

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY, AUGUST 1, 2011, 7:00 P.M.**

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Judy Preston, Mike Lies, Elsa Duford and Fred Funke present. Mayor Pat DeVries presiding. City Attorney James Raymond present. City Manager Todd Crossett absent. Others present: Ken Siler, Keryl Lozar, Rory Horning, Delma Kenmir, Randall Newman, Brian Long, Gary Kapp, City Treasurer Bonnie Manicke, Planning Official Joyce Weaver and Officer Clint Cottle.

CALL TO ORDER: The meeting was called to order and the Pledge of Allegiance was recited.

APPROVAL OF PROPOSED AGENDA: Mayor DeVries requested that the agenda approval include moving the Kapp 3 lot subdivision to the first item under new business. She noted that there would be no City Manager comments. **Commissioner Preston moved to approve the agenda as proposed with the item #8, the Kapp subdivision, being moved to the first item under new business. Commissioner Lies seconded the motion. The motion carried unanimously.**

CONSENT AGENDA

A. JUNE 2011 CLAIMS

B. JULY 15-31 CLAIMS

Commissioner Lies moved to approve the consent agenda items A & B, seconded by Commissioner Funke. The motion carried unanimously.

CITY COMMISSION MEETING MINUTES JULY 18, 2011: Commissioner Preston moved to approve the minutes of July 18th, seconded by Commissioner Erickson. Commissioner Duford noted that there was confusion on page 3 of the minutes on the Benerika item, that the City would not be receiving boat slips, they would be tie-ups. She expressed concern that the Commission did receive the plat map that was exhibit “A” in the Benerika packet. She felt the Commission should have received it. City Attorney Raymond noted that he would be getting the document for Commissioner Duford. Commissioner Duford felt the entire Commission should have a copy. She questioned why that agenda item had no agenda request form filled out for it. She felt that if it was important enough for the public to fill out, everyone should. Mayor DeVries expressed that she assumed since the City Manager put the item on the agenda, and she was not sure he needed to fill out a form since he set the agenda. She noted they had been working on a plan for the path for several years. Commissioner Duford reiterated that if the public was required to everyone should.

CIT MANAGER COMMENTS: There were no city manager comments.

PRELIMINARY APPROVAL – 3 LOT MINOR SUBDIVISION – GARY KAPP – OFF LA VISTA LANE – MRZD ZONING: Planning Official Weaver informed the Commission that the Kapp subdivision was up for preliminary approval. The City/County planning Board had voted to recommend preliminary approval on July 19th. She presented a map of the property

and reviewed the proposed subdivisions. She reviewed the easement conditions on a portion of the property required by a previous City Commission vote. She noted that public notice had been given in publication for the CCPB meeting, and it had been announced at that time that the subdivision would be coming before the Commission. She noticed that there were written comments from members of the public included in the packet following her staff report. She advised that the Kapps were asking for a 3 lot minor subdivision off of La Vista Lane, which was a privately maintained road, and all lots would be required to connect to City water and sewer service. She reviewed her staff report, noting several of the 29 conditions required prior to final approval. She added that no lots could be sold prior to final approval. She noted that there were surface water runoff concerns, and the public had 30 days after the preliminary approval to submit comments to the planning department to be included in the formal application to DEQ. Mayor DeVries expressed concern that the subdivision would be accessed on a private road, and those lots would not have to contribute to the homeowner's association that maintained the road. Planning Official Weaver advised that they could recommend the lots participate in the homeowner's association, however there was not requirement in the Polson Development Code to enforce it. Commissioner Duford inquired why some department heads had written "not at this time" on their approval form. Planning Official Weaver advised that the department heads had to review the subdivision, however some, such as water and sewer would not be able to review their portion of the subdivision until the conditions were met, which the applicant had two years after preliminary approval to complete. She added that the department heads would also to sign off upon the conditions' completion. **Commissioner Erickson moved to approve preliminary approval to Gary Kapp's 3 lot minor subdivision off of La Vista Lane, subject to staff comments and conditions. Commissioner Campbell seconded the motion.** Delma Kenmir, President of the La Vista Lane Homeowner's Association, commented that she had received a letter from Mr. Kapp asking for the HOA to help pay for the engineer for his water runoff issues. She advised that she had not answered as the HOA only had enough money to maintain the road, and Mr. Kapp did not contribute to snow removal or maintenance. Mayor DeVries advised that she write a letter for the formal application to DEQ. Planning Official Weaver noted that those letters should be turned into her office at City Hall for submittal with the applicants application. City Attorney Raymond advised that DEQ regulations were part of the conditions of preliminary plat. He noted that DEQ regulations required that runoff must be retained on the owner's property. The developer would have to have an engineer do the MFE and certify that the surface water runoff was properly addressed. Commissioner Campbell inquired about the road. City Attorney Raymond noted that the road was part of the subdivision. He advised that the City Commissioner was to make sure that the developer adheres to DEQ rules. He added that he was not sure how the title company would approach the warranty deed that would need to be worked out with the neighboring property or there may be a potential court case. Commissioner Lies inquired if the neighboring property owners had water runoff problems prior to the Kapps' subdivision. Delma Kenmir expressed that there was, but it had gotten much worse. Commissioner Campbell advised that any runoff from the Kapp's property must be retained. Brian Long advised that any additional runoff would be retained. The road would remain an existing problem. They planned to add a ditch and intercept and bring the water outside of the current problem area. Commissioner Lies questioned if that would work. Commissioner Preston inquired about the timeline of the runoff problems. Planning Official Weaver advised that a single family dwelling, as existed on the property, did not go through the planning department, they were subject to the building inspector. She advised that the only rules regarding runoff in the PDC where to keep the runoff on the property and that the subdivision

was subject to DEQ approval. Commissioner Preston wondered if it were possible to improve the problem. Commissioner Lies felt they would make it worse. Planning Official Weaver advised that DEQ was responsible for the runoff requirements. Gary Kapp directed attention to photos he had provided and commented that the water problem had existed prior to their purchase of the property compounded by people paving parts of their driveways. He commented that his driveway was gravel and there had not been visible water there in the three years he had owned the property. He felt if they had left their drives permeable surfaces their water would have drained better. He commented that he had offered to tie them in with his or to put a dry well on his property. He commented that it was an old problem and was not designed right, and the main contributors had their homes for sale. Delman Kenmir asked how many months of the year Mr. Kapp was gone. Mayor DeVries asked that all questions be directed to the Chair of the meeting. **The motion carried unanimously.** Commissioner Lies noted that he was in favor of the motion with reservations. He suggested that they get their letters to the Planning Department. The City Attorney was excused.

WAIVER OF OPEN CONTAINER – KOOTENAI AVENUE FROM 1ST STREET EAST TO 2ND STREET EAST/11:30 P.M. CURFEW AT SALISH POINT PARK – FESTIVAL ON THE FLATHEAD NIGHT OF COUNTRY – KOOTENAI AVENUE FROM 1ST STREET EAST TO 2ND STREET EAST: Keryl Lozar thanked the Commission for their support at the previous Festival on the Flathead event. She informed the Commission that they were looking to move the curfew for Salish Point back to 11:30 p.m., when the event would end. It would begin at 6:30 p.m. on August 20th. They were also asking to extend the open container onto the closed portion of Kootenai Avenue. She noted that they would not be blocking access for residents. Mayor DeVries expressed that the Police Chief's only concern about the event was that people on the public street could not be ticketed for the event unless they entered the event. Keryl Lozar advised that their only problem at the event had been a hiccup with the power, but the Tribe had put in a better system for vendors and events. Randall Newman wondered if they could set the fencing farther out, and commented they experienced problems at the previous event with people sitting outside of the fencing and not paying admission for the event. Mayor DeVries advised that they should get the Police Chief's approval on the placement of any barricades. She reiterated that those people on the street could not be charged admission or be forced to leave. Keryl Lozar advised that she would work with the Police Chief. She noted that the City and Tribal police had both been involved at the last event. Mayor DeVries noted that the event had gone very smoothly. Keryl Lozar wondered if they should come to the Commission for all events, even those that did not require Commission approval. Commissioner Funke advised that it would keep the Commission better informed. **Commissioner Lies moved to approve the waiver of open container on Kootenai Avenue from 1st Street East to 2nd Street East and the curfew for Salish Point extended to 11:30 p.m. on August 20th, seconded by Commissioner Preston. The motion carried unanimously.**

APPROVE PRA RECOMMENDATION TO MOVE \$10,000 IN TIF FUNDS FOR THE MAIN STREET PROJECT: Jules Clavadetscher advised the PRA was recommending that \$10,000 of TIF Bond issue. Resolution #1012 had been passed the previous year, listing the expense at \$100,000. \$90,000 had been committed by the City Commission the previous August towards the bond issue as recommended by the PRA. At the time there had only been \$90,000 received from the county for 2009 collections, thought that was not the total due to the City. They had chosen at that time only to commit the available funds. There was currently

approximately \$67,000 in the TIF fund. **Commissioner Lies moved to approve the PRA recommendation to move \$10,000 in TIF funds for them Main Street project, seconded by Commissioner Funke.** City Treasurer Manicke reminded that the additional \$10,000 had already been committed through resolution #1012, which had been passed to replace the TIF Bond issue totally \$100,000. She noted that this had been recommended by the Bond Attorney. **The motion carried unanimously.**

MAY 2011 CASH REPORT: Treasurer Manicke advised that they had experienced a very good 2nd half of tax collections. There were some delinquencies remaining. The general fund reflected the majority of collections, about \$349,000. In June they would see an additional \$91,000. She noted that they had received \$60,000 more than May the previous year. She noted that the building code enforcement fund was still overdrawn. There had been more permits issued, and she felt estimating they could drop the negative by about half. The DEQ energy efficiency grant would not be reimbursed until mid-August, at that time the fund would become whole. She had put in for Streetscape draw #2 in June of \$214,000. The bill for the chip sealing had not been received yet, and they would have to carefully analyze all expenditures. Commissioner Campbell inquired about the COPS grant. Treasurer Manicke advised that the reimbursement was filed after payroll, and the fund would be whole in June. She had been working with Water & Sewer Superintendent Porrazzo to review the stormwater transfer for June. She advised that the City's financials were looking pretty good, however they needed the 2nd half of taxes to get them through until November's tax collection. Mayor DeVries inquired about HB 134. Treasurer Manicke advised that she had not received the numbers in yet, for FY 10-11 the amount have been approximately \$145,000 quarterly. She also noted that MMIA liability and property insurance payments were due in August and could not be made in installments. That would take approximately \$140,000 out of the general fund. **Commissioner Campbell moved to approve the May 2011 cash report, seconded by Commissioner Lies. The motion carried unanimously.**

PRELIMINARY JUNE 2011 CASH REPORT: No report was given, Treasurer Manicke provided notes.

PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA: Mayor DeVries requested that an item be placed on the upcoming agenda regarding a letter written by Bob Fulton to the Commissioner concerning Ridgewater subdivision.

Commissioner Duford mentioned that she was disappointed that there had been no agenda request form filled out for the Salish Building's marina and walk path. She commented that it was unfair to be done with a phone call, and the forms would be helpful for the Commission to have.

The meeting adjourned at 8:00 p.m.

Mayor Pat DeVries

Attest: Kala Parker

