

**CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
SEPTEMBER 21, 2009, 7:00 P.M.**

**ATTENDANCE:** City Commissioners Jim Sohm, Jules Clavadetscher, Elsa Duford and Fred Funke present. Commission President Mike Lies presiding. City Attorney James Raymond and City Manager Todd Crossett present. Mayor Lou Marchello and Commissioner Bruce Agrella absent.

**CALL TO ORDER:** Commission President Lies called the meeting to order, and the Pledge of Allegiance was recited.

**APPROVAL OF PROPOSED AGENDA:** Commissioner Sohm moved to approve the proposed agenda with the removal of agenda item 6 “Reconsider whether Polson fits the definition of a resort community per MCA 7-6-1501”, and table agenda item 7 “Presentation of the Greater Polson Community Foundation” until the October 19<sup>th</sup> Commission Meeting. Commissioner Funke seconded the motion. The motion carried with 4 in favor, and Commissioner Duford opposed.

**CONSENT AGENDA:**

**A. CITY COMMISSION MEETING MINUTES OF SEPTEMBER 9, 2009**

**B. SEPTEMBER 1-15 CLAIMS**

Commissioner Sohm moved to approve the consent agenda with clerical corrections to the September 9<sup>th</sup> minutes, seconded by Commissioner Funke. Commissioner Duford asked for an explanation why agenda item 6 was removed. Commissioner Sohm replied that it was improper before this Commission, as they do not have the authority to determine the resort community status. The State creates and approves those designations. **The motion carried unanimously.**

**WAIVER OF IMPACT FEES IN RETURN FOR DEDICATION OF REAL PROPERTY**

**TO THE CITY:** City Manager Crossett referenced a letter from Cindy Willis giving the property a value between \$5,300 and \$6,000. The impact fees waiver would be worth \$5,700 and would only be applicable to the one unit. He explained that the City owning the property would give them control of the cart path and would clear up the sewer easement that was mistakenly placed across the property when it was still in the County. The subdivision required an emergency vehicle exit, and he ventured they could place a sign on the path which would read ‘emergency egress only’. He pointed out that the City had the option to declare a prescriptive easement. Commissioner Clavadetscher asked how much the easement could cost the City. City Manager Crossett answered that if they lost in court, in addition to court costs, they would have to pay the expense of moving the sewer line. The cost of which would exceed the value of the impact fees. **Commissioner Clavadetscher moved to approve the credit of impact fees in return for the dedication of real property to the City, seconded by Commissioner Sohm.** Commissioner Duford questioned the safety of using the cart path as an emergency egress. Commissioner Lies expressed his belief that the City had a prescriptive easement because it had been used for years. He felt the property had no value to the City. **The motion failed 2-3, with**

**Commissioners Sohm and Clavadetscher in favor, and Commissioners Lies, Duford, and Funke opposed.**

**BRIEF EXPLANATION OF RESORT COMMUNITY DESIGNATION:** City Manager Crossett explained that the City had received the designation from the State. The Department of Commerce put together a community designation report. Their staff economist Susan Ockert had prepared the City of Polson report.

**APPROVAL OF 2 YEAR EXTENSION OF PRELIMINARY PLAT FOR 3 LOT MINOR SUBDIVISION OFF 2<sup>ND</sup> STREET EAST & SOUTH OF 14<sup>TH</sup> AVENUE EAST – DAN JURY:** Commissioner Funke moved to approve the 2 year extension of preliminary plat for Dan Jury's 3 lot minor subdivision off 2<sup>nd</sup> Street East and south of 14<sup>th</sup> Avenue East, seconded by Commissioner Clavadetscher. The motion carried unanimously.

**APPROVAL OF PRELIMINARY PLAT FOR 2 LOT MINOR SUBDIVISION OFF RUNG LANE – OWNER ROB DOTSON:** Planning Official Joyce Weaver explained that Mr. Dotson was planning on splitting his lot, which already had two existing houses. The design fit the PDC, and the property was previously annexed into the City. She called attention to conditions 26 & 27 of the City County Planning Board's recommendation for approval. Condition 26 stated Mr. Dotson must receive the approval for the use of Rung Lane from the owner, however it is already a county road, making the condition moot. Condition 27 stated that prior to the subdivision approval the road must be brought up to City standard. However, there was a precedent set by past approvals to give a hardship variance for those unable to repair their streets. She felt the Board of Adjustment would also grant this to Mr. Dotson. Commissioner Lies agreed that the road could not be widened and felt the conditioned should be removed. **Commissioner Clavadetscher moved to approve the preliminary plat, with the removal of conditions 26 & 27, for Rob Dotson's 2 lot minor subdivision off of Rung Lane, seconded by Commissioner Funke. The motion carried unanimously.**

**APPROVAL OF CREATION OF TRACT 1 ADJACENT TO LOT D LAKEVIEW KNOLLS BY AGRICULTURAL EXEMPTION:** Planning Official Joyce Weaver noted that the City has never granted an agricultural exemption. This would leave the property for only open space. Dennis Duty explained that the owner of Lot D wished to purchase the adjacent land with an agricultural exemption to preserve his view, in advance of the area being subdivided. No development could take place on the property until the property was subdivided, at which time it would be brought into Ridgewater. Commissioner Clavadetscher noted that any changes after that would have to be approved through the City Commission. **Commissioner Clavadetscher moved to approve the creation of tract 1 adjacent to lot D Lakeview Knolls by agricultural exemption, seconded by Commissioner Funke.** Commissioner Sohm asked if this decision would make a new historical basis, since there is no previous one. Planning Official Weaver replied that any other request for agricultural exemption would come back before this board. She added that she fully supports this instance of granting the exemption. **The motion carried unanimously.**

**APPROVE STREET DEPARTMENT TO ENTER INTO AGREEMENT WITH MDOT TO REIMBURSE CITY FOR PURCHASE AND PLACEMENT OF NEW SIGNS:**

Assistant Street Superintendent Terry Gembala informed the Commission that MDOT had approached the City for safety reasons. The street department would purchase and install the signs, and MDOT would reimburse the City for the cost of the signage. He added that as a firefighter, he felt the new signs would be a great help to emergency service vehicles as well. **Commissioner Sohm moved to approve the street department entering into an agreement with MDOT to reimburse the City for the purchase and placement of new signs, seconded by Commissioner Funke. The motion carried unanimously.**

**POLSON REDEVELOPEMENT AGENCY – ANNUAL REPORT 9/30/2008 TO 9/28/2009:** Commissioner Clavadetscher informed the Commission that the PRA's assets were the same as the previous year because there was no income or liabilities. The certified taxable information for the 2008-2009 fiscal year would be close to \$18. There were indications that funds would become available in the tax increment-financing district. There were currently 4 members of the PRA, himself and Mayor Marchello were currently seated as representative members, but would need to be replaced. They had put out advertisements for PRA openings, but thus far had received no responses. He advised that any money that was received would be spent the following year, so there would be no possibility of overspending and causing a deficit. Prior to initiating any projects, the City Commission would have to grant their approval.

**AUGUST 2009 CASH REPORT:** City Treasurer Bonnie Manicke informed the Commission that there were three negative balances on the cash report. The building code enforcement was at a negative balance of \$2,106.99, due to the reduction in building permits issued. The other two were crime control grants, and they had submitted a request to be reimbursed for those funds. She anticipated those funds would be in the black again by September. There would be a payment of \$107,000 from the golf fund. The total cash value of the City was \$5,965,050.37. The library automation funds had received \$8,100 that was not reflected in the cash report. Commissioner Clavadetscher inquired about the general fund balance. City Treasurer Manicke replied that there \$75,000 of delinquent taxes. She also stressed that the reserves were gone. HB 124 would bring in \$133,000 in addition to \$17,000 she had received earlier that day. **Commissioner Clavadetscher moved to approve the August 2009 cash report, seconded by Commissioner Sohm. The motion carried unanimously.**

**CITY MANAGER COMMENTS:** City Manager Todd Crossett explained that the Tiger Grant application had been sent out the previous week, it had been put together by Administrative Assistant Ardrene Sarracino, Building Inspector Ron Melvin, Billie Lee and Paddy Trusler with the cooperation of the City, County and Tribes.

He noted that he had talked with several groups including the Chamber of Commerce, Rotary, and Mission Bay. He was planning on having a draft of the ordinance for the October 5<sup>th</sup> Commission meeting and coordinating an interactive public information meeting October 14<sup>th</sup> at the High School. He stressed that they were looking for any suggestions from the public.

He expected to have the finalized budget up for approval at the October 5<sup>th</sup> Commission meeting as well. He added the budget would be very conservative. The golf course was considering raising rates in small increments, a 5% increase would still leave Polson golf course as the least expensive in the area.

James Raymond and himself would be going to Helena to meet with the Department of Revenue in order to work out a solution for the all beverage license.

They were currently in the process of getting permits to replace the Main Street Waterline. The construction would likely begin in late October or early November, depending on the weather.

**PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA:** Commissioner Lies noted that Polson will have been incorporated for 100 years on April 5, 2010, which at the time had a population of 1,000. Murat Kalinyaprak expressed his disagreement on Polson's resort community designation. He referenced correspondence with the Department of Revenue and questioned how the designation was reached.

**The meeting adjourned at 8:17 p.m.**

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**Council President Mike Lies**

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**Attest: Kala Parker, Assistant City Clerk**