

**CITY COMMISSION MEETING MINUTES  
CITY HALL – CITY COMMISSION CHAMBERS  
MONDAY, OCTOBER 19, 2009, 6:30 P.M.**

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

**CALL TO ORDER:** Mayor Marchello called the public hearing to order.

**PUBLIC HEARING ON PROPOSED SEWER RATE CHANGE:** Mayor Marchello called for any proponents for the proposed sewer rate change. There were none. Mayor Marchello then called for any opponents to the proposed sewer rate change. Dennis Labonte urged the Commissioners not to accept the rate change. He felt the report was unclear, and the increase in sewer rates would be greater than inflation for families with children. He commented that Carl Brown was unfamiliar with Polson, and the high cost of living was preventing young people from staying in the area. He expressed that unless there were a critical need for a treatment plant, this was not a good time for a rate increase. **There were no other opponents.** Commissioner Lies disagreed with an automatic increase; he felt the change should be voted on annually. He also felt that sewer only accounts should be charged the same as those who were also hooked up to water. Commissioner Duford questioned the accuracy and consistency of Carl Brown's figures. She expressed that she did not support the sewer rate change. Commissioner Clavadetscher noted that the rate change would make things fairer for low use users, paying for only what they use per 1,000 gallon, rather than having to pay the base rate of 5,000 gallons. He pointed out that the City would need a new treatment plant in 3-5 years. City Manager Crossett concurred, advising the Commission that gradual increases over the next 5 years would effect the rate payers only nominally compared to waiting until the treatment plant had actually passed it's useful life. He added that if the Commission would like a more detailed analysis, he would put one together for them. Commissioner Sohm advocated for charging per 1,000 gallons. Water and Sewer Superintendent Tony Porrazzo noted that the price analysis for the new treatment plant was from 5-6 years ago, and a project of similar scope completed in Big Sky this year had cost 12 million.

**The Public Hearing adjourned at 6:58 p.m.**

**CITY COMMISSION MEETING 7:00 P.M.**

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

**CONSENT AGENDA:**

**A. CITY COMMISSION MEETING MINUTES OF OCTOBER 5, 2009**

**B. OCTOBER 1-15 CLAIMS**

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

**GREATER POLSON COMMUNITY FOUNDATION:** Penny Jarecki advised the Commission the Greater Polson Community Foundation was a new entity formed by herself and several others. They had received their non-profit 501C-3 status and had already received \$51,000 in allocated grant money since they formed in 2008. The purpose of the group was to use those moneys to

donate to local non-profit organizations. As well as their goal, which was to make Polson the jewel of Flathead Lake.

**ORDINANCE #640 – FIRST READING – TO ALLOW CHICKENS IN POLSON CITY LIMITS:** Commissioner Clavadetscher moved to approve the first reading of Ordinance #640, to allow chickens in Polson City Limits, seconded by Commissioner Funke. City Manager Crossett indicated that this had come forward due to the realization that there were people with chickens in Polson and there were also other interested residents. The PDC did not include a ruling on chickens within city limits, only the nuisance ordinance. He went over the stipulations in the ordinance for owning hens, roosters would not be allowed. Commissioner Clavadetscher noted that the ordinance was not clear on the limit of 6 hens. Commissioner Sohm inquired about other Cities' results that had allowed chickens. City Manager Crossett replied that complaints had been virtually eliminated, with the cities having specific guidelines. He was only aware of positive results from the cities he had spoken with, including Missoula. Commissioner Lies expressed apprehension that the rules in the ordinance would not work on the smaller city lots. Kelly Ware commented that she and several members of Gardner's Alliance had been hoping for the opportunity to raise hens. She stressed that it was important for her family to be close to their food source. City Manager Crossett mentioned that if the ordinance passed the City could have a facts sheet available on how to care for their chickens and also how to compost the waste. Cheryl Wolf commented that she was for the ordinance and urged the Commission to vote in favor. Lee Manicke expressed several concerns, including how the rules would be enforced, the vermin that would follow the chicken feed, and the possibility of people slaughtering their chickens. He felt that allowing chickens in City limits would not promote the health and welfare of the City of Polson. City Manager Crossett noted that feed containment and sanitary conditions are addressed in the Ordinance. **Commissioner Clavadetscher moved to amend the motion to clarify a maximum of 6 hens. Commissioner Funke seconded the amendment. The amendment carried 4-3 with Commissioners Clavadetscher, Duford, Funke, and Mayor Marchello in favor. Commissioners Agrella, Sohm, and Lies opposed. The motion to approve ordinance #650 carried 4-3 with Commissioners Clavadetscher, Duford, Funke, and Mayor Marchello in favor. Commissioners Agrella, Sohm, and Lies opposed.**

**RESOLUTION #1001 – ANNEXATION – STEVEN P. WARTON REVOCABLE TRUST LOT D LAKEVIEW KNOLLS 4.02 ACRES:** Marc Carstens explained that the property bordered Ridgewater subdivision, and was currently undeveloped and part of the agricultural exemption the Commission had approved on September 21, 2009. The property was intended to be single-family use. **Commissioner Clavadetscher moved to approve Resolution #1001, seconded by Commissioner Sohm.** Commissioner Duford asked for clarification on the access to the property. Marc Carstens replied that the property had been approved through the County to access from Skyline Drive. Margie Hendricks commented that traffic may end up on Hillcrest through Ridgewater, and the Commission should consider the long-term affect of the new properties. Dennis Duty clarified that the property would not be accessed through Ridgewater, adding that Mr. Wharton had not asked for the access, nor would he be granted it. **The motion carried unanimously.**

**SKYVIEW ACRES SUBDIVISION PHASE II PRELIMINARY PLAT – REQUEST APPROVAL OF 3 YEAR EXTENSION:** Commissioner Lies moved to approve the extension of Skyview Acres subdivision phase II preliminary plat, seconded by Commissioner Funke. **The motion carried unanimously.** Steve Jensen thanked the Commission and advised them he

was looking for the extension to give himself a little more time given the economy. Commissioners Agrella and Lies both agreed that Skyview Acres was a well-done subdivision.

**ORDINANCE #651 – FIRST READING – SEWER RATE CHANGE:** Commissioner Clavadetscher moved to table Ordinance #651 until the November 2, 2009 Commission meeting, seconded by Commissioner Lies. The motion to table the first reading of Ordinance #651 carried unanimously.

**ORDINANCE #652 – FIRST READING – AMEND MUNICIPAL CODE 2.48.010 TO PROVIDE FOR VOLUNTEER FIREFIGHTERS AT THE AGE OF 18 RATHER THAN 21:** Commissioner Clavadetscher moved to approve ordinance #652, seconded by Commissioner Agrella. Fire Chief John Fairchild stressed to the Commission that by being a volunteer department, they were reliant on anyone who was willing to volunteer. He had begun a junior fire fighters program, which had met with success. He had checked with MMIA and VFIS, both of which approved of the age of 18. He noted that they would not be able to drive the apparatus until they had completed the training, and if they did not seem ready at that time, that would have to undergo further training. He stressed that the 18-21 year olds were a critical age for the training, as many of Polson's current volunteers were approaching 50. City Manager Crossett added that this was a phenomenal fire department, which in most places municipalities had to pay an estimated cost of an equivalent force of paid firefighters to be in excess of 1.5 million for an equivalent force of fire fighters. Commissioner Agrella expressed concern about 18 year olds driving commercial vehicles. Chief Fairchild clarified that volunteer departments did not require the CDL for their apparatus. He added that no volunteer who was not fully prepared and trained would be driving the department vehicles. **The motion carried unanimously.**

**APPROVE FY07-08 AUDIT REPORT AND AUDIT RESPONSE TO DEPARTMENT OF ADMINISTRATION:** Commissioner Lies moved to approve the FY 07-08 audit report and response to the Department of Administration, seconded by Commissioner Funke. City Manager Crossett explained that it was a fairly straightforward audit. The auditor's only recommendation was to have a GAAP certified employee or CPA. He noted that the City did not have the capability to hire a full-time employee, but felt that the City could easily contract a GAAP certified advisor when needed. City Treasurer Bonnie Manicke pointed out that there was one more year on the audit contract, but they were interested in putting together a proposal for continued service with the City. She added that there were not very many auditors who performed municipal audits in Montana. **The motion carried unanimously.**

**SEPTEMBER 2009 CASH REPORT:** Commissioner Lies moved to approve the September 2009 cash report, seconded by Commissioner Agrella. City Treasurer Bonnie Manicke informed the Commission that September had been a normal month. The only accounts that had negative balances were the building department and the police department's federal grant. She added she would be sending in the quarterly report for the police department's grant with a request for a draw on the funds. The total cash value of the City of Polson as of September 30, 2009 was \$6,027,023.48. **The motion carried unanimously.**

**CITY MANAGER COMMENTS:** City Manager Todd Crossett informed the Commission that himself, Water & Sewer Superintendent Tony Porrazzo, and City Engineer Shari Johnson had gone to evaluate the wastewater treatment plant in Big Sky. He noted that they were considering a membrane system for Polson.

He had also attended the Montana League of Cities & Towns conference, where he networked with other Montana city managers, which was very helpful. Ardrene Sarracino had attended also with a focus on improving Polson's ability to respond and apply for grants.

There were various complaints about harassment and health concerns since the implementation of the smoking ban in all Montana businesses. He explained that he and City Attorney James Raymond were looking at draft ordinances, which would prohibit smoking within certain distances from entryways. Unfortunately, the state legislature gave local governments no teeth to enforce them. The Wolf Den had been the cause of most complaints. However since Police Chief Doug Chase and Assistant Chief John Stevens spoke, with the owner, the bar patrons had begun smoking in the back. He had asked the neighboring businesses to let him know if this was working or not. Mayor Marchello noted there were improvements with the patrons away from the storefront entrances, but there were concerns about large groups congregating in the alley.

City Manager Crossett mentioned that the parks department crew had completed the resurfacing of the golf course deck. He had spoken with Stephanie Clements from Papa Don's, and they would like to continue service from this location, without purchasing the all beverage license. They were willing to work with the City to find a workable solution.

He had been giving resort tax presentations to various groups. He added that he had spoken with Chairman Steele from the Tribe, who had explained that during this pivotal election period they were not willing to take a stance on the resort tax. He recommended that if the voters do approve the resort tax, the City take time to develop a partnership with the Tribe before implementing the tax. Commissioner Clavadetscher commented that he had told many of his constituents that he would not approve of the resort tax without Tribal partnership. City Manager Crossett noted that he agreed and would not advocate adopting an ordinance without Tribal partnership. Commissioner Duford pointed out that there was a lack of clarity on exempt items, noting that boat slip rentals were not listed as applicable or exempt. City Manager Crossett replied that the resort tax proposal included a solid process to continually evaluate the resort tax and list of taxable and exempt goods and services through the advisory committee.

**PUBLIC COMMENTS:** Melinda Leahs, owner of Pilates Plus, stressed that the second hand smoke lingering on Main Street was a health hazard to everyone who used the street. The atmosphere and smell deterred foot traffic to the local businesses, and for many people the groups hanging out in front of the bars were frightening. She encouraged the Commission to make the downtown a clean, safe place for all patrons of the local businesses. Marilyn Bert, owner of Page by Page Books, told the Commission about her customers being accosted by patrons of the Wolf Den, including long time elderly residents. She commented that it was shameful that senior citizens could not feel safe on Main Street. Becky Dupuis, owner of Showboat Theatre, commented that the party was moving from the bar to benches outside. Tally Duford, owner of The First Resort, recounted being followed herself by very intoxicated individuals. She advocated that it was hard for customers to walk down Main Street when confronted by rude, inebriated groups hassling them by the VFW, Wolf Den, and Pier 93. She urged the Commission to consider action.

**The meeting adjourned at 8:20 p.m.**

---

**Mayor Lou Marchello**

---

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