

**POLSON CITY COUNCIL MEETING AGENDA
CITY HALL COUNCIL CHAMBERS
MONDAY, NOVEMBER 20, 2006, 7:00 P.M.**

ATTENDANCE: City Council: Bruce Agrella, Mark MacDonald, Jules Clavadetscher, Mike Lies, Tom Corse, Fred Funke. **Council President Mark MacDonald presiding. City Attorney James Raymond present. Others Present: Lee Manicke, Tim McGinnis, Tony Porrazzo, Elsa Duford, Dan Kinyon, Lisa Kinyon, Rory Horning, Sharon Fulton, Bob Fulton, Greg Hertz, Adam Hertz, Linda Sappington, Doug Chase, Bonnie Manicke, Margie Hendricks.**

PLAQUE PRESENTATION TO CITY ENGINEER BOB FULTON – Councilman Corse presented City Engineer Bob Fulton with a plaque expressing the City’s appreciation for his many years of service from 1983 to 2006 and expressed his appreciation to Bob for providing the City with clear and understandable reports at more than reasonable cost which the City will not be able to replace.

CONSENT AGENDA:

- A. CITY COUNCIL MEETING MINUTES NOVEMBER 6, 2006**
- B. RESIGNATION – POLICE OFFICER LEVI READ – NOVEMBER 30, 2006**
- C. GOLF BOARD RECOMMENDATION TO APPOINT TWO MEMBERS – LAURA HONE AND RICK LAPIANA**
- D. CHRISTMAS PARADE OF LIGHTS – USUAL PARADE ROUTE
SATURDAY, DECEMBER 2 AT 6:00 P.M.**

Motion made by Councilman Clavadetscher, seconded by Councilman Funke, to approve the consent agenda items A through D as presented, with item D conditional upon Police Chief Doug Chase’s approval. Motion carried unanimously.

PRELIMINARY PLAT - KINYON’S DANIAH ACRES - 5 LOT MINOR SUBDIVISION ANNEXATION–RES.#927 APPROVED 6/5/06 – DANNY & LISA KINYON – CARSTENS SURVEYING: City Planning and Zoning Official, Joyce Weaver presented her staff report. She noted that the City County Planning Board unanimously recommended Council approval of the preliminary plat and annexation of Kinyon’s Daniah Acres, with conditions 1 through 47, as documented in her staff report. She referred to the applicant’s packet of information, which was also provided to Council and noted that if Council denies the preliminary plat application, then they must identify the codes that have not been met. She read the conditions of approval which are not usual to subdivisions, numbers 2, 5, 9, 10 also refers to 45, 12, 16, 17, 18, 27 also refers to 46, 27, 29, 31, 32, 39. Conditions which were added by the City County Planning Board are numbers 42 through 47, inclusive. Councilman Clavadetscher clarified that annexation is a requirement for subdivision preliminary plat approval. Councilman Lies asked that it be clarified as part of the conditions of approval that the properties in this subdivision be required to pay their share of the Hillcrest sewer main line extension project cost if they hook into it. Water and Sewer Superintendent Tony Porrazzo agreed that each lot will have to pay their share of that cost and the hook up fees. Councilman Lies expressed his concern that the street being proposed is 24’ wide and would not allow on street parking unless it was 33’ wide, which is the City standard. Unless there are multiple owners of properties along a private street, the street should be City owned because private streets create future problems regarding access to other properties. Councilman Clavadetscher also questioned why the streets are private. Joyce Weaver explained that the Street Department was in favor of a private street for this subdivision because they require less maintenance cost for the City. She also noted that the property is in MRZD zoning which allows for multiple dwellings if the codes are met. Councilman Clavadetscher said he shared the concerns regarding private roads because they do not benefit the City. He feels strongly that the Council needs to insist that new subdivisions build streets to City standards with sidewalks curb and gutter. **Motion made by Councilman Clavadetscher, seconded by Councilman Funke, to grant preliminary plat approval of Kinyon’s Daniah Acres, a 5 lot minor subdivision, with the conditions of approval 1 through 45, eliminating condition 46 and requiring the streets to be built to City standards with curb and gutter. Motion carried unanimously.** Margie Hendricks expressed her concern about insufficient water pressure which does not provide for adequate fire flows in that area and the lack of fire hydrants in the immediate vicinity with the closest being 500’ away creating a big void. The low water pressure is a problem throughout the City and she is concerned about the same thing happening on Hillcrest Drive. The water model study did not take into consideration the peak

months of July and August when tourism and heavy watering of vegetation occurs in the City. This will create a significant and worsening problem and needs to be addressed before the water issue becomes a huge problem for Polson, and the insurance industry especially should be concerned. Because Hillcrest Drive is a big arterial for the Cougar Ridge Subdivision, it is important to provide a new walk path and plan for increased use of the existing walk path, which is being used a lot. **Motion made by Councilman Corse, seconded by Councilman Funke, to approve annexation of Daniah Acres, Amended Subdivision Plat of Lots 4 and 5 of Williams Addition to Lakeview Tracts, as petitioned by owners Danny & Lisa Kinyon. Motion carried. Councilman Agrella, Lies and Funke in favor. Councilman MacDonald and Clavadetscher opposed because of concerns over the City having adequate water. (This annexation was previously approved by Council on 6/5/06 through Resolution #927.)** Councilman Clavadetscher questioned why the City would consider annexation of any subdivision after the Jensen and Wilkins annexations were conditionally approved until the City had another well to provide an additional water source. Councilman Corse explained that there is no main line extension required for this subdivision whereas Wilkins and Jensen's subdivision required a main line extension. Councilman Clavadetscher suggested that the City should exercise some reasonable control over granting additional water hook ups.

PROPOSAL TO PURCHASE OR REDUCE LEASE OF SEWER DEPARTMENT'S KERR DAM ROAD PROPERTY FOR THE MERIDIAN BUILDING REQUESTED BY B&I HOLDINGS – COMMITTEE RECOMMENDATION – COUNCILMEN LIES, MACDONALD, FUNKE AND CITY ATTORNEY JAMES RAYMOND: Councilman Funke said the committee recommended that the current lease of \$18,000 be reduced by one half, to \$9,000 a year, payable in advance, for a one year contract period. Councilman MacDonald noted that the reduced lease price provides an incentive for jobs, which are important for the City and would be for a one year term when the Council can consider renewing the lease. **Motion made by Councilman Clavadetscher, seconded by councilman Agrella, to reduce the Sewer Department's lease with B&I Holdings, for the Meridian building's Kerr Dam Road property, and allow a sub-lease, as proposed by the committee to half of the existing amount, \$9,000 payable in advance with no 5% reduction for prepayment.** City Attorney James Raymond said he understands the sense of the Council and suggested that Council direct him to negotiate a contract with whoever is the owner of the building. Councilman MacDonald clarified that their offer to purchase five acres for \$75,000 is rejected at this time, therefore no appraisal is necessary. **Motion carried unanimously.**

ACTION TO BRING POLSON REDEVELOPMENT AGENCY IN COMPLIANCE WITH MONTANA STATUTES – ACTION REQUESTED FROM PRIOR MEETING - LEE MANICKE: Lee Manicke said he read the written opinion from City Attorney James Raymond and he does not agree with his interpretation of the law. Lee Manicke explained that members of a public office whether elected or appointed by Council make up a public body and therefore is not in compliance with the law. Tonight's consent agenda appointing the golf board members is also a violation of the law, making four appointments not compliant. He asked that Council address item number three of his letter, which pertained to annual reports not filed for eight years. MCA 7-15-206 is explicit on the authority of the PRA, its powers. Use of funds is addressed in MCA 15-42-08 and 15-42-06, which states that no public funds shall be used for private projects and therefore the main street façade project is not authorized by these statutes. Councilman Clavadetscher replied that the Council chooses to accept the City Attorney's legal counsel on that issue, however, it does appear that the PRA has been negligent in filing their annual report and needs to be done. **Motion made by Councilman Clavadetscher, seconded by Councilman Agrella, to require PRA to file an annual report by December 31, 2006 and comply with the MCA in future years. Motion carried unanimously.** Lee Manicke felt that the City Attorney should also be representing the taxpayers with his counsel. He asked that Council abolish the PRA since the organization has been in effect for ten years with no accomplishments to show for it. He felt it would be doing the City a favor to not fund taxpayer dollars to enhance private property.

FIVE VALLEY TRANSPORTATION STUDY – NOMINATE MEMBER OF PUBLIC FOR TRANSPORTATION STAKEHOLDER GROUP – LINDA GREENWOOD AND MARK EVERTZ: Councilman Clavadetscher noted that Linda Greenwood has been before Council asking for the City's support, most recently for the Boys and Girls Club and previously as a member of the Lake County Transportation Association, which makes her well qualified for this nomination. He thanked Mark Evertz for his interest in this appointment. **Motion made by**

Councilman Clavadetscher, seconded by Councilman Corse, to appoint Linda Greenwood as the nominee for the member of the public for the Transportation Stakeholder Group. Motion carried unanimously.

OCTOBER 2006 CASH REPORT & CASH RECONCILIATION: City Treasurer Bonnie Manicke presented the October 2006 Cash Report and the Cash Reconciliation Report. She explained that the negative balance in the Local Government Study Commission 2350 of \$913 has \$2,000 budgeted to be transferred from the General Fund 1000. There is a \$10,137.17 negative balance in the Gas Tax fund 2820, which is less than last month's negative balance of \$14,978 and is offset by an \$8,887.71 monthly revenue. She expects that the fund will regain a positive balance throughout the winter months when there are less street department expenditures. She recognized Councilman Agrella for doing sidewalk maintenance on his personal property using the City's Sidewalk Loan fund 2510. The City maintains that Sidewalk Loan Fund to repair unsafe sidewalks, which has a balance of \$78,501.73. Loans are available at 5% with a three year payment schedule. The Golf Revenue Bond semi-annual principal payment of \$70,000 was made October 1, 2006 and has a balance of \$1,055,000. **Motion made by Councilman Lies, seconded by Councilman Funke, to approve the October 2006 Cash Report and the Cash Reconciliation Reports, as presented by City Treasurer Bonnie Manicke. Motion carried unanimously.**

PUBLIC FUNDS INVESTMENT BID – TERM 205 DAYS - MATURITY 6/8/07 \$525,000, GLACIER 5.78% - 1ST INTERSTATE 5.21% - 1ST CITIZENS 5.15% COMMUNITY- NO QUOTE: City Treasurer Bonnie Manicke presented the public funds investment bids she received for investment of \$525,000. She noted for comparison, that a 6 month Treasury Bill Yield was 4.930%, a 6 month Agency of U.S. Government Yield was 5.288%, a 6 month National Jumbo C/D Rate was 5.09% and a Treasury Note with Maturity 5/13/07 was 5.046%, at the time the bids were requested. She asked Council approval of the investment of \$525,000 at Glacier Bank at 5.78%, 205 days, maturing 6/8/2007. **Motion made by Councilman Clavadetscher, seconded by Councilman Funke, to approve the public funds investment that City Treasurer Bonnie Manicke purchased, a certificate of deposit of \$525,000 at Glacier Bank at 5.78% for 205 days, maturing on 6/8/2007. Motion carried unanimously.**

AUTHORIZE APPOINTED MAYOR TO SIGN APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH CONFEDERATED SALISH & KOOTENAI TRIBES: Councilman Clavadetscher explained that the City of Polson entered into an agreement with the Tribes in 2002 to jointly develop and improve the Salish Point area, without defining ownership of Salish Point. Since then the mayor has worked directly with the Tribes to develop Salish Point and create a gathering area, recreation space and cultural center, the ideas originated in the 1998 Consider the Possibilities document prepared by the PCDA. The agreement expires in 2006 and since the improvements have not been completed, the Tribes asked that the City Council approve the renewal of the agreement for a 25 year period with a clause to allow termination by either party, within 30 days, for any reason, and to approve that the newly appointed mayor signs the document **Motion made by Councilman Clavadetscher, seconded by Councilman Corse, to approve the renewal of the 2006 Salish Point Cooperative Agreement for a 25 year term as presented. Motion carried unanimously.**

THOMAS DEAN & HOSKINS - ENGINEERING CONSULTANTS - CONTRACTED ENGINEERING SERVICES – SHARI HALLORAN, P.E: Water and sewer Superintendent Tony Porrizzo informed Council that he contacted Thomas Dean & Hoskins and spoke with Shari Halloran, one of their professional engineers, about contracting engineering services for the City. He noted that this firm has done a lot of work for the City's water department in the past, and that experience would be helpful. They have set up a municipality section of their firm, which provides services to Ronan, Pablo and Evergreen and other smaller communities in the vicinity. It could be a quick fix to provide temporary help that is needed by the water and sewer and planning departments. Councilman Clavadetscher asked that he get a copy of TD&H agreements with Ronan and other Cities they serve for comparison costs and functions for the next meeting. Council asked that the City advertise in the classifieds for an engineer because there might be a retired engineer in the area who would like to take on a part time job. City Clerk Aggi Loeser noted that the job opening has been advertised through the job service and is on the internet. City Attorney James Raymond informed Council that there is a job description for a City Engineer in the Montana Codes Annotated.

OTHER PUBLIC COMMENTS: Councilman MacDonald asked and Council agreed that of the four mayoral candidates, Mike Lies, Jules Clavadetscher, Nathan Pierce, and Diane Richard, they would hold interviews for the two who are not council members, Nathan Pierce and Diane Richard, on Wednesday, November 29th at 11:00 and 11:30 a.m. Council noted that Lou Marchello was a candidate but he asked to remove his name.

Elsa Duford provided the Council with a copy of the chart on the Charter form of government that they reviewed and she noted that the chart is different than the one that was published and printed in the final report of the Local Government Review Study Commission document.

Gregg Hertz asked Council to adjust the City's zoning fees because the recent adjustments are not realistic considering that Whitefish doubled their zoning fees. He pointed out that the five lot minor subdivision approved at this meeting requires engineering staff to review and analyze the proposal. He asked whether the City is accounting for that cost in their fees and if not then the general taxpayer is paying for the developers' fees. He felt that major items were ignored in the new rates that were recently approved by Council. He noted that if subdivisions are reviewed without adequate approval that can cause a lot of problems in the future. One example is tonight's subdivision approval without adequate fire hydrants on Hillcrest Drive. He noted that Joyce Weaver, the City's Planning and Zoning Official, has said she is backed up with work and does not have enough staff. He asked if Tischler and Bise have provided the City with a report, which was promised on October 30, 2006. He felt the longer the City waits to implement fees the more problems we have.

Meeting adjourned at 8:12 p.m.

Councilman MacDonald, Acting Chairman

ATTEST: _____
Aggi G. Loeser, City Clerk