CITY OF POLSON COMMISSION
AGENDA
(New Agenda format per 2014ORD#005)

COMMISSION CHAMBERS **FEBRUARY 18, 2015** **7:00 P.M.**

1. CALL TO ORDER
Mayor Knutson

2. **PLEDGE OF ALLEGIANCE**
Mayor Knutson

3. APPROVAL OF PROPOSED AGENDA
Mayor Knutson

4. PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (address items to the Chair. Commission takes no action on items discussed

5. CONSENT AGENDA

a. Claims January 29-30, 2015
b. Claims February 1-12, 2015
c. City Commission Meeting Minutes February 2, 2015
d. City Commission Workshop Minutes February 3, 2015
e. City Commission Workshop Minutes February 9, 2015
f. KwaTaqNuk Utility Easement

6. CITY MANAGER COMMENTS
City Manager Mark Shrives

NEW BUSINESS

7. APPROVE DOWL/HKM ENGINEERING TASK ORDER #3 IN THE AMOUNT OF $119,375.00
City Manager Mark Shrives

8. APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 2, ARTICLE 4 AND 5 OF THE CITY OF POLSON BOOK OF ORDINANCES.
City Manager Mark Shrives

9. APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 2, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES.
City Manager Mark Shrives

10. APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 12, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES.
City Manager Mark Shrives

11. **APPROVE THE RESOLUTION RESETTING PLANNING AND ZONING FEES**
City Manager Mark Shrives

12. **APPOINTMENT OF MEMBERS TO THE GOLF BOARD AND PARKS BOARD**
City Manager Mark Shrives

13. **ADJOURN**
Mayor Knutson

For doc #s from 119763 to 119789

5a.

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	410360 Municipal Court	000010 CENTURYLINK	COURT-SHARED TELEPHO	98.49
1000 General All-Purpose Fund	410500 Financial Services	2379 RELIABLE OFFICE SUPPLY	FINANCE-OFFICE SUPPL	29.58
1000 General All-Purpose Fund	410500 Financial Services	2379 RELIABLE OFFICE SUPPLY	FINANCE-HANDLING	1.48
1000 General All-Purpose Fund	410500 Financial Services	2379 RELIABLE OFFICE SUPPLY	FINANCE-ORDER DISCOU	-29.58
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1828 PORT-A-POLSON JANITORIAL	FACILITIES-JAN CLEAN	480.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1828 PORT-A-POLSON JANITORIAL	FACILITIES-CLEANING	32.38
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-NEW WEBSI	550.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-WEB HOSTI	22.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000010 CENTURYLINK	FACILITIES-TELEPHONE	20.86
1000 General All-Purpose Fund	420140 Crime Control and	001635 SIRCHIE FINGER PRINT	POLICE-TESTS KITS	118.87
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-SHARED TELEPH	51.09
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-TELEPHONE SER	377.62
1000 General All-Purpose Fund	420400 Fire Protection and	000010 CENTURYLINK	FIRE-TELEPHONE SERVI	93.57
1000 General All-Purpose Fund	420540 Land Use	000010 CENTURYLINK	PLANNING-TELELPHONE	126.79
1000 General All-Purpose Fund	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-DUMP TRCK RE	2,677.50
1000 General All-Purpose Fund	430240 Road and Street	000010 CENTURYLINK	STREETS-TELEPHONE SE	93.81
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-OSB-TG	43.98
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-OSB-TG	21.99
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GORILLA SUPE	5.15
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-2X8 10 F/L S	20.70
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-RSS TORX	39.70
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-OST TG EDGE	65.97
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-STARDR SDS S	14.57
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-MIDWEST ASST	7.74
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-ASST FASTNER	12.20
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-ASST PRODUCT	256.73
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-NEW CONST PR	15.97
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-20" WHITE BR	27.87
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-FASTNERS/WHT	15.89
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-HAMMER	32.49
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-LOCK NUT/FAS	10.30
1000 General All-Purpose Fund	460430 Parks	000010 CENTURYLINK	PARKS-TELEPHONE SERV	54.49
			Total for Fund:	5,420.70
2394 Building Code Enforcement	420500 Protective Inspections	000010 CENTURYLINK	BUILDING-TELEPHONE S	45.66
			Total for Fund:	45.66
2395 Tree Fund	480150 Tree Conservation	4640 ESRI, INC	PARKS-SOFTWARE MAINT	325.00
			Total for Fund:	325.00
2820 Gas Apportionment Tax	430240 Road and Street	4813 CUSTOM FABRICATIONS	STREETS-HARDFACING S	232.50
2820 Gas Apportionment Tax	430240 Road and Street	4426 ISTATE TRUCK CENTER	STREETS-VARIETY PART	581.30
			Total for Fund:	813.80
5010 Golf Fund	460446 Golf Course -	000010 CENTURYLINK	GOLF MAINT-PHONE SER	156.05

Claim Details by Fund, Account
For the Accounting Period: 1/15

For doc #s from 119763 to 119789

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460446 Golf Course -	4810 PACIFIC POWER GROUP	GOLF MAINT-VARIETY P	354.63
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GOLF MAINT-ROLLER	664.75
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	53.35
5010 Golf Fund	460446 Golf Course -	000034 WESTERN BUILDING CENTER	GOLF MAINT-TURF SEED	49.98
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO-TELEPHONE S	178.89
5010 Golf Fund	460447 Golf Course - Pro Shop	000644 CITY OF POLSON WATER	GOLF PRO-WATER	23.07
5010 Golf Fund	460460 G. C. Restaurant O & M	000010 CENTURYLINK	GOLF REST-TELEPHONE	120.62
5010 Golf Fund	460460 G. C. Restaurant O & M	000644 CITY OF POLSON WATER	GOLF REST-WATER	23.06
			Total for Fund:	1,750.79
5210 Water Fund	430550 Transmission and	3306 POLSON PROPANE	WATER-NEW SHOP FUEL	143.06
5210 Water Fund	430550 Transmission and	000010 CENTURYLINK	WATER-TELEPHONE SERV	213.18
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-SINKER NAILS	11.49
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-MINI PALM NAIL	39.99
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-ASSORT CONST P	1,597.75
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-MITER SAW	309.00
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X8 SELECT	348.15
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X12 SELECT	188.10
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-BOX SCREWS	20.83
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X12 SELECT RE	-75.24
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X12 SELECT	105.32
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X8 SELECT	49.68
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-ASSORT CONST P	124.75
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-2X8 & 2X10 SEL	117.99
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-ASSORT CONST P	357.47
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-SCREWS	16.32
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-BOX CONNECTOR	0.59
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-ASST CONSTR PR	50.29
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-OSB-TG	65.97
5210 Water Fund	430570 Customer Accounting and	4640 ESRI, INC	WATER-SOFTWARE MAINT	162.50
			Total for Fund:	3,847.19
5310 Sewer Fund	430630 Collection and	4640 ESRI, INC	SEWER-SOFTWARE MAINT	162.50
5310 Sewer Fund	430630 Collection and	3306 POLSON PROPANE	SEWER-NEW SHOP FUEL	143.05
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-TELEPHONE SERV	329.72
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-SHOP TELEPHNE	105.23
			Total for Fund:	740.50
			Total:	12,943.64

Fund Summary for Claims

For the Accounting Period: 1/15

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	$5,420.70
2394 Building Code Enforcement	
101000	$45.66
2395 Tree Fund	
101000	$325.00
2820 Gas Apportionment Tax Fund	
101000	$813.80
5010 Golf Fund	
101000	$1,750.79
5210 Water Fund	
101000	$3,847.19
5310 Sewer Fund	
101000	$740.50
Total:	$12,943.64

For doc #s from 119790 to 119931

5b.

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	341010 Miscellaneous Collections	999999 PACLAND OLYMPIA INC	PLANNING-EASEMENT RE	14.00
1000 General All-Purpose Fund	410360 Municipal Court	4880 ACCESS MONTANA	COURT-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410360 Municipal Court	3428 A. DOUG OLSON	COURT-CITY JUDGE CON	1,650.00
1000 General All-Purpose Fund	410360 Municipal Court	4605 THIRD EYE TECHNOLOGIES,	COURT-JUDGE CMPTR MA	75.00
1000 General All-Purpose Fund	410360 Municipal Court	1925 VALLEY BUSINESS SYTEMS	COURT-SHARE 2030 CLN	17.50
1000 General All-Purpose Fund	410360 Municipal Court	2074 VERIZON WIRELESS	COURT-J HART ANDROID	40.01
1000 General All-Purpose Fund	410360 Municipal Court	000282 QUILL CORPORATION	COURT-WITE OUT CORR	2.41
1000 General All-Purpose Fund	410400 Administrative Services	4880 ACCESS MONTANA	ADMIN-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410400 Administrative Services	4743 WEX BANK	ADMIN-CITY MNGR-UNIT	47.34
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN-CITY MNGR CELL	29.73
1000 General All-Purpose Fund	410500 Financial Services	4880 ACCESS MONTANA	FINANCE-INTERNET SER	15.00
1000 General All-Purpose Fund	410500 Financial Services	000282 QUILL CORPORATION	FINANCE-PRESSBRD BIN	11.97
1000 General All-Purpose Fund	410500 Financial Services	2234 ACE HARDWARE/ TREMPER'S	FINANCE-STAPLE NM RN	6.49
1000 General All-Purpose Fund	410500 Financial Services	2234 ACE HARDWARE/ TREMPER'S	FINANCE-BATTERIES FO	4.58
1000 General All-Purpose Fund	410500 Financial Services	3025 FIRST BANKCARD	FINANCE-CD PROF LICE	150.00
1000 General All-Purpose Fund	410500 Financial Services	3847 SAFEGUARD BUSINESS	FINANCE-LASER CHECKS	620.73
1000 General All-Purpose Fund	411100 Legal Services	4820 M RICHARD GEBHARDT	FACILITIES-CONTRCT C	2,000.00
1000 General All-Purpose Fund	411100 Legal Services	4850 McKEON & MORIGEAU LAW	FACILITIES-CITY ATTY	2,000.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000010 CENTURYLINK	FACILITIES-TELEPHONE	527.97
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACILITIES-BOA VACAN	16.20
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4605 THIRD EYE TECHNOLOGIES,	FACILITIES-REBLD NET	225.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4605 THIRD EYE TECHNOLOGIES,	FACILITIES-SUPPLIES	434.40
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4605 THIRD EYE TECHNOLOGIES,	FACILITIES-GIGIBIT S	50.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACILITIES-3232 CLN/	192.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACILITIES-3530 CLN/	35.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	3025 FIRST BANKCARD	FACILITIES-10 REAM C	99.96
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000044 REPUBLIC SERVICES #889	FACILITIES-WASTE DIS	52.43
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2379 RELIABLE OFFICE SUPPLY	FACILITIES-STAPLES	17.82
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-INTERNET SERV	15.00
1000 General All-Purpose Fund	420140 Crime Control and	4743 WEX BANK	POLICE-FUEL 01/01-31	2,134.65
1000 General All-Purpose Fund	420140 Crime Control and	3889 INTOXIMETERS	POLICE-MOUTHPIECE SE	118.00
1000 General All-Purpose Fund	420140 Crime Control and	001635 SIRCHIE FINGER PRINT	POLICE-INTEGR STRIPS	41.95
1000 General All-Purpose Fund	420140 Crime Control and	000877 JOHNCO STORAGE	POLICE-STORAGE 04/01	151.00
1000 General All-Purpose Fund	420140 Crime Control and	1925 VALLEY BUSINESS SYTEMS	POLICE-SHARE 2030 CL	17.50
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-KEYS	12.00
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-ICE GRIPS-LRG	11.99
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-ASSORT CONSTR	105.93
1000 General All-Purpose Fund	420140 Crime Control and	4890 AMERA-CHEM, INC	POLICE-DRUG ID BIBLE	46.95
1000 General All-Purpose Fund	420140 Crime Control and	1951 KEVIN McCLAIN	POLICE-BUILD CABNTS/	2,000.00
1000 General All-Purpose Fund	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLICE-RECORDERS & O	136.73
1000 General All-Purpose Fund	420140 Crime Control and	4891 QUENTIN FOWLER	POLICE-REIMBURSE HEA	47.76
1000 General All-Purpose Fund	420140 Crime Control and	4049 D & D CUSTOMS AND	POLICE-VEH 8 K-9 TEM	400.00
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-I PHONES	259.90
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-VARIETY OFFIC	142.87
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-VARIETY OFFIC	253.40
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-FINE BLK PINK	9.53
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-VARIETY OFFIC	78.52
1000 General All-Purpose Fund	420140 Crime Control and	3614 THE CAR WASH/GROGAN'S	POLICE-VEH WASH 1/1-	72.03
1000 General All-Purpose Fund	420140 Crime Control and	4893 MICHAEL WHARTON	POLICE-REIMBURSE HEA	47.76
1000 General All-Purpose Fund	420140 Crime Control and	4894 INNOVATIVE CONTRACTING	POLICE-INSTALL LOFT/	5,194.00
1000 General All-Purpose Fund	420140 Crime Control and	4894 INNOVATIVE CONTRACTING	POLICE-1% CGR	-51.94
1000 General All-Purpose Fund	420140 Crime Control and	4425 DEPARTMENT OF REVENUE	POLICE-1% CGR LOFT/S	51.94

For doc #s from 119790 to 119931

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	420140 Crime Control and	000759 DRAGGIN' WAGON TOWING,	POLICE-VEH TOWED	100.00
1000 General All-Purpose Fund	420140 Crime Control and	999999 SHANE MORIGEAU	POLICE-DESH FOR WADE	350.00
1000 General All-Purpose Fund	420140 Crime Control and	000300 HARBOR LIGHT FURNITURE &	POLICE-CARPET TILES	308.00
1000 General All-Purpose Fund	420140 Crime Control and	000300 HARBOR LIGHT FURNITURE &	POLICE-LABOR	150.00
1000 General All-Purpose Fund	420140 Crime Control and	000300 HARBOR LIGHT FURNITURE &	POLICE-CARPET TILES	420.00
1000 General All-Purpose Fund	420140 Crime Control and	000300 HARBOR LIGHT FURNITURE &	POLICE-LABOR	276.00
1000 General All-Purpose Fund	420230 Care and Custody of	000552 LAKE COUNTY SHERIFF'S	POLICE-JANUARY PRISO	6.00
1000 General All-Purpose Fund	420400 Fire Protection and	4880 ACCESS MONTANA	FIRE-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420400 Fire Protection and	4743 WEX BANK	FIRE-FUEL 01/01-31/1	210.62
1000 General All-Purpose Fund	420400 Fire Protection and	3200 DIVE RESCUE	FIRE-ICE RESCUE STUD	505.16
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-WIRES	5.28
1000 General All-Purpose Fund	420400 Fire Protection and	2074 VERIZON WIRELESS	FIRE-CELL PHONE SERV	50.98
1000 General All-Purpose Fund	420400 Fire Protection and	2916 THE COMPUTER PORT	FIRE-LABOR ON COMPUT	78.00
1000 General All-Purpose Fund	420400 Fire Protection and	000011 MISSION VALLEY POWER	FIRE-705 1ST ST E FI	11.00
1000 General All-Purpose Fund	420400 Fire Protection and	1879 THE UPS STORE	FIRE-SHIPMENT GROUND	12.32
1000 General All-Purpose Fund	420400 Fire Protection and	1879 THE UPS STORE	FIRE-SHIPMENT GROUND	10.29
1000 General All-Purpose Fund	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-CONTRACT SE	2,437.50
1000 General All-Purpose Fund	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-GRWTH POLCY	560.00
1000 General All-Purpose Fund	420540 Land Use	4880 ACCESS MONTANA	PLANNING-INTERNET SE	15.00
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLANNING-GRWTH POLCY	10.80
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLANNING-PUBLIC HEAR	10.80
1000 General All-Purpose Fund	430240 Road and Street	4159 REXEL INC, d/b/a PLATT	STREETS-VARIETY PART	16.88
1000 General All-Purpose Fund	430240 Road and Street	4825 IBS, INC	STREETS-ASST BOLTS/L	279.84
1000 General All-Purpose Fund	430240 Road and Street	4159 REXEL INC, d/b/a PLATT	STREETS-VARIETY PART	203.01
1000 General All-Purpose Fund	430240 Road and Street	4159 REXEL INC, d/b/a PLATT	STREETS-ASST ELEC SU	10.90
1000 General All-Purpose Fund	430240 Road and Street	3025 FIRST BANKCARD	STREETS-CUMMINS NW P	196.39
1000 General All-Purpose Fund	430240 Road and Street	3025 FIRST BANKCARD	STREETS-CUMMINS NW P	424.44
1000 General All-Purpose Fund	430240 Road and Street	4605 THIRD EYE TECHNOLOGIES,	STREETS-INSTALL PRIN	93.75
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STREETS-CELL PHONE S	116.97
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PARKS-INTERNET SERVI	15.00
1000 General All-Purpose Fund	460430 Parks	4743 WEX BANK	PARKS-FUEL 01/01-31/	94.13
1000 General All-Purpose Fund	460430 Parks	000044 REPUBLIC SERVICES #889	PARKS-WASTE DISPOSAL	54.72
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-VARIETY SUPPLI	8.26
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-VARIETY SUPPLI	122.44
1000 General All-Purpose Fund	460430 Parks	4318 MTRPA	PARKS-K SARGEANT MEM	60.00
1000 General All-Purpose Fund	460430 Parks	2074 VERIZON WIRELESS	PARKS-CELL PHONE SER	138.98
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-WALKING PATH L	17.44
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-J CAMPBELL PAR	11.00
1000 General All-Purpose Fund	460430 Parks	4062 WEST COAST PAPER	PARKS-ASST PRODUCT	1,090.46
			Total for Fund:	28,160.37
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-14 GUN CABINE	143.99
2020 Police Municipal Services	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-AIRCRDS & NOT	620.17
2020 Police Municipal Services	420140 Crime Control and	3560 TASER INTERNATIONAL	POLICE-BODY CAMERA	3,669.59
			Total for Fund:	4,433.75
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-VARIETY SUPPLI	57.12
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-VARIETY SUPPLI	14.46
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-VARIETY SUPPLI	38.02
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-TAPE, PIPE, BI	16.44

For doc #s from 119790 to 119931

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-CORD	16.99
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-PRODUCT RETURN	-1.19
2219 Parks Donations	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ADAPTER	1.99
			Total for Fund:	143.83
2222 Park Donations -	460430 Parks	4889 TOP SIGN AND GRAPHICS,	PARKS-SIGN PANEL -IN	4,050.00
2222 Park Donations -	460430 Parks	4786 McCRUMB CONSTRUCTION,	PARKS-INTERPRETIVE S	5,534.61
2222 Park Donations -	460430 Parks	4786 McCRUMB CONSTRUCTION,	PARKS-1% CGR	-55.35
2222 Park Donations -	460430 Parks	4425 DEPARTMENT OF REVENUE	PARKS-1% CGR MC2015-	55.35
2222 Park Donations -	460430 Parks	4791 TUBB CONCRETE	PARKS-BOETTCHER SHLT	2,950.00
			Total for Fund:	12,534.61
2310 Tax Increment District	470210 Administration	000357 FIRST CITIZENS BANK	FACILITIES-TIF BOND	5,760.52
2310 Tax Increment District	470210 Administration	000357 FIRST CITIZENS BANK	FACILITIES-TIF BOND	2,221.31
2310 Tax Increment District	470210 Administration	4822 COMMUNITY BANK, INC.	FACILITIES-TIF BOND	5,760.52
2310 Tax Increment District	470210 Administration	4822 COMMUNITY BANK, INC.	FACILITIES-TIF BOND	2,221.31
2310 Tax Increment District	470210 Administration	4636 EAGLE BANK	FACILITIES-TIF BOND	5,760.52
2310 Tax Increment District	470210 Administration	4636 EAGLE BANK	FACILITIES-TIF BOND	2,221.31
2310 Tax Increment District	470210 Administration	000231 FIRST INTERSTATE BANK	FACILITIES-TIF BOND	5,760.52
2310 Tax Increment District	470210 Administration	000231 FIRST INTERSTATE BANK	FACILITIES-TIF BOND	2,221.31
2310 Tax Increment District	470210 Administration	4823 VALLEY BANK OF RONAN	FACILITIES-TIF BOND	5,760.52
2310 Tax Increment District	470210 Administration	4823 VALLEY BANK OF RONAN	FACILITIES-TIF BOND	2,221.31
			Total for Fund:	39,909.15
2390 Drug Forfeiture Fund	420140 Crime Control and	000759 DRAGGIN' WAGON TOWING,	POLICE-VEH TOWED	125.00
2390 Drug Forfeiture Fund	420140 Crime Control and	000468 FIRST INTERSTATE BANK OF	POLICE-SUBPOENA BILL	170.50
			Total for Fund:	295.50
2394 Building Code Enforcement	420500 Protective Inspections	4880 ACCESS MONTANA	BUILDING-INTERNET SE	15.00
2394 Building Code Enforcement	420500 Protective Inspections	4743 WEX BANK	BUILDING-FUEL 01/01-	39.74
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-NEC HANDBOOK 20	169.49
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-NFPA 70 NEC 201	83.98
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-2012 IBC COMBO	390.00
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-2012 ICC IEC BO	38.82
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-2012 ICC IRC BO	101.66
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-2012 ICC IBC BO	102.33
2394 Building Code Enforcement	420500 Protective Inspections	3025 FIRST BANKCARD	BLDG-2012 IAPMO PLUM	94.49
			Total for Fund:	1,035.51
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PARKS-SPORTS/WST SHO	11.00
			Total for Fund:	11.00
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-N END MAI	263.54
			Total for Fund:	263.54

For doc #s from 119790 to 119931

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2720 Police Donations	420140 Crime Control and	000414 BROWN'S JEWELRY STORE	POLICE-ENGRAVED PLAQ	60.00
2720 Police Donations	420140 Crime Control and	3560 TASER INTERNATIONAL	POLICE-BODY CAMERA	3,000.00
			Total for Fund:	3,060.00
2730 K-9 Donation Fund	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLICE-K9 SUPPLIES	23.95
			Total for Fund:	23.95
2810 Police Training Fund	420140 Crime Control and	4863 QUINTON FOWLER	POLICE-QF TRAVEL MEA	92.00
			Total for Fund:	92.00
2820 Gas Apportionment Tax	430240 Road and Street	4559 TOOLS PLUS INDUSTRIES	STREETS-FIRST AID KI	232.23
2820 Gas Apportionment Tax	430240 Road and Street	4743 WEX BANK	STREETS-FUEL 01/01-3	1,962.16
2820 Gas Apportionment Tax	430240 Road and Street	4426 ISTATE TRUCK CENTER	STREETS-BRAKE EXHAUS	581.30
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-VARIETY PART	1,340.00
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-MUFFLER, BRA	-482.00
2820 Gas Apportionment Tax	430240 Road and Street	4878 MARCUSSEN EQUIPMENT	STREETS-PLOW DE-ICER	620.00
2820 Gas Apportionment Tax	430240 Road and Street	000543 NORCO INC	STREETS-OUTER LENS	25.00
2820 Gas Apportionment Tax	430240 Road and Street	3014 QUIK E'Z TOWING &	STREETS-REPAIR 99 FR	666.00
2820 Gas Apportionment Tax	430240 Road and Street	3014 QUIK E'Z TOWING &	STREETS-REPAIR '01 F	833.68
2820 Gas Apportionment Tax	430240 Road and Street	999999 MACON SUPPLY INC	STREETS-DIAMOND CUP	87.66
			Total for Fund:	5,866.03
2932 Parks ARRA Recycle Grant	460430 Parks	4686 BATTERY SOLUTIONS	PARKS-BATTRY RECYCLE	74.95
			Total for Fund:	74.95
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-SPRY PAIN	11.98
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-PPH DRILL	7.49
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-VARIETY S	52.36
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-FASTNERS	1.75
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-UNV TERMI	6.99
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-CYLNDR PR	9.48
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-SPRYPAINT	10.98
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-SPRYPNT,	17.97
5010 Golf Fund	460446 Golf Course -	4825 IBS, INC	GOLF MAINT-ASST PART	319.52
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	19.15
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	21.04
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-REMAIN BA	0.06
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	17.27
5010 Golf Fund	460446 Golf Course -	4825 IBS, INC	GOLF MAINT-VARIETY S	496.91
5010 Golf Fund	460446 Golf Course -	000044 REPUBLIC SERVICES #889	GOLF MAINT-WASTE DIS	54.72
5010 Golf Fund	460447 Golf Course - Pro Shop	001518 INSTY PRINTS	GOLF PRO-MAILING	237.26
5010 Golf Fund	460447 Golf Course - Pro Shop	000076 LINK'S MANAGEMENT, INC.	GOLF PRO-PRO CONTRCT	9,932.98
5010 Golf Fund	460447 Golf Course - Pro Shop	000281 BISHOP INSURANCE SERVICE	GOLF PRO-R WALLACE B	100.00
5010 Golf Fund	460447 Golf Course - Pro Shop	000044 REPUBLIC SERVICES #889	GOLF PRO-WASTE DISPO	36.01
5010 Golf Fund	460447 Golf Course - Pro Shop	000316 WALLACES GOLF SHOP	GOLF PRO-DELL TBLT D	68.00

For doc #s from 119790 to 119931

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460447 Golf Course - Pro Shop	4329 BISHOP SIGNWORKS	GOLF PRO-YLW & GRN D	20.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001310 MARENGO CARPET CLEANING,	GOLF PRO SHOP-CARPET	366.67
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO-TELEPHONE S	22.95
5010 Golf Fund	460460 G. C. Restaurant O & M	3322 GAMBLING CONTROL DIVISION	GOLF REST-B/W LIC PR	200.00
5010 Golf Fund	460460 G. C. Restaurant O & M	3322 GAMBLING CONTROL DIVISION	GOLF REST-B/W ANNL F	400.00
5010 Golf Fund	460460 G. C. Restaurant O & M	3322 GAMBLING CONTROL DIVISION	GOLF REST-ADDL FEES	27.25
5010 Golf Fund	460460 G. C. Restaurant O & M	001310 MARENGO CARPET CLEANING,	GOLF REST-CARPETS CL	366.67
5010 Golf Fund	460460 G. C. Restaurant O & M	001310 MARENGO CARPET CLEANING,	GOLF REST-BASEMENT C	366.66
			Total for Fund:	13,215.44
5210 Water Fund	214100 Refunds Payable	999999 KRISTEN FUNKE	WATER-DEP REFUND	56.54
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATER-INTERNET SERVI	15.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-TABLE SAW W/ S	270.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-IRONMAN WELDER	629.99
5210 Water Fund	430530 Source of Supply and	3036 DEPARTMENT OF	WATER-COMMNTY CONNCT	4,692.00
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-715 7TH AVE W	214.48
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATER-LAB CHLORINE F	96.00
5210 Water Fund	430550 Transmission and	4743 WEX BANK	WATER-FUEL 01/01-31/	217.18
5210 Water Fund	430550 Transmission and	4159 REXEL INC, d/b/a PLATT	WATER-PART FOR NEW S	86.82
5210 Water Fund	430550 Transmission and	1925 VALLEY BUSINESS SYTEMS	WATER-USB SWITCH	12.50
5210 Water Fund	430550 Transmission and	000044 REPUBLIC SERVICES #889	WATER-WASTE DISPOSAL	12.07
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-BLK NIPPLE	1.29
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-SHOE TRACTION,	31.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-PRO TRGR TORCH	52.98
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FASTNERS	5.00
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-OSC PED FAN	39.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FLEX ELBOW	9.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-SQUARE SPEED T	24.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY SUPPLI	61.60
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY SUPPLI	28.26
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FASTNERS	1.96
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATER-CABLE FOR METE	53.99
5210 Water Fund	430550 Transmission and	2074 VERIZON WIRELESS	WATER-CELL PHONE SER	218.36
5210 Water Fund	430550 Transmission and	4472 PR DIAMOND PRODUCTS, INK.	WATER-DUCTILE PIPE D	256.00
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATER-BILLING RESERV	315.00
5210 Water Fund	430570 Customer Accounting and	3847 SAFEGUARD BUSINESS	WATER-UTILITY POSTCA	295.04
5210 Water Fund	430570 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	WATER-METERS & SUPPL	3,417.51
			Total for Fund:	11,116.53
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWER-INTERNET SERVI	15.00
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-TP TRAVEL LODG	609.24
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-MS TRAVEL LODG	609.24
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-AW TRAVEL LODG	482.44
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-BP TRAVEL LODG	482.44
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-TABLE SAW W/ S	269.99
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-IRONMAN WELDER	630.00
5310 Sewer Fund	430630 Collection and	4743 WEX BANK	SEWER-FUEL 01/01-31/	616.82
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-WEST SHORE	171.93
5310 Sewer Fund	430630 Collection and	4159 REXEL INC, d/b/a PLATT	SEWER-PART FOR NEW S	86.82
5310 Sewer Fund	430630 Collection and	4159 REXEL INC, d/b/a PLATT	SEWER-MIDGET FUSE	323.24

For doc #s from 119790 to 119931

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 Sewer Fund	430630 Collection and	1925 VALLEY BUSINESS SYTEMS	SEWER-USB SWITCH	12.50
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB, BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB, AMMONIA B	147.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB, BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB, BOD COLIF	87.00
5310 Sewer Fund	430630 Collection and	2074 VERIZON WIRELESS	SEWER-CELL PHONE SER	218.35
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-715 7TH AVE W	214.47
5310 Sewer Fund	430640 Treatment and Disposal	000044 REPUBLIC SERVICES #889	SEWER-WASTE DISPOSAL	12.07
5310 Sewer Fund	430640 Treatment and Disposal	4821 NITTANY GRANTWORKS	SEWER-GRANT DEV SERV	617.50
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWER-BILLING RESERV	315.00
5310 Sewer Fund	430670 Customer Accounting and	3847 SAFEGUARD BUSINESS	SEWER-UTILITY POSTCA	295.04
5310 Sewer Fund	430670 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	SEWER-METERS & SUPPL	3,417.51
5310 Sewer Fund	430670 Customer Accounting and	000877 JOHNCO STORAGE	SEWER-BACK UP CLEAN	100.00
			Total for Fund:	9,967.60

Total: 130,203.76

For the Accounting Period: 2/15

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	$28,160.37
2020 Police Municipal Services Levy	
101000	$4,433.75
2219 Parks Donations	
101000	$143.83
2222 Park Donations - Restricted	
101000	$12,534.61
2310 Tax Increment District	
101000	$39,909.15
2390 Drug Forfeiture Fund	
101000	$295.50
2394 Building Code Enforcement	
101000	$1,035.51
2395 Tree Fund	
101000	$11.00
2402 Light Maintenance District #20	
101000	$263.54
2720 Police Donations	
101000	$3,060.00
2730 K-9 Donation Fund	
101000	$23.95
2810 Police Training Fund	
101000	$92.00
2820 Gas Apportionment Tax Fund	
101000	$5,866.03
2932 Parks ARRA Recycle Grant	
101000	$74.95
5010 Golf Fund	
101000	$13,215.44
5210 Water Fund	
101000	$11,116.53
5310 Sewer Fund	
101000	$9,967.60
Total:	$130,203.76

CITY OF POLSON
CITY COMMISSION MEETING

5C.

Commission Chambers February 2, 2015 7:00 p.m.

ATTENDANCE: Mayor Heather Knutson, Commissioners Campbell, Erickson, Morrison, Siler, Southerland, and Turner, City Manager Shrives, City Clerk Cora Pritt

CITY STAFF Present: Street Superintendent Terry Gembala, Water/Sewer Superintendent Tony Porrazzo

CALL TO ORDER: (00:05) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (1:34)-Commissioner Turner motion to approve the proposed agenda. Commissioner Erickson second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (2:03)-Lee Manicke, Ward 2-question about the Polson Development Code Re-Write schedule. City Manager Shrives answered that Dave DeGrandpre hopes to have the new schedule this week.

CONSENT AGENDA: (3:12) a. Claims January 15-28, 2015, b. City Commission Meeting Minutes January 21, 2015, c. Wal-Mart Utility Easement-Water Out lots 1 and 2. Commissioner Southerland motion to approve the Consent Agenda. Commissioner Morrison second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

CITY MANAGER COMMENTS; (4:07) City Manager Shrives gave the following comments:

February 3, 2015 there will be a work session. The topic will be the Water Compact. The attorney for the Water Compact will be in attendance to explain the document. This work session will begin at 6:00 p.m.

February 9, 2015 will be a work session to discuss the Planning Department fees. The meeting will begin at 6:30 p.m.

February 18, 2015 will be the next regularly scheduled Commission meeting. There will be a Public Hearing at 6:30 p.m. This hearing is to obtain public comment needs assessment as a part of the CDBG Grant application.

Last week Tony Porrazzo, Ashley Walker, Brandon Parker, and City Manager took a trip to Denver, CO along with Dowl/HKM Engineer Kevin Johnson. Spent a few days touring five SBR wastewater treatment plants. Learned a lot about options and design criteria. Public Comment: **Diane Speer, Polson,** asked about the start time of the February 3, 2015 meeting. The agenda reads 6:30 p.m. City Manager Shrives answered that was a mistake and the agenda would be corrected. The start time is 6:00 p.m. **Andrew Speer, Polson**, asked the topic of discussion for the February 9, 2015 workshop. Mayor Knutson answered it will be a work session to discuss the Building/Planning Fee schedule.

APPROVE SECOND READING OF ORDINANCE 2015-ORD#001 ADOPTING CHAPTER 2, ARTICLES 7 AND 8 OF THE CITY OF POLSON BOOK OF ORDINANCES. (8:28) City Manager Shrives presented this agenda item. City Attorney Richard Gebhardt provided a memo explaining Eminent Domain. There were several minor typographical errors that will need to be corrected. **Commissioner Campbell motion to approve the second reading of Ordinance 2015-001 adopting Chapter 2 Articles 7 and 8 of the City of Polson Book of Ordinances with**

revisions as stated. Commissioner Turner second. Commission discussion: none Public Comment: **Lee Manicke, Ward 2,** commented about the codification revisions that were supposed to be posted to the website so that the public could review and make comments. The first one was posted but since then nothing has been posted. The documents do get posted with the agenda as an attachment, but don't stay on long. Mr. Manicke further commented that he did not have an opportunity to read Mr. Gebhardt's memorandum. **VOTE: Unanimous Motion carried**

APPROVE THE RESOLUTION AND ATTACHED SERVICE PLAN OF THE CITY COMMISSION OF POLSON ESTABLISHING A SERVICE PLAN FOR THE CITY. (15:31) City Manager Shrives presented this agenda item. This item was tabled at the last meeting until some questions could be answered. City Attorney Gebhardt gave an opinion along with a couple of court cases and this satisfied the questions that Commissioner Campbell had. There were two additional corrections to be made. On page 24 under 8 e; delete e that is not used for new development. Commissioner Campbell commented that on page 13 it needs to read seven ground water wells with six in service. Commissioner Siler commented on page 20, Item 4 should read City Clerk not City Attorney. **Commissioner Southerland motion to approve the resolution and attached service plan with amendments as indicated of the City Commission of Polson establishing a Service Plan for the City of Polson. Commissioner Siler second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried.**

APPROVE THE AGREEMENT BETWEEN THE CITY OF POLSON AND MONTANA WEST LLC FOR THE PLACEMENT OF UTILITITES WITHIN THE CITY RIGHT-OF-WAY. IT IS UNDERSTOOD THIS AGREEMENT WILL NO LONGER BE IN EFFECT AFTER THE CITY ADOPTS AN UPCOMING EXCAVATION ORDINANCE. (20:04) City Manager Shrives presented this agenda item. Once this agreement is put in place Montana West LLC is aware that there will be an Ordinance coming and once that Ordinance is in place it will supersede this agreement. Commissioner Campbell asked if there should be language put in the document covering restoring surface. City Manager Shrives answered that will be covered in the Ordinance. Commissioner Turner asked when the Ordinance would be coming. City Manager Shrives answered it will be a couple of months. **Commissioner Southerland motion to approve the agreement between the City of Polson and Montana West LLC for the placement of utilities within the City Right-of-Way. It is understood this agreement will no longer be in effect after the City adopts an upcoming excavation ordinance. Commissioner Campbell second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PRESENTATION OF CONCEPTUAL PLAN OF SOCEER COMPLEX AND ANNEXATION OF THE POLSON YOUTH SOCEER BOARD PROEPRTY. (23:51) Joslyn Shackelford presented this agenda item. The 20 acres are located between the Aquatic Center and the Cemetery. The property is currently landlocked so an easement will be requested from the Ridgewater Subdivision. There will be four fields developed for the Polson Youth Soccer Complex. This will be a private recreation facility with fencing and a gate. There will be a concession stand with restroom facilities. A gravel parking lot and gravel walking path. There are no dates at this time for construction begin or completion. There will be no lighting at the facility. Annexation will be presented at the February 18, 2015 Commission meeting.

Prior to adjournment, Mayor Knutson asked if there were any requests for Detail Minutes. There were no requests.

Mayor Knutson asks for a Motion to Adjourn. (36:26) Commissioner Turner motion to adjourn. Commissioner Campbell second. VOTE: Unanimous Motion carried.

ADJOURN: 7:39 p.m.

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Heather Knutson, Mayor

ATTEST:

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Cora E. Pritt, City Clerk

5d.

CITY OF POLSON
CITY COMMISSION WORKSHOP

Commission Chambers February 3, 2015 6:00 p.m.

ATTENDANCE: Mayor Heather Knutson, Commissioners Morrison, Siler, Southerland, and Turner, City Manager Shrives, City Clerk Cora Pritt

ABSENT: Commissioners Campbell and Erickson

CITY STAFF Present: none

CALL TO ORDER: (00:06) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (1:02)-Prior to the motion to approve the agenda, Mayor Knutson pointed out on the Corrected Agenda that the Opposition declined to comment this evening. **Commissioner Turner motion to approve the proposed agenda. Commissioner Morrison second.** City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (2:00)-There was no public comment.

DISCUSSION OF THE WATER COMPACT AGREEMENT IMPACT ON CITY OF POLSON MUNICIPAL WATER. (2:35) Presenters:

Compact Commission Attorney Melissa Hornbein (2:50)
Opposition-declined via email from Andrew Speer
Confederated Salish & Kootenai Tribes-Daniel Decker (18:42)
Public Comment on Water Compact as it relates to municipal water (24:42)-none
Commission Questions/Discussion (25:42)

Mayor Knutson asks for a Motion to Adjourn. (1:00:50) Commissioner Morrison motion to adjourn. Commissioner Southerland second. VOTE: Unanimous Motion carried.

ADJOURN: 7:02 p.m.

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Heather Knutson, Mayor

ATTEST:

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Cora E. Pritt, City Clerk

5e

CITY OF POLSON
CITY COMMISSION WORKSHOP

Commission Chambers February 9, 2015 6:30 p.m.

ATTENDANCE: Mayor Heather Knutson, Commissioners Campbell, Erickson, Siler, Southerland, and Turner, City Manager Shrives, City Clerk Cora Pritt

ABSENT: Commissioner Morrison

CITY STAFF Present: Beth Smith

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

APPROVAL OF PROPOSED AGENDA (00:54)- Commissioner Southerland motion to approve the proposed agenda. Commissioner Campbell second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (1:26)-There was no public comment.

DISCUSSION OF PLANNING DEPARTMENT FEE SCHEDULE (1:39)-City Manager Shrives presented the following power point presentation:

City of Polson
City Commission
Planning Fee Workshop
February 9, 2015

AGENDA

1. What is the City doing?
2. What does a Planner do?
3. What does the General Fund pay for?
4. History of the City's Fees
5. Administration Costs vs. Fees Collected
6. Comparing Fees with other Cities
7. Current Fees and Future Fees
8. What's next with the Fees?

What is the City doing?

- Reevaluating processes
- Reevaluating procedures
- Redoing forms/documents
- Accessing current fees
- Benchmarking other cities fees
- Customer Service
  - Completely redesigned the application forms in an effort to streamline the process for the applicant
  - Have started working on brochures that provided the step by step process for a customer to follow based on their project
  - Have started developing a Planning FAQ page that will be added to our city website

WHAT DOES THE PLANNER AND PLANNING DEPARTMENT DO?

The Planning Department of consists of Long Range Planning and Current Planning

- Long Range Planning works with citizens, the Planning Commission, and the City Commission to plan for and manage long term growth

40% Planners time is non-customer related tasks/long range planning

- Current Planning is responsible for implementing the City's land use policies (Growth Policy and Development Code) through the review of land use applications and by facilitating citizen participation in the land use process
- Typical functions within Current Planning include
  - Conducting pre-application meetings with potential applicants
  - Providing notice and information on land use applications to surrounding property owners and affected agencies
  - Completing a thorough review of proposed development projects and writing detailed legal findings
  - Making presentations on land use applications at Planning Commission and City Commission public hearings
  - Conducting Site Plan Reviews for all development projects

The goal of Current Planning is to conduct thorough, accurate, balanced, expeditious and consistent reviews of land use applications to benefit the livability of the present and future citizens of the City.

WHAT SHOULD THE GENERAL FUND PAY FOR?

- The City Planning Department is funded through the General Fund, which as you all are aware is funded through property taxes, fees, mill levy's, grants (when available) and some state appropriated dollars.
  - The Planning Department in particular is funded from tax dollars and fees. Tax dollars should pay for the following
    - Long Range Planning
      - Growth Policy
      - Development Code
    - Special Projects
      - Annexation of wholly surrounded property
  - Grant Applications
  - Portion of Planner Salary/Planner Contract (40%)

Comment by City Manager Mark Shrives at the 2014-2015 Budget presentation to Polson City Commission, "I am also concerned about the City's available cash in the General Fund as we begin this budget year.

County Planning Levy

For 2014 the county planning levy is 2.01 mills for rural levy districts except for district 23PC which is the rural district just outside the City of Polson. This raised about $112,400.

The levy for district 23PC is 1.79 mills. This raised about $5,700. This levy used to be called the City-County Planning Levy and the money went into a separate fund. The name was changed to County Planning in tax year 2012 and all money goes to the same County Planning Fund. It does not look like the City has ever gotten any allocation from this levy.

Both levies have been in existence for quite awhile.

The City levy district (23P) does not get charged any planning levy.

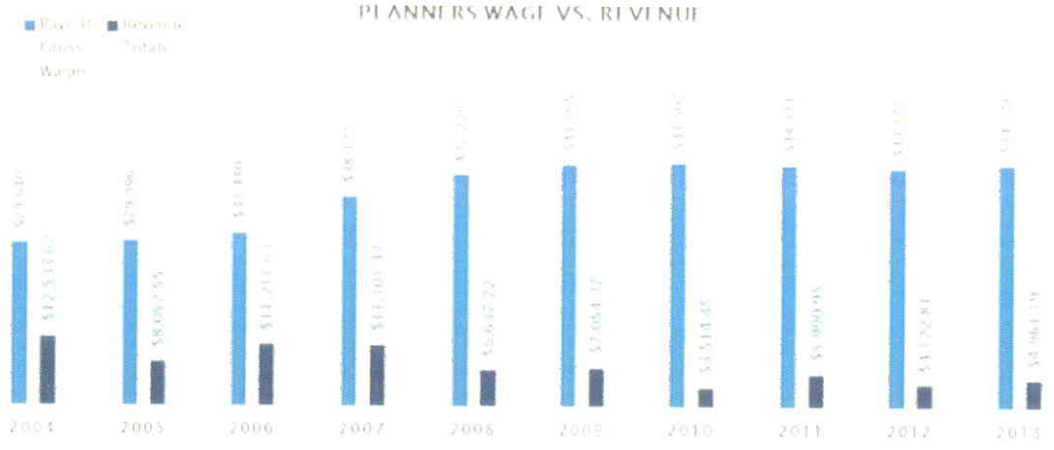
HISTORY OF THE CITY OF POLSON'S FEES

- Revision Building Permit Fee Schedule
  - Ordinance 510 (02/17/1992)
- Revision Fence Inspection Fees
  - Resolution 596 (10/05/1992)
- Revised Fee Schedule
  - Resolution 938 (3/13/2007)
- Revised Fee Schedule
  - Ordinance 640 (12/15/2008)

ADMINISTRATION COSTS VS. FEES COLLECTED

- Planning Fees should be collected in an amount that will offset the cost of city staff to process, review and work with a property owner or developer on something as simple as a lot line adjustment or as complex as a major subdivision. In essence, those costs should be paid by the customer requesting the service, just as Building Permits are paid for. (The planning department spends approximately 60% of their time working with customers of salary)
- In an effort to review where we are regarding appropriate planning fees to offset those costs, our planning staff, City Attorney, City Engineer and Building Official have been meeting and doing an analysis of our current fee structure as it relates to the service being provided.
- Factors considered in the fee structure include
  - Costs are workload based
  - Planner salary/contract costs (factoring in number of meetings required, travel costs)
  - Professional consultant costs (City Engineer and City Attorney)
  - Administrative fee
- From a funding perspective
  - We completed a 10 year review looking at revenue collected (customer planning fees) versus expenditures (focusing specifically on the City Planner salary & benefits. Did not include Assistant Planner, but that is another fulltime position that would need to be considered.. The results of this analysis were eye opening.

Planner Wage Versus Revenue from Fees
100%



Planner Wage Versus Revenue from Fees
40% Long-term Planning Deduction

COMPARING FEES WITH OTHER CITIES

	Current City of Polson	Flathead County	City of Kalispell	Missoula County	City of Missoula	City of Whitefish	Average Fees
Growth Policy Amendment	$800	$1,000 + $30/acre	$2,200 + $10/acre	$6,000	$7,669	$5,940	$3,934
Pre-application Meeting	$150						
Preliminary Plat Major	$750-$2,300	$1,000 + $75/lot	$1,000 + $125/lot	$4,000 + $200/lot	$4,120-$7,725 + x/lot	$2,970 + $200/lot	$2,565
Preliminary Plat Minor	$500-$600	$500.00 + $75/lot	$400 + $125/lot	$5,000	$5,150	$990 + $200/lot	$2,106
First Minor, Administrative Rev		$300 + $50/lot				$250	
Final Plat Major	$50	$800 + $50/lot	$400 + $125/lot	$1,150	$1,178	$2,574 + $200/ot	$1,025
Final Plat Minor		$400 + $50/lot	$800 + $125/lot	$710	$750	$1,056 + $200/lot	$743
Final Plat, Administrative Rev		$600 + $75/lot	$800 + $125/lot			$1,980 + $200/lot	$1,126
Subdivision Variance	$500	$250	$100	$500	$574	$396	$320

Just raised last week

Above is a sample

City of Polson Proposed Fees

Planning and Zoning Application Fees	Proposed Fees
Addressing Fee	$15/address
Adjoining Landowner Notification	$6 per address
Annexation Request Commercial	$150 + $10/acre
Annexation Request Residential	$100
Building for Lease or Rent	$300
Examining Land Surveyor Review	$150
Extension Request	$100
Fencing Application	$150
Growth Policy Amendment	$1,500
Plat Final Infrastructure Review	$550
Plat Final Major	$900 + $50/lot
Plat Final Minor	$550 +$50/lot
Plat Final Waiver	$700 + $50/lot
Plat Preliminary Major	$1,550 + $50/lot
Plat Preliminary Minor	$1,050 + $50/lot
Plat Preliminary Waiver	$700 +$50/lot

City of Polson Proposed Fees

Planning and Zoning Application Fees	Proposed Fees
Pre-application	$150
Pre-application Meeting	1st Free, Each additional $100
Review fees Exemption	$150
Review PUD	$900
Sign Application	$150
Special Use Permit (SUP)	$800
Subdivision Improvement Agreement	$200
Subdivisions for Lease or Rent	$700 + $50/lot
Variance Request Commercial	$600
Variance Request Residential	$300
Zone Change Map Amendment	$1,100 + $10/acre
Zone Change Text Amendment	$600
Zoning Determination Request	$100

WHAT'S NEXT WITH THE FEES?

- We need to increase fees in order to cover costs
- Propose to bring a resolution of fee increase to next City Commission Meeting (February 18th)

Mayor Knutson asks for a Motion to Adjourn. (56:29) Commissioner Turner motion to adjourn. Commissioner Siler second. VOTE: Unanimous Motion carried.

ADJOURN: 7:29 p.m.

_____

Heather Knutson, Mayor

ATTEST:

_____

Cora E. Pritt, City Clerk

CITY OF POLSON
CITY COUNCIL
AGENDA ITEM SUMMARY

Agenda Item Number: 5f **Consent Agenda**
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives/Tony Porrazzo

AGENDA ITEM SUMMARY: Consent Agenda approval for acceptance of grant of an easement for right of way for placement of water line as provided by the Confederated Salish Kootenai Tribes.

BACKGROUND:
City Staff and Tribal staff have coordinated this easement as a part of the Downtown Water Looping Project. This easement will allow the City to replace a pipe that runs on Tribal property near the KwaTaqNuk Resort.

ANALYSIS:
This easement was needed to ensure we would have access to the property where the replacement waterline will be installed.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Staff recommends acceptance of the easement.

SUGGESTED MOTION: Will be part of the consent agenda motion.

203-45004

Tract #: T 4192 & T 4474 Project #: 8-R1880-15-40

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America, acting by and through the **Superintendent, Flathead Agency**, Bureau of Indian Affairs, Department of the Interior, **P.O. Box 278, Pablo Montana, 59855** for, and on behalf of: **United States of America in Trust for the Confederated Salish Kootenai Tribes** hereinafter referred to as GRANTOR, under authority contained in 209 DM 8 dated November 17, 1981, Secretary's Order No. 3150 dated May 11, 1992, as amended March 5, 1993, and 10 BIAM Bulletin 13 dated November 19, 1992, as amended April 8, 1993, and the Addendum to 10 BIAM 3, dated January 17, 1989 and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328); and Part 169, Title 25, *Code of Federal Regulations*, which by reference are made a part hereof, in consideration of **the Confederated Salish and Kootenai Tribes Tribal Council action on 9/11/2014 to which the City of Polson agrees to replace an existing water line 350' in length, with an 8" PVC pipe and to install an 8" T and caps for attachment to a service line to the properties of the Confederated Salish and Kootenai Tribes,** does hereby grant to: **City of Polson, a municipality of the State of Montana, 106 1st Street East, Polson, Montana 59860**, hereinafter referred to as GRANTEE, an easement for right-of-way at no monetary cost for the following purposes, specifically:

A 4' wide easement for a waterline and a 20' construction and reconstruction easement, when necessary, for emergency repairs and reconstruction, on the following described Tribal tracts of land:

> **Located in a portion of the SE¼ of Section 4, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, containing 0.16 acres, more or less further described as follows: the true point of beginning being the SE corner of Block 7, a found 1½" pipe; thence N0°00'00"E for 350' to an angle point, nothing found or set; thence East for 20' to an angle point, nothing found or**

COPY

set; thence S0°00'00"E for 350.04' to an angle point, nothing found or set; thence to the beginning point of a non-tangent curve to the left having a radius of 2905', thence left along said curve for an arc length of 20', said curve having a chord bearing of N89°53'44"W for 20', said curve having a chord bearing of N89°53'44"W for 20' to the SE corner of Block 7, a found 1½" pipe, to the true point of beginning, the area being 7000.14 sq. ft. (0.16 acres), subject to all reservations, restrictions and easements, apparent or of record.

See Exhibit A attached hereto and made part hereof.

To have and to hold the said easement and right-of-way unto the GRANTEE and unto its successors and assigns subject to the following provisions:

1. GRANTEE agrees to indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
2. GRANTEE agrees to restore the land to its original condition, as far as is reasonably possible, upon termination or revocation of this easement for any reason. Failing to comply with this stipulation, GRANTEE agrees to bear all expenses and costs incurred by the owner and/or the United States in accomplishing said restoration.
3. GRANTEE agrees to pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
4. GRANTEE agrees to, that during the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.
5. GRANTEE agrees to construct and maintain the right-of-way in a workmanlike manner.
6. GRANTEE agrees to clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
7. GRANTEE agrees to take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
8. GRANTEE agrees to do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.

9. GRANTEE agrees to build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

10. GRANTEE agrees to, that upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.

11. GRANTEE agrees at all times to keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

12. GRANTEE agrees to not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.

13. The potential exists for encountering historical or cultural sites. Therefore, consultation with the Tribal Preservation Office must be maintained throughout the period of activity.

14. This easement is given in consideration of the GRANTEE constructing, on other properties of the GRANTOR, a service line for its use to loop service to improvements on such land and for service to rest room facilities located on Salish Point (as shown on attached Exhibit B). This construction is at no cost to GRANTOR and a 20' construction easement is given to GRANTEE for the completion of such service line. GRANTOR shall review and approve plans for such service line prior to construction by GRANTEE. For this service line, GRANTEE agrees to build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

15. A survey for the new service line to be installed as shown on Exhibit B will be obtained by the City of Polson and supplied to the Tribal Lands Department upon completion. Failure to complete the project as agreed by May 31, 2016 will result in the termination of this easement.

This easement is subject to any prior valid existing right or adverse claim and is for a term of **25 years with an option to renew by the Grantee for an additional 25 year term per Tribal Council approval on 9/11/2014,** so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right-of-way may be terminated in whole or in part by the GRANTOR for any of the following causes upon 30 days written

notice, and failure of the GRANTEE within said notice period to correct the basis for termination (25 CFR 169.20):

1. Failure to comply with any term or condition of the Grant, or the applicable regulations.
2. A non-use of the right-of-way for any consecutive two-year period (for the purpose for which it was granted).
3. An abandonment of the right-of-way, as determined by the BIA

The condition for this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the GRANTEE.

IN WITNESS WHEREOF, GRANTOR has executed this grant of easement this day of January 14, 2014.5

UNITED STATES OF AMERICA

BY _____ 1-14-15

SUPERINTENDENT, FLATHEAD AGENCY **Date**

APPROVED AS PURSUANT TO 209 DM 8, 230 DM 1, 3 IAM 4,4A

Acknowledgement

State of Montana:

: ss.

County of Lake:

Subscribed and sworn to before me this 14th day of January, 2014.

Roberta K Matt Decker

Notary Public

My commission expires July 31, 2016.

ROBERTA K MATT DECKER NOTARIAL SEAL STATE OF MONTANA

ROBERTA K MATT DECKER
NOTARY PUBLIC for the
State of Montana
Residing at St. Ignatius, MT
My Commission Expires
July 31, 2016.

RECEIVED OR FILED
CONFEDERATED SALISH
KOOTENAI TRIBES
2015 JAN 25 PM 2 35
BRANCH OF REALTY
TITLES & RECORDS
SECTION

CATEGORICAL EXCLUSION CHECKLIST

Project: City of Polson waterline upgrade near KwaTaqNuk Resort located within a portion of Section 4, T.22N., R.20W., P.M.M., Lake County, Montana

Date: October 7, 2014

Nature of Action: Grant of Easement on existing roadway

Exclusion Category and Number: U.S. Department of the Interior Departmental Manual Part 516: National Environmental Policy Act of 1969; Chapter 10: Managing the NEPA Process – Bureau of Indian Affairs; Section 10.5 (F) Categorical Exclusions – Rights-of-Way: (3) Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.

Evaluation of extraordinary circumstances:

1. This action would have significant adverse effects on public safety.	No X	Yes __
2. This action would have an adverse effect on unique geographical features such as wetlands, wild or scenic rivers, refugees, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands.	No X	Yes __
3. The action will have highly controversial environmental effects.	No X	Yes __
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risk.	No X	Yes __
5. This action will establish a precedent for future actions.	No X	Yes __
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.	No X	Yes __
7. This action will affect properties listed or eligible for Listing in the National Register of Historic Places.	No X	Yes __
8. This action will affect a species listed or proposed to be listed as endangered or threatened.	No X	Yes __

203-45004

9. This action threatens to violate federal, Tribal, state or local law or requirements imposed for protection of the environment. No X Yes __

10. This action will have a disproportionately high and adverse effect on low income or minority populations. No X Yes __

11. This action will limit access to, and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites. No X Yes __

12. This action will contribute to the introduction, continued Existence, or spread of noxious weeds or non-nateive Invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species. No X Yes __

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action: Categorical Exclusion

Culture Clearance: # 14-013

Preparer's Name and Title: [illegible]
Right-of-Way Technician

Concur: _____
Superintendent

RECEIVED OR FILED
CONFEDERATED SALISH
KOOTENAI TRIBES
2015 JAN 25 PM 2 35
BRANCH OF REALTY
TITLES & RECORDS
SECTION

203-45004

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION
P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org

A People of Vision

A Confederation of the Salish, Pend d' Oreilles and Kootenai Tribes

Tribal Preservation Office

Cultural and Historical Sites Review

TRIBAL COUNCIL MEMBER
Ronald Trahan - Chairman
Carole Lankford - Vice Chair
James V. Matt - Secretary
Len Twoteeth - Treasurer
Vernon S. Finley
Shelly R. Fyant
Leonard W. Gray
Lloyd D. Irvine
Terry L. Pitts
Patty Stevens

18-Mar-14

RP # 14-013 Agency Number: X-1266 Project Name W.access Rd.of Resort.

Requesting Agency: DOL-A. Matt Project Type: Polson,construct & install-water line replacement.

Location: T22N, R20W, Section 4.

The Tribal Preservation Office recommends the following conditions:

☐ *There are no known historical or cultural sites present. No further consultation is required.*

☑ *The potential exists for encountering historical or cultural sites. Therefore, we request that consultation with us be maintained throughout the period of activity.*

☐ *Site(s) are present which have cultural or historical significance. The following special conditions are recommended.*

Comments: PROJECT APPROVED for the construction to install-water line replacement. Please ask the worker-contractor to contact (telephone) our office staff to monitor, once the Westerly portion- direction up the hill (incline-slope) ground disturbance is to begin. Thank you.

IMPORTANT STIPULATIONS: If the activity plan is altered, this clearance is no longer valid. This cultural clearance expires one year after the date issued. If historical or cultural artifacts or sites are discovered during the project activity, all impacts to the site of discovery should be halted and the Tribal Preservation Office should be contacted immediately.

Wan A. Lefthand
Preservation Specialist

Concurred by

203-45004

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Landowner's Consent to Grant Right-of-Way

LANDOWNER NAME: Conf. Salish & Kootenai Tribes ALLOTMENT NUMBER: T-4192

LEGAL DESCRIPTION OF ALLOTMENT: Part of Lot 7 M/8, Section 4, T. 22 N., R. 20 W., P.M.M., Lake County, Montana., containing 1.55 acres.

EASEMENT DESCRIPTION: Water Line 350' in length, 20' in width, and 6' deep in size (or area) as shown on attached map of definite area.

The undersigned owner of said land hereby consents to the granting of permission to survey only, as contemplated by the application submitted by City of Polson. (It is understood that when the right-of-way location is definitely established that the applicant will submit a formal application for the right-of-way in accordance with current laws and regulations). This consent has been negotiated on the following terms and conditions:

After completion of survey, applicant will obtain an appraisal for FMV and issue will be brought back before full council to review and approve right of way.

Owner Ronald Trahan Date Signed 2-19-14

Witnesses Anita L. Matt 2/19/14

_____

APPLICANT'S CERTIFICATE

I, Mark Shrives, do hereby certify that I am the City Manager, for the City of Polson, hereinafter designated the applicant; that I, Mark Shrives who subscribed to the foregoing affidavit, is employed by the applicant as a City Manager and that he was directed by the applicant to survey the location of an easement and to prepare this map; that the location of said easement located in a portion of tract Band C of COS 4491, Section 4, T. 22 N, R 20 W. P.M.M Lake County, MT, as depicted on the attached map is for the installation of a waterline to serve the City of Polson. The easement is accurately represented on this map; that such survey as represented on this map has been adopted by the applicant as the definite location of the easement thereby shown; and that the map has been prepared to be filed with the Secretary of the Interior or his duly authorized representative as part of the application for said easement to be granted the applicant, its successors and assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and with the further right in the applicant, its successors and assigns, to transfer this easement by assignment, grant, or otherwise.

Applicant Signature

CITY OF POLSON CORPORATE SEAL MONTANA

Mark Shrives
City Manager
City of Polson

Attachments:
Easement Exhibit

EXHIBIT A

EASEMENT EXHIBIT

203-44513 203-45004

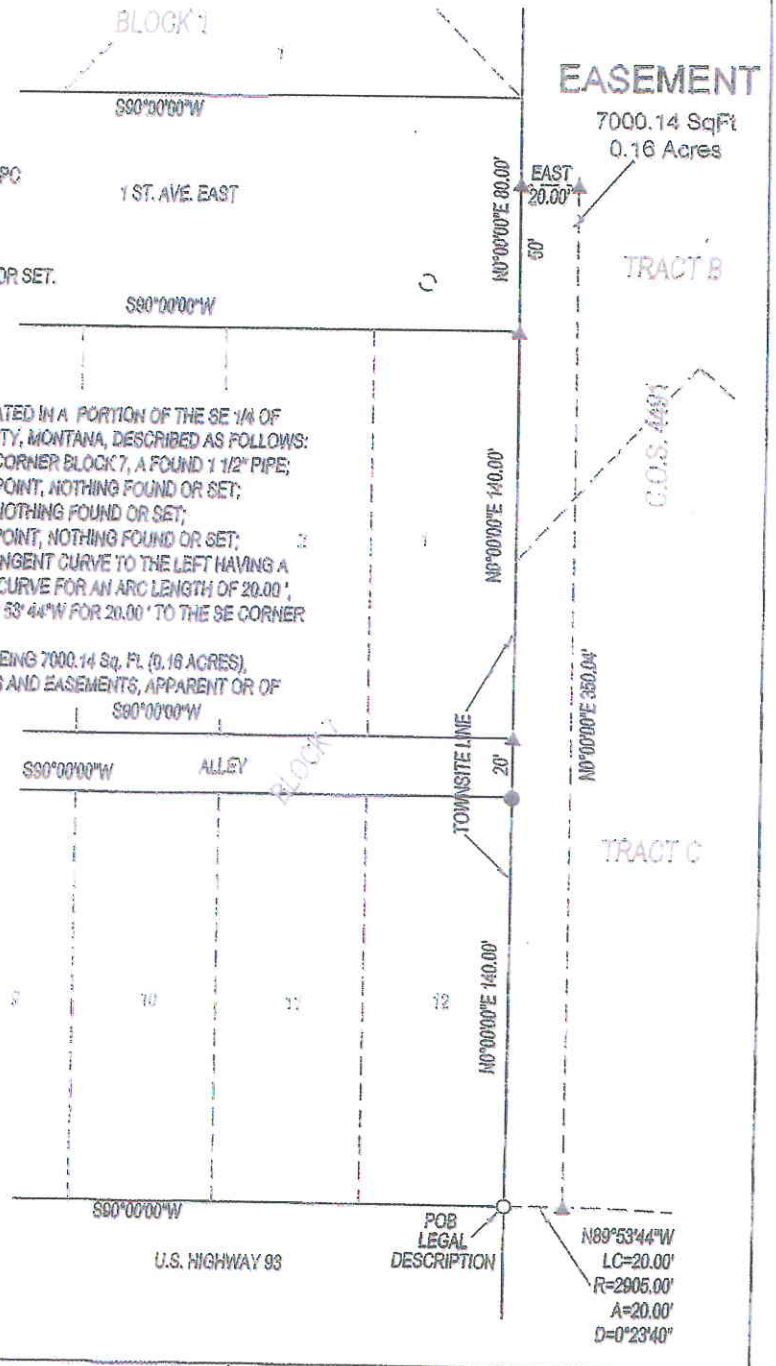
LOCATED IN A PORTION OF TRACT B AND C OF COS 4491, SECTION 4, T. 22 N., R. 20 W., P.M.M., LAKE COUNTY, MONTANA

PREFORMED AT THE REQUEST OF: CITY OF POLSON DATE OF SURVEY JANUARY 29, 2014

SCALE 1" = 50'

LEGEND

- ● DENOTES FOUND 5/8" REBAR WITH 1 1/4" YPC STAMPED "WESTER 4130 S".
- ○ DENOTES FOUND 1 1/2" IRON PIPE
- ▲ DENOTES ANGLE POINT, NOTHING FOUND OR SET.



EASEMENT LEGAL

A EASEMENT FOR WATERLINE PURPOSES, LOCATED IN A PORTION OF THE SE 1/4 OF SECTION 4, T. 22 N., R. 20 W., P.M.M., LAKE COUNTY, MONTANA, DESCRIBED AS FOLLOWS:
THE TRUE POINT OF BEGINNING BEING THE SE CORNER BLOCK 7, A FOUND 1 1/2" PIPE;
THENCE N0° 00' 00"E FOR 350.00 ' TO AN ANGLE POINT, NOTHING FOUND OR SET;
THENCE EAST FOR 20.00 ' TO AN ANGLE POINT, NOTHING FOUND OR SET;
THENCE S0° 00' 00"E FOR 350.04 ' TO AN ANGLE POINT, NOTHING FOUND OR SET;
THENCE TO THE BEGINNING POINT OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2905.00 ', THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 20.00 ', SAID CURVE HAVING A CHORD BEARING OF N89° 53' 44"W FOR 20.00 ' TO THE SE CORNER BLOCK 7, A FOUND 1 1/2" PIPE,
TO THE TRUE POINT OF BEGINNING, THE AREA BEING 7000.14 Sq. Ft. (0.16 ACRES), SUBJECT TO ALL RESERVATIONS, RESTRICTIONS AND EASEMENTS, APPARENT OR OF RECORD.

PLAT APPROVED BY:

SUPERINTENDENT, FLATHEAD AGENCY.

" APPROVED PURSUANT TO 209 DM 8, 230 DM 1,3 IAM 4, 4A"

SURVEYORS CERTIFICATE

MARC CARSTENS 5940 LS

DATE: 2/3/2014

MONTANA MARC J. CARSTENS 5940 LS REGISTERED LAND SURVEYOR

9/11/2014

Anita Matt, Tribal Lands Department, and **Shane Morigeau**, Tribal Legal Department, presented a request from the City of Polson applied for an easement to upgrade a water line west of the KwaTaqNuk Resort. The water line serves residents and business on 1st street Avenue. They wish to upgrade from a "cast iron" to PVC. A survey has been prepared and recorded through LTRO and the easement will be for a water line encompassing 350' feet in length, 20' feet wide and 6' feet deep. TLD feels that waterline upgrades ($170,000) potential waterline if needed for future development for S&K Gaming and potential trade of parking space in the future might benefit the KwaTaqNuk Resort, Salish Point, Polson residents and Tribal members, therefore an exchange with the proposed waterline agreement with a "T" for future development. **Terry Pitts** stated more information is needed from previous minutes to go forward with request. **MOTION** by Shelly Fyant to take interest and approve waterline easement upgrade for 25/25 year – 350 feet long, 6 feet wide easement; 20 feet construction permit with 4 feet easement. Seconded by Vernon Finley. Carried unanimous (7 present).

203-45004

04/24/14 - **Anita Matt** and **Teresa Wall-McDonald**, Tribal Lands Department, presented a request from the City of Polson for a right-of-way application for an easement to upgrade a water line from a cast iron to PVC. The water line is located west of the KwaTaqNuk Resort. The construction would be coordinated with KTN so there would be no disturbance to the hotel and casino guests. The Lands staff recommended proceeding and wait for an appraisal so the staff can return to council with a value for the easement. It was the **consensus** of council to show interest in granting the easement.

203-45004

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME: Tribal Trust
TRIBAL TRACT #:
LEGAL DESCRIPTION: S04, T22N, R20W, PT SE4 TRS A,B,C, COS 4491 TR D COS 4503

COMES NOW THE APPLICANT City of Polson of Polson this 28 day of January, 20 14, who whereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a (term of years) right-of-way for the following purposes and reasons:

Across the following described restricted land (easement description):

Said right-of-way to be 350' in length, 20' in width, and 6 deg p in size (or area), as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.

12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and to abide by all applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

DATE 1-28-2014

APPLICANT [illegible]

ATTEST [illegible]

REQUIRED SUPPORTING DOCUMENTS:

1. ( ) Written consent of landowner (ROW Form 94-7).
2. ( ) Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. ( ) Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. ( ) Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. ( ) For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
   ( ) a. State certified copy of corporate charter or articles of incorporation.
   ( ) b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.

203-45004

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 10/02/2009 08:00:00 PM
Requestor: GDUCHARM Date/Time: 01/28/2014 12:38:28

Land Legal Description

Land Area	Land Area Name	Tract Number	LTRO	Region	Agency	Resources
203	FLATHEAD	T 4192	PORTLAND, OR	NORTHWEST REGIONAL OFFICE	FLATHEAD AGENCY	Both

Section	Township	Range	State	County	Meridian	Legal Description	Acres
4	022.00N	020.00W	MONTANA	LAKE	Principal	LOT 07=	1.550

DESCRIPTION REMARKS: PART LOT 7 M/B

TOTAL TRACT ACRES: 1.550

Title Status

Tract 203 T 4192 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 203 T 4192 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

203-45004

Appendix "A"

Effective Ownership as of 11/19/2004

OWNER					DOCUMENT			NAME ACQUIRED	FRACTION	AGGREGATE SHARE	AGGREGATE
Tribe & Code	ID No. & DOB	Indian or Non-Indian	Title Status	Interest*	Class	Type	Number	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
203 CONFEDERATED SALISH & KOOTENA	T203-30	Tribe	Trust	All	Deed-TS	SPEC AUT	17039	CONF SALISH & KOOTENAI TRIBES	1 1	1 1	1.0000000000

IN TRUST:	1 1	1.0000000000
IN FEE:	0 1	.0000000000
TOTAL:	1 1	1.0000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

Appendix "B"

Ownership of Tract 203 T 4192 is encumbered by the following:

Contract Type/Contractor Name	Contract Number	Contractor ID	Begin Date	Expiration Date	Leased Acres	Record Image#
Electric Line and Power UNITED STATES OF AMERICA	8R13509141	203C134742	09/04/1991	09/03/2041	.101	26175
BUSINESS S & K GAMING LLC	5078429190	203C250083	12/01/1991	06/20/2090	1.550	40145

Type of Encumbrance	Encumbrance Holder	Expiration Date	Document Number	Description and Explanation
MORTGAGE	GLACIER BANK POLSON		37054	LEASEHOLD MORTGAGE ONLY MADE BY S & K DEVELOPMENTS, INC, TO SECURE NOTE AMOUNT $500,000.00, APPROVED 8-19-2005.
BUSINESS LEASE	KWA TAQ NUK RESORT		37022	MODIFICATION LEASE DOCUMENT #203-27284 TO INCLUDE TRACTS AND LEGAL DESCRIPTIONS, APPROVED 8-18-2005.
MORTGAGE	GLACIER BANK POLSON		37053	MORTGAGE LEASEHOLD INTEREST ONLY, MADE BY S & K DEVELOPMENTS INC, TO SECURE NOTE AMOUNT $3,850,000.00, APPROVED 8-19-2005.
BUSINESS LEASE	KWA TAQ NUK RESORT		37540	MODIFICATION LEASE #5-07842-91-90, TO INCLUDE TRACT D, COS #4503 TOGETHER WITH CERTAIN FILLED AREA OF THE LAKE BED IMMEDIATELY BETWEEN WEST BOUNDARY OF TRACT D AND EAST BOUNDARY OF T6018, AND CORRECT LEGAL DESCRIPT. OF T 6018, TO INCLUDE MARINA, A 8-18-05
RIGHTS OF WAY	MONTANA ST HIGHWAY COMM	PERPETUAL	2075	DOCUMENTS 203-2075 AND 203-2139 FOR THE ADJACENTSTATE HIGHWAY SHOW A NORTHERN PACIFIC RAILROADSPUR LINE CROSSING INTO THIS TRACT.
RIGHTS OF WAY	-----	PERPETUAL	2075	DOCUMENTS 203-2075 AND 203-2139 FOR THE ADJACENTSTATE HIGHWAY SHOW A NORTHERN PACIFIC RAILROADSPUR LINE CROSSING INTO THIS TRACT.
MISCELLANEOUS	MONTANA POWER CO	PERPETUAL	17039	R/W FOR FLOWAGE GRANTED 3-1-38 BY DEWEY LUMBER COTO ROCKY MTN POWER CO RE-CORDED LAKE CO BK8 MISC.,P.382, TRANSFERRED TO MONTANA POWER CO RECORDED9-15-38 BK17 DEEDS,P. 512
MISCELLANEOUS	ANDREW & BELVA LOWARY	PERPETUAL	17039	R/W RESERVED IN DEED DTD 4-24-18 TO DEWEY LUMBER CO RECORDED IN BK P. DEEDP. 84
MISCELLANEOUS	-----	PERPETUAL	17039	LAKE COUNTY ABSTRACT CO PRELIMINARY REPORT SHOWS PROPERTY SUBJECT TO WATER& MINERAL RIGHTS, CLAIMS ARISING FROM DIFFERENCES IN MEANDER HIGH WATER LINE OF FLATHEAD LAKE & MEANDER LINE SHOWN BY GOVERNMENT SURVEY.
MISCELLANEOUS	USA/POLSON, MONTANA	PERPETUAL	26809	AFFIDAVIT OF COMPLETION -COMPLETED 10/91. R/W DOC NO 203-26175.
BUSINESS LEASE	S&K DEVELOPMENTS, INC-KWATAQNUK	06/20/2090	27284	VACATION RESORT GROUND LEASE AGREEMENT IN A PORTION OF LOT 7, FOR 99 YRSBEGINNING 6-21-91, MODIFICATION #203-34772, 203-37022.
ASSIGNMENT	1ST CITIZEN BANK-POLSON	06/20/2090	27502	ASSIGNMENT OF LESSEE'S INTEREST IN LEASE FOR SECURITY PURPOSES AND ASSENT BY LESSOR, ORIG LEASE DOC NO 203-27284, ASSIGNMENT APPROVED 5/31/1994.
MORTGAGE	1ST CITIZENS BANK/POLSON	PERPETUAL	27582	MORTGAGE OF A LEASEHOLD INTEREST ONLY, DOC NO 27284, MADE BY S & K DEV-ELOPMENTS, INC.,TO SECURENOTE IN THE AMOUNT OF $2,950,000.00, APPROVED 8/4/94.
BUSINESS LEASE	S&K DEVELOPMENTS, INC-KWATAQNUK		34772	MODIFICATION TO CORRECT LEGAL DESCRIPTION APPROVED 7-24-2003.
BUSINESS LEASE	KWA TAQ NUK RESORT		34772	TO MODIFY LEASE CONTRACT LEGAL DESCRIPTION TO BE CONTAINED IN THIS MODIFI-CATION

203-45004

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

Report Certification Time and Date: 11/10/2005 08:00:00 PM
Requestor: GDUCHARM Date/Time: 08/12/2014 17:11:10

Land Legal Description

Land Area	Land Area Name	Tract Number	LTRO	Region	Agency	Resources
203	FLATHEAD	T 4474	PORTLAND, OR	NORTHWEST REGIONAL OFFICE	FLATHEAD AGENCY	Both

Section	Township	Range	State	County	Meridian	Legal Description	Acres
4	022.00N	020.00W	MONTANA	LAKE	Principal		.440

DESCRIPTION REMARKS: PORTION GOV LOT 4

TOTAL TRACT ACRES: .440

Title Status

Tract 203 T 4474 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 203 T 4474 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: fee.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

203-45004

Appendix "A"

Effective Ownership as of 11/19/2004

OWNER					DOCUMENT			NAME ACQUIRED	FRACTION	AGGREGATE SHARE	AGGREGATE
Tribe & Code	ID No. & DOB	Indian or Non-Indian	Title Status	Interest*	Class	Type	Number	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
203 CONFEDERATED SALISH & KOOTENA	T203-30	Tribe	Fee	All	Deed-NT	SPEC AUT	358197	CONF SALISH & KOOTENAI TRIBES	1 1	1 1	1.0000000000

IN TRUST:	0 1	.0000000000
IN FEE:	1 1	1.0000000000
TOTAL:	1 1	1.0000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

Appendix "B"

203-45004

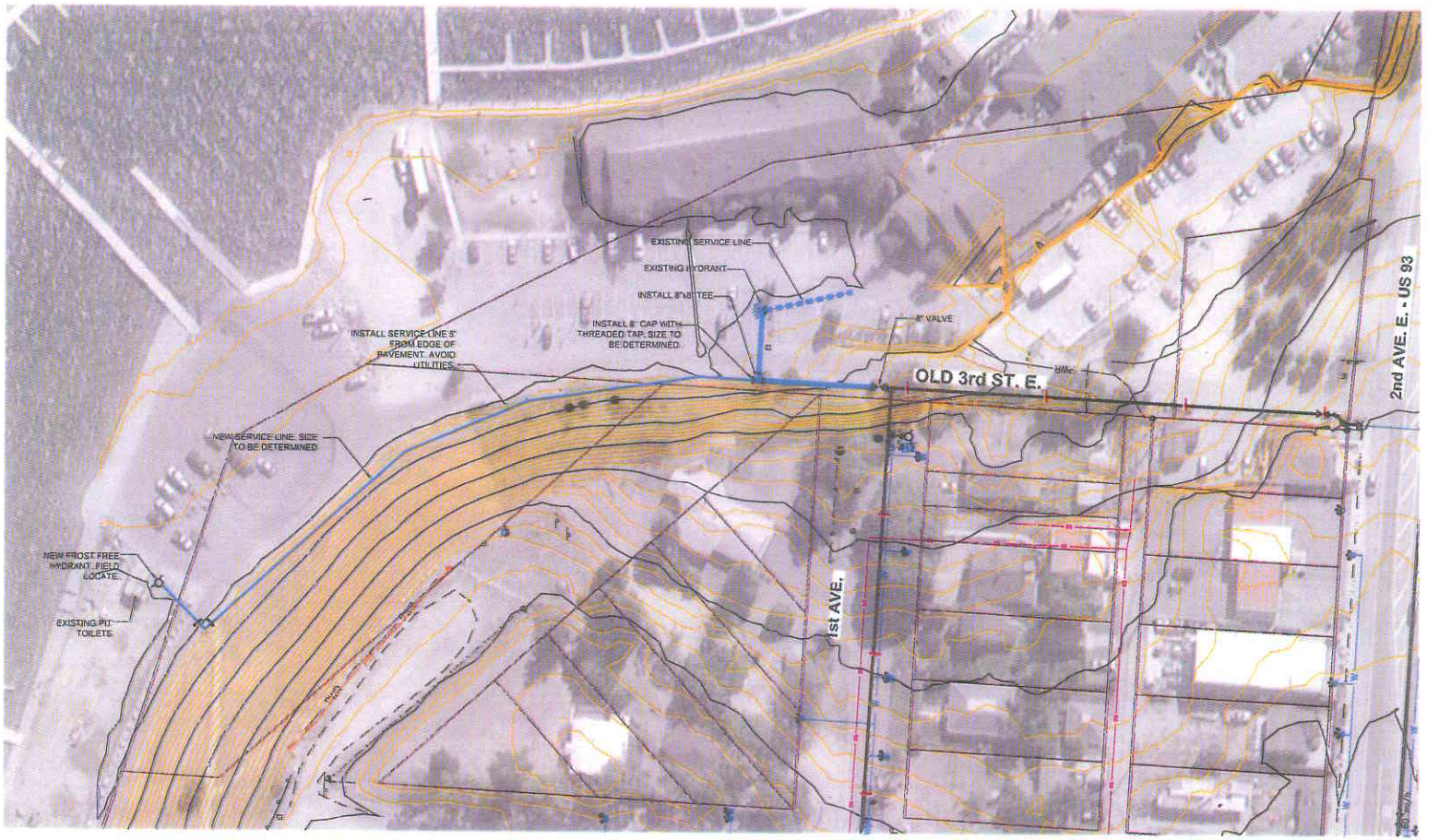
Ownership of Tract 203 T 4474 is encumbered by the following:

Contract Type/Contractor Name	Contract Number	Contractor ID	Begin Date	Expiration Date	Leased Acres	Record Image#
BUSINESS S & K GAMING LLC	5078429190	203C250083	12/01/1991	06/20/2090	.440	40145

Type of Encumbrance	Encumbrance Holder	Expiration Date	Document Number	Description and Explanation
MORTGAGE	GLACIER BANK POLSON		37054	LEASEHOLD MORTGAGE ONLY MADE BY S & K DEVELOPMENTS, INC, TO SECURE NOTE AMOUNT $500,000.00, APPROVED 8-19-2005.
BUSINESS LEASE	KWA TAQ NUK RESORT		37022	MODIFICATION LEASE DOCUMENT #203-27284 TO INCLUDE TRACTS AND LEGAL DESCRIPTIONS, APPROVED 8-18-2005.
MORTGAGE	GLACIER BANK POLSON		37053	MORTGAGE LEASEHOLD INTEREST ONLY, MADE BY S & K DEVELOPMENTS INC, TO SECURE NOTE AMOUNT $3,850,000.00, APPROVED 8-19-2005.
BUSINESS LEASE	KWA TAQ NUK RESORT		37540	MODIFICATION LEASE #5-07842-91-90, TO INCLUDE TRACT D, COS #4503 TOGETHER WITH CERTAIN FILLED AREA OF THE LAKE BED IMMEDIATELY BETWEEN WEST BOUNDARY OF TRACT D AND EAST BOUNDARY OF T6018, AND CORRECT LEGAL DESCRIPT. OF T 6018, TO INCLUDE MARINA, A 8-18-05
BUSINESS LEASE	S&K DEVELOPMENTS, INC-KWATAQNUK	06/20/2090	27284	VACATION RESORT GROUND LEASE AGREEMENT IN A PORTION OF LOT 7, FOR 99 YRSBEGINNING 6-21-91,
BUSINESS LEASE	S&K DEVELOPMENTS, INC-KWATAQNUK		34772	MODIFICATION #203-34772, 203-37022.
BUSINESS LEASE	KWA TAQ NUK RESORT		34772	MODIFICATION TO CORRECT LEGAL DESCRIPTION APPROVED 7-24-2003. TO MODIFY LEASE CONTRACT LEGAL DESCRIPTION TO BE CONTAINED IN THIS MODIFI-CATION

EXHIBIT B

203-45004



CITY OF POLSON WATERMAIN

SALISH KOOTENAI SERVICE LINE

40 20 0 40 80
Feet

Revision	Date	By
Draft	12-2014	B.Nye
Prelim. Fin.		

Revision: Prelim. Final
Plot Scale: 1:2
Drawn By: B.Nye
Approved By: Paul Montgomery, P.E.
Checked By: Scott Anderson, P.E.
Designed By: Paul Montgomery, P.E.
Project Number:

Engineer:
Montgomery
1064 N. Warren
Helena, Mt 59601
Phone (406) 449-3303
Fax (406) 449-3304

Owner: City of Polson

Project Title: Polson Looping Project

Sheet Title: Looping for Salish Kootenai Hotel

Sheet 1 of 1

X:\Barbara\AMCE Project Files\Polson Downtown Watermain 2013\schematic.dwg SAVED:12/23/14 PRINTED:12/23/14 BY:BARB

CITY OF POLSON
CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 7 (Motion) Approve Task Order #3 for Dowl HKM Engineering
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives/Tony Porrazzo

AGENDA ITEM SUMMARY: This agenda item requests City Commission approval of Task Order #3 for Dowl HKM Engineering in support of the Wastewater Treatment Project.

BACKGROUND: The City signed a Professional Services Agreement with Dowl HKM Engineering on August 2, 2013. This agreement consisted of four specific parts for engineering services;

Part 1 – Study and Report Phase Services.
Part 2 – Design Activities
Part 3 – Bidding and Negotiation
Part 4 Construction and Commissioning

Task Order #3, falls under Part 2, (Design Activities) of the Professional Services Agreement,.

ANALYSIS: The following provides a brief summary of the respective Phases of the scope included in Task Order #3 for the Water Resource Recovery Facility (i.e. wastewater plant)

Phase 1000: Predesign Report: The purpose of this effort is to refine the conceptual design to the point where the final design can commence. This includes determining the final layout of the buildings, how many buildings, equipment placement within buildings, access to/from facilities and the general elevations of process tanks and buildings. Along with this, each piece of equipment and process tank must be sized, and final design criteria established for everything from the influent pump station, equalization tank, and biological treatment process to the solids handling tanks and solids dewatering/processing equipment. The ultimate objective is to "freeze the design" so construction drawings can be commence with very limited rework and redesign as the design progresses. The Predesign Report will not be finalized until the headworks equipment and the SBR equipment is selected. Then the Predesign report will incorporate the requirements of this specific equipment/process and adjust the site and impacted processes or facilities accordingly.

Phase 2000 Headworks Equipment Procurement: The purpose of this task is to competitively bid and evaluate alternative manufacturers for the raw wastewater screening and grit removal equipment. As with the biological process equipment (i.e. the SBR) the final design will then be based around this pre-selected equipment. The pre-selection process will include categories such as capital cost, O&M cost, reference checks for vendor support, operations and maintenance requirements, verified performance, etc. Preselection of this equipment will avoid design changes after bids are opened on account of the Contractor including different, though "equal", equipment in their bid that may require design changes for related facilities. This process further allows the City staff to be engaged in the selection of equipment the City will own and operate instead of the contractor selecting alternative equipment on bid day.

Phase 3000 SBR Equipment Procurement: The purpose of this task is again to competitively bid and select the specific manufacturer of the SBR equipment, as numerous options and variations are available. Similar evaluation criteria as for the headworks equipment will be used, and the final design will be based around the selected manufacturer.

Phase 4000 WWTP Site Visits: The SBR facility site visits were conducted the week of January 26. A separate trip report is in process.

Phase 5000 Project Management and Coordination: This task includes the planning and management of the scope, the schedule, and the costs as well as overall project coordination of all tasks necessary for completion of this task order.

FINANCIAL CONSIDERATIONS: Task Order #3 is in the amount of $119,375

STAFF RECOMMENDATION Approve Dowl HKM Task Order #3

SUGGESTED MOTION: I move to approve Dowl HKM Engineering Task Order #3 in the amount of $119,375.

ATTACHMENTS:
Encl. 1 – Dowl HKM Engineering Task Order #3

Task Order

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated July 29, 2013 ("Agreement"), Owner and Engineer agree as follows:

1. Specific Project Data

   A. Title: Water Resource Recovery Facility – PreDesign Report and Equipment Procurement

   B. Description: This Task Order shall include the following general tasks as further detailed under Part 2 below:

      1) Complete wastewater facility competitive equipment procurement processes for the facility headworks equipment procurement and the sequencing batch reactor (SBR) equipment.

      2) Complete pre-design ("Basis of Design") report with conceptual plans and final design criteria for the treatment facility processes.

2. Services of Engineer

   Study and Report Services:

   The detailed scope of services for this Task Order are described as follows:

   C. Phase 1000 – Predesign Report

      1) The intent of this phase and associated document is to freeze the scope of work in regards to sizing, location, and orientation of facilities to enable design of all elements to proceed. This report will be used as a basis of design for the new treatment facility and will be provided to the Owner for acceptance before commencement of preliminary design tasks including generation of the construction drawings. This report will be reviewed with the City to facilitate understanding of each section of the facility and enable the City to provide input and preferences throughout these details.

      2) Task 1010 includes analysis of the last year of wastewater flow and organic load (i.e. influent sampling) data to assign the final design flow and load criteria for average day, peak day, max month and peak hour, each of which influence design of various portions of the facility. An analysis of the flow equalization storage requirements will be completed with the last year's data. This information will become part of the equipment procurement design criteria and bidding documents discussed later in this task order.

3) Task 1020 includes effort associated with optimizing the conceptual facility site layout presented in the preliminary engineering report including the following:

   a) Revisit the orientation of the main administration building, and consider combining the solids handling building into this single facility. The building floor plan would be updated to include the laboratory, office/control room, restroom, HVAC room, electrical room, janitor/storage area, blower room, chemical storage/pump room, and potentially a future mechanical sludge dewatering equipment room.

4) Task 1030: Consider the use of "Geotubes" in lieu of mechanical sludge dewatering equipment for ultimate dewatering of the waste sludge generated at the facility. The report will include a brief alternative analysis comparing Geotubes with the proposed mechanical screw press equipment. This alternative would offer capital cost savings and potentially simplify one of the more maintenance intensive processes of the treatment facility.

5) Task 1040: The Pre-Design Report will include an updated preliminary site plan, unit process descriptions, and the general design criteria and regulatory requirements for the following design disciplines:

   a) Preliminary Foundation and Structural Design Criteria
   b) Architectural Code/Occupancy/Building Classification Review
   c) Materials of Construction (bldgs., piping, roofing, etc.)
   d) Heating/Ventilation/Plumbing Systems
   e) Electrical, Instrumentation and Control Criteria

6) Task 1050: The pre-design (Basis of Design) report will be reviewed with the City, edited as discussed and finalized.

7) Task 1060: In support of the continued pursuit of funding for the project, the "Wastewater Preliminary Engineering Report, April 2014" needs to be amended to reflect a revision in the preferred alternative. A revised project description, project budget and supporting documentation will be included in this amendment and submitted with any subsequent funding applications to CDBG, Rural Development,TSEP, and the SRF programs, as applicable.

D. Phase 2000 - Headworks Equipment Procurement

1) The purpose of this phase is to competitively select the headworks screens and grit removal systems for incorporation into the final design of the headworks facility.

2) Task 2010: Equipment procurement bidding documents will be based upon the Engineer's Joint Contract Documents Committee (EJCDC) standard procurement documents and customized to meet the needs of the City's project. This task will include preparation of the "Division 0" documents

including the Invitation to Bid, Instructions to Bidders, Bid Form, Agreement Form, and the General and Supplementary Conditions specific to equipment procurement procedures. Each of these requires specific customizing to the City's project.

3) Task 2020 & 2030: Prepare conceptual plan and specification package for the headworks equipment. The conceptual headworks facilities were developed with the initial Task Order 1 and Technical Memorandum #3. This task would include developing general technical specifications and the requested scope of supply for the equipment options to be competitively procured for the City's project. It is proposed to procure proposals from manufacturers of internally fed drum screens applicable for use with a sequencing batch reactor (SBR) treatment facility. The scope of supply will generally include two, internally-fed, fine screens, one or two screenings washer/compactors and an appropriate bagging system for each washer/compactor included. Minor modifications to the conceptual drawings provided with Technical Memorandum #3 will be required for incorporation into the request for proposals.

4) Task 2040: The conceptual floor plan drawings will be updated and modified as needed to reflect the proposed scope of supply including the addition of a second screenings washer/compactor for appropriate redundancy.

5) Tasks 2050 & 2060: For the grit removal system, it is proposed to allow both mechanical vortex style systems and the proprietary Hydro International "Headcell" system to submit proposals for the City's consideration. Systems shall include a grit chamber, grit removal pumps, and a grit washing system. This task includes developing the corresponding specifications for each style of system, and the criteria and weighting for evaluation of the headworks equipment proposals. Criteria will include items such as capital cost, operations cost, equipment footprint, mechanical complexity, reference checks, verified performance, and maintenance requirements.

E. Phase 2200 Request for Proposals – Headworks Equipment

1) Task 2210 - Issue Request for Proposals: This task includes formal advertisement and request for proposals to supply the specified headworks screens and grit removal equipment. Approximately three (3) to four (4) weeks would be allowed from the date of first advertisement to the required date of proposal submittal. During this time, DOWL will answer questions and provide clarification and or addenda as needed to assist vendors with preparation of their proposals.

2) Task 2220 - Proposal Evaluation - Bid Evaluation/Scoring & Reference Checks: DOWL will review proposals for compliance with the

specifications and requested scopes of supply, and provide initial scoring of the numeric criteria (i.e. capital & operations costs). A summary of each proposal will be prepared noting any specific exceptions, key attributes, advantages, and disadvantages for use in discussion for further final scoring.

3) Task 2230 - Proposal Evaluation; City Meeting/Scoring: The intent of this task is to enable the City to fully participate in the proposal review and scoring. DOWL will host a meeting with the City staff in Polson to present the initial reviews of the headworks equipment proposals and facilitate further discussion and understanding of the proposals and to assist in final scoring of the proposals. Interviews with a shortlist of headworks equipment vendors is not included in this phase of the project as part of the equipment evaluation.

4) Task 2240 - Award & Contract Preparation: Following final scoring and selection of the preferred vendor, DOWL will provide a recommendation for award and coordinate with the selected headworks equipment vendors/manufacturers to procure the necessary bonds, insurance and signed agreements for execution by the City of Polson. It is anticipated a maximum of two separate contracts would be awarded to two different vendors for provision of the screens and provision of the grit removal equipment. It is unlikely but possible that all of this equipment would come from the same vendor/manufacturer.

F. Phase 3000 – Sequencing Batch Reactor (SBR) Equipment Procurement

1) Task 3010 - Div 0 Documents: Equipment procurement bidding documents will be based upon the Engineer's Joint Contract Documents Committee (EJCDC) standard procurement documents and customized to meet the needs of the City's project. This task will include preparation of the "Division 0" documents including the Invitation to Bid, Instructions to Bidders, Bid Form, Agreement Form, and the General and Supplementary Conditions specific to equipment procurement procedures. Each of these requires specific customizing to the City's project.

2) Task 3020 - Div 1 – Summary of Work - SBR Selection Criteria & Specs: This task will include preparing the conceptual plan and specification package. The conceptual plan was developed within the Preliminary Engineering Report of Task Order #2. This task would include developing general technical specifications, process performance criteria, and the requested scope of supply for the equipment options to competitively procure for the City's project. The scope of supply will generally include the biological process aeration system, tank mixers, decanters, associated air control valves, waste sludge pumps, SBR process control package with control panel, instrumentation and motor control center to the extent applicable to the respective SBR system.

3) Task 3030 – SBR Equipment Specifications will be developed as needed to further define the scope of supply and required equipment performance requirements.

4) Task 3040 – Issue Request for Proposals – SBR Equipment: This task includes formal advertisement and request for proposals to supply the specified SBR equipment. Approximately three (3) to four (4) weeks would be allowed from the date of first advertisement to the required date of proposal submittal. During this time, DOWL will answer questions and provide clarification and or addenda as needed to assist vendors with preparation of their proposals.

5) Task 3050 - SBR Proposal Evaluation & Reference Checks: DOWL will review SBR proposals for compliance with the specifications and requested scopes of supply, and provide initial scoring of the numeric criteria (i.e. capital & operations costs). A summary of each proposal will be prepared noting any specific exceptions, key attributes, advantages, and disadvantages for use in discussion for further final scoring.

6) Task 3060 – SBR Proposal Evaluation; City Meeting/Scoring: The intent of this task is to enable the City to fully participate in the proposal review and scoring. DOWL will host a meeting with City staff in Polson to present the initial reviews of the proposals and facilitate further discussion and understanding of the SBR proposals and to assist in final scoring of the proposals. This task also includes scheduling and attendance of interviews in Polson with the respective vendors (recommended maximum of three) shortlisted from evaluation of the proposals.

7) Task 3070 - SBR Proposal Award & Contract Preparation Following final scoring and selection of the preferred vendor, DOWL will provide a recommendation for award and coordinate with the selected SBR equipment vendor/manufacturer to procure the necessary bonds, insurance and signed agreements for execution by the City of Polson. Only one contract would be awarded to a single SBR equipment manufacturer.

G. Phase 4000 - WWTP Site Visits (Coord. & Travel)

1) This task would include travel to representative SBR treatment facilities. The trip includes traveling to the Denver area to visit three different styles of SBR treatment facilities. Approximately one week worth of time for travel and trip coordination and the associated travel expenses are included in this scope of work.

H. Phase 5000 - Project Management & Coordination

1) Project management includes time for overall project planning and execution, schedule monitoring and adjustment, scope management, budget control and monthly progress reporting.

2) Miscellaneous coordination time is included to allow for additional project progress and coordination meetings in Polson to facilitate project progression, financing or other needs that may arise to facilitate communication and completion of this task order.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B, subject to the following:

- *No additional provisions noted.*

4. Tentative Work Plan Schedule and Times for Rendering Services

The following table presents the proposed schedule for completion of this Task Order No. 3.

Phase/Task	**Completion Date**
Phase 1000 – Predesign Report	Feb 1 – May 30, 2015
Phase 2000 – Headworks Equip. Procurement	Feb 1 – April 30, 2015
Phase 3000 – SBR Equip. Procurement	Feb 1 – April 30, 2015
Phase 4000 – WWTP Site Visits	Week of Jan 26, 2015
Phase 5000 – Project Management & Coord.	Jan 15 – May 30, 2015

A. Payments to Engineer
1) Owner shall pay Engineer for services rendered as follows:

Category of Services	*Compensation Method*	*Estimate of Compensation for Services*	
Basic Services	Standard Hourly Rates	Task Order 3 – Equipment Procurement	
		Phase 1000 – Predesign Report	*$38,400*
		Phase 2000 - Headworks Equip. Procurement	*$29,310*
		Phase 3000 – SBR Equip. Procurement	*$31,940*
		Phase 4000 – WWTP Site Visits	*$13,550*
		Phase 5000 – Project Management & Coord.	*$6,175*
		Total =	*$119,375*

(The compensation for each task may be adjusted to conform to the actual services rendered. ENGINEER shall identify each month the percent complete of each Phase. Engineer shall notify CLIENT when 80% of total estimated T&M cost is accrued and obtain approval from CLIENT for the final cost anticipated to be incurred.)

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

5. Pursuant to the Agreement, Exhibit C, Part C2.02.A.6, the hourly rate schedule has adjusted as of May of 2014. This task order deletes Appendix 1, and Appendix 2 of Exhibit C and replaces these with the attached Appendix 1A and Appendix 2A.

6. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is Jan 15, 2015.

OWNER:

By: _____

Name: _____

Title: _____

ENGINEER:

By: _____

Name: _____

Title: _____

Engineer License or Firm's Certificate No. _____
State of: _____

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Tony Porrazzo

Title: Water & Sewer Superintendent

Address: 106 First Street East
Polson, MT 59860

E-Mail Address: wss@cityofpolson.com

Phone: 406-883-8215

Fax: 406-883-8238

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Kevin Johnson, P.E.

Title: Project Manager

Address: 2090 Stadium Drive; Bozeman, MT 59715

E-Mail Address: krjohnson@dowl.com

Phone: 406-586-8834

Fax: 406-586-1730

DOWL

Appendix 1A to Exhibit C

Equipment, Materials, & Supplies

ATVs/Trailer	=	$150.00/day		
Boat/Trailer	=	$150.00/day		
		DAY	WEEK	MONTH
2 GPS Receivers (Survey Quality)		$425.00	$1,600.00	$4,320.00
Single/Each Additional Receiver		$250.00	$900.00	$2,700.00

Travel, Mileage, & Miscellaneous

Per diem will be billed after 6 hours in the field and when more than 50 miles from the office at ¼ rate for every 6 hours or portion of a quarter day greater than 3 hours. For the day of departure, the day begins at time of departure. For the day of return, the day ends when employee arrives at authorized point of destination (office, home, etc.).

Per diem (per person, per day Montana)	=	$51.00/day
Lodging	=	cost per night
Airfare	=	cost
Vehicle Usage – Automobiles	=	0.75/mile
Vehicle Usage – Pickups, Suburban	=	1.00/mile
Printing/Supplies/Phone/Fax/Postage	=	Note 2
Specialized Software/Hardware	=	Note 3
Subcontractors	=	Cost + 10%
Laboratory Analysis	=	Cost + 10%
Other/Miscellaneous	=	Cost + 10%

Notes

1. DOWL's Professional Fee Services Fee Schedule is subject to adjustment each year (May 1st) or at the end of a contract period, whichever is appropriate. Should adjustments be anticipated or required, such adjustments will not affect existing contracts without prior agreement between Customer and DOWL.
2. Costs included in overhead rates for reasonable requests. Requests beyond those considered reasonable by the project manager billed at Cost + Agreed Upon Mark-up.
3. Specialized computer software or hardware necessary for a unique application for will be billed at a negotiated rate or unit cost.

DOWL

MONTANA FEE SCHEDULE

Personnel Billing Rates

Senior Manager I	$195.00
Project Manager II	$110.00
Engineer VII	$175.00
Engineer VI	$155.00
Engineer V	$145.00
Engineer IV	$120.00
Engineer III	$105.00
Engineer II	$90.00
Engineer I	$80.00
Engineering Technician IV*	$105.00
Engineering Technician III *	$85.00
Engineering Technician II *	$75.00
Engineering Technician I *	$55.00
Planner V	$135.00
Planner II	$85.00
Environmental Specialist III	$100.00
Geologist II	$110.00
Laboratory Supervisor	$95.00
Laboratory Manager *	$95.00
Laboratory Technician *	$60.00
Lead Laboratory Technician *	$65.00
Inspector *	$90.00
Survey Manager	$130.00
Professional Land Surveyor *	$105.00
Project Surveyor*	$95.00
Crew Chief *	$75.00
Survey Technician I *	$60.00
Accounting Technician *	$75.00
Marketing Coordinator	$75.00
Marketing Assistant *	$75.00
Administrative Assistant *	$55.00

**Subject to overtime at 1.5 times above rates.*

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 8 (MOTION)
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Chapter 2 Articles 4 and 5 of the City of Polson Book of Ordinances. This will be the first reading of this Ordinance. The second reading will be March 2, 2015.

BACKGROUND: Several months ago it was proposed to review and recodify the City of Polson Municipal Code. Rather than rewrite the entire code and then adopt all of the code at one time, based on staff recommendation, the City Commission directed that we move forward with the recodification process and adopt the new code in pieces when completed.

ANALYSIS: Chapter 2 Articles 4 and 5 reviewed by the City Commission at a Work Session held on October 27, 2014. Changes that were discussed at the Work Session have been incorporated. These Articles have been posted to the City website since the October 27th meeting and a separate email address was set up and posted to the City website for any additional comments by City Commissioners or the public. None have been received.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Staff recommends approval of the 1st reading of the ordinance.

SUGGESTED MOTION: ***I make a motion to approve the 1st reading of the Ordinance adopting Chapter 2 Articles 4 and5 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance with Chapter 2, Articles 4 and 5

ORDINANCE Ord #_____

**AN ORDINANCE TO ADOPT
CHAPTER 2, ARTICLE 4. DEPARTMENTS AND
ARTICLE 5, BOARDS AND COMMISSIONS
TO THE CITY OF POLSON BOOK OF ORDINANCES**

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a sequential manner over a term of months to give the Commission and the public time to review the material;

WHEREAS, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

CHAPTER 2. ADMINISTRATION

ARTICLE 4. DEPARTMENTS

DIVISION 1. – GENERALLY
DIVISION 2. – CITY MANAGER
DIVISION 3. – POLSON FIRE DEPARTMENT
DIVISION 4. – CITY COURT
DIVISION 5. – GOLF
DIVISION 6. – PARKS AND RECREATION
DIVISION 7. – COMMUNITY DEVELOPMENT
DIVISION 8. – BUILDING
DIVISION 9. – POLICE
DIVISION 10. – PUBLIC WORKS

ARTICLE 5. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY
DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD
DIVISION 3. CITY- COUNTY PLANNING BOARD
DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL
DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICT BOARDS
DIVISION 6. RESERVED
DIVISION 7. RESERVED
DIVISION 8. RESERVED

DIVISION 9. ZONING COMMISSION
DIVISION 10. BOARD OF ADJUSTMENT
DIVISION 11. JOINT AIRPORT BOARD
DIVISION 12. GOLF BOARD
DIVISION 13. POLICE COMMISSION

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: 02/18/2015
First Reading: ____ayes ____nays ____abstentions

Date:_____

Second Reading: ____ayes ____nays ____abstentions

Effective Date: _____

_____
Mayor Heather Knutson

Attest:

_____
City Clerk Cora E. Pritt

ARTICLE 4. DEPARTMENTS

DIVISION 1. – GENERALLY
DIVISION 2. – CITY MANAGER
DIVISION 3. – POLSON FIRE DEPARTMENT
DIVISION 4. – CITY COURT
DIVISION 5. – GOLF
DIVISION 6. – PARKS AND RECREATION
DIVISION 7. – COMMUNITY DEVELOPMENT
DIVISION 8. – BUILDING
DIVISION 9. – POLICE
DIVISION 10. – PUBLIC WORKS

DIVISION 1. GENERALLY

Sec. 2.04.100. Administrative departments established.
Secs. 2.04.110-2.04.199. Reserved.

Sec. 2.04.100. Administrative departments established

A. The following administrative departments of the city are established:

1. City Manager
2. Polson Fire Department
3. City Court
4. Golf
5. Parks and Recreation
6. Community Development
7. Building
8. Police
9. Public Works

B. The commission may by ordinance establish or abolish city departments, offices, or agencies. The city manager may, by administrative order, transfer or add functions to the departments, to include organizing or reorganizing all divisions thereunder.

C. The officers of the city, pursuant to the Charter are the city manager and the city attorney. Any other persons described by these Ordinances as officers are not to be considered "Charter Officers."

Secs. 2.04.110-2.04.199. Reserved.

DIVISION 2. CITY MANAGER

Sec. 2.04.200. Director of financial operations: appointment: powers and duties of finance officer.
Sec. 2.04.210. City manager additional duties.
Sec. 2.04.220. Fiscal year: revenue and expenditure estimates.
Sec. 2.04.230. City attorney—Appointment.
Sec. 2.04.240. Same—Appointment; Compensation.

Sec. 2.04.250. Human resources
Sec. 2.04.260. City engineer
Secs. 2.04.270-2.04.299. Reserved.

Sec. 2.04.200. Director of financial operations; appointment; powers and duties, duties of finance officer.

A. The city manager shall be the director of all financial operations. Under the direct supervision of the city manager, a finance officer shall be appointed to be responsible for the safekeeping of all public moneys and the deposit of the same as required by law. The finance officer shall keep and preserve such money in the place determined by ordinance or by the provisions of any law applicable thereto. Except as otherwise provided by law, the finance officer shall collect, receive and disburse all other public moneys coming into possession, in pursuance of such regulations as may be prescribed by the authorities having lawful control of such funds. The finance officer shall keep and have the supervision of all accounts of the city, and shall be the collector of all moneys paid to the city.

B. The finance officer shall:

1. Mail notices of all special assessments for public improvements to property owners, and perform all duties in connection with special assessments for improvements prescribed by law for city treasurers;
2. Have charge of the collection of such assessments as are payable directly to the city and the preparation of the lists and the certification thereof of all unpaid assessments to the county treasurer for collection;
3. Issue all licenses and collect all fees therefor;
4. Be the collector of water rents and all other moneys owing to the city on account of the city waterworks system. The finance officer shall be responsible for the safekeeping of all funds on account of the city waterworks and sewer works systems.

C. The finance officer shall have all the authority and shall be charged with all the duties prescribed by all of the laws of the state and ordinances of the city relating to the powers and duties of city treasurers of municipalities.

Sec. 2.04.210. City manager additional duties.

In addition to the duties as proscribed in 2.03.160, as the supervisor of the department of administrative services, the duties of the city manager shall include the purchase, storage and distribution of supplies needed by the various departments, and the city manager shall have charge, under the supervision of the city commission, of selling all real and personal property of the city not needed or suitable for public use or that the city manager may have condemned as useless. The city manager shall have charge of such storerooms and storehouses as the city may possess in which shall be stored all supplies and materials purchased by the city and not delivered to the various departments. The city manager shall inspect all supplies delivered to determine quality and quantity in conformity with specifications.

Sec. 2.04.220. Fiscal year; revenue and expenditure estimates.

A. The fiscal year of the city shall begin on July 1. The city manager shall submit to the commission an estimate of the expenditures and revenues of the city departments

for the ensuing year. Thereafter, and upon receipt of such estimate, the commission shall prepare and pass an appropriation resolution.

B. Upon request of the city manager, the commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has provided insufficient funds, or may authorize a transfer to be made between items appropriated to the same office or department.

C. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective funds from which it was appropriated and shall be subject to future appropriation.

Sec. 2.04.230. City attorney, chief legal officer—Appointment.

The city attorney, as the chief legal officer of the city, shall be an attorney at law, who has been admitted to practice in the state, and shall be known as the city attorney. The city attorney shall be the legal advisor of and attorney and counsel for the city and for all the officers and departments thereof in matters relating to their official duties. The city attorney shall perform duties and have the authority conferred upon city attorneys by law.

Sec. 2.04.240. Same—Appointment; Compensation.

The city attorney shall be appointed by the city manager with the consent of the commission. Before entering upon the duties of the city attorney's office, the city attorney shall take and subscribed to the oath of office, and said oath shall be filed with the clerk thereof.

The city attorney shall be appointed by written contract which shall specify the duties, responsibilities, conditions of employment and compensation of the city attorney. The contract shall not exceed duration of two years unless specifically extended or renewed by majority vote of the city council. The city attorney shall be supervised by the city manager and shall have the status of a department head, except that he or she may not be removed or suspended by the city manager without the consent of the commission.

Sec.2.04.250. Human resources

The city manager shall be responsible through the office of human resources to provide the following to the city:

A. Administer compensation, benefits and performance management systems, and safety programs.

B. Identify staff vacancies and recruit, interview, and select applicants.

C. Allocate human resources, ensuring appropriate matches between personnel.

D. Provide current and prospective employees with information about policies, job duties, working conditions, wages, and opportunities for promotion and employee benefits.

E. Perform difficult staffing duties, including dealing with understaffing, refereeing disputes, firing employees, and administering disciplinary procedures.

F. Advise managers on organizational policy matters such as equal employment opportunity and sexual harassment, and recommend needed changes.

G. Provide such other services as the city may require for human resource.

Sec 2.04.260. City engineer

There is hereby established the office of city engineer. Such officer shall be a licensed professional engineer and shall be hired by independent contract according to terms and conditions established by the city manager. The city engineer shall have such duties and responsibilities as are delegated or required in this code and by state law as well as those duties delegated from time to time by the city manager.

Secs. 2.04.270-2.04.299. Reserved.

DIVISION 3. POLSON FIRE DEPARTMENT

Sec. 2.04.300. Creation of fire department.
Sec. 2.04.310. Powers and duties of fire chief.
Secs. 2.04.320-2.04.399. Reserved.

Sec. 2.04.300. Creation of fire department.

There is created and established a fire department in and for the city which shall consist of a paid fire chief and such volunteers as the city may require for the adequate needs of the city in protecting its inhabitants.

Sec. 2.04.310. Powers and duties of fire chief; compensation.

The fire chief shall be the head of the fire department, and shall work under the supervision and control of the city manager in all matters. The fire chief shall be the executive head of the fire department. Whenever state law, contracts or interlocal agreements require the fire chief to perform any service or carry out any function, the fire chief shall have the responsibility to perform the service or carry out the function. The fire chief shall receive such salary as shall be fixed by the city manager.

Secs. 2.04.320-2.04.399. Reserved.

DIVISION 4. CITY COURT

Sec .2.04.400. Creation city court; jurisdiction.
Sec .2.04.410. City judge.
Secs .2.04.420-2.04.499. Reserved

Sec .2.04.400. Creation city court; jurisdiction.

A. A city court is established for the city. The city judge shall establish regular sessions of the court. The city court has concurrent jurisdiction with the justice's court of all misdemeanors and proceedings mentioned and provided for under chapter 10, part 3, of the Montana Code Annotated.

B. Applications for search warrants and complaints charging the commission of a misdemeanor may be filed in the city court. When they are filed, the city judge has the same jurisdiction and responsibility as a justice of the peace, including the holding of any necessary hearings. The city attorney may file an application for a search warrant or a complaint charging the commission of a crime when the offense was committed within the city limits.

C. Except as provided in 3-11-104, MCA, the city court has exclusive jurisdiction of:

(1) proceedings for the violation of an ordinance of the city or town, both civil and criminal;

(2) when the amount of the taxes or assessments sought does not exceed $9,500, actions for the collection of taxes or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:

(a) city or town purposes;

(b) the erection or improvement of public buildings;

(c) the laying out, opening, or improving of a public street, sidewalk, alley, or bridge;

(d) the acquisition or improvement of any public grounds; and

(e) public improvements made or ordered by the city or town within its limits;

(3) actions for the collection of money due to the city or town or from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed $9,500;

(4) when the amount claimed, exclusive of costs, does not exceed $9,500, actions for:

(a) the breach of an official bond given by a city or town officer;

(b) the breach of any contract when the city or town is a party or is in any way interested;

(c) damages when the city or town is a party or is in any way interested;

(d) the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; and

(e) collection on bonds given upon an appeal taken from the judgment of the court in any action mentioned in subsections (4)(a) through (4)(d);

(5) actions for the recovery of personal property belonging to the city or town when the value of the property, exclusive of the damages for the taking or detention, does not exceed $9,500; and

(6) actions for the collection of a license fee required by an ordinance of the city or town.

Sec .2.04.410. City judge.

The commission may determine by ordinance the number of judges required to operate the city court and shall appoint the same. The appointed city judge shall hold office for a term of 4 years and until the qualification of a successor.

A. A city judge, at the time of appointment must:

(a) meet the qualifications of a justice of the peace under 3-10-202, MCA;
(b) be a resident of the county in which the city or town is located; and
(c) satisfy any additional qualifications prescribed by ordinance.

B. The annual salary and compensation of the city judge must be fixed by contract.

C. The city judge shall receive actual and necessary travel expenses, as provided in 2-18-501 through 2-18-503, incurred in the performance of official duties.

Secs .2.04.420-2.04.499. Reserved

DIVISION 5. GOLF

Sec 2.04.500. Golf Department
Sec .2.04.510. Appointment of Golf Professional and Golf Course Superintendent
Secs.2.04.520-2.04.599. Reserved.

Sec 2.04.500. Golf Department

There is hereby established for the recreational community of the city a golf department which shall oversee and manage the Polson Municipal Golf Course.

Sec .2.04.510. Appointment of Golf Professional and Golf Course Superintendent

The city manager shall appoint a golf professional for the management of the pro shop, restaurant and golf play. Such person may be under independent contract with the city in the discretion of the city manager in the interests of the golf community. In addition, the city manager shall appoint a Golf Course Superintendent who shall be responsible for the grounds keeping of the golf premises. Any contract for services for the management of the golf enterprises shall be approved by the city commission.

The personnel appointed hereby shall receive such compensation for their duties in the sound discretion of the city manager. A golf board shall be created to act as citizen advisory board to the city manager and the department superintendent.

Secs.2.04.520-2.04.599. Reserved.

DIVISION 6. PARKS AND RECREATION

Sec. 2.04.600 Park and Recreation Department.
Secs .2.04.610-2.04.699. Reserved

Sec. 2.04.600 Park and Recreation Department.

A park and recreation department is hereby created. The city manager shall appoint a director to administer the park and recreation department. The department shall manage all parks, trees, and recreational facilities and programs; and, perform such other duties by

direction of the city manager or as required by law. A parks and recreation board shall also be created to act as citizen advisory board to the city manager and the department director.

Secs .2.04.610-2.04.699. Reserved

DIVISION 7. COMMUNITY DEVELOPMENT

Sec. 2.04.700. Community Development.
Secs .2.04.710-2.04.799. Reserved.

Sec. 2.04.700. Community Development.

A community development department is hereby created. The city manager shall appoint an administrator who may be an independent contractor for the planning and community development department. The department shall render land use and transportation planning services and facilitate, promote and ensure orderly land development in the city; facilitate, promote and ensure quality development in the city; administer related federal programs; and perform such other duties by direction of the city manager or as required by law.

Secs .2.04.710-2.04.799. Reserved.

DIVISION 8. BUILDING

Sec. 2.04.800. Building.
Sec. 2.04.810. Code and Ordinance Enforcement.
Secs .2.04.820-2.04.899. Reserved.

Sec. 2.04.800. Building.

A building department is hereby created for the city. The city manager shall appoint the building official. The building official shall administer the building inspection laws, rules and regulations as adopted by the commission. In addition, the building official shall be responsible to the city manager for all the real property of the city and the improvements thereon.

Sec. 2.04.810. Code and Ordinance Enforcement.

The building official may also be appointed by the city manager as the code and ordinance enforcement official of the city.

Secs. .2.04.820-2.04.899. Reserved.

DIVISION 9. POLICE

Sec. 2.04.900 Police Department.
Sec. 2.04.910. Powers and duties of chief of police.
Secs. 2.04.920-2.04.999. Reserved.

Sec. 2.04.900 Police Department.

A Police Department is hereby created. The city manager shall appoint a police chief to administer the police department. The department shall enforce the laws of the city and State to protect life and property; to control traffic; and perform such other duties by direction of the city manager or as required by law.

Sec. 2.04.910. Powers and duties of chief of police.

The chief of police shall be the head of the police department, and shall work under the supervision and control of the city manager in all matters. The chief of police shall be the executive head of the police department. Whenever state law, contracts or interlocal agreements require the chief of police to perform any service or carry out any function, the chief of police shall have the responsibility to perform the service or carry out the function. The chief of police shall also be charged with the enforcement of all laws and ordinances. The chief of police shall receive such salary as shall be fixed by the city manager.

Secs. 2.04.920-2.04.999. Reserved.

DIVISION 10. DEPARTMENT OF PUBLIC WORKS

Sec. 2.04.1000. Director designated: powers and duties; subordinate offices.
Sec. 2.04.1010. Sewer connection requirements: director powers and duties.
Secs. 2.04.1020-2.04.1099. Reserved.

Sec. 2.04.1000. Director designated; powers and duties; subordinate offices.

The director of public works shall be the head of the department of public works and appointed by the city manager. The director shall discharge all of the duties prescribed by law and as such shall manage and have charge of the construction, improvements, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways, and of all sewers and sewerage disposal plants, drains, ditches, culverts, canals, streams and watercourses. The director shall manage and have charge of the waterworks system owned by the city, and improvements thereon, and shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the city. The director shall have charge and supervision of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; and charge of the cleaning, sprinkling and lighting of streets and public places; and charge and supervision of the preservation of papers, plans, tools and appliances belonging to the city and pertaining to the department of public works. The director shall receive such salary as may be fixed by the city manager.

Sec. 2.04.1010. Sewer connection requirements; director powers and duties.

The director of public works shall have authority to compel the making of sewer connections whenever, in view of a contemplated street improvement which has been ordered by the commission, or as a sanitary regulation, a sewer connection should in the director's judgment be constructed. The director shall cause written notice requiring such construction to be given to the owner of each lot or parcel of land for which such connection is to be made. Such notice shall be served by the director of public works or some person designated by the director in the manner provided for the service of summons in civil actions. Nonresidents of the city, or persons who cannot be found, may be served by one publication of such notice in a daily newspaper of general circulation in the city. It shall state the time within which such connections shall be constructed,

and if they are not constructed within the time specified, they may be constructed by the city and the cost thereof, together with a penalty of five percent, assessed against the lots and lands for which such connections are made. Such assessments shall be certified and collected as other assessments of the city.

Secs. 2.04.1020-2.04.1099. Reserved.

CHAPTER 2. ADMINISTRATION

ARTICLE 5. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY
DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD
DIVISION 3. CITY- COUNTY PLANNING BOARD
DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL
DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT
DIVISION 6. RESERVED
DIVISION 7. RESERVED
DIVISION 8. RESERVED
DIVISION 9. ZONING COMMISSION
DIVISION 10. BOARD OF ADJUSTMENT
DIVISION 11. JOINT AIRPORT BOARD
DIVISION 12. GOLF BOARD
DIVISION 13. POLICE COMMISSION.

DIVISION 1. GENERALLY

Sec. 2.05.100. Boards and Commissions to be sworn.

All boards and commissions of the city shall be sworn in and take the oath of office as prescribed by the Secretary of State for elected offices. Such oath shall be taken within 10 days of appointment.

Sec. 2.05.110-2.05.199. Reserved.

DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD

Sec. 2.05.200. Recreation and parks advisory board creation, membership and meetings.
Sec. 2.05.210. Board. ex officio member.
Sec. 2.05.220. Board secretary.
Sec. 2.05.230. Board recommendations to city manager.
Sec. 2.05.240. Board recommendations to city commission.
Sec. 2.05.250. Board; donations.
Sec. 2.05.260. Recreation fees.
Secs. 2.05.270-2.05.299. Reserved.

Sec. 2.05.200. Parks, recreation and tree advisory board creation, membership and meetings.

A. The city commission shall appoint a parks, recreation and tree advisory board, hereinafter referred to as the "board," which shall consist of 9 members, selected as follows:

1. Eight of the members shall be city residents appointed by the city commission;
2. One of the members shall be recommended by the county board of commissioners, with final appointment to be made by the city commission;

B. All members shall be appointed for terms of two years.

C. The board shall hold an annual meeting in March, at which meeting it shall elect one of its members as chair of the board to serve as such for the ensuing year; and it shall hold such other meetings as may be required to transact business which may come before it. A majority of the voting members of the board shall constitute a quorum for the purposes of conducting business. Regular meetings will be held on such dates as may be set by the board, and special meetings may be held on any date at the request of a majority of the members of the board, the city manager, parks and recreation director, or the city commission. All meetings shall be open to the public. Reasonable public notice shall be given prior to all regular and special meetings.

Sec. 2.05.210. Board, ex officio member.

The parks and recreation director shall be an ex officio, nonvoting member of the board. It shall be the parks and recreation director's duty to keep the board informed as to city policies, the city budget, and to make available to them any information pertinent to the parks, recreation and tree advisory board.

Sec. 2.05.220. Board secretary.

The board shall select a secretary, who shall attend all meetings of the board and keep correct minutes of all proceedings of the board in a book to be provided for that purpose, to be called the "record of the recreation and parks advisory board of the City of Polson" and shall perform such other duties necessarily implied by the activities and duties of the board. The secretary may be an employee of the city approved by the city manager or a board member.

Sec. 2.05.230. Board recommendations to city manager and parks and recreation director.

The board shall make recommendations to the city manager and parks and recreation director on the following subjects:

1 The number and nature of duties of department of parks and recreation employees and/or assistants;
2. Park and recreation program offerings;
3. Rules and regulations for the management of parks, playgrounds and other recreation places and activities;
4. Fees to be charged for activities and use of park and/or recreation property;
5. Annually review with administration each year a proposed budget covering the activities and facilities; Problems and needs of Polson in connection with its tree planting and maintenance programs;
6. Give assistance to the city in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same be on private or public property; and
7. Other recommendations as requested.

Sec. 2.05.240. Board recommendations to city commission.

The board shall make recommendations to the city commission on policy and procedural matters in the field of public parks, recreation and tree management. Subject to the approval of the city manager, the board shall make recommendations on the following subjects:

1. Equipment, operation and supervision of parks, playgrounds, athletic fields and indoor recreation facilities, on or in any public grounds or buildings, either within or without the city, which the city commission may from time to time provide, acquire, authorize, offer, designate or set apart for such use;
2. The use of any grounds, places, buildings or facilities which may be offered, either temporarily or permanently, by individuals or corporations for recreational purposes;
3. On park land or cash-in-lieu proposals by developers through the planning process; and
4. Other recommendations as requested.

Sec. 2.05.250. Board; donations.

When approved by the city commission, the board may, on behalf of the city, receive donations, legacies or bequests for the improvement or maintenance of tree programs, parks. playgrounds, recreation centers or other recreational facilities; and all moneys that may be derived from such donations, legacies or bequests shall be deposited with the finance officer to the credit of the park, recreation and tree trust fund; and the same may be drawn therefrom and paid out upon approval of the city commission in the same manner as provided in payment of moneys legally appropriated for the acquisition, support and improvement for parks, trees, playgrounds, recreation centers and other recreation places; and the moneys so derived from such donations, legacies or bequests shall be used solely for such uses.

Sec. 2.05.260. Recreation fees.

Fees charged for activities and use of recreation property shall be deposited with the finance officer.

Secs. 2.05.270-2.05.299. Reserved.

DIVISION 3. CITY- COUNTY PLANNING BOARD

Sec. 2.05.300. Established; powers and duties.
Sec. 2.05.310. Jurisdiction.
Sec. 2.05.320. Composition.
Secs. 2.05.330-2.05.399. Reserved.

Sec. 2.05.300. Established; powers and duties.

Pursuant to and under the provisions of title 76, Montana Code Annotated (MCA 76-1-101 et seq.), the city commission of the city has previously created and established a city county planning board known as the "City County Planning Board" as provided in said title, and does by this division adopt all of the sections of the laws of the state aforementioned that specifically pertain to a city/county planning board, granting and delegating to the city/county planning board all of the rights, privileges, powers, duties and responsibilities thereto appertaining.

Sec. 2.05.310. Jurisdiction.

The planning board shall have such jurisdiction as provided by state law.

Sec. 2.05.320. Composition.

A. The planning board shall consist of nine members, appointed to two-year terms to expire on January 31, as follows:

1. two official members who reside outside the city limits but within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners, who may in the discretion of the board of county commissioners be employed by or hold public office in the county;

2. two official members who reside within the city limits to be appointed by the city commission, who may in the discretion of the city commission be employed by or hold public office in the city;

3. two citizen members who reside within the city limits to be appointed by the mayor of the city;

4. two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners;

5. the ninth member to be appointed by the board of supervisors of a conservation district provided for in 76-15-311 from the members or associate members of the board of supervisors, subject to approval of the members provided for in subsections (1)(a) through (1)(d).

B. The city clerk shall certify the members appointed by the city commission. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.

Secs. 2.05.330-2.05.399. Reserved.

DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL

Sec. 2.05.400. Purpose and intent.
Sec. 2.05.410. Creation: powers. duties and authority: membership.
Secs. 2.05.420-2.05.499. Reserved.

Sec. 2.05.400. Purpose and intent.

The purpose and intent of this division is to provide for an economic development council consisting of business leaders, economic development leaders, and others; to advise the city commission on economic development issues and to review the implementation of the City of Polson Economic Development Plan as adopted by Resolution No. _____.

Sec. 2.05.410. Creation; powers, duties and authority; membership.

A. Creation; powers, duties and authority. The city commission creates the economic development council (EDC) and authorizes the EDC to exercise any of the following powers and duties:

1. Advise the city commission on economic development issues.
2. Review the implementation of the City of Polson Economic Development Plan and provide related recommendations.
3. Adopt bylaws, subject to the approval of the city commission, for the operation of the board.
4. The council may have such other duties and responsibilities as the city commission, from time to time, may direct.
5. The actions of the council shall be advisory only and shall not constitute policy of the city and shall not be binding upon the city commission or upon the city. The city may adopt all or any part of any recommendation of the council, with or without any changes made by the city commission as city policy.

B. Members; appointments and terms.

1. All appointments to the EDC shall be made by the city commission.

2. The majority of councilmembers shall be business leaders and economic development leaders.

3. Membership.

   a. There shall be seven members of the economic development council and there shall always be at least five but not more than seven members of the EDC, amendable from time to time by duly approved resolution of the city commission. The terms of the initial seven members shall be as follows.

   b. One member to serve for one year, two members to serve for two years, two members to serve for three years and two to serve for terms of four years from the date of their appointment. After initial terms, councilmembers shall serve three year staggered terms. Each member may be reappointed without any limitation on the number of reappointments. Vacancies shall be filled in the same manner as original appointments for the balance of the term remaining.

4. The city commission shall affirm one city commissioner to act as liaison between the council and commission.

5. A councilmember shall receive no compensation for the councilmember's service. Councilmembers shall be entitled to previously authorized expenses, including travel expenses, incurred during the discharge of duties.

6. Persons of legal age may be appointed to the council. A majority of the council shall be residents of the city. Nonresident members of the council

shall have some interest in the city by virtue of working in the city or owning property in the city.

7. A councilmember may be removed by a majority vote of the city commission for any reason.

C. Office of agency; staff support. The council shall maintain its records in the office of the city staff person designated to assist the council. The staff person so designated shall attend most meetings of the council and will be responsible to assist the council in the scheduling of meetings, preparation and distribution of agendas and meeting minutes and perform other supportive functions that may be considered reasonable in the execution of the duties of the council. The staff person may also serve as the liaison between the council, the city manager and the city commission.

D. Meetings; election of officers.

1. The economic development council shall hold meetings as it deems necessary to execute its powers and duties as provided in this section.

2. The economic development council shall adopt bylaws enabling it to elect officers, set officer terms, and establish regular meeting times.

E. Duration. The economic development council shall remain in effect as long as necessary to achieve the goal of the council.

F. Ethics provisions. All council activities and members are subject to all other provisions of this Code, including the code of ethics.

G. State law applicable. All meetings of the council shall be subject to the open meeting laws and may not be held with less than 48 hours' notice. All written and electronic information shall be considered a public record and subject to disclosure pursuant to state law.

Secs. 2.05.420-2.05.499. Reserved.

DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT

Sec. 2.05.500. Purpose and intent.
Sec. 2.05.510. Creation: powers and duties.
Sec. 2.05.520. Members: appointment and terms.
Sec. 2.05.530. Meetings: elections of officers: records: ethics.
Sec. 2.05.540. Annual reports.
Sec. 2.05.550. Reserved.
Secs. 2.05.560-2.05.599. Reserved.

Sec. 2.05.500. Purpose and intent.

The purpose and intent of this division is to provide for the authority of the city commission to create advisory boards comprised of citizens of Polson, Montana to assist in the administration and implementation of urban renewal, tax increment financing, and other districts

created pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA, which may be granted authority to use tax increment financing. The city has created at Ordinance No. 559, January 19, 1999; effective February 19, 1999, a Urban Renewal Planning Commission. This Ordinance is intended to modify, amend and supplement the previous actions of the council, now commission.

Sec. 2.05.510. Creation; powers and duties.

The city commission shall by resolution or ordinance create an urban renewal board or economic development district board to exercise any of the powers authorized pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA which are specifically authorized for that board by the city commission.

Sec. 2.05.520. Members; appointment and terms.

A. All appointments to a board created pursuant to this division will be made by the city commission.

B. A board created pursuant to this division shall consist of at least members-with the initial terms as follows: one member appointed for one year, one for two years, two for three years, and the fifth member for four years. Each appointment thereafter shall be for four years. A certificate of the appointment or reappointment of a commissioner must be filed with the clerk of the municipality, and the certificate is conclusive evidence of the proper appointment of the commissioner.

C. The city commission may determine in the resolution or ordinance creating the board that some positions must be filled by persons with specific backgrounds, expertise, or experiences, while other positions may be at large.

D. Each board member shall hold office until the board member's successor has been appointed and has qualified.

E. A board member shall receive no compensation for the board member's services, but shall be entitled to previously authorized expenses, including travelling expenses, incurred in the discharge of the board member's duties.

F. Any persons may be appointed as board members if they reside within the municipality.

G. A board member may be removed for inefficiency, neglect of duty or misconduct in office, or as provided for by law.

Sec. 2.05.530. Meetings; elections of officers; records; ethics.

A. A board created pursuant to this division shall hold meetings as it deems necessary to execute its powers and duties as provided for by resolution or ordinance of the city commission.

B. A board created pursuant to this division shall adopt bylaws enabling it to elect officers, set officer terms and establish regular meeting times. All bylaws must be approved by the city commission.

C. All meetings of the board are subject to the open meetings provisions of Montana law and all proceedings of the board shall be subject to the public records requirements of Montana law.

D. Board members are subject to the state and city's code of ethics.

Sec. 2.05.540. Annual reports.

A board created pursuant to this division shall file with the city commission, on or before September 30th of each year a report of its activities in compliance with MCA 7-15-4237 for the preceding fiscal year and shall publish notice of said report.

Sec. 2.05.550-2.05.599. Reserved.

DIVISION 6. RESERVED

Secs. 2.05.600-2.05.699. Reserved.

DIVISION 7. RESERVED

Secs. 2.05.700-2.05.799. Reserved.

DIVISION 8. RESERVED

Secs. 2.05.800-2.05.899. Reserved.

DIVISION 9. ZONING COMMISSION

Sec. 2.05.900. Established—Powers and duties.
Sec. 2.05.910. Jurisdiction.
Sec. 2.05.920. Composition.
Secs. 2.05.930-2.05.999. Reserved.

Sec. 2.05.900. Established—Powers and duties.

Pursuant to and under the provisions of MCA Title 76, the city commission does create and establish a municipal zoning commission as provided in the title, and does by this chapter adopt all of the sections of the laws of the state previously mentioned that specifically pertain to a municipal zoning commission, granting and delegating to the zoning commission all of the rights, privileges, powers, duties and responsibilities thereto appertaining.

Sec. 2.05.910. Jurisdiction.

The zoning commission shall have such jurisdiction as provided by state law. The city commission may appoint the city-county planning board as the zoning commission as stated in Section 76-1-108, MCA

Sec. 2.05.2720. Composition.

The zoning commission shall consist of five members, appointed to two-year terms to expire as follows:

A. Two members appointed by the city commission. The appointments shall be for two-year terms, with those terms to expire on February 28 of even-numbered years.

B. Three members appointed by the city commission. The appointments shall be for two-year terms, with those terms to expire on February 28 of odd-numbered years.

C. Alternates. The city commission may designate up to two members of the city/county planning board who, only in the event that the zoning commission does not have an available quorum, may act as an alternate member to enable the zoning commission to conduct business.

D. The city clerk shall certify the members appointed by the city commission. The certificates shall be sent to and become a part of the records of the zoning commission.

Secs. 2.05.930-2.05.999. Reserved.

DIVISION 10. BOARD OF ADJUSTMENT

Sec. 2.05.1000. Established—Powers and duties.
Sec. 2.05.1010. Jurisdiction.
Sec. 2.05.1020. Composition.
Sec. 2.05.1030. Procedures.
Secs. 2.05.1040-2.05.1099. Reserved.

Sec. 2.05.2800. Established—Powers and duties.

A. Pursuant to and under the provisions of Title 76, Chapter 2, Part 3, Montana Code Annotated, the city commission may create and establish by resolution a municipal board of adjustment (BOA) as provided in the title, and does by this chapter adopt all of the sections of the laws of Montana previously mentioned that specifically pertain to a municipal BOA. The city commission may choose to retain to itself the role and responsibilities of the BOA.

B. If the city commission chooses to establish a BOA separate from the city commission by appointing members, the city commission shall by resolution grant and delegate to the board of adjustment those of the rights, privileges, powers, duties and responsibilities as they deem appropriate while retaining to itself those privileges, powers, duties and responsibilities not so delegated.

C. The city commission may by resolution dissolve a previously constituted BOA and by such resolution shall reclaim to itself all authority and responsibility of the board and any applications which may be in review process at that time for which

a public hearing or public meeting before the BOA has been advertised. A resolution to form or dissolve a BOA shall not be passed until after the city commission shall hold a public hearing on the resolution after giving public notice meeting the requirements of MCA 7-1-4127. Adoption of a resolution establishing or dissolving a BOA shall have such an effective date as will not interfere with the consideration of a development application for which a public hearing has been noticed.

Sec. 2.05.1010. Jurisdiction.

The board of adjustment shall have such jurisdiction as provided by state law and delegated by the city commission.

Sec. 2.05.1020. Composition

When a separate board is appointed, it shall consist of seven members. The term of appointment is for three years, with staggered terms. Members shall be appointed by the city commission. A member may be removed per MCA 76-2-322. In selecting the members, the city commission shall give preference to residents of the city. However, where a qualified resident is not available to serve, the city commission may appoint up to one nonresident member who practices professionally, owns property or owns a business within the city. \reference should be given to applicants who have prior experience with local government, who will uphold the intent and purpose of the city's land use regulations, and who will honor the purpose of a board of adjustment.

Sec. 2.05.2830. Procedures.

The BOA will be convened as necessary to review applications and conduct such other business as may be delegated by the city commission or necessary to the proper function of the board. To accomplish this purpose, certain procedures shall be adopted which may include, without limitation, a regularly scheduled meeting attended by members of the BOA. A record of the reviews and decisions shall be made. These records shall be preserved as part of the official proceedings for each development proposal. The BOA shall generally follow "Robert's Rules of Order" and may prepare and adopt supplemental procedural rules, upon the approval of the city commission, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the review process. The concurring vote of four members of the BOA is required to approve or approve with conditions any application or other action.

Secs. 2.05.1040-2.05.1099. Reserved.

DIVISION 11. JOINT AIRPORT BOARD

Sec 2.05.1100. Creation of joint board.
Sec 2.05.1110. Board personnel.
Sec 2.05.1120. Duties of board.
Sec 2.05.1130. Duration of agreement.
Sec 2.05.1140. Polson airport contract.
Secs. 2.05.1150-2.05.1199. Reserved.

Sec 2.05.1100. Creation of joint board.

By a joint resolution of the board of county commissioners of Lake County, the Poison city council, the Ronan city council and the St. Ignatius town council, originally adopted November 3, 1947, there is hereby established a joint airport or landing field in Lake County, all pursuant to the authority granted by state law.

Sec 2.05.1110. Board personnel.

The joint airport board shall consist of five members appointed by the governing bodies of each participant. Two shall be appointed by Lake County, one from the city of Ronan, one from the town of St. Ignatius and one from the city of Polson. Each member shall be appointed for a three-year term. Members shall receive such compensation as may be established from time to time by the board.

Sec 2.05.1120. Duties of board.

The board shall have jurisdiction over the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of all airports in Lake County. The board shall also send each governing body a copy of its meeting minutes and budget.

Sec 2.05.1130. Duration of agreement.

This agreement for a joint airport board shall be effective for 20 years and may be renewed by mutual agreement of the participating members.

Sec 2.05.1140. Polson airport contract.

The joint board shall contract for operation of the Polson airport with such individual or individuals as it feels will be responsible for the proper administration of the airport. Said individual or individuals shall receive such compensation as may be established in the contract.

Secs. 2.05.1150-2.05.1199. Reserved.

DIVISION 12. GOLF BOARD

Sec. 2.05.1200. Creation; membership
Sec. 2.05.1210. Duties
Sec. 2.05.1220. Compensation
Secs. 2.05.1230-2.05.1299. Reserved.

Sec. 2.05.1200. Creation; membership.

There is hereby created an advisory board to be known as the City of Polson Golf Course Board which shall consist of seven members. The majority of the board members must be city residents. Such board shall be nominated by the city manager and confirmed by the commission. The initial terms of service shall be one, two, and three years, to provide for the staggering of terms. In the event a member must resign before the expiration of his or her term of service a new member shall be appointed in the manner described herein to complete the term of the member that is replaced.

Sec. 2.05.1210. Duties.

The Polson Golf Course board shall serve as an advisory board to the commission. The golf superintendent, golf professional and the liquor manager shall annually consider and submit to the council for approval a fiscal year budget and golf course fee structure as those matters are encompassed within their respective duties, taking into consideration recommendations by the golf board. The golf board shall review the budgets as presented prior to adoption by the commission. The board shall consider issues pertaining to the Polson Golf Course brought to them by the season pass holders, the golfing public and Polson city residents. The board shall address those issues and make recommendations to the commission if action is necessary.

Sec. 2.05.1220. Compensation.

The members of the board shall receive no compensation, unless otherwise provided by the commission.

Secs. 2.05.1230-2.05.1299. Reserved.

DIVISION 13. POLICE COMMISSION.

Sec. 2.05.1300. Police Commission created.
Secs, 2.05.1310-1399. Reserved.

Sec. 2.05.1300. Police Commission created.

There is hereby created for the city a commission as provided in Section 7-32-4151, MCA to be known as the Polson Police Commission. 7-32-4151. The manager shall nominate and, with the consent of the city commission, appoint three residents of the city who shall have the qualifications required by law to hold a municipal office therein. The police commission shall have all duties, responsibilities and powers provided by Montana law and shall operate in accordance therewith.

Secs, 2.05.1310-1399. Reserved.

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 9 (MOTION)
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Chapter 2 Article 6 of the City of Polson Book of Ordinances. This will be the first reading of this Ordinance. The second reading will be March 2, 2015.

BACKGROUND: Several months ago it was proposed to review and recodify the City of Polson Municipal Code. Rather than rewrite the entire code and then adopt all of the code at one time, based on staff recommendation, the City Commission directed that we move forward with the recodification process and adopt the new code in pieces when completed.

ANALYSIS: Chapter 2 Articles 4 and 5 reviewed by the City Commission at a Work Session held on October 27, 2014. Changes that were discussed at the Work Session have been incorporated. These Articles have been posted to the City website since the October 27th meeting and a separate email address was set up and posted to the City website for any additional comments by City Commissioners or the public. None have been received.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Staff recommends approval of the 1st reading of the ordinance

SUGGESTED MOTION: ***I make a motion to approve the 1st reading of the Ordinance adopting Chapter 2 Article 6 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance with Chapter 2, Article 6

ORDINANCE Ord #_____

AN ORDINANCE TO ADOPT
CHAPTER 2, ARTICLE 6. FINANCE
TO THE CITY OF POLSON BOOK OF ORDINANCES

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

WHEREAS, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

ARTICLE 6. FINANCE

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: 02/18/2015
First Reading: ____ayes ____nays ____abstentions

Date:_____
Second Reading: ____ayes ____nays ____abstentions

Effective Date: _____

_____
Mayor

Attest:

_____
City Clerk

ARTICLE 6. FINANCE

DIVISION 1. - GENERALLY
DIVISION 2. - BUDGET
DIVISION 3. - COLLECTION OF TAXES
DIVISION 4. - ACQUISITION AND TRANSFER OF CITY PROPERTY
DIVISION 5. - SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND
DIVISION 6. - URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICTS
DIVISION 7. - BUSINESS IMPROVEMENT DISTRICT PROGRAMS
DIVISION 8. - IMPACT FEES
DIVISION 9. - INSUFFICIENT FUNDS CHECKS

DIVISION 1. GENERALLY

Sec. 2.06.100. Transfer of funds: when authorized.
Sec. 2.06.110. Depository designated.
Secs. 2.06.120-2.06.199. Reserved.

Sec. 2.06.100. Transfer of funds; when authorized.

The commission shall have power to transfer funds or moneys collected under the general levy, or for fees, licenses or fines, from any fund into which they may have been paid, to any other fund; provided, however, there shall be a surplus in the fund from which such transfer is made.

Sec. 2.06.110. Depository designated.

The commission shall, from time to time, and upon consideration of bids therefore, declare by motion and vote a banking institution located in and/or doing business in the city, which shall serve as the official depository of the funds of the city.

Secs. 2.06.120-2.06.199. Reserved.

DIVISION 2. BUDGET

Sec. 2.06.200. Budget administration and oversight.
Sec. 2.06.210. Budget operating guidelines.
Sec. 2.06.220. Budget status reporting.
Sec. 2.06.230. Minimum level of budgeted general fund unreserved fund balance.
Secs. 2.06.240-2.06.299. Reserved.

Sec. 2.06.200. Budget administration and oversight.

A. Responsibilities of the city commission.

1. To adopt the annual budget.
2. To amend the budget, as necessary.
3. To review budget status reports, as presented.
4. To review claims payable listings, as presented.

B. Responsibilities of the city manager.

1. To execute the budget that has been adopted by the commission.
2. To propose and schedule budget amendments, as necessary.
3. To report to the commission on the financial condition of the city and the status of the budget, according to the methods described in section 2.06.330

Sec. 2.06.210. Budget operating guidelines.

A. Once the approved budget has been adopted, the city manager has the authority to administer all city accounts, in accordance with the approved budget. Within the any fund, the city manager may re-allocate appropriation authority among line items as long as the total appropriation amount is not increased.

B. In addition, the city commission hereby delegates appropriation and budget amendment authority to the city manager for the expenditures from the following funds: debt service funds; fee-based budgets; trust funds; federal, state and private grants accepted and approved by the city commission; special assessments; moneys borrowed during the year; proceeds from sale of land; and funds for gifts or donations.

C. Through the annual appropriation resolution each year, the city commission will authorize and re-appropriate the unexpended balance of capital improvement program items and building repair and maintenance items previously budgeted which have not been completed.

Sec. 2.06.220. Budget status reporting.

The city manager will compile the following reports and make them available to the commission, city departments and the public:

1. Monthly claims payable listings by account.
2. Monthly budget-to-actual expenditure report.
3. Quarterly summary of revenues and expenditures report.

Sec. 2.06.230. Minimum level of budgeted general fund unreserved fund balance.

The city manager will recommend and the commission will adopt an approved budget that results in a year-end general fund unreserved fund balance of no less than 16 2/3 percent of estimated general fund expenditures. If the commission desires to adopt or amend the budget in a way that decreases the general fund unreserved fund balance to a level below 16 2/3 percent of estimated general fund expenditures, they may do so after holding a separate public hearing to state why it is in the best interest of the city to do so. At no time may a budget be adopted or amended that results in a year-end general fund unreserved fund balance of less than five percent of estimated general fund expenditures. This limit does not apply in case of an emergency, pursuant to state law.

Secs. 2.06.240-2.06.299. Reserved.

DIVISION 3. COLLECTION OF TAXES

Sec. 2.06.300. Tax collection by county: when authorized.
Sec. 2.06.301. city manager may delegate duties.
Sec. 2.06.310. Annual city tax levy determination.
Sec. 2.06.320. Monthly settlement and collection from county treasurer.
Sec. 2.06.330. Annual tax reports to commission: contents.
Sec. 2.06.340. Special assessments—Collection procedure.
Sec. 2.06.350. Same—Procedure for levy.
Sec. 2.06.360. Same—Payable when: delinquency penalty.
Sec. 2.06.370. Same—Delinquency report.
Sec. 2.06.371. Delinquent assessments—Declaration by resolution: conditions.
Sec. 2.06.372. Same—Certificates to county clerk and county treasurer.
Sec. 2.06.373. Same—Notice publication, if required.
Sec. 2.06.374. Same—Payment procedure.
Sec. 2.06.375. Delinquent tax sales: city manager authority and duties.
Sec. 2.06.376. Reinstating special assessments.
Sec. 2.06.377. Special improvement districts: annual reports.
Secs. 2.06.378-2.06.399. Reserved.

Sec. 2.06.300. Tax collection by county; when authorized.

All taxes levied by the city of Polson for general, municipal special and administrative purposes shall be collected by the county treasurer, as provided by MCA 7-6-4413.

Sec. 2.06.301. city manager may delegate duties.

The city manager may delegate any and all duties required by this Division. Responsibility to delegate and to carry out such duties shall remain on the city manager.

Sec. 2.06.310. Annual city tax levy determination.

The city commission must, by the second Monday in August, by resolution, determine the amount of the city taxes for all purposes to be levied and assessed on the taxable property in the city for the current fiscal year, and the clerk of the commission must duly certify to the county clerk a copy of such resolution, and the county treasurer must collect such taxes, as provided by MCA 7-6-4413. Such determination may only be delayed if the Montana Department of Revenue fails to supply current assessment values to the city.

Sec. 2.06.320. Monthly settlement and collection from county treasurer.

The city manager or his/her designee shall, after the twelfth day of every month, settle with and collect from the county treasurer all taxes for general, municipal and administrative purposes collected by the county treasurer.

Sec. 2.06.330. Annual tax reports to commission; contents.

A. On or before the second regular commission meeting in January of each and every year, the city manager shall make a report to the commission showing:

1. Total assessable value of property within the city;
2. Taxable value of property within the city;

3. Rate of taxation for the city for general, municipal and administrative purposes;
4. Total amount of taxes due the city for the preceding calendar year;
5. Amount collected;
6. Amount delinquent.

B. On or before the second regular commission meeting in August of each and every year, the city manager shall make a like report to the commission of the city.

C. The reports so made shall likewise contain a statement showing taxes delinquent and due and owing to the city for prior years.

Sec. 2.06.340. Special assessments—Collection procedure.

All special assessments, of whatever kind and character, heretofore levied, or which may be hereafter levied, by the commission of the city to defray the cost of any special improvements in the city, or special assessments heretofore levied or hereafter levied for special purposes, as provided by law and this Code, shall be collected by the county on behalf of the city. The county treasurer shall make these collections in the same manner and at the same time as general taxes are collected by the county treasurer. The city manager shall make proper distribution to the various funds for which such collections are made of all money collected.

Sec. 2.06.350. Same—Procedure for levy.

Within two days after the passage and adoption of any resolution of the city commission levying and assessing any special improvement assessment, the city clerk shall deliver the original or certified copy of such resolution of such levy and assessment to the city manager, and the city manager shall thereupon enter and spread the assessments so made in the special improvement assessment book, against the property against which the assessment is a lien.

Sec. 2.06.360. Same—Payable when; delinquency penalty.

All special assessments, or installments of special assessments, heretofore or hereafter levied and assessed for any purpose whatsoever, duly and regularly levied by resolution according to law, shall be payable in equal installments in the same manner as general property taxes, and in the event the same are not paid on or before said date, the same shall become delinquent and shall be subject to a penalty of two percent, and shall bear interest at the rate of 5/6th of one percent per month from the date of delinquency.

Sec. 2.06.370. Same—Delinquency report

A. On or before the second regular commission meeting in January of each and every year, the city manager shall make to, and file with, the city commission a report showing the delinquencies for that year, and setting forth:

1. The name of the owner;
2. The description of the lot or parcel of property;
3. The amount of delinquent assessments for the current year;
4. The number and amount of unpaid installments of such delinquent special assessments;
5. The amount due and delinquent for other years, if any.

Sec. 2.06.371. Delinquent assessments—Declaration by resolution; conditions.

When the payment of any one installment of any special assessment becomes delinquent, all payments of subsequent installments shall, at the option of the commission of the city, by appropriation resolution duly adopted, become delinquent. The commission shall thereupon, at its option, by appropriation resolution duly adopted, declare all such unpaid special assessments, or installment of such special assessments, and all subsequent installments of such special assessments, due, payable and delinquent. The whole property may be sold the same as other property is sold for taxes. It is within the sound discretion of the city to choose whether to collect delinquent assessments itself or to collect the same as are general taxes payable through the county.

Sec. 2.06.372. Same—Certificates to county clerk and county treasurer.

A. Before January 1 (or before July 1, if the December certification has been omitted or incompletely or improperly made), the city manager shall certify, if necessary, all delinquent taxes and assessments to the county clerk and to the county treasurer for collection as provided by law.

B. Such certificate shall contain:

1. The description of each lot or parcel of land on which any tax or assessment has become delinquent, and against which it is a lien;
2. The name and address of the person to whom assessed;
3. The date when the same became delinquent;
4. The amount of the delinquent tax or assessment;
5. The penalty to be added thereto;
6. The total amount of such delinquent tax or assessment with penalty added; and
7. If any special assessment is payable in installments, and any installment thereof becomes delinquent, the amount of such delinquent installment shall be included in such certificate, provided that in the event the city commission shall by resolution declare the whole of the assessment remaining unpaid to be delinquent, then the whole of the assessment remaining unpaid shall be included in such certificate.

Sec. 2.06.373. Same—Notice publication, if required.

A. Within ten days of the time of filing the certificates required in section 2.06.372, the city manager shall publish if required, in not less than one issue of the daily newspaper of largest circulation in the city, a notice specifying:

1. That the city manager has certified to the county treasurer a complete delinquent list of all persons and property in the city, against which delinquent taxes are a lien and that the county treasurer will sell such property at a later date at public auction unless prior to such auction all delinquent taxes, together with interest, penalties and costs thereon due, are paid;
2. That a complete delinquent list of all persons and property in the city now owing taxes is on file in the office of the county treasurer and in the office of the city manager and is subject to public inspection and examination;

3. That the date of the sale shall be as determined by the county treasurer;
4. That delinquent assessments may be reinstated by complying with the provisions of MCA 7-12-4184.

Sec. 2.06.374. Same- Payment procedure

All delinquent assessments certified to the county clerk and county treasurer shall be paid to and collected, with penalty and interest, by the county treasurer, and that the county treasurer shall account therefor and pay the same to the city manager, as provided by MCA 7-12-4184.

Sec. 2.06.375. Delinquent tax sales; city manager authority and duties.

At the time and place that property in the county upon which delinquent taxes are a lien is sold, at public auction, as provided by MCA 15-17-122, the city manager shall attend each delinquent tax sale, and shall then and there take such proceedings as the commission or city manager may direct, to protect the interests of the city in and to any property sold for delinquent taxes, and in which the city may have an interest by reason of delinquent special assessments which are a lien thereon, and the city may at such delinquent tax sale purchase, and may, under and by virtue of the provisions of MCA 7-12-4227 and 7-12-4228, bid in said property, and have certificate of sale issued to the city; or the city may, at any time subsequent to said delinquent tax sales, or either of them, acquire any of the property struck off to the county at said delinquent tax sales, as provided by said MCA Chapters. 7-12 and 15-17 hereinbefore referred to, and under such terms and conditions as the commission may authorize and direct; that any properties so acquired shall be paid for from the revolving fund, if and when such revolving fund is provided by the commission of the city, as provided by MCA Ch. 7-12.

Sec. 2.06.376. Reinstating special assessments.

When any special assessment, or installment or installments of special assessments, have become delinquent, and are so declared by appropriate resolution of the city commission, and have been certified to the county clerk and county treasurer for collection, as provided in this division, the commission may nevertheless, at its option, upon the payment to the city manager of the assessment, or installment or installments of special assessments, with penalty and interest, up to date, by appropriate resolution, be withdrawn from the county treasurer, and cancelled from the treasurer's records, and reinstated in the office of the city manager in the special improvement assessment book. Such withdrawal and reinstatement may be had and made at any time before or after the sale of the property for delinquent taxes, and before tax deed therefor has been executed. When the commission shall have passed a resolution as contemplated in this division, and when a taxpayer shall have complied with all the conditions therein specified, the city manager shall file with the county clerk and the county treasurer a certified copy of such resolution, which shall be the county treasurer's authority to cancel and withdraw such delinquent special assessments as may be therein specified. The city manager shall then reinstate such assessments or installments on the special improvement assessment book, as the city manager is directed in the resolution of the commission to reinstate.

Sec. 2.06.377. Special improvement districts; annual reports.

A. At the second regular commission meeting in January of each year, or at such time as the commission may direct, the city manager shall make a written report to the

commission showing the status of the assessments and bonds outstanding against the several special improvement districts, setting forth the following:

1. Amount of special assessment levied against each district;
2. Amount of bonds or warrants issued in payment of the cost of the improvement;
3. Bonds or warrants which have been paid;
4. Bonds or warrants outstanding;
5. Special improvement assessments outstanding but not delinquent;
6. Delinquent special assessments, if any, and the property against which such delinquent special assessments are a lien.

Secs. 2.06.378-2.06.399. Reserved.

DIVISION 4. ACQUISITION AND TRANSFER OF CITY PROPERTY

Sec. 2.06.400. Authorization for city to obtain property.
Sec. 2.06.410. Appraisal required for certain purchases of real property or conservation easements.
Sec. 2.06.420. Authorization to sell and exchange city property.
Sec. 2.06.430. Requirements for certain sales.
Sec. 2.06.440. Terms of sale.
Sec. 2.06.450. Current appraisal required for certain sales.
Sec. 2.06.460. Use of proceeds of property disposition.
Secs. 2.06.470-2.06.499. Reserved.

Sec. 2.06.400. Authorization for city to obtain property.

The city commission has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to purchase, receive by donation or exchange, or lease any real or personal property necessary for the use of the city and to preserve, take care of, manage, and control the same.

Sec. 2.06.410. Appraisal required for certain purchases of real property or conservation easements.

Unless otherwise provided by law, the city may not purchase real property in an amount in excess of $50,000.00 or a conservation easement using public funds in an amount in excess of $40,000.00 unless the value of the property or conservation easement has been previously estimated by a disinterested certified general real estate appraiser selected by the city manager.

Sec. 2.06.420. Authorization to sell and exchange city property.

A. The city commission has the power to sell, trade, or exchange any real or personal property, however acquired, belonging to the city that is not necessary to the conduct of city business or the preservation of its property.

B. Whenever the city purchases equipment, as provided in MCA 7-5-4301 through 7-5-4310, city equipment that is not necessary to the conduct of the city business may be

traded in as part of the purchase price or may be sold at public auction, in the discretion of the city manager.

C. Any sale, trade, or exchange of real or personal property must be accomplished under the provisions of this division. In an exchange of real property, the properties must be appraised, and an exchange of city property may not be made unless property received in exchange for the city property is of an equivalent value. If the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value.

D. If the city owns property containing a historically significant building or monument, the city may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

1. Requires the property to be preserved in its present or restored state upon any subsequent transfer; and
2. Provides for the reversion of the property to the city for noncompliance with conditions attached to the transfer.

Sec. 2.06.430. Requirements for certain sales.

When the city commission, after public hearing, has determined by a two-thirds vote of all the members that any real property owned by the city is not needed for public use, or that the public interest may be furthered, the city may sell such property by bid, auction with reserve, or negotiated sale or exchange, subject, where appropriate, to a minimum price established through an appraisal that certifies the value of such property. Notice of sale, exchange, or auction shall be published as provided in MCA 7-1-4127. The city may terminate the sale procedures used at any time and may reinitiate the same or different procedures at a later date.

Sec. 2.06.440. Terms of sale.

A. Except as provided in section 2.06.420.D, a sale under this division must be for cash or on terms that the city commission may approve, provided that at least 20 percent of the purchase price is paid in cash. All deferred payments on the purchase price of any property sold must bear interest at a market rate, payable annually, and may be extended over a period of not more than five years.

B. Subject to section 2.06.420.D, a sale may not be made for less than 90 percent of the appraised value.

C. Subject to section 2.06.420.D, the title to any property sold may not pass from the city until the purchaser or the purchaser's assigns have paid the full amount of the purchase price into the city treasury for the use and benefit of the city.

Sec. 2.06.450. Current appraisal required for certain sales.

Unless otherwise provided, no sale of real property shall be made of any property unless it has been appraised within one year prior to the date of the sale.

Sec. 2.06.460. Use of proceeds of property disposition.

Subject to grant or funding agency limitations, the funds derived from property disposed of in accordance with this division, in the discretion of the city commission, may be credited to any account that is in the best interest of the city.

Secs. 2.06.470-2.06.499. Reserved.

DIVISION 5. SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

Sec. 2.06.500. Established: name and purpose.
Sec. 2.06.510. Sources of funds.
Sec. 2.06.520. Loans from revolving fund to special improvement district fund; conditions.
Sec. 2.06.530. Liens imposed for amounts loaned.
Sec. 2.06.540. Use of surplus in fund.
Sec. 2.06.550. Levy of tax: method and effect.
Sec. 2.06.560. Statutory authority for division provisions.
Secs. 2.06.570-2.06.599. Reserved.

Sec. 2.06.500. Established; name and purpose.

In order to secure the prompt payment of any special improvement district bonds and/or warrants issued in payment of improvements made in any special improvement district or districts created after February 25, 1929, and the interest thereon, as it becomes due, there is created and established a fund to be known and designated as "special improvement district revolving fund."

Sec. 2.06.510. Sources of funds.

A. For the purpose of providing funds for the special improvement district revolving fund, the commission:

1. *Transfer from general fund.* May, in its discretion, from time to time, transfer to the special improvement district revolving fund from the general fund of the city such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be deemed and considered and shall be loans from such general fund to the special improvement district revolving fund; and
2. *Tax levy.* Shall, in addition to such transfers from the general fund, or in lieu thereof, levy and collect for the special improvement district revolving fund such a tax, hereby declared to be for a public purpose, on all the taxable property of the city, as shall be necessary to meet the financial requirements of the fund, such levy, together with such transfer, not to exceed in any one year five percent of the principal amount of the then-outstanding special improvement district bonds and/or warrants.

Sec. 2.06.520. Loans from revolving fund to special improvement district fund; conditions.

Whenever any special improvement district bond or warrant, or interest thereon, issued for improvements made in special improvement districts created after February 25, 1929, shall be or shall become due and payable, and there shall then be either no money or not sufficient money in the appropriate special improvement district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the commission, be loaned by the special improvement district revolving fund to such special improvement district fund, and thereupon such bond or warrant or such interest thereon, whether it be for principal or for interest, or for both, as the commission may in its discretion elect or determine, shall be paid from the money so loaned, or from the money so loaned when added to the insufficient amount, as the case may require.

Sec. 2.06.530. Liens imposed for amounts loaned.

Whenever any loan is made to any special improvement district fund from the special improvement district revolving fund, the special improvement district revolving fund shall have a lien therefor on all unpaid assessments and/or installments of assessments on such district, whether delinquent or not, and on all moneys thereafter coming into such special improvement district fund to the amount of such loan, together with interest thereon from the time it was made at the rate or percentage borne by the bond or warrant for payment of which, or of interest thereon, such loan was made. Whenever there shall be moneys in such special improvement district fund which are not required for the payment of any bond or warrant of such special improvement district, or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the commission, be transferred to the special improvement district revolving fund, and after all the bonds and warrants issued on any special improvement district have been fully paid, all moneys remaining in such special improvement district fund shall, by order of the commission, be transferred to and become a part of the special improvement district revolving fund.

Sec. 2.06.540. Use of surplus in fund.

Whenever there is, in the special improvement district revolving fund, an amount in excess of the amount which the commission deems necessary for the payment or redemption of maturing bonds or warrants, or interest thereon, the commission may:

A. *Transfer to general fund.* By a vote of all its members, at a meeting called for that purpose, order such excess, or any part thereof, transferred to the general fund of the city; or

B. *Purchase of property for delinquent taxes.* Use such excess, or any part thereof, for the purpose of purchase of property at sales for delinquent taxes or assessments, or both, or which may have been struck off or sold to the county for delinquent taxes or assessments, or both, and against which property there then are any unpaid assessments for special improvements on account whereof there are outstanding special improvement district bonds or warrants of the city; and

C. *Disposition of property.* Sell any tax certificates issued on any such sale or sales. After acquiring title to such property, the commission may lease such property or sell the same at public or private sale and make conveyance thereof, or otherwise dispose thereof, as the interest of the city may require; and all proceeds from such sale of tax certificates, or from such leasing, sale or other disposition of the property, shall belong to and be paid into the special improvement district revolving fund, and be subject to transfer, in whole or

in part, to the general fund by the vote of all the members of the commission at a meeting called for that purpose, as hereinbefore provided.

Sec. 2.06.550. Levy of tax; method and effect.

The special tax to be levied, as herein provided in section 2.06.510, shall be in addition to the tax for general, municipal and administrative purposes, and the levy shall be made by the commission at the time and by the resolution passed and adopted by the commission.

Sec. 2.06.560. Statutory authority for division provisions.

This division is passed pursuant to the power and authority vested in the commission by Chapter 24, Laws of Montana, 21st Session, 1929, entitled:

"An Act Relating to Special Improvement Districts in Cities and Towns; Authorizing the Creation, Maintenance and Use of a Special Improvement District Revolving Fund in any city or Town for the Purpose of Securing Prompt Payment of Special Improvement District Bonds and Warrants and Interest Thereon, and Requiring Levy of Taxes When Necessary for the Financial Requirements of Such Fund," and the interpretation thereof by the Supreme Court of the state in the case of *Stanley v. Jeffries,* 86 Mont. 114. The statute is now codified as MCA 7-12-4221 et seq.

Secs. 2.06.570-2.06.599. Reserved.

DIVISION 6. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICTS

Sec. 2.06.600. Urban renewal, tax increment, and economic development districts: creation.
Sec. 2.06.610. Costs which may be paid from tax increments.
Sec. 2.06.620. Use of tax increments for bond payments.
Sec. 2.06.630. Contents of ordinance.
Sec. 2.06.640. Termination of tax increment financing provisions.
Sec. 2.06.650. Administration.
Secs. 2.06.660-2.06.699. Reserved.

Sec. 2.06.600. Urban renewal, tax increment, and economic development districts; creation.

A. The city commission may, from time to time, create by ordinance an urban renewal, tax increment financing, or economic development district pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA, following a public hearing on the proposed district. In order for land to be included in the proposed district, in addition to the requirements of Montana law, it must:

1. Consist of an area with an accurately described boundary;
2. Not be contained within the boundaries of another tax increment financing, urban renewal, or other economic development district with a tax increment provision;
3. Be zoned in accordance for the purposes for which the district will be created and be in compliance with the Polson Growth Policy; and
4. Be determined to be in compliance with all other legal requirements.

B. The district must have as its purpose only those authorized by law.

C. Notice of the public hearing on the creation of a proposed district shall be given in accordance with the provisions of MCA 7-15-4215.

Sec. 2.06.610. Costs which may be paid from tax increments.

The district's tax increment may be used to pay for the costs incurred by an authorized urban renewal, tax increment, economic development or authorized infrastructure development project (in that district) as provided by Title 7, Chapter Parts 42 and 43, MCA and as authorized by ordinance of the city commission.

Sec. 2.06.620. Use of tax increments for bond payments.

The tax increments received may be pledged for the payment of the principal of premiums, if any, and interest on bonds which the city may issue for the purpose of providing funds to pay for costs accrued pursuant to section 2.06.610.

Sec. 2.06.630. Contents of ordinance.

A. Each ordinance creating an urban renewal, tax increment financing, or economic development district shall:

1. Designate each district by number;
2. Set forth a legal description of and map showing the boundaries of the district;
3. Include a plan that describes the district or development project and contains provisions for undertaking and implementing the district or project; and
4. Establish the base year for the calculation of tax increment within the district.

Sec. 2.06.640. Termination of tax increment financing provisions.

An urban renewal or economic development district's tax increment financing provisions shall terminate pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA.

Sec. 2.06.650. Administration.

The urban renewal, tax increment financing, or economic development district programs created pursuant to this division shall be administered by the city commission. The commission shall be advised on matters pertaining to the program by a district board created pursuant to article 5, division 5 of this chapter and may delegate specific authority to such board pursuant to ordinance or resolution.

Secs. 2.06.660-2.06.699. Reserved

DIVISION 7. BUSINESS IMPROVEMENT DISTRICT PROGRAMS

Sec. 2.06.700. Purpose and intent.

Sec. 2.06.710. Polson Downtown Business Improvement District (Streetscape Project).
Secs. 2.06.720-2.06.799. Reserved.

Sec. 2.06.700. Purpose and intent.

The purpose and intent of this division is to provide for the specific program components of any business improvement districts within the city created pursuant to Title 7, chapter 12, part 11, Montana Code Annotated (MCA 7-12-1101 et seq.). The districts may be administered as provided by a single board of trustees for the whole or by individual boards of trustees for each district created pursuant to these ordinances. The purpose of a business improvement district is to serve a public use, promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district and of the people of this state and be of specific benefit to the property within the boundaries of each district.

Sec. 2.06.710. Polson Downtown Business Improvement District (Streetscape Project).

There is hereby created the Polson Downtown Business Improvement District, known commonly as the Streetscape Project, and funding through tax increment financing and bonding is approved. (Ordinance No. 653-January 20, 2010) The boundaries of such district are shown upon such previous Ordinance and adopted herein.

Secs. 2.06.720-2.06.799. Reserved.

DIVISION 8. IMPACT FEES

Sec. 2.06.800. Short title.
Sec. 2.06.810. Findings.
Sec. 2.06.820. Intent.
Sec. 2.06.830. Authority.
Sec. 2.06.840. Definitions.
Sec. 2.06.850. Applicability.
Sec. 2.06.860. Establishment of Impact Fee Districts.
Sec. 2.06.870. Imposition of Impact Fees.
Sec. 2.06.880. Calculation of Impact Fee and Impact Fee Schedules.
Sec. 2.06.881. Administration and Collection of Impact Fees.
Sec. 2.06.882. Service Charge.
Sec. 2.06.883. Administrative Process for Impact Fee Re-determinations, refunds, credits, and reimbursements.
Sec. 2.06.884. Judicial Review.
Sec. 2.06.885. Effect of the Impact Fee on zoning and subdivision regulations.
Sec. 2.06.886. Impact Fee as additional or supplemental requirement.
Sec. 2.06.887. Unitary and Special utility connection fees.
Sec. 2.06.888. Alternative Collection Method
Sec. 2.06.889. Liberal construction.
Sec. 2.06.890. Severability.
Secs. 2.06.891-2.06.899. Reserved.

Sec. 2.06.800. Short title.

This chapter shall be known and cited as the "Polson Development Impact Fee Ordinance." This Ordinance is a recodification of Ordinance No. 663 as adopted June 18, 2012, in its entirety and as may have been amended thereafter. Changes have been made to reflect recodification and to correct obvious grammatical and punctuation errors.

Sec. 2.06.810. Findings.

The city commission of Polson, Montana (hereinafter "commission") hereby finds and declares that:

A. Polson, Montana, (hereinafter "city") has experienced New Development, including redevelopment, and population growth during the 1990's and 2000's, which development has strained the adequacy of existing sources of funds to provide public facilities to meet the demands created by New Development and redevelopment. The city has experienced an unprecedented rate of New Development in recent years increasing the strain on the city's ability to provide necessary public facilities and services.

B. The Master Plan for Polson, as adopted and amended by the commission and census and population studies predict that growth will continue and will create significant demands for public facilities needed to accommodate New Development; yet this revision of 2012 takes into consideration the current local and national economic situation.

C. The City of Polson's Master Plan and the Capital Improvements Plan, as amended from time to time in conformance with Section 7-6-1602 of the Montana Codes, identify the need for additional public facilities necessary to insure the health, safety and welfare of the residents and property owners in the city. These needs include additional facilities and equipment for park improvements and trails, water system, sanitary sewer system, and fire-rescue which represent essential responsibilities under the police power authority of the city.

D. Impact fees are a reasonable method of regulating New Development to ensure that such New Development pays a proportionate share of the capital costs of public facilities needed to accommodate New Development. The impact fees set forth in this chapter establish a fair and reasonable method of regulating New Development in the city. It is the intent of this chapter that New Development in the city will pay a proportionate share of the average public facility costs reasonably related to and reasonably attributable to the New Development's share of the cost of infrastructure improvements made necessary by the New Development.

E. Funds collected pursuant to this chapter shall be expended only on the type of public facility for which the fees are collected and only for public facilities which have a "rational nexus" to and provide benefit to New Development on which fees are imposed pursuant to this chapter. Funds collected pursuant to this chapter shall not be expended to maintain or repair existing facilities or to correct existing deficiencies in facility systems needed to serve existing development. Impact fees may be imposed for remodeling, rehabilitation, or other improvements to an existing structure or use to the extent of the net increase between the old and new demand.

F. The commission hereby finds and declares that all New Development, as defined herein, within the city generates an increased demand for System Improvements to the water system, sanitary sewer system, and fire-rescue, and that all new Residential

Development within the city also generates an increased demand for park facilities. The commission hereby finds and declares that the System Improvements to be funded by the Impact Fees imposed herein will provide benefit to all New Development in the city.

G. The commission hereby finds and declares that the Impact Fees imposed pursuant to this chapter comply with the requirements of Title 7, Chapter 6, Part 16 of the Montana Codes.

H. The commission has considered the matter of funding additional public facilities, the need for which is reasonably related to New Development and finds that the imposition of updated Impact Fees is critical to the city's ability to provide such facilities. The commission hereby finds and declares that the Impact Fees imposed herein are necessary to protect the public health, safety and welfare of residents and property owners in the city and are a reasonable exercise of the city's police power. Therefore, the commission deems it essential and necessary to adopt this chapter as hereinafter set forth.

I. It is necessary and desirous to collect and clarify all fees related to new development and connection with the utility systems, and to simplify administration thereof.

Sec. 2.06.820. Intent.

A. This chapter is intended to address the citywide infrastructure impacts of New Development by imposing the several development fees, from and after the Effective Date hereof, payable no earlier than the date of issuance of a Building Permit if a building permit is required for the development or no earlier than the time of wastewater or water service Connection if any, in an amount based upon the average amount of facility demand attributable to New Development and the average cost of providing the public facilities needed to accommodate New Development, as further set forth herein, and as the same may be amended from time to time. This chapter is intended to allow New Development to help address the burdens of growth. New Development shares in this burden by paying a proportionate share of the reasonably anticipated average costs of public facilities needed to accommodate the demand for additional facilities created by New Development as well as by complying with other appropriate development regulations and approval conditions. This chapter shall not be construed to authorize imposition of Impact Fees for public facility needs attributable to existing development.

B. The Development Impact Fees imposed pursuant to this chapter are based upon the data and calculation methodology incorporated in the "Development Impact Fees, city of Polson, Montana" by TischlerBise, Fiscal and Economic & Planning Consultants, dated February 5, 2007.

Sec. 2.06.830. Authority.

The continued imposition and collection of Impact Fees is an exercise of the commissions' charter self-government powers. In addition the commission is exercising its police powers, pursuant to the Montana Constitution. The provisions of this chapter shall not be construed to limit the scope of the city's power necessary to accomplish these purposes.

Sec. 2.06.840. Definitions.

As applied in this chapter, the following words and terms shall have the following meaning, unless another meaning is clearly intended:

Administration Fee shall mean the fee collected in addition to and at the same time as Impact Fees, to be used and distributed as appropriate for Impact Fee administration, for financial administration, and for costs related to the establishment, amendment and annual review/update of the Impact Fee ordinance and methodology.

Applicant shall mean the property owner, or duly designated agent of the property owner, of land on which a Building Permit, or water or wastewater connection, is requested and Impact Fees are due pursuant to this chapter, or shall mean the property owner, or duly designated agent of the property owner, of land identified in a credit agreement pursuant to Section 6.12(d) where such property owner or agent is responsible for the provision of System Improvement(s).

Appropriation shall mean funds identified in the CIP with the legal authority to expend such funds up to a certain dollar amount.

Building Permit shall mean the permit required for new construction, remodeling, redevelopment and additions pursuant to the Polson Development Code, as the same presently exist or may in future be amended. If no Building Permit is required for the construction or occupation of a structure then Building Permit shall be deemed to include any permit or other form of final city approval for the construction, change of use or occupancy of a structure, including but not limited to the conversion of hotel, motel or other lodging, with or without cooking facilities, to condominium or other residential use, and likewise, to include the authorization of connection of water or wastewater, or both, facilities to the structure or development. The term "Building Permit," as used in this chapter, shall be deemed to include a Mobile Home installation permit issued pursuant to the city building code or any equivalent permit or approval, and shall include occupational licenses.

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Capital Improvements Program (CIP) shall mean the five-year schedule of capital improvements adopted by the city annually as part of the city budget process.

Capital Improvement Projects shall mean all projects for which funds are appropriated in the CIP. Capital improvement projects, including, but not limited to, capital equipment, land, facilities and site improvements, that are funded in whole or in part with Impact Fee funds must have a useful life of ten (10) years or more and increase or improve the service capacity of a public facility.

City Commission or *commission* shall mean the City Commission of Polson, Montana.

City manager shall mean that office vested with the executive power of the city from and after July 1, 2007.

Collecting Agency shall mean the city department or official authorized to issue Building Permits or to authorize or permit new Connections to existing water or wastewater facilities.

Connection Connection means either the connection by an individual lot or building in New Development to a public utility system, or the connection of a new main line serving New Development to existing city public utility or utilities.

Demand Unit shall mean the unit of public facility demand associated with various land uses and types of New Development as identified in the Development Impact Fees report and used to

calculate the impact fees listed for each type of New Development in the Impact Fee schedules in Section 2.06.870 herein.

Dwelling Unit shall mean a room or interconnected rooms, containing sleeping and sanitary facilities and one kitchen provided for the exclusive use of a single household. The term "Dwelling Unit," as used in this chapter, shall be deemed to include mobile home and manufactured home dwellings.

Fire System Improvement means System Improvements including improvements, land, and equipment with a useful life of ten (10) years or more that increase or improve the service capacity of the public Fire System utility, including but not limited to the city's fire and rescue system, including facilities, fire suppression vehicles and equipment, and emergency medical services vehicles and equipment.

Governmental Uses means New Development or System Improvements built specifically for use by the city of Polson or any agency, department, or division thereof, to include any such facility built or maintained pursuant to an Interlocal Agreement with any other unit of government.

Gross Floor Area (gfa) shall mean the total square footage of a building measured in feet from the exterior faces of exterior walls or other exterior boundaries of the building, excluding parking areas within the interior of the building. If a site contains multiple buildings, the gross floor area shall be computed separately for each building. The definition of Gross Floor Area in the ITE Trip Generation Manual shall be used to resolve any questions regarding calculation of gross floor area.

Impact Fee shall mean a monetary exaction imposed pursuant to the implementation processes outlined elsewhere in this Chapter and calculated based upon a New Development's proportionate share of the average cost of capital improvements needed to address the additional capital facility capacity and equipment needed to accommodate the demand for public facilities created by New Development. The term does not include a charge or fee to pay for administration, plan review, or inspection costs associated with a permit required for development; a connection charge; any other fee authorized by law, including but not limited to user fees, special improvement district assessments, and the like; or onsite or offsite improvements necessary for new development to meet the safety, level of service, and other minimum development standards that have been adopted by the city.

Impact Fee Advisory Committee, hereinafter Advisory Committee, shall mean that Committee created hereunder to review and monitor the process of calculating, assessing, and spending impact fees.

Impact Fee Review Board, hereinafter Review Board, shall mean that Board created hereunder to hear and make recommendations for commission consideration in the situations further set forth herein.

ITE Trip Generation Manual shall mean the report entitled "Trip Generation" (Seventh Edition, 2003) of the Institute of Transportation Engineers, and any official updates thereto, as approved and accepted by the city.

New Development shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Building Permit, as defined in this chapter, and which generates demand for capital facilities over and above the

previously existing documented use or development of the structure or land. New Development shall include changes in the use of a structure, for example and not by way of limitation the conversion of a structure from lodging (with or without cooking facilities) to residential use, whether or not physical changes are required to an existing structure. New Development excludes Governmental Uses as herein defined. New Development does not include remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged structure unless there is an increase in demand units that increase service demand and, in such case, Impact Fees shall be imposed only on the net increase between the old and the new demand.
Nonresidential Development shall mean all New Development other than Residential Development and Governmental Uses as herein defined. Nonresidential Development includes, but is not limited to, industrial, manufacturing, warehousing, mini-warehousing, lodging (with or without cooking facilities), schools and daycare, hospital, nursing home, general office, medical-dental office, business park, and commercial uses, and includes those uses specified in the ITE Trip Generation Manual under Land Use Code Series 100, 300, 400, 500, 600, 700, 800, and 900.

Other Residential Development means Residential Development other than Single-Family Detached Residential Development and includes, but is not limited to, condominium development, multi-family development and townhouse/duplex development.

Parks System Improvement means land, capital improvements, capital facilities and capital equipment that add capacity to the city park system, including city-wide parks and associated improvements as well as open space and conservation land or easements and associated improvements, including trails and trail systems for non-motorized traffic, with a useful life of ten (10) years or more.

Project Costs shall mean amounts spent or authorized to be spent in connection with the acquisition, planning, legal, fiscal, economic, engineering, administrative services, financing, construction, equipping, development, and other costs associated with a public facility project.
Residential Development shall mean development of a structure or structures solely dedicated to the housing of a person or persons to live, cook and/or sleep within on a permanent basis, as either owner, renter or lessee provided, however, that adult congregate living facilities, retirement homes, nursing homes and other structures operated by a social service organization to provide residential care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged shall be considered to be Nonresidential Development as defined herein.

Service Charge shall mean a charge that shall be collected in addition to the applicable Impact Fee amount for expenses associated with the establishment, amendment, periodic update and administration of the Impact Fee system and ordinance. The Service Charge shall be reviewed as part of the annual review provided for in Section 6.10 or at such other times as deemed necessary based upon information submitted by the city manager. The Service Charge is in addition to and shall be paid separately from the Impact Fee, but shall be payable at the time of Building Permit issuance, or authorized connection to water or sanitary sewer systems, and shall be for the purpose of defraying expenses of creating and maintaining the Impact Fee system, including but not limited to costs associated with consultants, administrative staff, equipment, software, and other expenses incurred in managing and maintaining the Impact Fee system.

Single-Family Detached Residential Development shall mean Residential Development consisting of a detached structure containing only one Dwelling Unit per structure and intended for occupancy by a single household.

System Improvements shall mean Capital Improvements, as defined in this chapter, that provide additional capacity and that serve multiple development projects, multiple neighborhoods or the entire city. System Improvements may include, but are not limited to, land, facilities, site improvements, furnishings, capital equipment, and vehicles. System Improvements shall not include property, capital facilities or capital equipment needed solely to serve a specific development. System Improvements shall not include replacement, rehabilitation, operations or maintenance of land, facilities or equipment.

System Improvement Cost shall mean amounts spent or appropriated in connection with the planning, financing, acquisition, construction and/or development of a System Improvement, including, without limitation, the costs of land acquisition and development, surveying, site testing, construction, design, engineering, construction management and inspection, permitting, legal services, financial services and administrative costs. Ancillary improvements directly related to a System Improvement, including but not limited to, parking, drainage improvements, landscaping, and capital equipment and furnishings shall be considered part of the cost of the System Improvement. System Improvement Costs shall not include costs related to operations, maintenance, rehabilitation or replacement of capital facilities or equipment.

Technical Report shall mean the report titled "Development Impact Fees: city of Polson, Montana" by TischlerBise, Fiscal, and Economic & Planning Consultants, dated February 5, 2007. The Technical Report is adopted by reference and is incorporated herein as if set forth in its entirety.

Sec. 2.06.850. Applicability.

A. From and after the Effective Date hereof, this chapter shall be uniformly applicable to all New Development as defined in this chapter, and the appropriate Impact Fee shall be collected prior to issuance of a Building Permit, as defined in this chapter, or the time of wastewater or water service Connection, except where a Building Permit is issued for additions, remodeling, rehabilitation or other improvements to an existing structure or reconstruction of a damaged or destroyed structure, whether voluntary or involuntary, which result in no net increase in the number of demand units, all as set forth herein. In such event impact fees shall be imposed only for the net increase between the old and new demand units.

B. Where this chapter becomes applicable due to: (i) additions, remodeling, rehabilitation or other improvements to an existing structure,(ii) reconstruction of a damaged or destroyed structure, whether voluntary or involuntary, (iii) a change in the use of a structure or land that increases the demand for public facilities, (iv) an increase in the number of demand units, the amount of the Impact Fees shall be based solely upon the net increase in the demand for public facilities based on a comparison of the Impact Fees calculated for the prior development/use to the Impact Fees calculated for the proposed development/use. The Applicant has the burden of submitting satisfactory documentation to the city proving the type and amount of previously existing use/development for use by the city in determining the net increase for calculation of Impact Fees due. No refund of Impact Fees previously paid shall be provided for any decrease in the amount or type of development.

C. Notwithstanding subsections A or B above, this chapter shall not be applicable to Building Permits issued by the city prior to 8:00 am on the Effective Date of this Ordinance, when the Applicant proceeds to issuance of Certificate of Occupancy without invalidation, suspension or abandonment of the corresponding Building Permit.

Sec. 2.06.860. Establishment of Impact Fee Districts.

In furtherance of the implementation of this chapter, the commission hereby establishes the following benefit districts for the identified Impact Fees:

A. Park Impact Fee Benefit District which boundary is identical with the boundary of the city, as may be adjusted from time to time;

B. Fire-Rescue Impact Fee Benefit District which boundary is identical with the boundary of the city, as may be adjusted from time to time; and

C. Water System Impact Fee Benefit District which boundary is identical with the boundaries of land contiguous to the utility.

D. Sanitary Sewer Impact Fee Benefit District which boundary is identical with the boundaries of land contiguous to the utility.

Sec. 2.06.870. Imposition of Impact Fees.

No Building Permit shall be issued, nor any water or wastewater Connection made, for New Development in any of the defined Districts unless the Applicant therefore has paid the applicable Impact Fees and applicable Service Fee and Service Charge, receiving any credit applicable thereto, at the time and in the manner imposed by this chapter or any other city Code provision. Any Building Permit issued for New Development without payment by the Applicant and collection by the city of the applicable Impact Fees and Service Charge if applicable, shall be null and void.

Sec. 2.06.880. Calculation of Impact Fee and Impact Fee Schedules.

A. The city shall calculate the Impact Fees due under this chapter by:

1. For each public facility for which an impact fee is imposed hereunder, the governmental entity has prepared and approved documentation, and shall update and verify the same as required, all pursuant to Section 7-6-1602 of the Montana Codes. The total Impact Fees due shall be the sum of the amounts calculated for each applicable Impact Fee in subsection (B) of this section.

2. If the land use applicable to a development is not listed in the fee schedules in subsection (B) below, the fees for the most appropriate land use in the fee schedules, based on the characteristics of the proposed development as determined by the city manager, shall be imposed. If the Applicant believes that none of the land uses in the fee schedules are appropriate, the Applicant shall be responsible for timely filing a petition under Section 6.12 of this chapter. The land use characteristics and descriptions in the ITE Trip Generation Manual shall be used to determine the most appropriate land use. When multiple types of development are included in a building, the Impact Fees due shall be calculated for each type of development and included in the total Impact Fees due. When multiple buildings are included in a Building Permit application, the Impact Fees shall be calculated individually for each building and included in the total Impact Fees due.

3. Where a final petition determination has been made by a final decision issued by the commission after a timely appeal, the Impact Fees due shall be calculated based on such petition determination.

B. Applicable Impact Fee schedules as of the Effective Date hereof:

1. Park Impact Fee Schedule.

ITE Code/Land Use	Impact Fee per Demand Unit
Residential Development (per dwelling unit)	
Single Family Detached	$1,020
All Other Housing Units	$ 806

2. Water System Impact Fee Schedule.

ITE Code/Land Use	Impact Fee per Demand Unit
Residential Development (per dwelling unit)	
Single Family Detached	$3,310
All Other Housing Types	$2,617
Nonresidential Development (per meter/size in inches)	
0.75	$3,313
1.00	$5,633
1.50	$10,935
2.00	$17,563
Fees for meters larger than two inches will be based on an annualized day demand and the net capital cost per gallon of capacity.	

3. Sanitary Sewer Impact Fee Schedule

ITE Code/Land Use	Impact Fee per Demand Unit
Residential Development (per dwelling unit)	
Single Family Detached	$1.531
All Other Housing Types	$1,210
Nonresidential Development (per water meter/meter size in inches)	
0.75	$1,533
1.00	$2,607
1.50	$5,061
2.00	$8,129
Nonresidential sewer fees are based on water meter size. Fees for meters larger than two inches will be based on annualized average day demand and net capital costs per gallon of capacity.	

4. Fire Impact Fee Schedule

ITE Code/Land Use	Impact Fee per Demand Unit
Residential Development (per dwelling unit)	
Single Family Detached	$971
All Other Housing Types	$768
Nonresidential Development (per gross square foot)	
820 Commercial/Shop. Ctr 50,000sf or less	$1.69
820 Commercial/Shop. Ctr 50,001 – 100,000sf	$1.41
820 Commercial/Shop. Ctr 100,001 – 200,000 sf	$1.20
710 General office 25,000sf or less	$0.57
710 General office 25,001 – 50,000sf	$0.49
710 General office 50,001 – 200,000sf	$0.35
720 Medical-Dental Office	$1.13
140 Manufacturing	$0.12
770 Business Park	$0.26
110 Light Industrial	$0.21
150 Warehousing	$0.15
610 Hospital/Clinic	$0.55
151 Mini-Warehouse	$0.07
Other Nonresidential Development (as indicated)	
320 Lodging (per room)	$177
520 Elementary School (per student)	$26
530 Secondary School (per student)	$38
565 Day Care (per student)	$67
620 Nursing Home (per bed)	$74

C. The foregoing tables show the maximum assessable Impact Fees. The commission reserves the right to adjust by separate resolution from time to time the actual percentage to be imposed.

Sec. 2.06.881. Administration and Collection of Impact Fees.

A. *Collection of Impact Fee.* Impact Fees calculated and imposed pursuant to this chapter shall be collected by the Building Department or office of the city prior to issuance of a Building Permit or of a Connection.

B. *Implementation.* Impact Fees are assessable and payable at the following times:

1. *Service Connection to Individual Lots.* Impact Fees shall be assessed and payable at the time of Connection of a service line, or any, to any existing lot or parcel. All requests for Connection to utility services shall be routed through the Building Department for this purpose.
2. *Issuance of Building Permit.* Impact Fees shall be assessed and payable prior to the issuance of a Building Permit for any existing lot or parcel. In the case of lots falling within the ambit of subpart 4 hereof, any credit therefor shall be included in the calculation of the Impact Fee due and payable.
3. *New Development for which Water or Sanitary Sewer Extensions are required.* Impact Fees for any New Development, to include any major or minor subdivision, and including such cases as will require annexation within the

corporate boundaries of the city of Polson, where such New Development will require the extension of water or sanitary sewer mains rather than service connections from existing mains, are due and payable as set forth hereunder:

(i) The total Impact Fees assessable to the New Development, taking into account and including such Impact Fees as are assessable to each individual lot thereof, shall be calculated. In cases where the structure ultimately to eventuate on a commercial lot is unknown, the calculation shall be based upon the fees assessable against a Commercial/Shop Ctr 50,001-100,000 SF. Prior to the time of final plat approval, of either the whole of the New Development, or of a phase thereof, as the same is contemplated in Montana law, the Applicant shall pay fifty percent (50%) of the total calculated Impact Fees assessable to such New Development for which final plat approval is sought. In the case of the Parks Impact Fee, such fee will be netted against the parks in lieu payment assessable under Montana law, as presently exists or as amended in future, and the Applicant shall pay the difference thereof.

(ii) Where an individual described lot or parcel has already been assessed at least fifty percent (50%) of the Impact Fee assessable thereto pursuant to subpart B.3.(i), above, then and in that event, such lot or parcel shall receive a partial credit therefor, consisting of not more than fifty percent (50%) of the Impact Fee otherwise assessable against such Applicant, at such time the Impact Fee otherwise assessable thereto should be paid pursuant to Section B.1. or B.2. hereof, and subject to the requirement that not more than ten (10) years have passed since Impact Fee payment was made under subsection B.3.(i) hereof. Where more than ten (10) years have passed since approval of the preliminary plat where the New Development will be located, the individual lot or parcel shall, prior to the issuance of a Building Permit or of a Connection, be assessed and pay all Impact Fees then due and payable, without credit for prior partial payment.

4. *Transition Provision.* Any subdivision that had received preliminary, but not final, plat approval as of April 17, 2007, is bound by the terms of such preliminary approval. If under such terms the developer paid then-existing capital improvement or connection fees and costs codified at Resolution 627, the same shall be netted on a per-lot basis against the full water and sewer impact fees otherwise applicable under this Chapter. If the preliminary plat conditions included the payment of future impact fee, then no netting of former Resolution 627 fees shall apply.

C. *Administration Fee.* An Administration Fee of five (5) percent of the total Impact Fee assessment shall be collected at the same time as the Impact Fee. The Administration Fee shall be collected from each Applicant and shall be distributed as appropriate for Impact Fee administration, for financial administration, and for costs related to the establishment, amendment and annual review/update of the Impact Fee ordinance and methodology. The Administration Fee is not a part of the Service Charge in Section 2.06.882 hereof and is not refundable.

D. *Accounting and Reporting of Impact Fee Collections and Expenditures.* Impact Fees shall be transferred from the Collecting Agency to the Finance Officer which shall be

responsible for placement of such funds into the appropriate separate accounts by type of Impact Fee and applicable benefit district. The Service Charge shall be placed in a separate account identified for management of the Impact Fee system and disbursed as set forth in this chapter. The Finance Officer shall maintain and keep adequate financial records for each such account which shall show the source and disbursement of all revenues, which shall account for all moneys received, including revenue by Building Permit, and which shall document and ensure that the disbursement of funds from each account shall be used solely and exclusively in accordance with provisions of this chapter. For purposes of petitions for refunds under Sec. 2.06.883 of this chapter, the expenditure and appropriation of Impact Fees shall be deemed to occur in the same sequential order as the collection of Impact Fees, in other words, the first fee in shall be the first fee out.

E. *Propriety funds established.*

1. There is hereby established a separate Impact Fee propriety fund account for each of the following Impact Fees: parks, water system, fire-rescue, service fee, service charge, and sanitary sewer. Funds withdrawn from these accounts must be used solely in accordance with the provisions of subsection (d) of this section. The disbursal of such funds shall be in accordance with the Capital Improvement Program of the city.
2. Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account. The funds of these accounts shall not be commingled with other funds or revenues of the city.

F. *Use of funds collected.* Impact fees collected pursuant to this chapter shall be expended only for the type of System Improvements for which the Impact Fee was imposed and only within the Impact Fee benefit district where the Impact Fee was collected. Impact fees shall be expended only on System Improvements needed to accommodate the demand generated by New Development. Impact fees shall not be expended to eliminate any deficiencies in facilities, land or equipment related to existing development or that may result from adoption of an increased level of service. The funds collected by reason of this chapter shall be used exclusively for the purpose of undertaking System Improvements or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of System Improvements.

G. *Annual review and modification:* Beginning with adoption of the Fiscal Year 2013-2014 Budget, the city shall annually review these Impact Fee ordinance procedures, assumptions, formulas, benefit district designations, and fee calculations, and issue an annual report. The annual report shall be distributed to the commission by the city manager. The annual report should, at a minimum, include information by individual benefit district and facility type on account balances, annual collections, annual expenditures, and System Improvement projects funded in whole or in part with Impact Fees. The annual report should present any recommendations related to the Impact Fee system, including but not limited to, the need for any updates to the Impact Fee calculations, district boundaries, and ordinance. In reviewing the Impact Fee system, the city may consider: development occurring in the prior year, construction of proposed public facilities, changing facility needs, inflation and other economic factors, revised cost estimates for public facilities, land and/or improvements, changes in the availability of other funding sources applicable to impact-fee-related capital improvements, and any

other factors as may be relevant. The data in the annual report may be organized based on the city's fiscal year or calendar year. The annual report shall review the amount of service charges collected and the costs associated with the creation, administration, management and updating of the Impact Fee system and shall provide recommendations on any changes to the amount of the service charge. The annual report shall specifically analyze the need to incorporate new local data compiled in accordance with Section 7-6-1602 of the Montana Codes. Nothing in this chapter shall be construed to limit the commission's authority to amend this chapter at any time.

H. *Annual review and modification:* The city shall conduct a complete review of this ordinance each year with the purpose to determine if changes in costs, facility needs, development patterns, demographics, and any other relevant factors indicate a need to update the Impact Fee calculations, data, methodology or other predicate assumptions or basis of the components contributing to the factors comprising the underlying rational of this Chapter. The annual report issued based on this review shall be distributed to the commission by the city manager. The city shall endeavor to adopt any changes and updates to this Chapter, including updated fee calculations, within a year of completion of such annual report.

Sec. 2.06.882. Service Charge.

A Service Charge in connection with the collection of Impact Fees is hereby established. The Service Charge may also be used to defray expenses related to petitions, appeals and/or legal challenges to this Chapter. The Service Charge shall be reviewed in connection with Section 2.06.881 and shall be set by administrative finding of the city manager and be based upon a review of incurred and anticipated costs to create, administer, update and manage this Chapter and shall not exceed actual costs to the city. The Service Charge is nonrefundable.

Sec. 2.06.883. Administrative Process for Impact Fee Re-determinations, refunds, credits and reimbursements.

A. *Petition process.*

1. Petitions for an Impact Fee Re-determination (IFR), refund of Impact Fees, credits against Impact Fees and/or reimbursements of Impact Fees in view of System Improvements, as each are further outlined below, shall be submitted by written petition under the requirements and time limits provided herein. All petition requests, except petitions for refunds under subsection (c) below, shall be accompanied by such fee as may be established from time to time by the city manager.
2. Sole authority to finally decide petitions for Impact Fee Re-determinations, refund, credits, or reimbursements shall reside with the city commission, which shall receive and consider the advice of the Review Board. The commission shall have full power to affirm, reverse, or modify the action of the Review Board so long as such commission action is based on applicable law and the provisions of this chapter. The decision of the commission shall be reduced to writing and signed by the city manager.
3. Authority is hereby granted to the office of the city manager to form an Impact Fee Review Board, the Board to be constituted as and when necessary to address requests for redetermination, credits, reimbursements, or refunds of

impact fees paid, and shall be, when so constituted, empowered to hear all petitions for Impact Fee Redeterminations, refunds, credits, or any other appeals of city staff findings as the same might otherwise appear in this Chapter or result from the administration thereof. Each Board, when implemented, shall consist of at least two sitting city commissioners, the city manager or his designee, Building Inspector, and Planning director, or any other staff or persons the city manager or his designee deems appropriate.

(i) The Board may adopt any formal or informal internal organization and operating rules it finds adequate to address its responsibilities as outlined herein. All petitions for IFR, refund, or credit shall be submitted to the Review Board for it consideration and advisory opinion. It is within the Board's discretion to decide whether the Petition it has received is complete; if not, the Board is charged to timely apprize the Petitioner of any additional necessary data.

(ii) The Board shall meet from time to time as the city manager deems necessary to timely determine its advisory opinion, but in any event such petition must be presented, together with the Board's advisory opinion, to the commission for a final determination within sixty (60) days of the filing of a complete petition. In its advice the Board must consider the applicable terms of this Chapter, together with such facts and circumstances, in law as well as equity, together with any applicable staff advice or recommendations, as the Board may deem within the intent of this Chapter.

(iii) The Board need not conduct any public hearing; but if the Board determines a hearing necessary to a full determination of the matter, it shall follow that format for hearing, not including statutory notice, outlined elsewhere in this Code applicable to the Planning Board.

(iv) The Board must, in reviewing any petition lodged pursuant to this Chapter, guide its inquiry pursuant to the provisions of this Chapter and applicable Montana law, paying particular attention to sections 2.06.820.A and 2.06.850.A hereof, namely, that assessable Impact Fees must be logically linked to actual Demand Units. It shall issue a final summary written finding on the Petition, which shall include the Board's findings, reasoning, and advice, for consideration by the city commission.

4. Upon written agreement by the city manager and the petitioner, the time limits in this section may be waived for any reason, including, but not limited to, the submittal of additional data and supporting statements by the petitioner.

5. Except as otherwise provided in this subsection, the filing of a petition shall stay action by the city on the application for Building Permit and any other city action related to the development. No Building Permit or other city action shall be issued for development for which a petition has been filed unless the total Impact Fees due, as determined by the city and including any applicable Service Fee and Service Charge, have been paid in full or a sufficient bond or letter of credit satisfactory to the city Attorney has been filed with the city.

B. *Petition for Impact Fee Re-determination.* (IFR) Any Applicant prior to or in conjunction with the submission of an application for a Building Permit, if applicable, or within thirty (30) days of the date of payment of Impact Fees, may petition the Review

Board for a determination that: i) the amount of the Impact Fees imposed on the New Development is inappropriate based on the specific land use category applied to the residential or Nonresidential Development and/or based on the amount of development (dwelling units and/or gross square footage) used to calculate the Impact Fees, ii) the amount of Impact Fees otherwise applicable in Applicant's circumstances should be mitigated on the basis that the Demand Units upon which such calculation is based differs for Applicant's particular proposed New Development; or iii) the Impact Fees are otherwise unlawfully imposed. The petition shall specify in detail the basis on which the Applicant asserts that the amount of the Impact Fees is inappropriate or unlawful. The petition shall be on a form provided by the city and shall, at a minimum, include: identification of the disputed factor(s), a detailed statement asserting the basis for the dispute, the data relied upon by the petitioner, a detailed statement by a qualified professional engineer, planner or other appropriate professional, and, if filed after payment of Impact Fees, a dated receipt for payment of the Impact Fees issued by the city's building department. No Petition shall be deemed complete unless the filing fee therefore has been paid. Failure to timely file a petition for Impact Fee determination shall waive any right to challenge, review or recalculate the Impact Fee payment.

C. *Petition for refund of Impact Fees.*

1. The current owner of property on which an Impact Fee has been paid may apply for a refund of such fee if: i) the city has failed to appropriate or spend the collected fees by the end of the calendar quarter immediately following eight years after the date of payment of the Impact Fee; or ii) the project for which a Building Permit has been issued has been altered resulting in a decrease in the amount of the Impact Fee due.
2. Only the current owner of property may petition for a refund. A petition for refund must be filed within ninety (90) days of any of the above-specified events giving rise to the right to claim a refund. Failure to timely file a petition for refund shall forever waive any right to an Impact Fee refund.
3. The petition for refund shall be submitted to the Review Board on a form provided by the city for such purpose. The petition shall contain a notarized affidavit that petitioner is the current owner of the property; a certified copy of latest tax records for the City of Polson showing the owner of the subject property; a copy of a dated receipt for payment of the Impact Fee on the subject property issued by the city's building department; and a statement of the basis upon which the refund is sought. In the case of any uncertainty regarding the petitioner's right to the refund, the petitioner shall be responsible for providing adequate documentation supporting petitioner's legal rights and agreeing to indemnify and defend the city against any other claims to the refund.
4. Any money refunded pursuant to this subsection shall be returned with interest not to exceed the interest earned on the money while in the care and custody of the city, and in any case not to exceed two percent per annum.

D. *Petition for credits or reimbursements against Impact Fees.*

1. The city may accept the dedication of land or the construction of a System Improvement as a credit against Impact Fees, or in the alternative may reimburse some share of the cost of an installed System Improvement. In either case the need for the dedication or construction must be clearly documented pursuant to Section 7-6-1602 of the Montana Codes. If the same be a dedication of land, the

same must be appropriate for proposed use, as determined pursuant to the petition process, and the petition must be accompanied by a professional, signed appraisal. No credits will be granted for on- or off-site acquisitions or improvements necessary and in mitigation of New Development, which shall in the usual case be such acquisitions or improvements recommended by the Planning Board. The formula for determining any credit applicable hereunder shall consist in the actual value of land dedicated or the cost of plant constructed.

(i) To receive a credit, the Applicant must, prior to the Applicant's construction or dedication of the System Improvement, submit a petition on a form provided by the city, obtain a determination of credit eligibility and the amount of any credit, and enter into a credit agreement with the city. The petition for credit shall contain, at a minimum, the following: a certified copy of the most recently recorded deed for the subject property, preliminary engineering plans and certified costs estimates by an architect, engineer or other appropriate professional for the proposed improvement, legal description of any land proposed to be contributed together with a signed appraisal thereof, proposed schedule for completion of any construction/dedications, identification of the proposed improvement in the current adopted city CIP and the amount of Impact Fee funding for the improvement, and identification in detail, if known, of the development against which the credits are to apply or which will pay the Impact Fees to be used for the credit, including the land use type(s), number of units/gross floor area, anticipated development schedule, and legal descriptions of the subject property. Any appeal of petition determinations on credits must be filed with the Review Board pursuant to this section and a final determination made by the city commission prior to the Applicant's construction, dedication or escrow for which the credit is requested. Failure to timely file a petition for Impact Fee credits shall waive any right to Impact Fee credits.

(ii) No petition for impact fee reimbursement agreement shall be available if more than ten (10) years have passed since the System Improvement or dedication of land forming the basis of the petition. The petition for reimbursement shall contain, at a minimum, the following: a certified copy of the most recently recorded deed for the subject property, if dedication of land is the basis for the reimbursement. If the basis is an installed System Improvement, Applicant must submit as-built engineering plans, and either receipts for installed costs or certified costs estimates by an architect, engineer or other appropriate professional for the System Improvement, a legal description of any easement or land proposed to be contributed together with a signed appraisal thereof, proof, consisting of inspection notes or the like, of acceptability of said System Improvement by any necessary regulatory entity, a map or drawing defining the geographical area served by the System Improvement, if any, and identification in detail, if known, of the development against which the reimbursements are to apply or which will pay the Impact Fees to be used for the reimbursement. No installed System Improvement can operate as a basis for reimbursements if the same cannot meet all necessary regulatory criteria that may apply, if it said System Improvement will not be or has not been dedicated to the city's exclusive ownership, or if the said System

Improvement was installed for and has capacity only to serve an Applicant project. Any appeal of petition determinations for reimbursements must be filed with the Review Board pursuant to this section and a final determination made by the city commission. Failure to timely file a petition for Impact Fee reimbursements shall waive any right to Impact Fee reimbursements.

2. Whether the need for the System Improvement is clearly documented in accordance with Section 7-6-1602 of the Montana Codes and/or this Chapter, and the appropriate amount of the credit, or of a reimbursement, shall be initially determined by the Review Board subject to the final determination of the city commission. The amount of the credit or reimbursement shall be based on actual costs certified by a professional engineer or architect submitted by the Applicant and reviewed and approved by the appropriate city department, or in the case of land, the appraised value thereof. In no event shall the credit or reimbursement exceed the amount of Impact Fees budgeted for that System Improvement or the amount of the Impact Fees for the same type of System Improvements that are due from the development requesting the credit, whichever amount is smaller. If the Impact Fees due exceed the amount of credit, or reimbursement, the Applicant shall pay the Impact Fees due less the credit or reimbursement at the time of issuance of the Building Permit, Connection, or subdivision Final Plat.

3. If a credit or reimbursement petition is approved, the Applicant and the city shall enter into a agreement which shall provide for, but is not limited to, the following: the process to be used to verify actual costs, the value of any dedicated land or methodology to determine the value of any dedicated land, the obligations and responsibilities of the Applicant, including but not limited to i) public bidding requirements, if applicable, ii) engineering, design and construction standards and requirements to be complied with, iii) insurance and indemnification requirements, and iv) project inspection standards and responsibilities, v) timing of the actions to be taken by the Applicant, vi) transfer of title to land and improvements, vii) process for submittal of credit or reimbursement payment requests, and viii) timing of payments by the city. No Impact Fee credits, or reimbursements, shall be honored or paid until any land has been dedicated and conveyed to the city and/or the facilities have been constructed and accepted, or alternatively, until a bond has been posted to ensure the conveyance and/or construction. In the case of reimbursements, reimbursements will be paid only from any future impact fee collections arising in the area served by the System Improvement for which reimbursement is sought, and only from the impact fee collections relating to the System Improvement. The city's obligation to honor Impact Fee credits shall expire after ten (10) years from the date the credit is granted. Reimbursement payments shall be limited to the Impact Fees collected from the development for a period not to exceed fifteen (15) years from the date of approval of the agreement if the agreement provides that the Impact Fees owing to such New Development are to be paid on a per-lot, not main-connection, basis. It is the obligation of the Applicant to provide recorded notice to subsequent purchasers/owners of the property regarding the credit, if any, that may be available to such purchasers and shall agree to indemnify the city for any and all costs and liabilities arising from any claims by others related to the Impact Fee credit. In the case of a reimbursement agreement, it shall be the obligation of the city to identify impact fees arising from the System Improvement service area, and of the Applicant to make quarterly request therefor.

Sec. 2.06.884. Judicial Review.

Any request for review of a decision by the commission under this chapter shall be made by filing an appeal within 30 days of execution of the commission's written determination by the city manager with the Lake County district court in accordance with the legal rules applicable in such instance.

Sec. 2.06.885. Effect of the Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of the property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the land development regulations or other regulations of the city or applicable therein, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Sec. 2.06.886. Impact Fee as additional or supplemental requirement.

The payment of Impact Fees imposed pursuant to this chapter is additional and supplemental to, and not in substitution of, any other regulations and requirements imposed by the State of Montana, Lake County, or the city on the development of land or the issuance of Building Permits. In no event shall a property owner be required to pay for System Improvements related to providing new capacity for New Development in an amount in excess of the amount calculated pursuant to this chapter; provided, however, that a property owner may be required to provide or pay, pursuant to ordinances, policies or regulations of the city, County or the State of Montana, for public facility improvements in addition to payment of Impact Fees pursuant to this chapter. Nothing in this chapter shall be construed as a guarantee of adequate public facilities at the time of development of any particular property.

Sec. 2.06.887. Unitary and Special utility connection fees.

A. Water. Both the unitary and special water connection fees shall be paid prior to installation of any tap, meter, or other hookup. Private water connection users are subject to all provisions of the Polson Municipal Code related to such connection.

1. Unitary connection fee. The city shall assess and charge to any Applicant for private water connection a fee for such connection, to be known as the unitary water connection fee, to be calculated in August of each and every year and that year's calculation to be in effect until August 1 of the following year, as follows: the sum of the Water Department and Facility Administration budget expenditures, divided by the number of then-existing water connections throughout the city water system. The figure to be used for the Water Department budget expenditures shall not include any projected annual budget capital expenditures in excess of $5,000.00.
2. Special. The Water Department shall publish a schedule of special water connection fees which shall set forth the usual costs and expenses incidental to such installation as a special water connection fees applicable to individual types of connections.

B. Sewer. Both the unitary and special sewer connection fees shall be paid prior to installation of any tap, meter, or other hookup. Private sewer connection users are subject to all provisions of this Code related to such connection.

1. Unitary connection fee. The city shall assess and charge to any Applicant for private sewer connection a fee for such connection, to be known as the unitary sewer connection fee, to be calculated in August of each and every year and that year's calculation to be in effect until August 1 of the following year, as follows: the sum of the Sewer Department and Facility Administration budget expenditures, divided by the number of then-existing sewer connections throughout the city sewer system. The figure to be used for the Sewer Department budget expenditures shall not include any projected annual budget capital expenditures in excess of $5,000.00.

2. Special. The Sewer Department shall publish a schedule of special sewer connection fees which shall set forth the usual costs and expenses incidental to such installation as a special sewer connection fees applicable to individual types of connections.

Sec. 2.06.888. Alternative collection method.

In the event that the appropriate amount of Impact Fees due pursuant to this chapter are not paid prior to the issuance of a Building Permit, the city may elect to collect the Impact Fees due by any other method which is authorized by law.

Sec. 2.06.889. Liberal construction.

The provisions of this chapter shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience.

Sec. 2.06.890. Severability.

Should any sentence, clause, article or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this chapter as a whole, or any part thereof other than the part declared to be invalid.

Sec 2.06.891. Impact Fee Advisory Committee.

An Impact Fee Advisory Committee shall be established pursuant to 7-6-1604 MCA. The Impact Fee Advisory Committee, hereafter Advisory Committee, shall review and monitor the process of calculating, assessing, and spending impact fees. The Advisory Committee will consist of five members with at least one member from the development community and one certified public accountant. The Advisory Committee will serve in an advisory capacity to the city commission.

Secs. 2.06.892-2.06.899. Reserved.

DIVISION 9. INSUFFICIENT FUNDS CHECKS

Sec. 2.06.900. Policy of city.
Sec. 2.06.910. Definition.
Sec. 2.06.920. Fee for insufficient fund check.
Secs. 2.06.930- 2.06.999. Reserved.

Sec. 2.06.900. Policy of city.

It is the policy of the city that persons who issue to any city department an insufficient funds check shall be charged, in addition to the face value thereof, an additional amount to offset the costs of presentation and collection of such check.

Sec. 2.06.910. Definition.

An insufficient funds check shall be any bank draft issued to the city which has been twice presented to the issuing bank and twice rejected thereby for the reason that such account is closed, or contains funds insufficient to negotiate such check.

Sec. 2.06.920. Fee for insufficient fund check.

In the event that an insufficient fund check is returned unpaid as stated in Sec 2.06.910, then and in that event the city shall charge the issuer an additional fee of twenty five dollars ($25.00) or such amount as may hereinafter be adopted by resolution in the Schedule of Fees of the city of Polson. In addition, the city is authorized to pursue on its behalf any civil or criminal remedies available in Montana law.

Secs. 2.06.930- 2.06.999. Reserved.

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 10 **(Motion)** Adopt Chapter 12, Article 6, Excavations
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Chapter 12 Article 6 – Excavations of the City of Polson Book of Ordinances. This will be the first reading of this Ordinance.

BACKGROUND: Several months ago it was proposed to review and recodify the City of Polson Municipal Code. Rather than rewrite the entire code and then adopt all of the code at one time, based on staff recommendation, the City Commission directed that we move forward with the recodification process and adopt the new code in pieces when completed.

ANALYSIS: Chapter 12 Article 6 discusses Excavations within the City Right of Way. This Ordinance will place stricter requirements on utilities who do work in the City Right of Way. It will provide a better process for the City to control our Right of Ways, and it will provide a clear process for the staff to use to monitor and inspect the work, and will also provide a future mapping system for all utilities being placed in the City Right of Way.

FINANCIAL CONSIDERATIONS: There will be a fee schedule adopted by separate resolution after implementation of the ordinance. City staff is currently developing that fee schedule.

STAFF RECOMMENDATION: Staff recommends approval of the 1st reading of the Ordinance

SUGGESTED MOTION: ***I make a motion to approve the 1st reading of the Ordinance adopting Chapter 12 Article 6 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance with Chapter 12, Articles 6

ORDINANCE Ord #_____

AN ORDINANCE TO ADOPT
CHAPTER 12, ARTICLE 6. EXCAVATIONS
TO THE CITY OF POLSON BOOK OF ORDINANCES

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

WHEREAS, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Article of the Ordinances of the City of Polson be adopted in full as attachment hereto:

CHAPTER 12, ARTICLE 6. EXCAVATIONS

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: 02/18/2015
First Reading: ____ayes ____nays ____abstentions

Date:_____
Second Reading: ____ayes ____nays ____abstentions

Effective Date: _____

_____
Mayor Heather Knutson

Attest:

_____
City Clerk Cora E. Pritt

Chapter 12.06 EXCAVATIONS

Sections:

12.06.005 Definitions.
12.06.010 Permit--Required.
12.06.020 Permit--Application.
12.06.030 Permit--Application--Fee.
12.06.035 Permit fee exceptions.
12.06.036 Investigation Fees; Work without a Permit.
12.06.037 Permit Fee Refunds.
12.06.040 Construction Specifications.
12.06.045 Specifications for cutting of Portland cement concrete or asphalt.
12.06.050 Digging of surface and base materials.
12.06.060 Contractor Responsibility and Public Safety.
12.06.070 Backfillinq--Sewer pipe bedding and subqrade requirements.
12.06.080 Backfillinq--Specifications of materials for top six inches of finish subqrade.
12.06.090 Resurfacing specifications for Public Roadways.
12.06.100 Applicant to complete excavation and repair surface within fifteen days--Inspection and completion of repair by city.
12.06.110 Surety bond requirements.
12.06.120 Liability of city.
12.06.130 Assessments for damaging or opening pavement.
12.06.060 Permit requirements for public utility and cable television companies.
12.06.150 Public utility companies--Regulations as to backfilling and resurfacing.
12.06.160 Cleaning up of excavation site.
12.06.170 Requirements for special projects
12.06.180 Violation--Penalty.

12.06.005 Definitions.

A. Excavation shall be defined as the removal, replacement or the change in grade of any soils or finish surfacing materials on public or private property for the purpose of installing, repairing, maintaining, replacing, removing or investigating underground facilities including but not limited to monitor wells, water, sewer, gas, electric, telephone, data cable, fiber optic, television cable, utility poles, and those underground items necessary for their function.

B. Excavator shall be defined as only those persons, firms or corporations who are authorized and bonded to excavate by the city.

12.06.010 Permit--Required.

It shall be unlawful for any person, firm or corporation to make an excavation without being authorized and bonded excavator, and first obtaining an excavation permit from the city. Permits shall be required for the following:

A. Installing, maintaining, replacing, removing, repairing or investigating utility lines that are to be connected to a public utility in the streets, alleys, public rights-of-way or public easements.

B. Excavating for any purpose in any street, alley, public utility easement or public right-of-way.

C. Exceptions:

1. Landscaping sprinklers and irrigation systems shall only require an excavation permit if the installation is in a State Route right-of-way. Repair of landscaping sprinkler and irrigation system does not require an excavation permit.

2. The installation, maintenance, removal, repair or replacement of utility poles shall only require an excavation permit if the owner of the pole does not have a written agreement with the city for the relocation of utility poles.

3. Work performed by the city for its use and benefit.

12.06.020 Permit--Application.

A. Application shall be made to the city by the excavator stating the purpose for which the excavation is to be made, including locations, depth, width, length and amount of time such excavation is to remain open or unfilled.

B. Applicant shall file, upon request, with the city for approval, one drawing of the proposed improvements before permit is issued.

C. Before issuance of a permit the excavator shall contact all underground facilities for their locations as stated in M.C.A. 69-4-502. The excavator shall have a location number from the Underground Location Center before a permit is issued. In addition to public utility lines, the excavator shall locate and protect private utility lines such as water and sewer services and private irrigation lines.

D. Before issuance of an excavation permit all fees, except the fees specified in Section 12.24.060 shall be paid. The fees to be paid may include but not limited to a: General Performance Bond, any contract for sewer, sewer development, any Special Improvement District fees, and rebate fees, if any.

E. Permits shall expire by limitation and become null and void if work authorized is not commenced within thirty (30) calendar days after date of issuance. Also, permits shall expire by limitation and become null and void if work authorized by the permit is suspended by the excavator for more than fifteen calendar days. Before work is recommenced, a new permit shall be issued and a full permit fee paid. Extension of time on permits may be granted by the city manager, or a designated agent.

F. Excavators shall give the city staff at least three hours' notice of beginning excavation and two hours' notice of commencing backfill.

G. No excavation shall extend over half the width of any traveled portion of the street right-of-way section at any time, except under written authorization of the city road superintendent, or a designated agent.

H. Issuance of a permit will require that the excavator shall have a competent

person, as defined by the Federal Occupational Safety and Health Administration (OSHA), on site during all work associated with this permit.

12.06.030 Permit--Application--Fee. Permit fees are based on the average direct and indirect costs to provide plan checking, permit administration, field inspection, record management, warranty inspection. The fee for obtaining an excavation permit shall be in accordance with the Schedule of Fees to be adopted or amended hereafter by city resolution.

Revenue from these fees shall be credited to the general fund.

12.06.035 Permit fee exceptions:

A. Any excavator doing work for the City may be exempted from permit fees when authorized by the city manager.

B. Work performed by the City is exempt from permit fees.

12.06.036 Investigation Fees; Work without a Permit.

Whenever any work for which a permit is required by this ordinance has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this ordinance. The payment of such investigation fee shall not exempt any person from compliance with all provisions of this ordinance nor from penalty prescribed by Section 12.24.190.

Exception: During the period of time when city offices are closed, emergency repairs may be performed by the excavator before obtaining a permit. The permit shall be obtained by the excavator within eight working hours after city offices are open.

12.06.037 Permit Fee Refunds.

No refunds or credits of excavation permit fees will be given when permit application errors or mistakes are made by excavators. Refunds or credits of excavation permit fees shall be given when permit application errors or mistakes are caused by the city.

12.06.040 Construction Specifications.

All work shall conform to the applicable sections of the Montana Public Works Standard Specifications (MPWSS). latest edition; City of Polson policies, regulations, requirements, addendums, or contract specification approved by the City Engineer; or as specified in this ordinance. Whenever there is a conflict between MPWSS and the city ordinance, the stricter specification shall govern. Whenever there is a conflict between MPWSS and approved contract specifications, the approved contract specifications shall govern. All work shall be inspected for conformance with these specifications by the city manager or his/her designee. Unless waived by the city manager or required differently by the MPWSS all placement of utilities described in Section 12.06.005(A) above in the right of way shall have a ten foot (10') horizontal separation from existing utilities or improvements and a three foot (3') vertical separation.

12.06.045 Specifications for cutting of Portland cement concrete or asphalt.

A. Concrete areaways, curbs, driveways, pavements, sidewalks and slabs shall be cut in a manner and the extent specified herein or as directed by the city staff. The outer edge of all cuts through concrete items shall be sawn through to a depth of not less than fifty percent of the total thickness by means of a power-driven concrete saw. All cuts within the city right-of-way shall be in a straight line perpendicular or parallel to the center line of the excavation unless approved by the city staff. Concrete and asphalt items encountered when excavating shall be removed to a width of twelve inches greater than the width of the trench. Where the cut line is less than five feet from the edge of the existing pavement remove and replace the entire pavement section between the trench and edge of pavement.

B. Asphaltic surface cutting shall be done with a jackhammer with a spade bit, power driven saw or cutting tool to the same requirements cited above. An excavator may use a backhoe bucket in removal of asphaltic surface; square cutting of asphaltic surface to follow backfill operation with area to be square cut marked by the city staff.

C. Whenever an excavator is required to remove curb or sidewalk when reinstalling, replacing, or repairing utility lines, they shall be allowed to. and required to reinstall such curbs and sidewalks as provided in this chapter:

1. The concrete curb and sidewalk work shall conform to all city regulations and concrete forms shall be inspected before placement of concrete.

2. The excavator shall indicate on the excavation permit application their intention to perform any concrete curb or sidewalk replacement in the public right-of-way.

3. The excavation permit shall serve as a permit to remove and replace concrete curb and sidewalk within the limits of the excavation work authorized by the excavation permit

12.06.050 Digging of surface and base materials.

Surface and sub-base materials shall be removed by hand or machine in such a manner as to disturb or displace the least possible surface area in excess of that which must be removed for the item to be installed. No undercutting of subgrade shall be permitted. If undercutting occurs, that section where undercutting took place shall be excavated and repaired in conformity with Section 12.24.045.

12.06.060 Contractor Responsibility and Public Safety.

A. Responsibility: The Excavator in accepting and acting under the excavation permit granted under the provisions hereof agrees to assume full responsibility for injury to persons or losses or damage to property incurred by reason of, or arising out of, any act or omission of such excavation or to properly barricade, guard, and warn the public of such excavation.

B. Traffic Control: Prior to the issuance of a permit the excavator shall provide a traffic control plan (as defined in the Manual on Uniform Traffic Control Devices Part VI

of the U.S. Department of Transportation Federal Highway Administration, latest edition) or as otherwise approved by the street superintendent. The excavator shall be responsible for maintaining safe travel corridors for all vehicle, bicycle and pedestrian traffic as part of the approved traffic control plan. Traffic control devices shall be installed in accordance with the approved traffic control plan before construction or maintenance operations, and shall be properly maintained and operated during the time such special conditions exist. They shall remain in place only as long as they are needed and shall be immediately removed thereafter. Where operations are performed in stages, there shall be in place only those devices that apply to the conditions present. Devices or signs that do not apply to existing conditions shall be removed, covered or turned so as to not be readable by oncoming traffic. Barricade and sign supports shall be constructed and erected in a proper manner. Weeds, trees shrubbery, construction materials, equipment, spoil piles etc., shall not obscure any traffic control device. Excavated material that is stockpiled on city right-of-way shall be safeguarded by means of flashing barricades and proper traffic regulatory signing. All safeguarding of excavation projects must conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration.

C. Excavation Safety: All work covered in this ordinance shall meet current OSHA Safety and Health Standards. Failure to comply with OSHA rules may result in an immediate loss of the excavation permit. The excavator shall take all necessary precaution to prevent injury to workers and others, and to protect any and all adjacent private and public property. This shall include protecting sumps, storm drains, sidewalks, curbs, sprinkler systems, traffic signals, etc. The excavator shall be required to have a competent person, as defined by OSHA. on site during all work associated with the Excavation Permit. The excavator shall be solely responsible for all safety related to the excavation.

12.06.070 Backfilling-Pipe and or Conduit bedding and subgrade requirements.

A. Sewer Pipe Bedding. Pipe bedding material from four inches below pipe to six inches above pipe shall be clean, natural, unwashed sand and shall be free from rocks or stones over one inch in diameter. If suitable material is not found in the trench, the contractor will be required to furnish material that is suitable. Bedding material shall be tamped evenly on both sides of pipe alternately up to not less than six inches above the pipe. Mechanical tampers may be used provided results equal to hand tamping methods can be obtained. Material shall be placed in layers not exceeding six inches loose thickness before compaction and shall have moisture content such that ninety percent proctor density can be secured.

B. Subgrade. The material removed in the excavation may be used in backfilling to within six inches of the finished grade line; provided, that all material exceeding six inches in diameter is removed and hauled to waste. None of the following shall be placed in backfill: heavy plastic clay; hard, dry clay; vegetation or organic material; wet pavement, asphalt, brick or other debris. All backfill shall be performed in dry, frost-free conditions. Material shall be placed in lifts not exceeding twenty-four inches to each lift, if mechanically tamped. Each lift shall be thoroughly compacted by use of power tamping equipment to obtain ninety-five percent proctor density. In the discretion of the city, the excavator may be required to test and certify the compaction percent at his/her expense. Material containing a higher moisture content than is required to compact to ninety-five percent proctor density shall be removed and hauled to waste, with

contractor required to furnish material that is suitable. In no case shall any backfill be made having less than a ninety five percent proctor density after compaction.

12.06.080 Backfilling--Specifications of materials for top six inches of finish subgrade.

A. The top six inches of finished subgrade shall be filled with material meeting the following specifications compacted to ninety-five percent proctor density:

Passing Screen Size	Percent by Weight Passing
1 inch	100
No. 4	40-70
No. 10	25-55
200 Mesh	2-10

B. All materials, methods of backfill and compaction shall be approved by the city staff.

12.06.090 Resurfacing specifications for Public Roadways. Finished surfaces shall be free of ruts, defects and depressions exceeding 3/8-inch measured with a ten foot straightedge paralleling the center of the roadway, and must have a smooth riding quality. After bringing the compacted backfill to finished subgrade, the excavator shall employ the following methods where applicable:

A. Concrete Base or Surface. Where the base or surface is concrete, the permittee shall immediately after completion of backfill pour concrete meeting the current city requirements for concrete replacement. All concrete replacement depth shall be a minimum of eight inches, or as directed the city staff. The new concrete shall be properly cured out before opening the patch to traffic loads.

B. Bituminous Surface on Improved Base. After bringing the compacted backfill to top of subgrade in a manner specified in this chapter, the excavator shall cause bituminous material, of a type and grade equal to the original, to be placed on the subgrade and rolled or otherwise compacted in such a way as to smoothly join the original material without noticeable rise or fall above or beneath the original grade of the adjoining material. Tack coat shall be applied to square cut edges to insure proper bonding to original surface material. The thickness of the replaced surfacing shall be as follows:

1. Residential streets shall be two inches.
2. Commercial streets shall be three inches.
3. Arterial and collector streets shall be four inches with two lifts required.
4. State primary routes shall be six inches with two lifts required.

C. Unimproved Surface. Where the excavation is on unimproved surfaces, the backfill shall be brought to finish grade by using the material, compaction methods and surface acceptance, as provided in Sections 12.24.070 and 12.24.080. When the trench is in natural soil, the top six inches shall be filled with topsoil equal to the natural topsoil of the surrounding area. This shall then be graded and shaped to conform to the natural contours of the area.

D. Resurfacing Materials. Materials used in resurfacing shall be as follows:

1. Prime Coat. All square cut edges shall be primed with MC cutback oils before making a patch.
2. Plant Mix Asphaltic Types. Asphaltic mix shall be the type and grade specified by the city staff.
3. Asphaltic Hot Mix and Cold Mix. Asphaltic plant hot mix shall be used from April 1st to October 31st of any year. Asphaltic plant cold mix shall be used from November 1st to March 31st of any year and shall thereafter be removed and replaced with hot mix. Adjustments may be made, as to dates and types of mix, upon written approval of the city staff .

E. Pavement Marking. All pavement marking removed or damaged by excavation work shall be replaced with the same type of material used in the original markings, or those approved by The city staff. The work must meet the installation and material specifications commensurate with the type of marking used. Thermoplastic pavement marking may be replaced with plastic inlay tape or an approved equal.

F. Warranty. The holder of the permit shall warrant the work in the public right-of-way to be free from backfill settlement and surface condition for two years following the completed, accepted work. Warranty starts on date project is accepted by the city staff.

12.06.100 Applicant to complete excavation and repair surface within fifteen days--Inspection and completion.

A. An applicant for a permit to excavate any surface within public right-of-way of the city shall, within fifteen calendar days of completion of excavation operations, repair and complete the surface of the excavation. Extension of time may be granted by the the city upon showing of justifiable cause by the excavator; such extension when granted must be in writing.

B. If inspection of project, while under construction, finds construction methods being practiced not conforming to this chapter, a correction notice will be issued by the city staff listing items or procedures not meeting requirements of this chapter. If corrections listed on notice are not brought to conformity with this chapter, a stop work order for the project will be issued. Work on the project shall only resume after a meeting with the excavator, the city manager or designee, and the city staff member who issued the stop work order. If the project is not brought into conformity with this chapter, the city road superintendent shall cause the excavation to be placed in a condition that does meet the requirements of this chapter. Costs shall be assessed to the excavator's bond under Section 12.24.120.

12.06.110 Surety bond requirements.

A. An applicant for a permit must also file a surety bond as required in Section 5.08.060 in the principal amount of not less than the contract amount, but in no case, less than twenty thousand dollars. In addition to the requirements of Section 5.08.060, the bond shall also be conditioned upon the proper backfill of the excavation, proper installation of any utility service or main line and restoration of surface in accordance with the provision of this chapter. Such bond shall be required of all applicants for permits without exception.

B. Any evidence of settlement of backfill or deterioration or failure of excavator's patch applied to the surface in the public right-of-way within two years after completion and acceptance of the work shall be deemed conclusive evidence of defective backfill or surface restoration by the permittee, excavator and in such event, after three days' notice to the excavator and their bondsman, the city road superintendent or a designated agent may elect to re-excavate and backfill properly or to repair defective surface restorations, or both, in accordance with the provisions of this chapter, and the costs thereof shall be assessed against the bond provided for by this section and bond filed under this section must so recite the right of the city to do so.

12.06.120 Liability of city. The city shall assume no responsibility for excavator's surface patches or for any backfills. The city road superintendent or his/her designee's report upon failure of any excavator's backfill substance or upon any surface failure shall be conclusive.

12.06.130 Assessments for damaging or opening pavement.

A. A charge separate from the excavation permit fee must be paid by the excavator for each square foot of pavement to be removed or damaged. Pavement may be considered damaged if it is gauged, scraped, cracked, or has wheel or tread marks as a result of excavation operations.

B. The asphalt cut assessment rate shall be determined in accordance with the schedule of fees adopted or amended hereafter by city resolution.

Asphalt cutting on streets 0-2 years old will not be allowed unless approved by the city manager or designee. The asphalt assessment and the chip and seal assessment shall both be assessed when applicable

C. The city manager may, in his/her judgment, waive the assessment if the pavement is in poor condition. Monies obtained by these assessments shall be credited to the general fund and earmarked for street construction and repairs.

D. Exception: When the excavation is performed at the request of the city for street reconstruction that requires utility improvements, no pavement assessment will be required of the utility making the improvements.

12.06.060 Permit requirements for public utility and cable television companies.

A. License. Any public utility or cable television company owning or operating underground facilities shall annually apply for an excavation license to cover all excavations to be made by or on behalf of such company during each fiscal year.

B. Bond. Public utility and cable television companies shall file a surety bond in the principal sum of fifty thousand dollars concerning all of the excavations made by or on behalf of the company. Such bond shall be filed with the city prior to issuance of excavation permits.

C. Insurance. Public utility and cable television companies shall file with the city evidence of public liability insurance in the minimum sum of $1,000,000.

D. Public utility and cable television companies shall pay for permits as specified in Section 12.24.030 or by separate franchise agreement.

E. Comprehensive Development Plan. Each utility company operating within the city shall provide a comprehensive development plan for the use of the public rights-of-way or easements for public utilities. The utility company shall provide the city staff with a minimum of two copies of the plan. The plan shall be a five-year type plan plus information regarding long-range plans. Supplemental updates of the plan shall be provided each year prior to January 1 of each year. The plan and yearly supplements shall contain but shall not be limited to the following:

1. Master plan of the utility in the public rights-of-way or easements;
2. Reconstruction, extension or replacement plans;
3. Yearly program for construction planned;
4. Schedules of overall improvements;
5. Location of the proposed improvement within the public rights-of-way.

Such plan submission may be waived, or the submittal requirements changed by the city manager, if it appears that public filing may be subject to disclosure of proprietary information of the utility.

G. Utility Locations and Plan Review. Locations of utilities placed in public right-of-way and public utility easements shall be approved by the city manager or designee. One set of construction plans shall be submitted to the city staff for review and approval for the installation or replacement of utilities within the public right-of-way and public utility easements. The construction plans shall be drawn to scale and include right-of-way boundaries, street names, location of existing infrastructure including curbs, sidewalks, edges of asphalt, and other utilities.

12.06.150 Public utility companies--Regulations as to backfilling and resurfacing. Each utility company operating in the city shall be governed as to backfill and surface restoration by the provisions of this article. It is the intention of this section to recognize the special requirements for the continual maintenance or service of electric, water, telephone, fiber optic, gas and heating system utilities and to permit such utilities to operate in a reasonable manner as to the making of excavations necessary to restore or maintain their services.

12.06.160 Cleaning up of excavation site. The excavator shall prevent all mud, rocks, or debris from being spilled or dragged onto rights-of-way outside the excavation site. Upon completion of excavation work, the entire area in all directions shall be cleared of all debris, boulders and all other excess materials from excavation, backfill and resurfacing operations to the satisfaction of the city staff. This clean up requirement shall include private property, as well as public rights-of-way.

12.06.170 Requirements for special improvement projects. Contractor and subcontractors performing excavations for special improvement districts shall conform to the specifications and contract documents for that special improvement district in lieu of the engineering construction requirements of this chapter.

12.06.180 Violation--Penalty. It shall be unlawful for any person to fail to perform any of the conditions set out in this chapter. Upon conviction, a minimum fine of five hundred dollars will be levied. Further, any person convicted of a violation of this chapter shall be required to post with

the city a cash bond in the amount of five thousand dollars before they may perform any further excavating work within the city. The cash bond shall be used on order of the city manager to repair and maintain any further excavations made by such person.be levied. Further, any person convicted of a violation of this chapter shall be required to post with the city a cash bond in the amount of five thousand dollars before they may perform any further excavating work within the city. The cash bond shall be used on order of the city manager to repair and maintain any further excavations made by such person.

CITY OF POLSON
CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: __11__ **(MOTION) Resolution Resetting Planning and Zoning Fees**
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives

AGENDA ITEM SUMMARY: Approval of Resolution resetting planning and zoning fees

BACKGROUND: The last review and change to the City's planning and zoning fees was made in December, 2008. Over the last several months, City staff has been meeting to review and revise the fees as necessary. The goal being to ensure the City is receiving appropriate payment for services rendered to individuals or companies requesting planning and zoning services.

ANALYSIS: After staff analysis, a City Commission work session was held on February 9, 2015 to discuss the staff findings. This resolution is the result of that work session and direction received from the City Commission.

FINANCIAL CONSIDERATIONS: The fees proposed in the resolution have been developed to ensure the work provided by the city planning staff is actually being paid by the individual or company requesting the service. There is an expected increase in revenue, but it is not the goal to profit from the fee increase, but to instead ensure the city is properly reimbursed for services provided.

STAFF RECOMMENDATION: Approve Resolution Resetting Planning and Zoning Fees

SUGGESTED MOTION: *I MOVE TO APPROVE THE RESOLUTION RESETTING PLANNING AND ZONING FEES*

ATTACHMENTS:

Resolution resetting planning and zoning fees

RESOLUTION NO. Res-_____

A RESOLUTION RESETTING PLANNING AND ZONING FEES

WHEREAS, the City Commission of the City of Polson, has previously set by ordinance and resolution fees for the application and processing of zoning and planning matters;

WHEREAS, the City Commission has found that the current fees are not covering the costs of the processing of development matters and the general fund is subsidizing funding in the Community Development Department for third party planning and zoning matters;

WHEREAS, the Commission desires to adjust the fees to be charged in these matters;

WHEREAS, it appears in the best public interest for the current taxpayers and users of services provided by the Community Development Department to adopt the following fee schedule for services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POLSON, MONTANA:

1. The City shall impose and collect the fees as shown on Exhibit "A" attached hereto for the services rendered by the City and the Community Development Department.

2. This Resolution shall be effective February ___, 2015. All applications for services made prior to this date shall be charged the fees then in existence.

3. All Resolutions or part of resolutions in conflict herewith are hereby amended to the extent of any such conflict.

Ayes _____ Nays _____ Abstentions _____

PASSED AND APPROVED this _____day of _____ 2015.

_____
Heather Knutson, Mayor

ATTEST:

_____
Cora E. Pritt, City Clerk

Proposed Fees
Exhibit "A"

Planning and Zoning Application Fees	Proposed Increase
Addressing Fee	$15/address
Adjoining Landowner Notification	$6 per address
Annexation Request Commercial	$100 + $10/acre
Annexation Request Residential	$50
Building for Lease or Rent	$250
Examining Land Surveyor Review	$150
Extension Request (City Council Approval)	$200
Fencing Application	$50
Growth Policy Amendment	$1,500
Plat Final Infrastructure Review	$500
Plat Final Major	$850 + $50/lot
Plat Final Minor	$500 +$50/lot
Plat Final Waiver	$650 + $50/lot
Plat Preliminary Major	$1,500 + $50/lot
Plat Preliminary Minor	$1,000 + $50/lot
Plat Preliminary Waiver	$750 +$50/lot
Pre-application	$150
Pre-application Meeting	1st meeting Free Additional $100
Review fees Exemption *Aggregaions Lot Review *Plat Review Map Revision Application Amended *Retracement Review	$150
Review PUD	$800
Sign Application	$150
Special Use Permit (SUP)	$750
Subdivision Improvement Agreement	$150
Subdivisions for Lease or Rent	$850 + $50/lot
Subdivisions for Lease or Rent	$650 + $50/lot
Variance Request	$150 per variance
Variance Request Commercial	$500
Variance Request Residential	$250
Zone Change Map Amendment	$1,000 + $10/acre
Zone Change Text Amendment	$500
Zoning Determination Request	$100

CITY OF POLSON
CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 12 **(MOTION) Board Appointments (Golf Board and Parks Board)**
Meeting Date: February 18, 2015
Staff Contact: Mark Shrives

AGENDA ITEM SUMMARY: Appointment of individuals to Golf Board and Parks Board.

BACKGROUND: In Accordance with the City Charter, the City Commission makes final appointments to City Boards.

ANALYSIS:

1. **Golf Board** – There are 4 vacancies for the Golf Board. The terms are one, two and three year staggered terms.
   4 applications were received.
   a. Michael Lies
   b. Larry Ashcraft
   c. Todd Bassett
   d. Ty Weingart

2. **Parks Board** – There are 4vacancies for the Parks Board. 3 application shave been received. Each position is for a 2 year term
   a. Jill Campbell
   b. Mike Roberts
   c. Brian Moldenhauer

FINANCIAL CONSIDERATIONS: None.

STAFF RECOMMENDATION:

Golf Board –
Michael Lies (2 year term) (January 1, 2015 – December 31, 2016)
Larry Ashcraft (3 year term) (January 1, 2015 – December 31, 2017)
Todd Bassett (3 year term) (January 1, 2015 – December 31, 2017)
Ty Weingart (1 year term) (January 1, 2015 – December 31, 2015)
Parks Board
Jill Campbell (2 year term) (January 1, 2015 – December 31, 2016)
Mike Roberts (2 year term) (January 1, 2015 – December 31, 2016)
Brian Moldenhauer (2 year term) (January 1, 2015 – December 31, 2016)

SUGGESTED MOTION: *I MOVE TO APPROVE THE FOLLOWING BOARD APPOINTMENTS AND TERMS*
GOLF BOARD.
Michael Lies (2 year term) (January 1, 2015 – December 31, 2016)
Larry Ashcraft (3 year term) (January 1, 2015 – December 31, 2017)
Todd Bassett (3 year term) (January 1, 2015 – December 31, 2017)
Ty Weingart (1 year term) (January 1, 2015 – December 31, 2015)
PARKS BOARD
Jill Campbell (2 year term) (January 1, 2015 – December 31, 2016)
Mike Roberts (2 year term) (January 1, 2015 – December 31, 2016)
Brian Moldenhauer (2 year term) (January 1, 2015 – December 31, 2016)

ATTACHMENTS: Applications

City of Polson
Application for Board Vacancy

Name of Board You are applying for: Golf Board Ward 2

Your Name: Michael Lies

Home Address: Box 1689 - 100 Hogan Way

Do You reside within the Polson City Limits? Yes: [X] No: [ ]

How long have you lived in Polson? 48 years

Are you a registered voter? Yes: [✓] No: [ ]

Home Telephone: 883-4136 Work Telephone: 883-4136

Occupation: Retired

Place of Employment: —

Why do you want to become a Board Member?

I have an interest in our Golf Course and the success that has occurred over the year.

How do you feel you will best contribute as a Board Member?

Knowledge of the Golf Course

Signature of Applicant: [signature] Date: 12-18-2014

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

RECEIVED
DEC 18 2014
BY: [signature]

City of Polson
Application for Board Vacancy

Name of Board You are applying for: Polson Golf Board

Your Name: Larry Ashcraft

Home Address: 503 Bayview Dr.

Do You reside within the Polson City Limits? Yes: ☒ No: ☐

How long have you lived in Polson? 24RS.

Are you a registered voter? Yes: ☒ No: ☐

Home Telephone: 250.3303 Work Telephone: n/a

Occupation: Retired

Place of Employment:

Why do you want to become a Board Member?

I have a passion for the Polson Golf Course and what it brings to the City of Polson. It may be our biggest asset in bring people to our area.

How do you feel you will best contribute as a Board Member?

I have some business background and feel I can contribute to the board in making sound decisions.

Signature of Applicant: Larry Ashcraft Date: 12-16-14

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

RECEIVED
DEC 16 2014
BY:

December 15, 2014

City of Polson
Polson, MT. 59860

Dear City Council:

I am applying for a position on the Polson Golf Board as a resident of Ward 2 or at large. My residence is at 503 Bayview Dr. Polson, MT. 59860.

Thank you for your consideration.

Larry Ashcraft

Larry Ashcraft

RECEIVED
DEC 1 5 2014
BY: Beth

City of Polson
Application for Board Vacancy

Name of Board You are applying for: Golf Board

Your Name: TODD A Bassett

Home Address: 40338 Brickwood Cr Polson MT

Do You reside within the Polson City Limits? Yes: [ ] No: [✓]

How long have you lived in Polson? 16 yrs

Are you a registered voter? Yes: [✓] No: [ ]

Home Telephone: 883-5219 Work Telephone: 883-8300

Occupation: Banker

Place of Employment: Glacier Bank

Why do you want to become a Board Member?

I have spent last two years on the Board and I hope my Bank experience has helped with fiscall mgmt. ~~I~~ I also like to help others understand the operation of the golf course and why it is necessary to do various things.

How do you feel you will best contribute as a Board Member?

I hope I can be a voice for the members that live outside the City limits and a prudent member to protect a wonderful asset for the City. I want to help and support a great mgmt team

Signature of Applicant: Todd A Bassett Date: 11/25/14

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

City of Polson
Application for Board Vacancy

Name of Board You are applying for: POLSON GOLF BOARD

Your Name: TY WEINGART

Home Address: 1106 4TH STREET EAST

Do You reside within the Polson City Limits? Yes: ☒ No: ☐

How long have you lived in Polson? 34 yrs

Are you a registered voter? Yes: ☒ No: ☐

Home Telephone: 4062495166 Work Telephone: 4066764420

Occupation: BUSINESS MANAGER

Place of Employment: DON AADSEN FORD

Why do you want to become a Board Member?

ATTACHED!

How do you feel you will best contribute as a Board Member?

ATTACHED!

Signature of Applicant: [signature] Date: 12/19/2014

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

December 19, 2014

To Whom It May Concern:

I would like to express my interest in positions available on the Polson Golf Board. I have 15 years' experience in the Golf Business as a Golf Professional and have been playing golf for 26 years. Being a life-long resident of Polson and the valley, I have personally witnessed the growth of the golf course and would be honored to be a part of its continued success.

Golfingly,

Ty R Weingart

Ty R. Weingart
1106 4th Street East
Polson, MT 59860
406-249-5166

City of Polson
Application for Board Vacancy

Name of Board You are applying for: Park

Your Name: Jill Campbell

Home Address: 105 6 Ave

Do You reside within the Polson City Limits? Yes: [X] No: [ ]

How long have you lived in Polson? 55 years

Are you a registered voter? Yes: [X] No: [ ]

Home Telephone: 2661 Work Telephone: _____

Occupation: Clerk

Place of Employment: Safeway

Why do you want to become a Board Member?

I love our parks

How do you feel you will best contribute as a Board Member?

I know what kids want in a parks

Signature of Applicant: Jill Campbell Date: 12-16-14

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

City of Polson
Application for Board Vacancy

Name of Board You are applying for: Park

Your Name: Mike Roberts

Home Address: 810 5th Av. E.

Do You reside within the Polson City Limits? Yes: ☑ No: ☐

How long have you lived in Polson? 18 yr

Are you a registered voter? Yes: ☑ No: ☐

Home Telephone: _____ Work Telephone: 249-5551

Occupation: Carpenter / woodworker

Place of Employment: Self

Why do you want to become a Board Member?

I have a huge interest in Parks & Trails

How do you feel you will best contribute as a Board Member?

I feel i have good ideas to advance the park system in Polson & Lake County

Signature of Applicant: [signature] Date: 12-30-14

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

RECEIVED
DEC 30 2014
BY: [signature]

City of Polson
Application for Board Vacancy

Name of Board You are applying for: PARK Board

Your Name: BRIAN Moldenhauer

Home Address: 302 20TH AVE W.

Do You reside within the Polson City Limits? Yes: [X] No: [ ]

How long have you lived in Polson? 22 YRS

Are you a registered voter? Yes: [X] No: [ ]

Home Telephone: 883-2699 Work Telephone: 883-3706

Occupation: SALE

Place of Employment: Western Building Center

Why do you want to become a Board Member?

Renew Position on Board

How do you feel you will best contribute as a Board Member?

Signature of Applicant: [signature] Date: 12/29/14

Information on this application is public information. The information provided herein is true and complete. A false or misleading statement may be cause for elimination from consideration.

RECEIVED
DEC 30 2014
BY: Beth