

**POLSON CITY COMMISSION MEETING MINUTES
CITY HALL – CITY COMMISSION CHAMBERS
MONDAY NOVEMBER 19, 2012, 7:00 PM**

ATTENDANCE: City Commissioners: Todd Erickson, John Campbell, Mike Lies, Dan Morrison, Fred Funke and Mayor Pat DeVries presiding. City Attorney James Raymond, City Treasurer Bonnie Manicke, City Clerk Cindy Dooley, and Police Chief Wade Nash present. Others present (that signed in): Rory Horning, Andrew Speer, Elsa Duford, Bonnie Manicke and two others. Commissioner Stephen Turner and City Manager Todd Crossett were absent.

Mayor Pat DeVries called the meeting to order. The pledge of allegiance was recited.

Mayor DeVries said that City Manager Crossett was out-of-town visiting family and Commissioner Turner would be absent also.

APPROVAL OF PROPOSED AGENDA: Commissioner Funke moved to approve the proposed agenda, seconded by Commissioner Morrison. Commission discussion: None. Public discussion: None. Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.

CONSENT AGENDA:

A. OCTOBER 31 – NOVEMBER 13 CLAIMS

Commissioner Lies moved to approve the consent agenda, seconded by Commissioner Campbell. Commission discussion: None. Public discussion: None. Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.

COMMISSION MEETING MINUTES NOVEMBER 5, 2012: Commissioner Campbell moved to approve the City Commission meeting minutes of November 5, 2012, seconded by Commissioner Erickson. Commission discussion: None. Public discussion: None. Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.

WARD 1 OVERVIEW AND COMMENTS: Mayor DeVries yielded the floor to Commissioner Erickson to present an overview of the activity in Ward 1. Commissioner Erickson recently toured the CORE Outdoor Power operation located on Kerr Dam Road near the soccer fields. This is in the northeast part of Ward 1. There are currently 14 production employees. The operation is adding new products and may eventually have to move to a larger facility to handle the increased capacity but they are dedicated to providing jobs locally and developing their prototypes. Mayor DeVries asked if there is anything that the City can help them with. Commissioner Erickson said they did not have any requests and they are happy to have the facility they are in; it may be a bit small but it is suitable. He said the company did have a brief layoff of employees due to a delay in a shipment of parts from China but they are running at full capacity again.

The Cottage on Main in the downtown district has been hosting events to promote their business and bring more people down to that area of town. Commissioner Erickson said that the owner has been a good partner in the development issues regarding his retaining wall and we want to continue that relationship to help build his business. Commissioner Campbell has been working with him to mitigate that circumstance to the best of the City's ability.

One of the downtown vacancies has been filled by Lakeside Quilt Company. Commissioner Erickson said he attended the open house on November 16th. The owner demonstrated the long-arm quilting machines that do computerized machine quilting. Commissioner Erickson said there were quite a few people in attendance (not too many men) and the demonstration was pretty amazing.

Commissioner Erickson noted that First Resort updated their façade several months ago and it shows what can be done to lend beauty to Main Street.

He said that the walking path at Sacajawea Park has received good comments and has been a “thumbs up” for people that enjoy the parks.

The paving on 7th Avenue connecting with Kerr Dam Road is now completed and looks very nice.

Commissioner Erickson commented that the Riverside Park upgrade looks very fresh, clean and new and presents a good view coming into Polson. He is excited about the walkway under the bridge. He said it has been talked about for at least twenty years – as long as he has been here. He said that as a former business owner on the north side of Highway 93, he knows that doing anything that connects the downtown area to the north side of the downtown district will be helpful to increase customer traffic.

Doodlebugs Daycare has relocated next door to where Mike’s Video was. The saddle shop business has closed. Commissioner Erickson said it was great retail but maybe a bit pricey. The Salvation Army has moved into the former liquor store building creating one less vacancy which is good news for the business community.

Members of the business community met and discussed the vision for the community and how to recruit businesses to the area. Commissioner Erickson said that those discussions are ongoing and that they would continue to work with the Heart and Soul project to see what kinds of resources they might have available.

Commissioner Erickson said he would continue to monitor activities in Ward 1 and periodically present reports.

Mayor DeVries thanked Commissioner Erickson for his report. She also commented about the 7th Avenue paving project with the addition of the crosswalks and striping which added a lot.

NEW BUSINESS

APPOINT BARBARA SMITH AS WARD 1 REPRESENTATIVE TO THE GOLF BOARD:

Commissioner Campbell said this position was previously held by Doug Morigeau for about three years and then he resigned last year. He said the appointment would start on January 1, 2013 and go for two years. Commissioner Campbell spoke to Barbara Smith who resides in Ward 1 and she said she would be willing to fill the vacancy. **Commissioner Campbell moved to appoint Barbara Smith as Ward 1 representative to the golf board starting January 1, 2013 for a two year term, seconded by Commissioner Morrison.** Commission discussion: Mayor DeVries said that she knew Ms. Smith golfed each week on the lady’s league. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

APPROVE APPLICATION FOR TRANSFER OF OWNERSHIP AND LOCATION OF BEER LICENSE

#15-860-3784-101 to 4B's: City Attorney Raymond said this is basically a housekeeping issue. It is a requirement of the Department of Revenue (DOR) that the City sign off on the transfer, but there are no rules for enforcement related to it. Commissioner Campbell said that he noted several technicalities in the application: on the first page the license type is listed as On-Premises Consumption Beer; on the maps on the next two pages it references beer and wine and then on the application nothing is checked regarding the type of license the applicant is applying for. Commissioner Campbell said his assumption would be that they are applying for a restaurant beer/wine license. City Attorney Raymond said he was sure that it would have to be straightened out with the DOR as there are quotas on the number of licenses of a type allowed in an area. Commissioner Lies asked what entity was selling the license. Commissioner Campbell responded that Lucky Lil's held the license. City Clerk Dooley said that when Lucky Lil's had the license it was only a beer license, but similar to another restaurant entity that bought a beer license they could probably add an endorsement for a wine license as-well. **Commissioner Campbell moved to approve the application for the transfer of ownership and location of beer license #15-860-3784-101, seconded by Commissioner Lies.** Commission discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

SETUP CITY COMMISSION WORKSHOP TO MEET WITH APPLICANTS TO DISCUSS

PROPOSED ANNEXATION: Building and Planning Official Weaver explained that an applicant, Knife River, would like to meet with the City Commission to discuss a proposed annexation into the City limits for property that they own south of Polson. The property was formerly the site of the Polson Ready Mix business which the applicant owned. Building and Planning Official Weaver said the applicants would like to meet on December 17th for one hour prior to the regularly scheduled City Commission meeting to discuss their plans, have the Commission ask questions and find out what information the City needs and the feasibility of the annexation. Commissioner Campbell said he thought the department heads should be involved in this meeting. City Attorney Raymond said that he has discussed this with the department heads. He said the applicant is looking for a pre-application review – looking at what is possible. City Attorney Raymond said it was his understanding that the applicants have already had several meetings with department heads. Building and Planning Official Weaver said that the applicant's agent, Elaine Hawk, has met with the department heads on several occasions and there are concerns. City Attorney Raymond said this meeting would be at a very general level and probably would not need to involve the department heads. Commissioner Campbell would like to have written comments from the department heads prior to the meeting to find out their general concerns. Mayor DeVries said that it has been quite a while since she was involved in an annexation and she is not sure what all is needed. Commissioner Campbell said that being able to supply all the services is the primary consideration along with zoning and whether taxes can pay for the services. City Attorney Raymond said he would talk to the department heads prior to the meeting. Commissioner Campbell said that if there is some large concern such as the sewer plant not being able to handle this, he would like that communicated to the Commission prior to the meeting. Commissioner Lies said he has concerns about what they want to do if they are annexed in. Building and Planning Official Weaver said this would be a large annexation and that the City would have to take in more land in order to make this parcel adjacent to the existing City limits, which would bring the annexation up to about 80 acres. She said the applicants have met with their adjoining neighbors to see if they would consider being part of the annexation. Building and Planning Official Weaver said that the applicant is very interested in being annexed into the City, but they do not want to spend hundreds of thousands of dollars to later find out that the City would not accept the annexation. Commissioner Erickson asked what plans the applicants might have for the property. Building and Planning Official Weaver said there are no plans at this point but Elaine Hawk

has said that the property above the Ready Mix site would be beautiful for residential development and other areas would be attractive to a developer for low-income development. Building and Planning Official Weaver said the Fire department has concerns about not knowing what the plan for the property is and access issues. **Commissioner Morrison moved to schedule a workshop on December 17, 2012 from 6:00 to 7:00 pm to meet with the applicants to discuss a proposed 80 acre annexation into the City, seconded by Commissioner Campbell.** Commission discussion: None. Public discussion: Elsa Duford asked if this would be a public meeting. Mayor DeVries said that it would be open to the public, but given the limited amount of time for the workshop the first priority would be for the applicants to make their presentation and for the commission to ask questions and then if there is time the public could ask questions. The workshop will have to end at 7:00 pm because it is just prior to the regular City Commission meeting. Mayor DeVries said that it would be up to the applicant and City Manager Crossett as to how the workshop is structured. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

SCHEDULE STRATEGIC PLANNING WORKSHOP: City Attorney Raymond said he received no guidance from City Manager Crossett regarding this agenda item except that he wanted to put something together for December or January knowing that it is a busy time with the holidays coming up. City Attorney Raymond said it would be about a three hour workshop and that if possible it could be scheduled during the day. Mayor DeVries said she thought it would be best to hold it in January and asked for input from the Commission on possible meeting days and times. It was decided to meet on Wednesday January 9, 2013 at 1:00 pm. **Commissioner Morrison moved to hold a strategic planning workshop on January 9, 2013 at 1:00 pm with the place and agenda to be determined at a later date, seconded by Commissioner Funke.** Commission discussion: None. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

FIRST READING – ORDINANCE NO. 663 – AN ORDINANCE ADOPTING FLOODPLAIN HAZARD MANAGEMENT REGULATIONS WITHIN THE CITY OF POLSON: City Attorney Raymond explained the letter from FEMA attached to the agenda item. FEMA provides insurance at subsidized rates for flood hazard management and it is not available through other carriers. In order to qualify for the insurance, structures and development in the flood plain area need to meet certain specifications. Periodically FEMA updates its flood plain map as the technical data gets better. The City of Polson does not have very much flood plain area, but those that live in the flood plain area are eligible for the FEMA insurance, but only if the City passes the Ordinance outlining the regulations. There are life, safety and health regulations contained in the Ordinance that must be followed. City Attorney Raymond said that he took a model ordinance provided by the State of Montana and altered it to fit our local circumstance. It will need to be sent to the State of Montana after passage by the Commission for their approval to make sure it meets all the specifications. He said the Ordinance is not being passed on an emergency basis. Mayor DeVries said it is her understanding that properties in the flood plain need to get the FEMA insurance in order to get financing for their homes and that we need to have the ordinance so FEMA will provide the insurance. City Attorney Raymond said that Lake County is also working on this, they have a longer timeline, but ultimately the Ordinance will need to coordinate with Lake County's ordinance. He said there may be some amendments to Ordinance No. 663 made once Lake County finishes their ordinance. Commissioner Lies said this has to be reviewed every ten years and City Attorney Raymond said it has to be renewed when the map is updated. City Attorney Raymond said property owners can challenge the flood plain map data. Commissioner Campbell said it is important that we meet the deadlines and get this Ordinance on the books so that property owners don't have difficulty getting financing. **Commissioner Lies moved to adopt Ordinance No. 663 on**

FEMA floodplain hazard regulations, seconded by Commissioner Funke. Commission discussion: City Clerk Dooley said that the citations and informational boxes will be removed at some point and asked City Attorney Raymond if they should be removed prior to the second reading. City Attorney Raymond said the citations would remain but the informational boxes will be removed before the second reading. Public discussion: None. **Commissioners Erickson, Campbell, Lies, Morrison and Funke voted aye. Commissioner Turner absent. Motion carried.**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA:

Lee Manicke showed the Commission a picture of a truck full of garbage that is parked down the street from his property. The garbage has been accumulating since August. Mr. Manicke said he talked to the County Sanitarian on September 26th who then wrote a letter to the landlord. He spoke with her again on October 31st and she wrote a second letter. Mr. Manicke said that while the letter was in transit the pickup was moved from its location on 5th Avenue to 8th Street east which is around the corner. He spoke to the County Sanitarian again on November 12th and she had not contacted the owner of the new location. On November 13th the Polson Redevelopment Code re-write committee had a tour of the City and Mr. Manicke spoke with City Manager Crossett who viewed the truck full of garbage first hand during the tour. On November 16th Mr. Manicke again spoke to City Manager Crossett about the problem. On Friday November 16th sometime between 2:00 pm and 7:00 pm the truck was moved back to the original location on 5th Avenue. Lee Manicke said that moving the truck from one location to another is not solving the problem. He said that the truck is parked within smelling distance of the Parks Superintendent's home. Mr. Manicke said this makes a mockery of the City and the County and the City needs to work with the County Sanitarian to cure this problem. On the Redevelopment Code tour, he said the group saw similar situations to this one. He said it is a health hazard. People need to put their garbage in the car and haul it to the dump. Mr. Manicke said he hoped he would not have to schedule a workshop to get this cured. Commissioner Campbell asked if the City has an Ordinance similar to the County's to take care of this type of thing. Police Chief Nash said that Mr. Manicke could file a complaint with his department and it would be handled. Lee Manicke responded that the police department has 14 officers that drive the City streets and said they should "take the blinders off". He said that he should not have to contact the County Sanitarian or come to the Commission to have this taken care of. He said the City has plenty of staff that are driving around and should be reporting this without him having to file a complaint. Police Chief Nash said that several months ago City Treasurer Bonnie Manicke brought up an issue about signs being placed on Mission Valley Power poles and that this is against the law. Police Chief Nash said he is going to instruct his Civilian Assistant to start removing the signs. He expects he will receive some feedback on this especially during garage sale season but he said that there is an Ordinance on the books and he is going to enforce it. He said that in addition to the Ordinance it is a safety issue for the Mission Valley Power workers who climb the poles. Police Chief Nash asked for and received the picture of the truck from Lee Manicke. Mayor DeVries said she would sign the complaint form if necessary. Mayor DeVries said we can all help by removing the signs from the poles when we see them.

City Treasurer Manicke said the Ordinance does have a fine and that the City should enforce the fine and not just remove the signs. She said that most of the signs usually have a phone number or an address so the person can be contacted and fined. She said this is not a revenue generator but since the Ordinance has a fine it should be enforced. Police Chief Nash agreed in part with City Treasurer Manicke's comments. He said that people should be educated first with a phone call telling them about the Ordinance and then if it continues, the fine would be imposed. Mayor DeVries agreed with Police Chief Nash that people should receive a warning first since the City has not been enforcing the Ordinance.

Lita Fonda said that the sign ordinance was being enforced sporadically through the Polson Development Code and the Building and Planning department at one time, but not in recent years.

Elsa Duford said that she was late for the meeting and missed the agenda item on the minutes. She said that in her comments made at the last meeting about the agenda item regarding the motion to hire a bond attorney that she had commented that it was the public's right to know and right of public participation which are constitutional rights. She said this language was not in the minutes and she would like it to be added. She said that this came up before when a Commissioner wanted to add an item to the agenda and City Attorney Raymond said that you have to give notice and put it on the next agenda. She asked City Attorney Raymond if that was correct. City Attorney Raymond responded that he was unable to answer questions at this time.

Mayor DeVries closed the public meeting at 7:45 pm.

EXECUTIVE SESSION ON LITIGATION AND PERSONNEL: Mayor DeVries brought the executive session to order. The City Attorney discussed litigation and personnel issues with the Commission. **Mayor DeVries re-opened the meeting and adjourned.**

The meeting adjourned at ___ p.m.

Mayor Pat DeVries

Attest: Cindy Dooley, City Clerk

Attest: James Raymond, City Attorney