

**POLSON CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, OCTOBER 17, 2011, 7:00 P.M.**

**ATTENDANCE:** City Commissioners: Todd Erickson, John Campbell, Judy Preston, Mike Lies, Elsa Duford, Fred Funke, and Mayor Pat DeVries presiding. City Manager Todd Crossett present. City Attorney James Raymond absent. Others present: Jules Clavadetscher, Building Inspector Ron Melvin, Water & Sewer Superintendent Tony Porrazzo, Rory Horning, Rick Breckenridge, Paul London, Janice Taylor, Cheryl Wolfe, Murat Kalinyaprak, Dean Duncan, Tarri Duncan, Lita Fonda,

**Mayor DeVries called the meeting to order and the Pledge of Allegiance was recited.**

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

**CONSENT AGENDA:**

**A. OCTOBER 1-15 CLAIMS**

**Commissioner Preston moved to approve the consent agenda, item A, seconded by Commissioner Lies. The motion carried unanimously.**

**CITY COMMISSION MEETING MINUTES OCTOBER 3, 2011:** Commissioner Lies moved to approve the minutes of October 3, 2011, seconded by Commissioner Funke. Commissioner Duford commented that she felt the Mission Valley Aquatics item on the October 3<sup>rd</sup> meeting was awkward and they did not receive all of the information in their packets. Mayor DeVries advised that they had paid the fees to the City in order to begin construction, and they had come to ask that the fees be waived and returned to them. Commissioner Duford inquired about the meeting of the Impact Fee Committee. City Manager Crossett advised that it was not a closed meeting, however it was not an advertised public meeting. He noted that the committee made a recommendation, but the decision was made by a vote of the Commission. Commissioner Duford felt the information was not given to the Commissioners in time to review before the meeting. She felt it was not fair to the Commission or the public, and raised a lot of questions. She felt that the information for the pool phases were different from what they originally proposed to the tax payers. She questioned the phases and what they included in comparison to what the brochures claimed. She questioned if they were cutting down on the facilities due to budgets on items such as the slides. She felt that the amount of people that had shown up in favor of the fee waiver put a lot of pressure on the Commission. She commented that she was not opposed to having a pool, but she was opposed to the marketing and not knowing the specifics. She felt that with the information she was given, she wished to change her vote to oppose of the waiver of impact fees. Mayor DeVries advised that she was unsure if they could change the vote from the previous night, but what she had said would be reflected in the minutes from the current meeting. Commissioner Duford commented that she felt her vote was invalid, but that she was also unsure of the procedure to change her vote. She felt that in order to vote she needed clarity and accurate information. Dean Duncan commented that he agreed with Commissioner Duford and that they needed clear information in order to vote for or against an item. Commissioner Duford commented that the sandwich boards and brochures gave

different information on the phases. She felt they needed to know clearly what would be in the facility, as it affected the public. She inquired in regards to the sublet of the Meridian Building by B & I Holdings if their lease had been straightened out, and whether the sub lessee would be paying the City directly, or if B & I Holdings would be making the payments to the City. City Manager Crossett advised that the sub lessee's would be paying B & I Holdings as their client. B & I Holdings would still be responsible for paying their lease to the City. Commissioner Duford inquired how much the new lease payment was for. City Manager Crossett advised that they had, but he was unsure of the total amount, he would have to look it up. He added that there was a month in a dispute that was not yet paid. City Manager Crossett asked if they were reviewing the accuracy of the minutes of the October 3<sup>rd</sup> minutes. Commissioner Duford replied that she was asking for clarification and the amount of the check paid on the lease. City Manager Crossett advised that if they would like, they could recess the meeting and he could look up the check total. Rory Horning commented that the manager would probably know, but any member could ask for a vote or reconsideration if they wished to change their vote. He commented that he thought they should get that information and the City Manager should understand it as well. **The motion to approve the minutes carried unanimously.**

**CITY MANAGER COMMENTS:** City Manager Crossett advised that the curb and gutters on the Skyline project were moving ahead quickly. They had closed down a portion of the street in an effort to work faster, and they were on schedule to be completed on time.

He mentioned that there had been a meeting of the Greater Community Foundation on Monday, which was in the process of finalizing a \$100,000 grant for community vision. There were a lot of neat projects that could be accomplished and they could help work it into the upcoming land use process. They would know in November if the grant would be received. Mayor DeVries noted that the video short they had produced for the grant was very well done, and felt that it had a lot to do with their selection. City Manager Crossett agreed, noting they had used a very diverse group.

The current week was "Fire Week" at Polson Schools, and the new ladder truck had been part of the presentation. Mayor DeVries noted that there was new lighting in the Fire Hall and it looked very nice and was a great improvement.

City Manager Crossett advised that the water and sewer department working on fabricating a portable fire pit for street festivals. They would be using the fire pit in December when the Polson Business Community would host the 2011 Artwalk on Main Street. He expressed gratitude to Superintendent Porrazzo and water operator Cole Davis for working on the portable fire pit.

Commissioner Preston inquired about an update on the golf course restaurant. City Manager Crossett advised that they were finalizing the financial statements and profit/loss reports. The restaurant was currently closed, however they would be available for special events. The catering had not proven profitable the previous year, so they were working on streamlining the special event services. The restaurant would reopen in March with limited drink service and on a limited food basis in April. They were trimming down on the shoulder season, but still supporting the golf season and tournaments. Commissioner Preston inquired if the financial report would be prepared by the next meeting. City Manager Crossett responded that he expected to have it by that time.

**PRA ANNUAL REPORT:** Jules Clavadetscher, President of the PRA, presented the FY 10-11 annual report. He reviewed the Montana Code Annotated and the history of the PRA. There were no assets reported or liabilities incurred for FY 10-11. The balance remaining in the TIF District funds was \$189,483. He reviewed the projects that funds had been committed to, Streetscape and the Riverside Park staircase, totaling \$156,269. He went over the previous year's operating expenses, which annually has \$2,500 budgeted, \$508 had been spent in FY 10-11. He mentioned the upcoming projects, which included the plan for the Gamble's building, contacting the Washington Group to find out the plans for the railroad property and their additional lots located in the CBZD, and an observation tower at Salish Point. Mayor DeVries inquired if they had received anything back on the Gamble's building. Jules Clavadetscher replied that correspondence had been sent to the owner of the building in regards to conducting the inspection, and they were awaiting a response. Mayor DeVries inquired about the meetings with the Washington Group. Jules Clavadetscher advised that they had met with MRL, and they would not be disposing of the property until the DEQ issues were resolved, which is estimated to be 3 years. He added that MRL had been very helpful and forthcoming. He added that the Gambles building was currently the top priority. Commissioner Duford inquired if the owner of the Gamble's building had been in contact with the City. City Manager Crossett advised that he had and was aware of the inspection, they were hoping to have a representative for him to open the building rather than use a locksmith. They were hoping to inspect the building by the end of the month. Building Inspector Melvin advised that the owner was in an area with very little cell service and expressed that communication was difficult. Mayor DeVries wondered if the Commission should approve the report. Commissioner Campbell noted that the report had been turned in a timely fashion prior to its due date, but had been held back pending the approval of the budget on October 3<sup>rd</sup>. Rory Horning inquired if they had any TIF funds available for low interest loans for property owners rather than just supplementing government projects. Jules Clavadetscher advised that it was something the Commission could approve, but it had yet been recommended. Mayor DeVries thanked Mr. Clavadetscher for the report.

**DISCUSSION REGARDING CONCERNS OVER COMMERCIAL USE OF PARCEL ZONED "TRANSITIONAL" AT THE END OF SOUTHLAKE CREST:** Commissioner Preston advised that they had wanted to put this item on the agenda so that they could discuss concerns in regarding to the transitional zoning near the Ridgewater subdivision and what has happened to Dean and Tarri Duncan's property value due to what the City did or did not do. Dead Duncan informed the Commission that he and his wife Tarri lived at 98 Southlake Crest. He thanked Commissioner Preston and City Manager Crossett for putting the item on the agenda. He pointed out that there was an error on the agenda, the street name was Southlake Crest not Southlake Drive. He informed the Commission that Crest had been chosen because it was a cul-de-sac type street with the only outlet being an emergency exit, and any purchaser, including themselves, would have had a reasonable expectation that Southlake Crest, which was very steep in spots, would not be used as a prime access for the largest commercial buildings in the City. He referred to the building as "the mansion" owned by Mike Maddy. He noted that all of the plats for Ridgewater were based on the old Cougar Ridge maps. He advised that Dennis Duty had told him that their street had a special type of street without concrete sidewalks, they would instead have gravel walk paths. The developer wished to have quality home country living with City conveniences, which was why they bought their home. This was how it was engineered and approved through the City of Polson. He advised that the gravel paths added to the country

living, but was not safe for foot traffic when combined with commercial traffic. He felt the traffic was unsafe and they did not accept it. He requested the City staff to motivate the owner to remove the current access off of Southlake Crest. He added that there were 2 other opportunities for Mr. Maddy to access the mansion, the original access off of Viewpoint Drive or to build a road directly to Highway 93 from the Mansion, the property which would be required was all owned by Mr. Maddy. He commented that at one point he had even considered helping pay for the new access. Relocating the access would solve their problem. He felt the situation was not right, and quoted a letter from Clint Fisher that stated the City had an obligation to protect the public health, safety and welfare of the citizens and the change of use of Southlake Crest to accommodate commercial traffic was a violation. He beseeched the Commission to help them with their problem, and to find a way to not let it happen again. Tarri Duncan thanked Commissioners Preston, Lies, and Duford for helping to address their concerns and frustrations with Ridgewater subdivision. She advised that they had built their home in the subdivision which included 70 lots, 46 of which were on a looped cul-de-sac. They had counted 100 cars that had passed their home in a single day, and they only had one neighbor on the cul-de-sac at this time. She expressed safety concerns for those using the walk paths resulting from the workers driving to and from the mansion. She expressed that those walkers shared her safety concerns, particularly during the winter months. She commented that the mansion road access off of Southlake Crest was without proper permits. She had spoken to Mr. Maddy who said the access was for the convenience of his tenants. She pleaded for the safety of the pedestrians as well her own grandchildren and other children that would be endangered by the traffic from a non-conforming use. She commented that 26 acres adjacent to the mansion and their cul-de-sac were annexed into the City and had their own access, and she felt the traffic would increase on their street greatly if Mr. Maddy completed the mansion and added more tenants and developed the 26 acres and the rest of Ridgewater. She expressed that this mess should be cleaned up and fixed by the City. She commented that the City had made approvals on false information regarding the mansion, and access was being taken without proper approvals. She questioned how they could have legal concerns about Mr. Maddy when all of that had occurred. She felt that apparent violations had taken place, but corrective measures and due diligence could correct that problems. She beseeched the Commission to take a second look at what was approved and figure out how to fix it. Rick Breckenridge advised that he was a professional land surveyor from Dayton who was asked to review this survey that created the impact on Southlake Crest. He added that he had not been hired by anyone and had no dog in this fight. He commented that he found several inconsistencies that proper policies could correct and keep from happening again. He commented that the Commission was allowing tracts to be created after a partial subdivision was allowed and a road was dedicated, which on the survey shows that three parcels were created. He commented that State law dictated that unless Federal money was involved segregation by a road does not create a separate parcel of land. Three parcels were created after phase 2 in Ridgewater. The developer along with surveyor Marc Carstens had adjusted eight boundaries. He commented that the Polson Growth Policy, page 10-5, prohibited such adjustments without meeting the review criteria of a subdivision if there were more than 6 parcels, which this survey created eight. He questioned how it happened. He commented that the approving official was the building inspector, and he doubted that a building inspector was up to speed on land use laws, regulations and etc, but the County accepted. He suggested that the Commission ask for an internal review. He commented that it needed to be reviewed as a subdivision also because the 4.78 acres with the potential of a one hour two year event to create

3,000 cubic feet of runoff water with no review, for which the growth policy includes. He commented that he had seen storm drains on Southlake Crest, but that water would be collected untreated and dumped directly into the lake. He commented that when the Commission approved the annexation of the property and approved the commercial use, they did not know they would inadvertently allow them to come in and readjust the boundaries. He commented that they had slipped one passed the Commission and they needed a check and balance system on it. He commented that according to the growth policy that was an area of high erosion and unstable soil, engineering studies were recommended. Without subdivision review that would not happen. He referenced the growth policy goals to reduce water quality pollution into Flathead Lake, which would not be reviewed. He commented that the survey methodology to create the commercial tract, which took him 3 hours to look at, and he challenged anyone to figure out if they needed to go through subdivision review. There was no planner review or a person responsible to ensure that the survey was totally compliant with all rules and regulations. He suggested that the Commission send a letter to the developer stating that they were in violation of the Montana Subdivision Planning Act and the Polson Development Code, and to resubmit it as a subdivision. If they refused, he felt they should contact the County and ask them to pull the subdivision and have it unrecorded. He advised that both the City and the County had that authority, so that they could properly review the mitigating measures and public input on the subdivision. He commented that he couldn't find a receipt for the mansion's impact fees. He recommended they get a hold of Kay Grey at the DOA to come in and independently audit, which was done in Flathead County. He commented that there were internal checks and balances not being fully adhered to. He commented the Building Inspector was not the appropriate person to sign off, the City Manager or City Attorney should. He added that the planning staff should have had an opportunity to review the survey before it was approved. He commented that it was the Commission's prerogative as to whether or not they followed his advice, but the people in the area had the right to consistent application of the rules and everyone paying their fair share, and Kay Grey of the DOA would make sure that happens. He reiterated that he did this as a courtesy and was not working for anyone. Commissioner Campbell commented that it was his understanding that subdivisions are maintaining their stormwater on site. Rick Breckenridge agreed that subdivisions were required to do so, however the pieces that were created had a municipal facility exemption, and he did not know who signed off on it, but anything less than 20 acres was required to be reviewed by DEQ. He commented that the stormwater needed retained, and no one had reviewed it, there was not a plan for where the water went. Subdivision review would require that the State and City staff would review it, but as it is he saw non-compliance. Commissioner Campbell inquired if the proper person to review would be the City Engineer. Rick Breckenridge commented that the City Attorney needed to be versed in all of the laws regarding the subdivision and development codes. He commented that this slipped through the cracks. Commissioner Campbell inquired if the lots were created after the approval of the annexation. Rick Breckenridge noted that the annexation had been approved in April 2009 and the new survey was recorded in June 2011 when they went in and changed the boundaries to conform to the zoning the Commission had approved in 2009. He pointed out that they still did not know the transitional plan for the properties, or what the impact and traffic would be once they went forward. He pointed out the substantial number of vehicles that could possibly be coming from the mansion and all of the surrounding acreage to Southlake Crest to access the highway, without a turning lane. He commented that they could have mitigated the traffic issue if they went through subdivision review. He commented that inadvertently they had

created an issue they didn't even know the scope of. There were a total of 460 cars per day expected from the completed subdivision, but with the commercial development in agriculture and residential, which he felt the zoning was backwards in this case. He felt that it needed reviewed, and they had the authority to do that and require subdivision review. He felt that an internal review of the process should be in place. Commissioner Campbell asked if the Commission was informed during the annexation approval that Southlake Crest would be accessed for that purpose. Mike Lies replied no. Dean Duncan commented that either a CCPB or Commission meeting the question had been asked, and Dennis Duty, representing the Homeowners Association and the Mansion property owner, Mike Maddy, advised that there was no problem closing off View Point Drive and moving the traffic to Southlake Crest. Mr. Maddy had finished the building to the design specs of Ridgewater subdivision and it did look very good. However the access didn't sound like a big deal at the time, but once it went forward, it really should have been a subdivision subject to review. The complication stemmed from Bob Fulton mentioning during the CCPB meeting, that they were perfectly clear that they were only considering the annexation, and not a special use or subdivision. The next month after it was approved by the Commission, the special use permit was required and would have brought it back before the boards and the public. He commented that he heard the special use permit was granted by the City Attorney, acting as City Manager, waived the requirement. He questioned the motivation of that action, and felt that it was wrong. Rick Breckenridge commented that the special use permit was something else he'd want brought up, which in transitional zoning only allowed certain types of organizations, which a special use permit would have stipulated. He suggested that they give a cease and desist or a special use permit so that these impacts can be mitigated. He questioned what kind of business was in there, because there was literature that determined traffic impact from various businesses so that they may be mitigated. The method that was done with boundary line adjustment, in violation of the Polson Development Code, none of that had taken place. He recommended taking a hard look at internal policies to prevent future issues, and a review of this boundary line adjustment by the planning staff. Commissioner Campbell inquired if the Surveyor for the mansion area and Ridgewater was the same. Rick Breckenridge replied that Marc Carstens had been the surveyor on all documents. And they were created by record now, and the City was left holding the bag. He commented that in this case it was obvious abuse of someone in official capacity who took advantage of one of the employees to get the document recorded. Dean Duncan commented that each lot in Ridgewater was required to create a detention pond to retain water, which he personally had. He advised that when he paid his impact fees and permits he had expressed concerns about his driveway. He had installed a pervious surface driveway. The streets were impervious that ran down to storm drains, but he could not find a detaining pond for the newly annexed property or below the impervious land. He commented that one aspect of the problem might alleviate the issue if Mr. Maddy installed a detention pond at the lowest point before it comes into Ridgewater, rather than letting all of the water run onto the Ridgewater storm drainage system. He added that Mr. Maddy was aware of that. Commissioner Campbell inquired about the comments about the water running into Flathead Lake. Rick Breckenridge advised that he'd gotten that information from the Growth Policy. Water and Sewer Superintendent Porrazzo clarified that the water ran to catch basins, and they had tested those with 1,000 gallon/minute fire hose test with the engineers present, and they had found no overrunning. Rick Breckenridge advised that he was pointing out that the growth policy has a protection mechanism and stormwater gets into the lake untreated and he wanted that potential brought to their attention. He added that any commercial

development required developers to have engineers do the stormwater systems. Commissioner Campbell advised that he would like to make him aware that some stormwater runoff makes it to the lake, but that is not a general statement for all of the City of Polson. Most modern subdivisions had been required to retain their stormwater on site. Rick Breckenridge argued that the 8 lots had not been reviewed as a subdivision. John Campbell commented that it was a false statement that the stormwater from those lots ran untreated into the lake. Rick Breckenridge commented that he needed to look at where the water was going. Commissioner Campbell advised that it would percolate and make its way to the lake. Rick Breckenridge replied then it was correct. Commissioner Campbell advised that did not mean it was untreated; there were many ways to treat water. Rick Breckenridge commented that he had gotten that information from the Growth Policy, and since it was not reviewed as a subdivision they needed to accept the worst case scenario and work from that. Commissioner Duford felt they should take into consideration the percolating of the stormwater so near the City's wells. Rick Breckenridge commented that there was a wellhead protection mechanism in place that would be addressed during subdivision review. Commissioner Preston inquired the procedure for a property annexed into the City if it is not completed at that time. Building Inspector Melvin advised that they would need permits for any remodeling done at that point. Commissioner Lies asked if that had been done. Building Inspector Melvin advised that it was. Commissioner Preston inquired if the impact fees had been paid. Building Inspector Melvin replied that they should have been paid and he would definitely look into the matter. Dean Duncan questioned the survey that created the parcels, because it changed so many lot lines, the whole area becomes an 8 lot subdivision, creating a 20 acre subdivision map without the subdivision process. And that did not allow the Commission to review the subdivision. He added that would have required a hydrology map. The parcels created included the pool's. Commissioner Campbell commented that even recently a single lot had required an engineer to establish the stormwater. Building Inspector Melvin noted that was true and the property had belonged to Gary Kapp. He added that in fairness to the Planning Official and City Engineer, he would like to take all of the issues brought up and allow for them to review for a response to the Commission. He added that the stormwater was a major issue for Ridgewater subdivision and had gone through DEQ. Commissioner Preston inquired if they would have that at the next meeting. Building Inspector Melvin replied that they would bring a response back as quickly as they could, but they would begin right away. Commissioner Campbell expressed that Ridgewater had gone through extensive approvals for their stormwater, but Mr. Breckenridge was saying these lot changes could have affected that runoff because the subdivision has changed. He questioned whether the surveyor should have known the subdivision rules. Rick Breckenridge commented that he indeed should have, he felt the underlying issue was how 8 tracts of record had been created without subdivision review. Commissioner Duford brought attention to the traffic congestion study and she felt that was a big location at that particular location and wondered how much consideration it had been given. Commissioner Preston advised that she had a problem that the cul-de-sac ended and the road to the mansion had extended to it. Her original agenda request had included a vote so that they could have the mansion owner create a new road, but that wasn't appropriate. However, there was an access road that they started when they began construction. She commented that if the City blocks that road, which was inappropriately accessed in the first place, that would solve the problem with Ridgewater. She felt the other issues with water and procedure also needed looked at. She felt the Commission should consider cutting that road off. Commissioner Duford drew attention to the Viewpoint Drive access, and noted the map she had showed a loop around the

mansion going down to the east with an exit down by Mission Valley Auto or Caffrey Road. She mused that they had considered those other accesses. She told the Commission of her experience trying to find the mansion, where the only road she could find was gated or dead ended. She commented that originally Southlake Drive was a cul-de-sac. Commissioner Preston agreed that was the issue, that road had been changed to accommodate the mansion traffic and she felt that went against Polson Development Code. Water and Sewer Superintendent commented that when this first happened the current road was meant to be temporary, the future road was as Elsa said meant to go around the mansion and down to the east. Commissioner Preston inquired if it was documented that the road was meant to be temporary. Water and Sewer Superintendent replied that the road was meant to be temporary means of access for the software company to begin moving into the mansion. The future plans included the other road. Commissioner Preston inquired about the timeline for this. Water and Sewer Superintendent Porrazzo replied that he wasn't aware of a timeline. Mayor DeVries advised that all of the roads involved were private drives, which did not give them as much control as over City streets. Water and Sewer Superintendent Porrazzo added that they had a similar problem with Viewpoint Drive, which was also private, and the residents would not allow the mansion traffic to access from there. Tarri Duncan commented that they would never have come to the Commission if they knew it was a private drive. She commented that they had been refused to be put on the agenda, they had talked to the Building Inspector and City Manager, but until now they had never heard anyone say the road was temporary. Mr. Maddy had told her to keep her grandchildren off the road when she had expressed safety concerns. Dean Duncan commented that it was kind of convenient that temporary came up at this time. He questioned how long temporary would be. Tarri Duncan apologized for blaming the Commission, adding that she had no idea things were done unbeknownst to them. She pleaded with the Commission to do something about the matter. Commissioner Lies replied that they would, as there were a number of things he was unhappy with these issues. Commissioner Duford inquired who did the plowing. Mayor DeVries advised that Homeowners Associations were responsible for private drives. Dean Duncan advised that the City had done some plowing in Ridgewater. Mayor DeVries expressed that it may be aggressive to expect to have on the upcoming November 7<sup>th</sup> meeting. Murat Kalinyaprak inquired if they were taking contributions from the public. He commented that he did not own property there, he was purely acting on citizen duty, and he was doing what he would like others to do, connect the dots. He drew attention to another easement at the end of the property recorded by the County, 5-0-222, he was unsure of all of the details but it had included an easement chunked off as a view easement not accessed by Ridgewater. But later access was made to that cul-de-sac, one to the mansion and one to a one acre lot. John Campbell inquired about the date of the easement. Murat Kalinyaprak replied that he was unsure. He commented that the illegal 8 lot subdivision had been discovered, and it was a strange coincidence that the MVA was going so far ahead in construction without the deed. He had attended some of the MVA meetings, and he was curious why they broke ground without the deed. The survey was done in January but was not recorded until June 29<sup>th</sup> and MVA's broke ground on July 8<sup>th</sup>. He commented that he had brought the boundary line adjustment to the Commission and others, but no one was interested. Afterwards he had attended an MVA meeting to ask if the lots were illegal. He commented that he'd been tipping people off and alerting them to future problems. He recalled the MDOT meeting recently in which the traffic map did not show the road going around the mansion. He commented that an easement had been erased, and he felt the intention to do that was to create the impression that there was no other

access. He commented that no one had taken his comments seriously or wanted to act until Bob Fulton had sent out his letter. He commented that he had used the information request form to get a copy of the letter, but did not receive it, and that others had tried to put the issue on the agenda but had been denied. At the previous meeting he had bet that they would not be able to get it on the agenda, but he was glad that they proved him wrong with 3 Commissioners wrestling to get it on the agenda. Commissioner Preston advised that she had filled out a form. City Manager Crossett agreed that she had filled out a form and stated that all manner of lies were being told. Commissioner Preston noted that she did not recall wrestling with the City Manager. Murat Kalinyaprak commented that he guessed the zoning was bigger thing, the survey did not show the orientation. In 2009 Lita Fonda had questioned the placement of the transitional zoning creating spot zoning, a former City employee asking a valid question should have been listened to, but this is how the Commission operates sometimes, and they knowingly passed the resolution. He commented that he wished they had paid attention to what people like him had brought before them and questioned this issue in June, maybe it already would have been taken care of. Lita Fonda wondered if the road was platted or an easement. Mayor DeVries expressed that she understood it was a driveway and was not aware that it was temporary prior to the night's meeting. Rory Horning drew attention to Resolution 1006, and commented that if he had said what the City Manager had said about lies being told they would have asked an officer to remove him. He commented that what they had was a definite lack of respect between the parties involved, and quoted the Commissioner's statement that the resolution goes both ways. Commissioner Campbell inquired when the Commission had ever been treated nice by Mr. Horning. Rory Horning replied that he was being very nice. Mayor DeVries asked the speakers to stay on subject. Rory Horning commented that he was on subject, and was pointing out that different people were treated differently, and the law tells them how they should treat the public and so does their oath of office. Rick Breckenridge commented that one fix for the access off of Southlake Drive was a one foot street plug which would block access, or the street easement. Murat Kalinyaprak commented that he guessed the homeowner's concern was to get rid of the road. He asked if citizens had the right to ask for remedies, like getting rid of the people responsible and reprimanding them for their actions. He questioned if citizens could ask for whomever broke the rules get punished and pay for their crimes.

**PUBLIC COMMENT ON MATTERS OF SIGNIFICANT INTEREST TO THE PUBLIC NOT ON THE AGENDA:** Mayor DeVries asked any Commissioners interested in attending the annual MMIA Regional Training for municipal officials' workshop in Polson on November 16<sup>th</sup> to let City Clerk Kala Parker know, the registration was free and would take place at City Hall.

Commissioner Campbell mentioned that at the last meeting they had been told that B & I Holdings, LLC had caught up on their rent and sublease had been approved. He wondered how to avoid the lease payments getting so behind and what their recourse was. City Manager Crossett advised that part of the problem was that there was no proper billing cycle, it was outside of other City services and a unique situation. He advised that they would be working on a system issue to streamline the billing. Commissioner Lies noted that there was a provision that they could pay for a whole year in a single payment. Mayor DeVries noted that in that case it must be in advance. Commissioner Duford expressed that catching up every now and again was not how it should be handled. Murat Kalinyaprak commented that City Attorney Raymond had

stated that the Tamsco building had never been empty, it had been used as a warehouse, but the realtor listing has been for the entire square footage. He opined that may not mean anything, but he wasn't sure if putting your boat or motorcycle in their counted as a warehouse. He commented that he had filled out two information request forms in regards to the Tamsco building and the Westana payments defaulting, but he not received a response. He questioned whether the details of waiver of the impact fees for the aquatics center and whether or not the city repays fines or fees, or whether they were ever paid. He commented that at the last meeting when they had asked to time the meeting the City Manager had gotten up and gotten a timer, when he had never gotten up to retrieve information requested during a meeting.

Lita Fonda commented that she thought it was very cool the very diverse group of Commissioners they had for the City of Polson. She felt they all brought different background and different things to the issues. She commented that in the past it seemed everyone on the Commission had been very similar. She expressed appreciation for the job they were trying to do and the diversity they had. She expressed appreciation for them dealing with issues that other Commissions had bequeathed to them.

Mayor DeVries noted that there were two City Manager reviews per year, and one needed to be scheduled prior to the end of November. City Manager Crossett suggested putting it on before the second meeting in November. Mayor DeVries advised that was within the time frame and asked that they give her any input.

Murat Kalinyaprak commented that he had looked up the brochure for ICMA and on the back page all you saw were 3<sup>rd</sup> world countries, and the top item listed for the organizations expertise was anti-corruption and transparency.

**The meeting adjourned at 9:05 p.m.**

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**Mayor Pat DeVries**

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**Attest: Kala Parker, City Clerk**