXATION PETITION – BRAD & DEBBIE MARENGO – 2 TRACTS OF LAND ON SKYLINE DR. – RESOLUTION #965:** Joyce Weaver, City Planning and Zoning Official, explained that the property being petitioned is currently in the County and zoned RRZD. It requires a zone amendment according to the process outlined in the Polson Development Code. Tony Porrazzo, Water and Sewer Superintendent noted that the water and sewer is available to the property. The main line extension costs are at their expense. The water main line is accessible from Skyline Drive but the sewer line is not close until the Wilkins subdivision is developed. The Council could allow them to hook into sewer within six month of when it becomes available, which he estimated at approximately one to two years. He clarified that there is enough water available. **Motion made by Councilman Funke, seconded by Councilman Agrella, to approve Resolution #965, annexation of Brad and Debbie Marengo’s property on Skyline Drive consisting of two tracts of land, conditioned upon completing a zone change amendment process from RRZD to LRZD and to allow sewer hook up when available. Motion carried unanimously. Amended Motion made by Councilman Funke, seconded by Councilman Agrella, to require sewer hook up within six months when City sewer is available. Motion carried unanimously.**

**REQUEST FOR PROPOSALS TO RE-WRITE THE POLSON DEVELOPMENT CODE AS DECIDED BY COUNCIL ON THE 4/14/08 MEETING:** Joyce Weaver, City Planning and Zoning Official, asked Council to vote on Councilman Sohm’s suggestion to contact at least three engineer firms and obtain estimates to re-write the Polson Development Code. Requesting estimates would take less time than requests for proposals and it would provide an idea of the cost for the first year’s budget. They would proceed with the official bid request. The project would most likely take two years. Councilman Sohm stated that budgeting could be done in stages depending on what is affordable. The estimate would not require the cost of advertising and can be provided in less time than RFP’s. Joyce Weaver mentioned that the final cost would be greatly reduced if they chose a local engineer eliminating the travel expenses, which add significant cost to a project of this type where numerous public hearings are required. **Motion made by Councilman Sohm seconded by Councilman Lies, to approve obtaining estimates from at least three engineering firms to re write the Polson Development Code. Motion carried unanimously.**

**CLARIFY MAXIMUM DENSITY FOR RESIDENTIAL ZONING DISTRICT TO READ “MAXIMUM DENSITY REQUIREMENT OF 8 DWELLING UNITS PER ACRE”:** Joyce Weaver, Planning and Zoning Official, explained that she has been consistent in enforcing up to eight dwelling units per acre in the Residential Zoning District. The wording in the Polson Development Code states may have eight dwelling units per acre. The word may was interpreted by one developer to allow more than eight units. The interim ordinance to clarify eight units failed when presented to Council and a zoning amendment process was recommended. The PDC zoning amendment was presented to the City County Planning Board, which resulted in a tie vote with a recommendation to clarify this issue when the rewrite of the PDC occurs. Councilman Sohm explained that he asked to bring this issue back to Council because he feels it is important to be clarified. City Attorney James Raymond stated that the interim ordinance failed at the second reading and that ordinance can’t be brought back again so the process needs to start over. Joyce Weaver noted that the process was started to change the PDC on this issue and the tie vote was taken in March. The next step in the process is to have a public hearing before council, which requires two weeks of advertisement and it would be on the August 18<sup>th</sup> Council meeting. **Motion made by Councilman Sohm, seconded by Councilman Agrella, to approve the first reading of Ordinance #635 to clarify the density allowed in LRZD zoning and change the PDC word from “may” to “is eight dwelling units per acre”. Motion carried unanimously.**

**APPOINT INTERIM CITY MANAGER:** Motion made by Mayor Marchello, seconded by Councilman Sohm to approve City Attorney James Raymond as the interim City Manager.

Councilwoman Duford expressed her concern that in addition to being Polson's City Attorney, James Raymond has a private practice, and is the Ronan City Attorney, which is a heavy load. James Raymond replied that he also has three children, a wife and agreed that he has many irons in the fire. Councilman Funke had the same concerns and felt that we need a full time city manager. Mayor Marchello informed Council that with one week of advertisement we received eight applications. He estimated that a city manager could be hired within two months. Councilman Funke suggested that Councilman Lies be appointed as interim city manager since he has the time and has been on the Council and has expressed interest in the position. Councilman Agrella nominated Councilman Lies to be city manager and agreed that James Raymond would not have enough time. Councilwoman Duford felt that his primary responsibility is to be the City's legal advisor. Councilman Sohm stated that his appointment was recommended by Jay Henry and they worked closely more than any of the council and believes that James Raymond has the capability to make it a smooth transition. Councilwoman Duford agreed that Mike Lies would have more time and agrees that the City needs a full time employee as city manager, therefore she is in favor of Mike Lies taking over the position. Murat Kalinyaprak questioned why there were no names mentioned on the agenda of those being considered for both the interim city manager and the search committee. He believes that Mike Lies is better qualified for the interim city manager position. Rory Horning asked if the issue of cost was decided. Mayor Marchello noted that James Raymond said he would charge one dollar. Jay Henry expressed his respect for James Raymond and noted that he is aware of personnel issues, which are not public knowledge. Mayor Marchello questioned if appointed as city manager, Mike Lies would have a conflict to vote as a member of the City County Planning Board and the Board of Adjustment. Council voted on the motion to appoint James Raymond as interim City Manager. **Councilmen Sohm and Mayor Marchello voted in favor. Councilmen Agrella, Jones, Lies, Duford and Funke opposed. Motion failed. Motion made by Councilman Funke, seconded by Councilman Agrella, to appoint Mike Lies as interim city manager.** Councilman Sohm stated that appointing Mike Lies for a short term would be acceptable as long as there is a separation of power from his role as councilman. Rory Horning stated that there is no separation of power currently with Mike Lies serving on the City Council and the advisory boards. Jay Henry related a case in Florida where it was decided that a councilman could not also serve as a city manager and if appointed he should resign as councilman. **Councilmen Agrella, Jones, Duford and Funke voted in favor, to appoint Mike Lies as interim city manager. Councilman Sohm and Mayor Marchello voted against the motion. Councilman Lies abstained from voting.** Council agreed to meet in executive session following this meeting to discuss the details.

**ILLEGAL VEHICLE PARKING ON CITY RIGHT OF WAY:** Councilman Funke suggested that they revamp the existing parking ordinance to make it stronger and enforce it. Councilman Agrella said it was time to address the problem and enforcement has been lax. He suggested an ad in the paper to let the public know that they will get serious about the illegal parking issue. Police Chief Chase explained that the ordinance requires a written complaint and it creates animosity between neighbors, which creates more time spent on complaints. It requires approximately one hour of police time on each complaint. So far he addressed eight of the twenty-eight on the list prepared by Councilmen Funke and Agrella. Overall the reception about this issue has been negative. Public complaints overall are few and Council should be aware that there is a potential for public wrath against the officers which he has experienced. He doesn't want to subject his officers to that so he is handling the complaint himself. He asked Council to take his comments into consideration.

**APPOINT 3 CITIZENS TO THE MANAGER SEARCH COMMITTEE:** Mayor Marchello explained that he contacted members of the community to serve on the city manager search committee. Liz Marchi, Ed Ham and Jules Clavadetscher have agreed to serve and two of them should have previous experience. Councilman Lies and Councilwoman Duford felt they should include new people. Councilwoman Duford stated that she doesn't agree with Jules

Clavadetcher's opinions and would not want him on the committee. Council agreed to advertise for letters of interest to serve on the City Manager Search Committee. **Motion made by Councilman Lies, seconded by Councilman Funke, to advertise for applicants to serve on the City Manager Search Committee, with a deadline of Wednesday, July 30, 2008 at 5:00 p.m. Motion carried unanimously.**

**SCHEDULE A SPECIAL COUNCIL MEETING - BUDGET MEETING ON WEDNESDAY, JULY 30, 5:30 P.M.:** Motion made by Councilman Agrella, seconded by Councilman Sohm, to schedule a special council meeting on the budget and to include agenda items to approve the manager search committee members. Motion carried unanimously.

**JUNE 2008 CASH REPORT:** City Treasurer Bonnie Manicke presented the June 2008 Cash Report, noting that there are no negative fund balances with expenditures of \$532,003, there is still cash available. She noted that the Sidewalk Loan Fund 2510 has \$117,000 available for sidewalk repair and construction to residents and businesses at a rate of 4% for up to a five year loan and encouraged citizens to upgrade their sidewalks. She transferred \$34,542.50 from Golf Operating 5010 101000 cash account into Golf Revenue Bond Reserve 5010 102220 cash account, which now has a total of \$69,084.99 as required. The City's total cash balance as of June 30, 2008 is \$5,578,942.58. **Motion made by Councilman Jones, seconded by Councilman Funke, to approve the June 2008 Cash report as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

**PUBLIC FUNDS INVESTMENT - PURCHASED \$725,000 CERTIFICATE OF DEPOSIT AT 3.82% FOR 7 MONTHS AT 1<sup>ST</sup> CITIZENS BANK – OTHER BIDS WERE COMMUNITY BANK 3.27% – 1<sup>ST</sup> INTERSTATE BANK 3.21% – GLACIER BANK 3.10% - COMPARISONS: TREASURY BILL YIELDS 1.998% AND AGENCY OF US GOVT. 2.553%:** City Treasurer Bonnie Manicke presented for approval the public funds investment of \$725,000, in a CD at 3.82% for seven months at 1<sup>st</sup> Citizens Bank. She explained that it is hard to find a good rate in the current market. Motion made by Councilman Jones, seconded by Councilman Agrella, to approve the public funds investment of a \$725,000 Certificate of Deposit at 3.82% for 7 months at 1<sup>st</sup> Citizens Bank as presented by City Treasurer Bonnie Manicke.

**APPROVE "MOU" TO ASSIST MISSOULA POLICE FOR HELLS ANGELS MOTORCYCLE RALLY JULY 29 TO AUGUST 3, 2008:** City Attorney James Raymond explained that the Memorandum of Understanding is used statewide to provide assistance to other law enforcement agencies. **Motion made by Councilman Agrella, seconded by Councilman Funke to approve the Memorandum of Understanding between the City of Polson and the City of Missoula to assist Missoula Police Department for the Hell's Angels motorcycle rally to be held July 29 to August 3, 2008. Motion carried unanimously.**

**LETTER OF SUPPORT AND SPONSOR THE POLSON-FLATHEAD HISTORICAL MUSEUM MONTANA CULTURAL TRUST GRANT:** Mayor Marchello noted that the City is requested to act as the government agency to act as a pass through for the grant funds, should the Polson Flathead Historical Museum be successful and receive the \$25,000 Cultural Trust Grant they are applying for. He explained that the City served as a sponsor for this grant source for the Mission Valley Friends of the Arts organization. **Motion made by Councilman Funke, seconded by Councilman Jones, to approve the City's sponsor of the Polson Flathead Historical Museum for the Montana Cultural Trust Grant of \$25,000. Motion carried unanimously.**

**CITY MANAGER COMMENTS: none**

**PUBLIC COMMENTS:** Mayor Marchello informed Council of upcoming meetings which he will not be able to attend and asked Council if any of them could attend. League of Cities and Towns in Kalispell on Wednesday, July 23 at 1:30 p.m. at the new City Hall and the Water Compact Committee meeting in Arlee on July 30.

Councilman Sohm thanked the Police and Fire Department and Ambulance crew for their assistance in the Regatta event this past weekend and kudos to Kerr Radio for organizing the Regatta boat race event. There were no calls of disturbance considering the large audience on both sides of the river and including the Cherry Festival event.

Councilman Jones thanked Officers Bill Barron, Chris Wright and Doug Chase for their assistance during the funeral service on Friday when the traffic was heavy. They appreciate the service extended to families for funeral services.

Rory Horning asked why the Dog Park was closed this weekend since it is a public park. Police Chief Chase explained that it was due to potential liability of the proximity to the river and the speeding boats.

Police Chief Chase explained further with regard to abandoned vehicles that a case report is public record and might pit neighbor against neighbor if a complaint is generated as required by ordinance. Tribal members are exempt and he is concerned with selective enforcement. He is very concerned about the potential results of stricter enforcement that is being contemplated. Their current practice is to put a tag on it if not moved in ten days and the tow bill is \$80. Rory Horning spoke as a citizen and realtor. When selling property those cars affect the neighborhood appearance and the city overall.

Meeting adjourned at 8:36 p.m.

**EXECUTIVE SESSION:** Mayor Marchello brought the meeting to order at 8:40 p.m. Council discussed issues related to Councilman Lies as the City Manager position. Council agreed to review the Transition Plan at the Wednesday, July 30 Special Meeting.

Meeting adjourned at 8:55 p.m.

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Lou Marchello, Mayor

**ATTEST:** \_\_\_\_\_  
Aggi G. Loeser, City Clerk