

**POLSON CITY COUNCIL MEETING MINUTES  
CITY HALL COUNCIL CHAMBERS  
MONDAY, NOVEMBER 19, 2007 7:00 P.M.**

**ATTENDANCE: Council:** Bruce Agrella, Mark MacDonald, Tom Jones, Mike Lies, Tom Corse, and Mayor Jules Clavadetscher presiding. Councilman Fred Funke absent. City Attorney James Raymond and City Manager Jay Henry present.

**Pledge of Allegiance and meeting brought to order at 7:00 p.m.**

**APPROVAL OF PROPOSED AGENDA:** Mayor Clavadetscher noted that the representatives from MDOT were unable to attend. Tom Corse motioned to approve the proposed agenda with the removal of items 3D and 5. Mike Lies seconded the motion. The motion passed unanimously.

Mayor Clavadetscher announced that the Council had attended a meeting with Ken Weaver, advisor of the Montana League of Cities and Town, on November 18. Following his suggestion, attendance shall no longer be taken at meetings with a sign in sheet. Also at his suggestion, Mayor Jules Clavadetscher will resign at the next Council meeting and the newly elected Mayor Lou Marchello will be sworn in. He also stated that the City had received a grant from the National Parks Service of \$15,150 for work on Salish Point.

**CONSENT AGENDA**

- A. CITY COUNCIL MEETING MINUTES OF NOVEMBER 5, 2007**
- B. COMMUNITY POLICY & PROBLEM SOLVING - POLICE CHIEF CHASE, OFFICERS STEVENS, BOOTH, COTTLE, NASH & CITY MANAGER JAY HENRY - DEC 4-6 - MISSOULA - TOTAL COST \$336**
- C. TRANSFER OF OWNERSHIP & LOCATION FOR MONTANA RETAIL ON-PREMISES CONSUMPTION OF BEER/WINE LICENSE NO. 15-860-3884-301, PAPA DON'S GRILL 49779 US HWY 83 SUIT A**

Mike Lies motioned to approve the consent agenda items A-C, seconded by Bruce Agrella. The motion passed unanimously.

**DECISION BY COUNCIL REGARDING SANDPIPER LEASE:** Jay Henry informed the Council there were ongoing discussion between the Mayor, the Sandpiper Board, and the Library Board. He suggested the Council wait to make a decision until there was more information. Mayor Clavadetscher advised the Council that he had been in communication with both boards, and they had been discussing agreeable options for when the Sandpiper Gallery would be moved. He also suggested the Council wait to take action until the Library Board's final decision. He mentioned that he, the Mayor's office, and the City Manager were available for continued dialogue with the Library and Sandpiper Boards until the issue was resolved. Tom Corse motioned to table agenda item 4, the decision by Council regarding the Sandpiper Lease. Mark MacDonald seconded the motion. The motion passed unanimously.

**RESOLUTION #955, INTENT TO CREATE MAIN STREET SPECIAL IMPROVEMENT DISTRICT:** Karen McMullen expressed her intention for a special

improvement district for Main Street beginning at 2nd Ave (Hwy 93) to 7th Ave down Main Street. **Tom Jones** asked if the majority of people involved were in favor of the SID. **Karen McMullen** explained that was part of the reason they were putting forward the Resolution of intent. **Mayor Clavadetscher** added that the Resolution of intent was one of the steps towards finding out if there was public interest as well as giving the public the opportunity to speak for or against the SID. **Tom Jones motioned to approve Resolution #955, intent to create an SID from 2nd Ave to 7th Ave along Main Street. Mike Lies seconded the motion. Rory Horning** expressed that he would like to know more about the SID, stating that the majority of citizens had not been fully informed. He commented that 15 days was inadequate time for them to make the decision. He advised that there should be a consensus before they go ahead and make charges, in light of the differences in the cost estimate. **Geri Browning** encouraged the Council to go forward with the SID to begin the process. She explained that she had been to a variety of different public meetings and there was a definite interest in Main Street improvement. She expressed that this was a good opportunity for all those involved to make an informed decision for or against and also to voice their opinions. **Mayor Clavadetscher** noted that in Resolution #955 there was a statement in section VII that explained that the actual cost may surpass the estimate by up to 50%. **The motion passed unanimously.**

**REQUEST COUNCIL APPROVE NAMING OF BALL FIELD AT POMAJEVICH PARK “ROTARY FIELD” TO HONOR THE GIFT OF \$10,000 FROM POLSON ROTARY:** **Parks Superintendent Karen Sargeant** explained to the Council that Pomajevich Park originally was just a baseball field, but now had a complete park with playground equipment restroom facilities, and more. She told the Council that currently there was a sign up for the park that read “Pomajevich Field”. She informed the Council that in consideration of the Rotary’s donation to improve the field, add dugouts, and a new backstop, she would like to change the name of the field to “Rotary Field” with a sign to hang from the field’s fence. She added that she would also like a new sign for the park that read “Pomajevich Park”. She noted that the Park Board was in favor of the change. **Mayor Clavadetscher** indicated that he would be abstaining from the vote because he was a member of the Rotary Board. **Tom Jones motioned to approve renaming Pomajevich Field to Pomajevich Park, and also to name the Field “Rotary Field”. Mark MacDonald seconded the motion. The motion passed with 6 in favor and 1 abstention; Mayor Clavadetscher.**

**DISCUSSION OF WASTE WATER TREATMENT OPTIONS – DAVE AUNE – GREAT WEST ENGINEERING:** **Dave Aune** mentioned that earlier that afternoon he had conducted a work session of wastewater options, the essential summary of which was the wastewater treatment plan would be at full capacity in 5-7 years and several alternatives were evaluated. He explained this included a sequencing batch reactor at 8-9 million dollars that would be a half MGD facility. By the year 2027 it would build up to 1 MGD, so it would be an interim step to develop the batch reactor to meet future hydraulic capacity needs. He added they would continue to use the wastewater treatment facility but eventually phase it out. He recommended the City update the preliminary engineering report, prepare a detailed engineering analysis and funding strategy. **Mayor Clavadetscher** thanked Dave Aune for the comprehensive presentation at the work session. **Bruce Agrella motioned to pursue the study as Mr. Aune suggested, to update the PER and develop a detailed implementation and funding strategy. Mike Lies seconded the motion. Rory Horning** commented that the Attorney

General's opinion was that even during work sessions the public should be given the right to comment, but earlier today they had not. He asked what the cost to the City and what department this item would have an impact on. **Dave Aune** commented that the cost was 8-9 million dollars. He added that per user, without grants and to fund at the get-go would be about 45 dollars. He noted that with grants and gradual rate increases and with several other strategies the cost could be brought down. **Mayor Clavadetscher** asked what the cost of updating the PER and developing the funding strategy would be. **Dave Aune** answered that his estimate was about 30-50,000 dollar, but that it was not a firm cost. **Peter Daniels** expressed that an item of that much cost should be decided by the new regime. **Elsa Duford** asked that the cost for the rate payers be explained for the public's benefit. **Dave Aune** explained that without grants the cost would be 45 dollars per month per user, but with grants, impact fees, and gradual rate increases the rate could be brought down. He added that the funding study would provide a much more accurate cost. **The motion passed 5 to 1, with Bruce Agrella, Tom Jones, Jules Clavadetscher, Mike Lies, and Tom Corse in favor and Mark MacDonald opposed.**

**PROPOSAL FOR DRIVEWAY ON 6<sup>TH</sup> STREET EAST:** **Mayor Clavadetscher** informed the Council that Tony Porrazzo, the Water and Sewer Superintendent, and Rod Hanson, the Streets Superintendent, were supportive of the proposition. **Bruce Agrella** asked Donald Smith to explain the proposal. **Donald Smith** informed the Council that the proposed section of 6<sup>th</sup> Street East, which included 12 lots, was currently unpaved. He pointed out that the cost of paving the entire street would be about 93,000 dollars, and the owners of 9 of the lots did not wish to pave it. He added that he owned three of the lots and he wished to develop them, and they would be significantly worth less without a paved street leading up to them. He explained that he wanted to pave a 20' driveway down the street, which if the City ever decided to pave the entire street, that section would already be finished to City specs, only smaller, at no cost to the City. He added that drains will be put in. **Mike Lies motioned to accept the proposal as shown, seconded by Bruce Agrella. The motion passed unanimously.**

**CLARIFICATION OF POLICY OF CITY COMMISSION TO RESTRICT PUBLIC'S RIGHT TO ASK QUESTIONS AT PUBLIC MEETINGS UNDER AG OPINION VOL. #51/#12 DATED 12/30/05:** **Rory Horning** asked that a vote be added to his item, as he had requested on the agenda item request form. **Mayor Clavadetscher** replied that the vote would be included. **Rory Horning** explained he would like clarification on why the City Council meetings allowed comment only when he could not find "comment only" in the Attorney General's opinion which the City had used as reference for the public comment section of the agenda. **Mayor Clavadetscher** explained that the Council would be more than happy to provide clarification. He advised the Council that they had refused an earlier request from Mr. Horning to repeal ordinance 613, which dealt with the public comment section of the agenda. He requested that City Manager Jay Henry and City Attorney James Raymond make a recommendation to the Council. **Rory Horning** said that ordinance 613 did not pertain to comment only and not asking questions. He felt it was odd that it encouraged public participation by limiting the time people can speak. He mentioned that at the work session the previous day that Ken Weaver made no distinction between comment and question. He asked where in the AG opinion does it address comment only since that was the basis for ordinance 613. He also commented that the AG opinion states that even work sessions must allow public comment, but he had been to two in the last two days that did not allow public comment. He

asked the Council how public participation comes down to comment only. **Mayor Clavadetscher** suggested to the Council that City Manager Jay Henry review Mr. Horning's complaints about the Council and to give his recommendation at the next meeting. **Mark MacDonald** motioned to table the issue until the next Council meeting. **Bruce Agrella** seconded the motion. The motion passed 4-2, with **Bruce Agrella, Mark MacDonald, Mayor Clavadetscher, and Mike Lies** in favor. **Tom Corse and Tom Jones** opposed.

**REQUEST COUNCIL DECISION REGARDING "LOCAL UPDATE OF CENSUS ADDRESSES":** **Mayor Clavadetscher** explained that the City had the option to conduct the census themselves, or they could leave it up to the bureau because the City is unable. **Mike Lies** informed the Council that he had participated in the 2000 consensus. He noted that the Federal Government had sent out a lot of material to get everyone's address. He explained that entailed going through all the maps and back through resolutions and including all the new subdivisions. He commented that it had been found many addresses had been omitted, and someone would have to physically drive around to ensure all addresses were included. He stressed that not including all addresses could result in a loss of funding from grants, as each on the list is worth about \$200 in grants per year. He expected that it would take 100-500 hours to be completed, adding that the computer used could only be used by the one or two doing the consensus and then must be purged of all data afterwards. He advised the City participate in the consensus. **Mayor Clavadetscher** asked if the City did not participate, if the Federal government would complete it. **Mike Lies** replied that it would, but it would most likely be inaccurate and addresses easily missed by someone unfamiliar with the area. **Bruce Agrella** asked if Mike Lies would be willing to work on the census. **Mike Lies** replied that he could. **City Manager Jay Henry** pointed out there would likely be a City vehicle available for him to use, but he would have to check with department heads to see which would be available. **Bruce Agrella** motioned to participate in the local update of census addresses, with **Mike Lies** working as a paid employee to complete it. **Mark MacDonald** seconded the motion. The motion passed with 6 in favor and 1 abstention of **Mike Lies**.

**REQUEST COUNCIL TO APPOINT A COMMITTEE TO UPDATE EXISTING ETHICS COMMITTEE:** **Jay Henry** explained that on August 18, 2005 Ordinance 610 had been passed which authorized a code & committee of ethics. He added that updating this was part of the transition plan for the new Charter form of government. He requested the Council authorize James Raymond and himself to bring a modified Ordinance 610 before them for approval. **Tom Jones** motioned to appoint **Jay Henry and James Raymond** to draft a revised code of ethics to the next Council meeting for approval. **Mike Lies** seconded the motion. The motion passed unanimously.

**OCTOBER 2007 CASH REPORT:** **Bonnie Manicke** informed the Council that there was a negative balance on the gas tax fund due to the paving on Hillcrest and the 15<sup>th</sup> Avenue engineering study. She pointed out that with no expenditures from that fund for a couple months, it would be replenished back to a positive balance once enough revenue was received. She told the Council the golf revenue bond debt service payment was made on October first, and the bond retirement was 75,000 dollars and the outstanding debt was 980,000 dollars. She said the total cash value of the City of Polson was \$4,380,650.99. **Mike Lies** motioned to accept he **October 2007 cash report**. **Mark MacDonald** seconded the motion. The motion passed

**unanimously.** **Bonnie Manicke** added that the Lake County treasurer booked within ½% of the budget revenue, so the City will be in good shape in November when around \$500,000 will be received.

**CITY MANAGER COMMENTS: There were no City Manager comments.**

**PUBLIC COMMENTS: Rory Horning** expressed dissatisfaction with the Council for not being fully aware of the AG opinion. He felt that redoing the ethics code had been addressed previously and that it was a dance they'd done before. He felt that the outgoing members of Council had dominated the workshop the previous day and that the new Council members had not been given adequate opportunity to speak. **Peter Daniels** advocated for the new ethics code to have a remedy for violation of the code.

**The meeting adjourned at 8:00 p.m**

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**Jules Clavadetscher, Mayor**

**ATTEST: \_\_\_\_\_**  
**Kala Parker, Assistant City Clerk**