

CITY OF POLSON

COMMISSION MEETING MINUTES

Commission Chambers

May 4, 2020

7:00 p.m.

ATTENDANCE: Mayor Briney, Commissioners, Howlett, Isbell, Martin, Marchello, Moll, Pardini, Interim City Manager Wade Nash and City Clerk Cora Pritt

OTHERS PRESENT (who voluntarily signed in via Zoom): Cindy Dooley, Matthew Ellermann, Lita Fonda, Keryl Lozar, Patrick Nowlen, and Cort Potter

CALL TO ORDER: (00:02) Mayor Briney called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (00:53) –Commissioner Martin motion to approve the proposed agenda. Commissioner Moll second. Commission discussion: none Public comment none. **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (01:39) – Lita Fonda, Ward I commented about the walkability deterioration on the west side of town, especially 5th Avenue West, 6th Avenue West, and on 7th Avenue by the dog park. There is also landscaping in the Right-of-Way. Lita asked the Commission for their assistance in getting this corrected. Also to make the City Standards easier to find and enforceable. Commissioner Moll asked if this is surface area. Lita replied that there has been a chunk of the Right-of-Way annexed. A couple of years ago it was still possible to walk in the areas but not now.

CONSENT AGENDA (05:40) - a. April 17-30, 2020 Claims, b City Commission Electronic Public Hearing Minutes April 20, 2020, c. City Commission Written Summary Public Hearing Minutes April 20, 2020, d City Commission Electronic Meeting Minutes April 20, 2020, e. City Commission Written Summary Meeting Minutes April 20, 2020. **Commissioner Marchello motion to approve the Consent Agenda. Commissioner Martin second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

CITY MANAGER COMMENTS (06:50) Interim City Manager Wade Nash made the following comments: Code Enforcement Matthew Ellermann reported April has been his busiest month. There were 64 total cases. The largest number was animal at large, and parking. Code Enforcement Officer Ellermann is doing a great job. City Hall has opened but is requesting payments still be made either on-line or placed in the drop box out front. There is a limit of 2 people permitted in City Hall lobby area. Business is by appointment only and the persons are being asked to enter in the side door. Temperature is taken and once the business is over, the area is to be disinfected. City Court will continue to meet on Wednesday from 3:00 – 6:00 p.m. by appointment only. The City is being real cautious and guarding against contamination of the employees. The National Guard will be doing a flyover on May 6th at 11:55 a.m. to thank all of the first responders. The Golf Restaurant has opened and will be in operation from 11:00 a.m. – 3:00 p.m. Also a reminder to emailing Governor Bullock the Relief Fund Report. It is a 17 page report to the Task Force on how to spend the funds. Commissioner Moll asked about any extra expenses the City is incurring. Interim City Manager Nash replied Operational expenses/Over time. The City is keeping track of the expenses. Kyle Roberts gave an update on the City Manager Search Committee. The Committee will be meeting on Monday, May 11th at 4:00 p.m. to review the applications and hope to have a recommendation of 3 of 4 names to the Commission on the May 18th Commission meeting.

ONE TOO MANY, LLC IMPACE FEE REVIEW/MODIFICATION REQUEST (15:43)-City Planner Kyle Roberts presented this agenda item. The request was submitted on March 9th from Cort Potter. The request is Lots 3-12 Lewis Addition located on 10th and 11th Avenues West. The Impact Fee Review Committee met twice to review the submitted request. Mr. Potter and the City Engineer also were present. The City Impact Fee Ordinance is very specific about requesting an Impact Fee waiver or reduction. There are 4 basic criteria that have to be met: (1) The Sewer line belongs to the City and is not the responsibility of the developer, (2) The Water line needs to be extended and that is the responsibility of the developer, (3) The expenditure or credit of Impact Fees toward any upgrade, repair, or replacement would not entail a system upgrade. Also, according to Mr. Potter the previous City Manager had verbally agreed to waive the Impact Fees. The ability to waive Impact Fees is only approved by the Commission. The Committee recommendation is to deny the request. Interim City Manager Nash commented that this has been a challenging task. There was nothing in writing from the previous City Manager regarding the waiver of the Impact Fee. The City Attorney and City Engineer weighed in and we should follow their direction. Commissioner Howlett commented that she agreed the City Manager does not have the power to waive the Impact Fee. Mr. Potter commented that he has 2 issues with Kyle's review; (1) The extension of the existing water line would be on City property. Any development would be after the fact. (2) The City Sewer line is owned by the City and it needs to be upgraded. Also, the sewer line isn't in the alley where it should be. Commissioner Martin suggested a Boundary Line Adjustment. The City needs to upgrade. City Planner Roberts commented that the Ordinance is very specific about what is included in a system improvement. Commissioner Martin commented that looping the water line would be an upgrade. Not sure what the Ordinance says about looping. Mr. Potter commented it would be an upgrade for the learning facility that will be constructed. Commissioner Howlett reminds everyone that the subject is Impact Fees. Mr. Potter commented that ultimately he wants the City to continue to work with him on this issue. Why is the developer responsible for the water line? The water line should be in the Right-of-Way. City Planner Roberts comments that the City utilities is a separate conversation. This is about the Impact Fee. Interim City Manager Nash commented that this is about the Impact Fee. The City isn't going to stop working with Mr. Potter on a solution. Mr. Potter responded that that seems fair. Mayor Briney commented that this will not be a dead-end deal. Commissioner Martin brings up the alley situation. The City has a mess there. Commissioner Howlett comments that tonight is about the Impact Fee. The rest can be settled later. Commissioner Marchello mentions that the motion should be tabled. Commissioner Pardini comments that the Commission needs to vote on the Impact Fee tonight.

Commissioner Moll motion to deny the One Too Many, LLC Impact Fee Petition Request.
Commissioner Howlett second. Commission discussion: Commissioner Martin commented that he will vote for the denial but wants to see the research on the looping. That should be an improvement on the system. Like to see a better analysis. Public comment: none **VOTE: Unanimous Motion carried**

FIRST READING OF ORDINANCE 2020-TBD PARKS AND RECREATIONAL DEPARTMENT TOBACCO-FREE PARKS & RECREATION POLICY (36:03)- Patrick Nowlen, Parks & Recreational Director presented this agenda item. The policy is being brought back to the Commission with the progressive penalty system. The addition is: First offense-Verbal warning, Second offense-Written warning, Third offense-\$100.00 fine, Fourth Offense-\$200.00 fine, Fifth Offense-\$300.00 fine. The Parks employees and coaches will be assisting in the verbal warnings. The written warning will be the Code Enforcement Officer or Police. The third, fourth, and fifth offenses will be Police. Most of the City Parks will be: chewing tobacco, snuff, vaping, cigarettes. Commissioner Howlett commented that this will clean up the parks. Mr. Nowlen agreed it will make a difference. The policy will be enforced with signs being placed in the parks. The public will also assist in the enforcement. Commissioner Martin asked Interim City Manager Nash if the Police Department will be called if someone is observed. Interim City Manager Nash answered yes the Police Department will be called for violations 2 – 5. This will be a non-arrest offense. Mayor Briney commented that Keryl Lozar said peer pressure does work well. **Commissioner Martin motion to approve the first reading of Ordinance 2020-TBD Parks and Recreational Department Tobacco-Free Parks & Recreation Policy. Commissioner Howlett second.**

Commission discussion: Commissioner Pardini asked if this will include the golf course. Mr. Nowlen answered it will not. The golf course is not a public recreation area. Commissioner Pardini commented that she will vote against the Ordinance since it does not include the golf course. Public comment: none
VOTE: 6 ayes, 1 nay. Motion carried

A RESOLUTION RELATING TO REIMBURSEMENT OF APPROPRIATE COSTS IN THE FINANCING OF THE COST OF IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM. (44:37) City Finance Officer Cindy Dooley presented this agenda item. This resolution to pass in order to recoup any expenses in replacing the 6200 linear feet of sewer main throughout the City in areas that have been a source of problems. The City lost the TSEP funding. We will move forward. This sets \$800,000.00 from the State Revolving Fund. Commissioner Howlett commented this is pretty straight forward. Commissioner Martin asks if the City can spend General Fund monies. Finance Officer Dooley answered yes, then we would recoup the funds from the bond funding. Public Comment: none
Commissioner Howlett motion to approve Resolution 2020-TBD, relating to reimbursement of appropriate costs in the financing of the cost of improvements to the City's wastewater system. Commissioner Martin second. VOTE: Unanimous Motion carried

Prior to adjourning Mayor Briney asked the Commission if Action Minutes are agreeable. The Commission stated yes Action Minutes are agreeable.

Adjourn (48:04) - Commissioner Howlett motion to adjourn. Commissioner Moll second. VOTE: Unanimous Motion carried.

ADJOURN: 7:48 p.m.

Mayor Paul Briney

ATTEST: _____
Cora E. Pritt, City Clerk