

# CITY OF POLSON COMMISSION MEETING

Commission Chambers

October 20, 2014

7:00 p.m.

**ATTENDANCE:** Mayor Heather Knutson, City Commissioners: John Campbell, Todd Erickson, Dan Morrison, Ken Siler, Jill Southerland, Stephen Turner, City Manager Mark Shrives, and City Clerk Cora Pritt.

**Others present (that voluntarily signed in):** Jerry Beeks, Elsa Duford, Lita Fonda, Paul London, Bonnie Manicke, Andrew Speer, Diane Speer

**CALL TO ORDER** - Mayor Knutson called the meeting to order. The pledge of allegiance was recited. Roll call was taken.

**APPROVAL OF PROPOSED AGENDA-** Commissioner Turner motion to approve the proposed agenda. Commissioner Southerland second. Commission Discussion: none Public Comment: none. **VOTE: Unanimous Motion carried**

**APPROVAL OF CITY COMMISSION PUBLIC HEARING MINUTES OCTOBER 6, 2014-** Commissioner Campbell motion to approve City Commission Public Hearing Minutes October 6, 2014. Commissioner Erickson second. City Commission discussion: none Public Comment: none. **VOTE: Commissioner Morrison Abstain, 6 ayes Motion carried**

**APPROVAL OF CITY COMMISSION MEETING MINUTES OCTOBER 6, 2014-** Commissioner Southerland motion to approve City Commission Meeting Minutes October 6, 2014. Commissioner Siler second. City Commission discussion: none Public Comment: none. **VOTE: Commissioner Morrison Abstain, 6 ayes Motion carried**

**CONSENT AGENDA-Claims October 1-15, 2014** Commission Discussion: none Public comment: none **VOTE: Unanimous Motion carried**

**CITY MANAGER COMMENTS-**City Manager Shrives commented there will be a Workshop on Monday, October 27, 2014 at 6:00 p.m. Also, there will be a Special Commission meeting prior to the Workshop beginning. The bids for the Polson Golf Course New Cart Storage will be opened on Thursday, October 23, 2014 and the bid will be awarded on October 27, 2014. Commissioner Southerland, "Do you want us to do any reading of the Code?" City Manager Shrives, "The ones we are going to look at are the first two chapters that we sent out previously. Maybe what we can do is re-send those out to everyone so that you will have those chapters."

**EXTRA MILE DAY, NOVEMBER 1, 2014-**Mayor Knutson read the following proclamation:

## ***EXTRA MILE DAY PROCLAMATION***

*WHEREAS, Polson, Montana is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and*

*WHEREAS, Polson, Montana is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and*

*WHEREAS, Polson, Montana is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and*

*WHEREAS, Polson, Montana acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2014.*

*NOW THEREFORE, I, Mayor of Polson, Montana do hereby proclaim November 1, 2014, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.*

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*Heather Knutson, Mayor*  
City of Polson, Montana

ATTEST: \_\_\_\_\_  
Cora E. Pritt, City Clerk

Mayor Knutson thanked everyone who goes the extra mile to make Polson a better place to live.

**APPROVE THE PERMIT FOR LIMITED ENCROACHMENT UPON AND USE OF CITY RIGHT OF WAY (NON-COMMERCIAL) FOR PROPERTY LOCATED AT 107 FIRST AVE. EAST, POLSON, MT 59860. DURATION OF THE ENCROACHMENT IS 10(TEN) YEARS FROM DATE OF ISSUANCE.** City Manager Mark Shrives presented this agenda item. This came about by a realtor who is in the middle of a buy/sell. The buyer started asking questions about the encroachment. The house, which was built a long time ago, in fact the front steps and a good portion of the fencing both encroach in the City's Right-of-Way. So, the City Attorney was consulted and options were discussed. In preparation for potentially dealing with this issue in the future this permit was created. This is a non-commercial property. City Manager Shrives asked that the following verbiage be added to the motion: **The applicant will need to adhere to items one through six prior to final approval.** Commissioner Erickson asked if there were to be any problems would it be the City Building Inspector that would take care of the issues. City Manager Shrives explained that this is a 10(ten) year permit that would need to be renewed. If there is any work that needs to be done, that is when the City would go in. It wouldn't necessarily be the Building Inspector. It could be any City department. Right now it is not a problem, and this will allow the buyer and the seller to know what is out there. This will allow a transaction to occur and both parties will be aware of it. Commissioner Campbell commented that he is good friends with the owner and the fence has been there since 1976. **Commissioner Turner motion to approve permit for limited encroachment upon**

and use of City Right of Way (non-commercial) for property located at 107 First Ave. East, Polson, MT 59860 Pending completion of items number one through six on the permit. Duration of the encroachment is 10(ten) years from date of issuance. Commissioner Campbell second. Commission discussion: Commissioner Erickson asked is there was any idea how many encroachments actually exist. City Manager Shrives replied no we don't know. It will be as the issue comes up. Commissioner Erickson then asked if the City is setting precedence. City Manager Shrives replied no we're not giving anything up, we are simply identifying the encroachment and that it can be revoked at any time based on the needs of the City. Public Comment: none. VOTE: Unanimous Motion carried

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA-** Lee Manicke, "I have a question. Are these new City codes, even while it is a work in progress, are they going to be made available to the public and we can see what they're going to be?" Mayor Knutson, "Are the new what? I'm sorry." Lee Manicke, "The new City codes that you are working on for this work session." City Manager Mark Shrives, "We can post, the same thing I am going to send out, we can post on the City website. Which is basically the first two chapters and we can post them on the website." Lee Manicke, "Appreciate that. Thank you." Mayor Knutson, "Thank you." Andrew Speer, "Good evening. One of the things that I had a little bit of confusion on is at the last session the City Manager talked about Americorps and getting an intern for \$3,000.00. They was going to look into Local Option sales tax and also the Complete Streets Program. One of the concerns that I have was I don't remember City Council really having an open session on that or voting on it. Has the \$3,000.00 been approved for this intern? I know that the application is due, according to the Minutes, on October the 20<sup>th</sup>. So, maybe you can elaborate." Mayor Knutson, "I don't think that we've actually decided whether we are going to go forward with that at this point. To have the Vista/Americorp person. We've talked to the Greater Polson Community Foundation about it but there has not been a decision on either part to move forward with it at this point." Andrew Speer, "Okay. In the event that you do get into the Local Sales Tax Option and also the Complete Streets Program, before you would move forward with that, you would bring it to the public's attention and have some feed-back or comment in regards to that." Mayor Knutson, "We would certainly have feed-back and comments if we were to take action on that and move forward in an actual way, yes." Andrew Speer, "So before you would even start addressing that, I know Karen has already put on a program for Complete Streets. She left about 75% of the information out and there's two sides to that issue. So it would be a good thing for the public to be made aware of the whole impact of something like that." Mayor Knutson, "Sure, and definitely before we would take action on it, we would do that." Andrew Speer, "And then also regarding the Local Sales Tax, that was tried before and it failed miserably from what I understand. Okay, very good. Thank you." Mayor Knutson, "I understand that too. Thank you." Jerald Beeks, "I am a Polson resident. I am also here to represent Community Tel, or Ronan Telephone Company. I just want to bring forward, at least to your attention, an issue that's coming up and we will ask to be on the agenda for the next meeting. But we are being told by the City Manager and the City Attorney, who we met with earlier this week, that we are now going to have to pay for Right-of-Way in order to bring our services to the City of Polson, and to the residences and to the businesses here. We actually do have in fact some businesses that are ready for our service and we're not able to get permits. We're being denied a permit right now for an Encroachment Permit to bring our services to KwaTaqNuk for example. So I wanted to bring that to your attention. That is an issue that we're very concerned about and our attorneys are looking at it. Anyway, I just wanted to bring that to your attention. That it is something that we will be, we've asked to be on the agenda. We are filling out the forms to be on the agenda for the next meeting. Do you have any questions about what I just said?" Mayor Knutson, "No I don't have any questions. Do any of you have any questions at this point? Okay. You are filling out the forms at this point?" Jerry Beeks, "We are. We've been actually bringing services to the City of Polson for many years and have not had to pay for Right-of-Way. That's been apply for a permit, you get the right-of-way. You get the permit approved and as I understand it,

this Commission approves these right-of-ways, these permits. So, we'd like to continue that process and we're very concerned that in fact we are being told that we need to trade our services for the Right-of-Way. We just find that to be unprecedented and in fact we believe that's unlawful. So we will be bringing that forward." Mayor Knutson, "Okay. Thank you." Commissioner Erickson, "When is the Right-of-Way an issue?" Jerry Beeks, "Wherever we need to bore under a street to bring fiber into a location we need an Encroachment Permit in order to go underneath the City Right-of-Way. We've been doing that for many, many years. I think we pay a small fee. We're looking further into it in terms of the fees. We've actually applied for a permit to get the KwaTaqNuk and we're denied that permit. We've been denied any permits from here on forward until we resolve the issue. So it's a serious matter." Commissioner Campbell, "Is your company the one that came through Polson here the last year or so?" Jerry Beeks, "We've been bringing fiber into Polson the last year or so, yeah. You've probably seen our Montana West trucks and people. When we go on poles, it's no issue because we don't need a permit for that but when we go underground and under roads, we need an Encroachment Permit. So far, recently we've been denied that permit." Commissioner Campbell, "The contractor or whoever left a lot of messes in town. My alley in particular. A lot of crossings they did, they tore it all up and brought all the clay to the surface and took all the gravel out and left it." Jerry Beeks, "If we did that we'll be happy to clean that up. You need to report that to us. In fact report that to me and I'll see that we get it....." Mayor Knutson, "Let's look into that." City Manager Shrives, "Can I suggest you take any comment but this is not the time to discuss it. There are some, quite a few issues we are working on regarding this." Commissioner Campbell, "Okay. I just had that question." Jerry Beeks, "Okay. Thank you." Jay Preston, "I'm C.E.O. of Community Tel and the subsidiary companies including Montana West. The issue here, in brief, is that we have a customer in Polson, we are Polson business people having served here for the past 16 years and suddenly we are denied a permit to serve the customer, perspective customer, on the basis of what I consider to be a very, very dubious legal claim, maybe no legal claim. The demand for a contribution. I am here to make it clear to the Commission and the Mayor that this is a very serious issue. I think it is an issue that goes beyond our company and frankly I think it's torturous interference of a contract, frankly, and so I would appreciate it if this could be handled in an expedited manner. We've gotten indications from both the City Attorney and the City Manager that this might be dragged out. That's very disturbing to me. Anyway, thank you."

**Mayor Knutson asked for a motion to adjourn. Commissioner Siler motioned to adjourn. Commissioner Southerland second. Vote: Unanimous Motion carried**

**ADJOURN 7:22 p.m.**

**Mayor Knutson**

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Mayor Knutson

ATTEST:

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Cora E. Pritt, City Clerk