CITY OF POLSON COMMISSION
AGENDA

(New Agenda format per 2014ORD#005)

COMMISSION CHAMBERS **March 2, 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 February 13-26, 2015
b. City Commission Public Hearing Minutes February 18, 2015
c. City Commission Meeting Minutes February 18, 2015
d. Wal-Mart Time Extension Request
e. City of Polson Golf Course New Beer/Wine Liquor License
f. Corporate Structure Change Safeway Store Liquor License No.15-999-3831-303

6. CITY MANAGER COMMENTS
City Manager Mark Shrives

OLD BUSINESS

√**7. APPROVE THE SECOND READING OF ORDINANCE 2015-002 ADOPTING CHAPTER 2, ARTICLE 4 AND 5 OF THE CITY OF POLSON BOOK OF ORDINANCES.**
City Manager Mark Shrives

√**8. APPROVE THE SECOND READING OF ORDINANCE 2015-003 ADOPTING CHAPTER 2, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES.**
City Manager Mark Shrives

√**9. APPROVE THE SECOND READING OF ORDINANCE 2015-004 ADOPTING CHAPTER 12, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES.**
City Manager Mark Shrives

NEW BUSINESS

10. AWARD DOWNTOWN WATER LOOPING PROJECT (BID TABULATIONS TO BE POSTED TO THE CITY WEBSITE ON FEBRUARY 27, 2015)

City Manager Mark Shrives

11. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISCUSSION AND PROJECT SELECTION

City Manager Mark Shrives

12. WATER COMPACT FOLLOW UP DISCUSSION FROM THE FEBRUARY 3, 2015 WORKSHOP.

City Manager Mark Shrives

13. ADJOURN

Mayor Knutson

For doc #s from 119790 to 120012

5a.

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	382010 Sale of General Fixed	001632 POLSON RURAL FIRE	FIRE-REFUND FIRE VEH	1,438.23
1000 General All-Purpose Fund	410200 Executive Services	3025 FIRST BANKCARD	EXEC-SET OF PITCHERS	63.91
1000 General All-Purpose Fund	410200 Executive Services	4895 8x8, INC.	EXECUTIVE-TELEPHONE	28.05
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	410360 Municipal Court	4895 8x8, INC.	COURT-TELEPHONE SERV	33.05
1000 General All-Purpose Fund	410360 Municipal Court	4895 8x8, INC.	COURT-SHARED TELEPHO	34.55
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	410400 Administrative Services	4895 8x8, INC.	ADMIN-TELEPHONE SERV	79.67
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	4895 8x8, INC.	FINANCE-TELEPHONE SE	66.10
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)	3847 SAFEGUARD BUSINESS	FACILITIES-LASER CHE	620.73
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	411200 Facilities (Shared Costs)	3847 SAFEGUARD BUSINESS	FACILITIES-W-2	66.01
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACILITIES-COFFEE FO	13.42
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000185 SUPER 1 FOODS	FACILITIES-BREAKROOM	1.93
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000185 SUPER 1 FOODS	FACILITIES-CLEANING	24.06
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	3025 FIRST BANKCARD	FACILITIES-JAN PHONE	135.84
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	3025 FIRST BANKCARD	FACILITIES-PHONE CHA	199.96
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-CITY HALL	234.15
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-FIRE HALL	143.47
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-HVAC SYST	1,303.10
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4895 8x8, INC.	FACILITIES-FAX SERVI	62.35
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4895 8x8, INC.	FACILITIES-TELEPHONE	150.76
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4896 DAWN'S FLOWER DESIGNS	FACILITIES-C DOOLEY	53.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000005 POSTMASTER	FACILITIES-4 ROLLS	196.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1828 PORT-A-POLSON JANITORIAL	FACILITIES-JANITORIA	480.00
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

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
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	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
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	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-ASST OFFICE S	182.69
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-HON LOCK CORE	17.37
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-BINDER CLIPS	7.78
1000 General All-Purpose Fund	420140 Crime Control and	000185 SUPER 1 FOODS	POLICE-K-9 SUPPLIES	32.99
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-2-DR VERTICAL	519.56
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-JAN PHONE CHG	255.05
1000 General All-Purpose Fund	420140 Crime Control and	000011 MISSION VALLEY POWER	POLICE-STORAGE SHED	108.79
1000 General All-Purpose Fund	420140 Crime Control and	4895 8x8, INC.	POLICE-SHARED TELEPH	34.54
1000 General All-Purpose Fund	420140 Crime Control and	4895 8x8, INC.	POLICE-TELEPHONE SER	296.48
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-2 SLING ATTAC	59.90
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-LOCK BOX	79.49
1000 General All-Purpose Fund	420140 Crime Control and	000005 POSTMASTER	POLICE-1 SHEET $1.00	20.00
1000 General All-Purpose Fund	420140 Crime Control and	000005 POSTMASTER	POLICE- 1 SHEET .21	4.20
1000 General All-Purpose Fund	420140 Crime Control and	001041 RODY CONSTRUCTION	POLICE-GARAGE DOOR I	1,600.00
1000 General All-Purpose Fund	420140 Crime Control and	000085 SOUTHSHORE VETERINARY	POLICE-ANIMAL IMPOUN	261.00
1000 General All-Purpose Fund	420140 Crime Control and	001674 GALLS, AN ARAMARK COMPANY	POLICE-REMOTE SIRE/A	138.94
1000 General All-Purpose Fund	420140 Crime Control and	000026 POLSON AUTO PARTS, INC.	POLICE-BULB	6.31
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-CELL PHONE SE	291.45
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

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
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	420400 Fire Protection and	4895 8x8, INC.	FIRE-TELEPHONE SERVI	28.05
1000 General All-Purpose Fund	420400 Fire Protection and	4067 FIRE APPARATUS REPAIR LLC	FIRE-BRAKE INSPECTIO	514.20
1000 General All-Purpose Fund	420400 Fire Protection and	000190 MOTOROLA COMMUNICATIONS	FIRE-RADIO REPAIR	78.00
1000 General All-Purpose Fund	420400 Fire Protection and	000026 POLSON AUTO PARTS, INC.	FIRE-BATTERY CHARGER	29.99
1000 General All-Purpose Fund	420400 Fire Protection and	000026 POLSON AUTO PARTS, INC.	FIRE-CONNECTORS, TUB	8.57
1000 General All-Purpose Fund	420400 Fire Protection and	000026 POLSON AUTO PARTS, INC.	FIRE-HUB OIL	7.49
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	420540 Land Use	4895 8x8, INC.	PLANNING-TELEPHONE S	38.63
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	4825 IBS, INC	STREETS-VARIETY SUPP	496.91
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STREETS-CELL PHONE S	116.97
1000 General All-Purpose Fund	430240 Road and Street	000011 MISSION VALLEY POWER	STREETS-CITY SHOP	301.00
1000 General All-Purpose Fund	430240 Road and Street	4159 REXEL INC, d/b/a PLATT	STREETS-HEATER FAN W	109.00
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
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-CITY PARKS	219.83
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-KERR DAM/BB FI	164.08
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-SACAJAWEA PARK	9.07
1000 General All-Purpose Fund	460430 Parks	4895 8x8, INC.	PARKS-TELEPHONE SERV	28.05
1000 General All-Purpose Fund	460430 Parks	3025 FIRST BANKCARD	PARKS-CELL PHONE CAS	14.86
1000 General All-Purpose Fund	460430 Parks	3025 FIRST BANKCARD	PARKS-DOG CLEANUP BA	307.87
			Total for Fund:	39,192.36
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
2020 Police Municipal Services	420140 Crime Control and	000750 JOHN A. STEVENS	POLICE-VEH REG REIMB	22.00
2020 Police Municipal Services	420140 Crime Control and	000300 HARBOR LIGHT FURNITURE &	POLICE-CARPETS FOR O	696.00
2020 Police Municipal Services	420140 Crime Control and	3635 ADAMSON INDUSTRIES CORP.	POLICE-HIDE-A-LED WH	174.90
2020 Police Municipal Services	420140 Crime Control and	999999 KENT D BRUCE CO, LLC	POLICE-VERTEX SUPER	168.57

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
			Total for Fund:	5,495.22
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
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
2219 Parks Donations	460430 Parks	3025 FIRST BANKCARD	PARKS-HOME DEPOT CRE	-45.90
			Total for Fund:	97.93
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
2390 Drug Forfeiture Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-DTF NIKON CAM	619.90
2390 Drug Forfeiture Fund	420140 Crime Control and	4843 LAKE COUNTY SHERIFF DTF	POLICE-CAR SEIZURE D	5,000.00
			Total for Fund:	5,915.40
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
2394 Building Code Enforcement	420500 Protective Inspections	4895 8x8, INC.	BUILDING-TELEPHONE S	28.05

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2394 Building Code Enforcement	420500 Protective Inspections	2238 DEPARTMENT OF LABOR AND	BLDG-ADDL ED FEE FOR	94.51
2394 Building Code Enforcement	420500 Protective Inspections	2074 VERIZON WIRELESS	BUILDING-CELL PHONE	32.41
			Total for Fund:	1,190.48
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PARKS-SPORTS/WST SHO	11.00
2395 Tree Fund	480150 Tree Conservation	2020 JENNISON TREE CARE	STREETS-TREES REMOVE	1,000.00
			Total for Fund:	1,011.00
2401 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-STREET LG	1,351.08
			Total for Fund:	1,351.08
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-N END MAI	263.54
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-STREET LG	754.40
			Total for Fund:	1,017.94
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
2730 K-9 Donation Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-K9 BALLISTIC	949.99
2730 K-9 Donation Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-K9 HEAT ALERT	829.99
2730 K-9 Donation Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-K9 CAR MD10 F	64.99
2730 K-9 Donation Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-SHIPPING CHAR	92.25
			Total for Fund:	1,961.17
2810 Police Training Fund	420140 Crime Control and	4863 QUINTON FOWLER	POLICE-QF TRAVEL MEA	92.00
2810 Police Training Fund	420140 Crime Control and	4658 FBI-LEEDA	POLICE-NASH MEMBERSH	50.00
2810 Police Training Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-QF TASER CERT	350.00
2810 Police Training Fund	420140 Crime Control and	3142 ALAN BOOTH	POLICE-AB TRAVEL MEA	161.00
2810 Police Training Fund	420140 Crime Control and	4897 NWGIA	POLICE-AB CONFERENCE	275.00
2810 Police Training Fund	420140 Crime Control and	4898 SPECIAL OLYMPICS MONTANA	POLICE-RS CONF REGIS	50.00
2810 Police Training Fund	420140 Crime Control and	4898 SPECIAL OLYMPICS MONTANA	POLICE-WN CONF REGIS	50.00
			Total for Fund:	1,028.00
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

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2820 Gas Apportionment Tax	430240 Road and Street	4049 D & D CUSTOMS AND	STREETS-YIELD SIGN	40.00
2820 Gas Apportionment Tax	430240 Road and Street	4049 D & D CUSTOMS AND	STREETS-STREE SIGN	30.00
2820 Gas Apportionment Tax	430240 Road and Street	000026 POLSON AUTO PARTS, INC.	STREETS-CLAMP	8.99
2820 Gas Apportionment Tax	430240 Road and Street	000026 POLSON AUTO PARTS, INC.	STREETS-LAMP	15.21
2820 Gas Apportionment Tax	430240 Road and Street	000026 POLSON AUTO PARTS, INC.	STREETS-STOPLIGHT BU	1.04
			Total for Fund:	5,961.27
2932 Parks ARRA Recycle Grant	460430 Parks	4686 BATTERY SOLUTIONS	PARKS-BATTRY RECYCLE	74.95
			Total for Fund:	74.95
2953 NW Drug Task Force	420140 Crime Control and	4868 NORTHWEST DRUG TASK FORCE	POLICE-NWDTF DONATIO	12,092.37
			Total for Fund:	12,092.37
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 -	000044 REPUBLIC SERVICES #889	GOLF MAINT-WASTE DIS	54.72
5010 Golf Fund	460446 Golf Course -	4810 PACIFIC POWER GROUP	GOLF MAINT-SPRING, H	62.77
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GOLF MAINT-FLGSTICK	299.83
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-GOLF SHED	221.33
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-25HP PUMP	297.50
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-60HP PUMP	726.10
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-155HP PUM	1,856.51
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-BAYVIEW P	233.50
5010 Golf Fund	460446 Golf Course -	3025 FIRST BANKCARD	GOLF MAINT-SURGE PRO	49.85
5010 Golf Fund	460446 Golf Course -	3025 FIRST BANKCARD	GOLF MAINT-CIRCUIT B	30.96
5010 Golf Fund	460446 Golf Course -	2202 PEAKS & PRAIRIES GCSA	GOLF MAINT-PN CONF R	170.00
5010 Golf Fund	460446 Golf Course -	2202 PEAKS & PRAIRIES GCSA	GOLF MAINT - PN USGA	45.00
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-HYD FILTE	27.65
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-FUEL PUMP	56.69
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-HYD FILTE	55.30
5010 Golf Fund	460446 Golf Course -	2074 VERIZON WIRELESS	GOLF MAINT-CELL PHON	136.37
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 120012

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	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GOLF PRO-PRO SHOP/ST	289.50
5010 Golf Fund	460447 Golf Course - Pro Shop	3025 FIRST BANKCARD	GOLF PRO-ADVERTISING	40.00
5010 Golf Fund	460447 Golf Course - Pro Shop	4895 8x8, INC.	GOLF PRO-TELEPHONE S	56.10
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
5010 Golf Fund	460460 G. C. Restaurant O & M	3306 POLSON PROPANE	GOLF REST-FUEL	255.00
5010 Golf Fund	460460 G. C. Restaurant O & M	000011 MISSION VALLEY POWER	GOLF RESTAURANT-T102	77.70
5010 Golf Fund	460460 G. C. Restaurant O & M	4895 8x8, INC.	GOLF REST-TELEPHONE	28.05
5010 Golf Fund	460460 G. C. Restaurant O & M	000080 FLATHEAD NEWSPAPER GROUP	GOLF REST-DAILY INTE	205.34
			Total for Fund:	17,939.58
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	430500 Water Utilities	2247 ASHLEY WALKER	WATER-AW TRAVEL MEAL	43.50
5210 Water Fund	430500 Water Utilities	4567 WILLIAM BONKOWSKI	WATER-WB TRAVEL MEAL	43.50
5210 Water Fund	430500 Water Utilities	000416 MONTANA RURAL WATER	WATER-AW & WB CLASS	185.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-JAN PHONE CHGS	37.04
5210 Water Fund	430500 Water Utilities	4895 8x8, INC.	WATER-TELEPHONE SERV	37.05
5210 Water Fund	430500 Water Utilities	4158 BRANDON PARKER	WATER-BP TRAVEL MEAL	46.00
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	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-WELLS, BOOSTER	2,545.66
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-RIVERSIDE LIFT	91.27
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-RIVERSIDE REST	12.14
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-WELLS 6 & 7	580.51
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

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5210 Water Fund	430550 Transmission and	3177 POWER SERVICE OF MONTANA,	WATER-FILTER ELEMENT	128.04
5210 Water Fund	430550 Transmission and	3306 POLSON PROPANE	WATER-FUEL	373.81
5210 Water Fund	430550 Transmission and	3119 LARSCO, INC.	WATER-REBLD KIT & TU	270.83
5210 Water Fund	430550 Transmission and	000026 POLSON AUTO PARTS, INC.	WATER-ASST. MISC. IT	16.89
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
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATER-SHARED 1 ROLL	24.50
			Total for Fund:	15,552.27
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	430600 Sewer Utilities	2247 ASHLEY WALKER	SEWER-AW TRAVEL MEAL	43.50
5310 Sewer Fund	430600 Sewer Utilities	4567 WILLIAM BONKOWSKI	SEWER-WB TRAVEL MEAL	43.50
5310 Sewer Fund	430600 Sewer Utilities	000416 MONTANA RURAL WATER	SEWER-AW & WB CLASS	185.00
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER - JAN PHONE CH	37.05
5310 Sewer Fund	430600 Sewer Utilities	4895 8x8, INC.	SEWER-TELEPHONE SERV	37.04
5310 Sewer Fund	430600 Sewer Utilities	4158 BRANDON PARKER	SEWER-BP TRAVEL MEAL	46.00
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
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	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-PUMP/LIFT STAT	3,604.38
5310 Sewer Fund	430630 Collection and	000241 NORMONT EQUIPMENT CO.	SEWER-4" DEBRIS CATC	260.00
5310 Sewer Fund	430630 Collection and	3306 POLSON PROPANE	SEWER-FUEL	373.80
5310 Sewer Fund	430630 Collection and	000026 POLSON AUTO PARTS, INC.	SEWER-LEAK DETECT DY	6.96
5310 Sewer Fund	430630 Collection and	000026 POLSON AUTO PARTS, INC.	SEWER-NITRILE GLOVE	25.98
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
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWER-SHARED 1 ROLL	24.50

For doc #s from 119790 to 120012

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
			Total for Fund:	14,655.31
			Total:	180,040.09

Fund Summary for Claims
For the Accounting Period: 2/15

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	$39,192.36
2020 Police Municipal Services Levy	
101000	$5,495.22
2219 Parks Donations	
101000	$97.93
2222 Park Donations - Restricted	
101000	$12,534.61
2310 Tax Increment District	
101000	$39,909.15
2390 Drug Forfeiture Fund	
101000	$5,915.40
2394 Building Code Enforcement	
101000	$1,190.48
2395 Tree Fund	
101000	$1,011.00
2401 Light Maintenance District #19	
101000	$1,351.08
2402 Light Maintenance District #20	
101000	$1,017.94
2720 Police Donations	
101000	$3,060.00
2730 K-9 Donation Fund	
101000	$1,961.17
2810 Police Training Fund	
101000	$1,028.00
2820 Gas Apportionment Tax Fund	
101000	$5,961.27
2932 Parks ARRA Recycle Grant	
101000	$74.95
2953 NW Drug Task Force	
101000	$12,092.37
5010 Golf Fund	
101000	$17,939.58
5210 Water Fund	
101000	$15,552.27
5310 Sewer Fund	
101000	$14,655.31
Total:	$180,040.09

5b.

CITY OF POLSON
CITY COMMISSION PUBLIC HEARING

Commission Chambers February 18, 2015 6:30 p.m.

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

ABSENT: Commissioners Campbell & Turner

CITY STAFF Present: Terry Gembala

OTHERS PRESENT (who voluntarily signed in): Lori Benner, Elsa Duford, Lee Manicke, David Murphy, Linda Reksten, Adam Rys-Sikora.

CALL TO ORDER: (00:07) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (00:49)- Commissioner Erickson motion to approve the proposed agenda. Commissioner Southerland 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.

PUBLIC HEARING OPENED (01:45):

City Manager Mark Shrives introduced Lori Benner, Nittany Grantworks. Lori has written two grants for the City of Polson. This public hearing is being conducted to obtain the community input about community development and what projects the community would like to focus on. Lori will be writing a grant for the City to assist in funding of the project. The Community Development Block Grant (CDBG) will require two public hearings. This is the first, the second one will be March 23, 2015. At that time the Commission will choose a project. Lori Benner commented that the projects typically used by this grant are for low to moderate income housing projects but could be used for assisting in the build of the wastewater treatment plant. The application deadline for the $450,000.00 grant is April 20, 2015. There will need to be a 25% match from the community, so if a project costs $600,000.00 the community would need to contribute $150,000.00

Mayor Knutson then invited the members of the public to present their ideas to the Commission. The following individuals spoke (07:33):

Dr. Linda Reksten, (07:55) Polson School District Superintendent suggested that the Commission consider the Boys/Girls Club. The Boys/Girls Club is in desperate need of a new facility.

Mr. Louis Cross, (17:43) Polson Chamber of Commerce asked if the monies could be divided among several projects. Lori Benner commented that the Grant is very specific however, she could not find in the guidelines anything about dividing the monies. Lori said she would research that and have an answer at the March 23rd meeting.

Mr. David Murphy (20:00)-Mission Valley Aquatic Center and Lakeview Village Apartments, commented that the money would be well spent towards The Boys/Girls Club. If the funds could be divided then it would be nice to provide transportation to the Aquatic Center for the school children. Transportation is already provided by the Confederated Salish Kootenai Tribe and the Senior Center.

The following email was sent to City Manager Mark Shrives to be included in the Public Hearing:

Mark,

I understand that there is a public meeting this evening and wanted to let you know what CAPNM position is on the overall community needs for low income individuals and households in the City of Polson.

During the last community survey which was conducted during the summer 2014 throughout the four counties, CAPNM covers we found in Lake County/Polson that additional services including affordable housing and addressing substandard housing were prevalent themes. Primarily, affordable housing for low income populations and housing for seniors. There was also a strong need to increase services and homeless housing programs.

In addition, other need/issue/gap areas that were identified: home repair and accessibility upgrades, financial literacy programs, and improved transportation.

CAPNM is currently submitting grant proposals to address some of these needs by increasing homeless housing services for veterans and households with high barriers.

We do support the efforts of the City of Polson on addressing the housing needs of their citizens and would be happy to discuss ideas or best practices any time.

Tracy C. Diaz
Executive Director
Community Action Partnership of Northwest Montana
214 Main Street, Kalispell, MT 59901
406-752-6565
tdiaz@capnwmt.org **Please note new email address**

"Change is inevitable; growth is optional!"

City Manager Mark Shrives reminded the Commission that the monies could also go toward the construction of the Wastewater Treatment Project.

Hearing no further comments, the Mayor closed the Public Hearing (21:53).

Mayor Knutson asks for a Motion to Adjourn. (22:02) Commissioner Southerland motion to adjourn. Commissioner Morrison second. VOTE: Unanimous Motion carried.

ADJOURN: 6:52 p.m.

_____

Heather Knutson, Mayor

ATTEST:

_____

Cora E. Pritt, City Clerk

5c.

CITY OF POLSON
CITY COMMISSION MEETING

Commission Chambers February 18, 2015 7:00 p.m.

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

ABSENT: Commissioners Campbell & Turner

CITY STAFF Present: Cindy Dooley, Terry Gembala, and Wade Nash

CALL TO ORDER: (00:10) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (1:17)- Commissioner Southerland 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 (1:50)-Bonnie Manicke thanked the Commissioners from Ward 2, Southerland & Turner, for sending the letter to all of the community that lives in Ward 2. This was an effective tool of communication and very appreciated.

CONSENT AGENDA: (3:47) 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. Wal-Mart Utility Easement. Commissioner Erickson motion to approve the Consent Agenda. Commissioner Southerland second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

CITY MANAGER COMMENTS (4:45): City Manager Shrives commented that on the 19th there would be an overview pre-construction meeting for the Downtown Water Looping Project. This meeting would be for those individuals that would be bidding on the project. On the 20th of February the City of Polson would be holding an auction to sell the All Beverage Liquor License.

APPROVE DOWL/HKM ENGINEERING TASK ORDER #3 IN THE AMOUNT OF $119,375.00 (06:20)- City Manager Shrives presented this agenda item. This task order is a part of the over-all program. This will cover the procurement of equipment, then the design will begin. There are a lot of rules and there may be a slight change in the task order. There also may be an extension of the time line, otherwise this is straightforward. **Commissioner Southerland motion to approve Dowl/HKM Engineering Task Order #3 in the amount of $119,375.00. Commissioner Erickson second.** City Commission discussion: Commissioner Southerland asked if a report would be available. City Manager Shrives replied yes a report would be available. Commissioner Siler questioned if this is the sole source. City Manager Shrives answered it was not sole source. Public comment: none **VOTE: Unanimous Motion Carried**

APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 2, ARTICLE 4 AND 5 OF THE CITY OF POLSON BOOK OF ORDINANCES (09:48)- City Manager Shrives presented this item. There were corrected versions of Articles 4 and 5 distributed to the Commission and posted to the City website. These corrections were answers to some questions that were presented. City

Manager Shrives requested if there are any additional corrections please send the corrections to him between now and the next meeting. **Commissioner Southerland motion to approve the first reading of the Ordinance adopting Chapter 2, Articles 4 and 5 of the City of Polson Book of Ordinances. Commissioner Erickson second.** City Commission discussion: Commissioner Southerland asked if City Manager Shrives wanted comments emailed directly to him or to the website. City Manager Shrives answered to email and comments/questions directly to him. Mayor Knutson asked if the comments are grammatical. Commissioner Southerland answered yes, there was one grammatical and then a couple of comments. Public Comment: **Lee Manicke** commented that during the December 15, 2014 Commission Meeting, this item had the first reading. Then on January 8, 2015 the second reading was tabled. The item was approved at the December 15, 2014 meeting. City Manager Shrives commented that since that is the case, then the Commission would need to table the item until the next City Commission meeting. Lee Manicke also pointed out an error that occurred on page 8 of Article 5. The last sentence in Article 5, Section 2.05.540 should read Fiscal not Calendar. **Commissioner Southerland rescinded her earlier motion. Commissioner Erickson rescinded his second. Commissioner Southerland revised motion to table second reading Chapter 2, Articles 4 and 5. Commissioner Siler second.**
VOTE: Unanimous Motion carried

APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 2, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES (18:07)- City Manager Shrives presented this agenda item. There were no questions or comments received. If there are any typos please notify City Manager Shrives so the corrections can be made before the next meeting. **Commissioner Southerland motion to approve the first reading of the ordinance adopting Chapter 2, Article 6 of the City of Polson Book of Ordinances. Commissioner Morrison second.** City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING CHAPTER 12, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES (19:53)-City Manager Shrives presented and commented that this is the follow up regarding the discussion that had taken place about an Excavation Ordinance. The City will now be able to track and control the Right-of-Way. The fees will be done by a Resolution at a later date. **Commissioner Southerland motion to approve the first reading of the ordinance adopting Chapter 12, Article 6 of the City of Polson Book of Ordinances. Commissioner Erickson second.** City Commission discussion: none Public comment: none
VOTE: Unanimous Motion carried

APPROVE THE RESOLUTION RESETTING PLANNING AND ZONING FEES (21:31)-City Manager Shrives presented this agenda item. This is a follow up from the workshop. During the workshop, the Commission had ask that the Fence Permit amount be reviewed. So, the Fence Permit will remain at $50.00 instead of the proposed $150.00. All of the other fees will remain. The fees for review and aggregation were also included. **Commissioner Siler motion to approve the resolution resetting Planning and Zoning fees. Commissioner Southerland second.** City Commission discussion: Commissioner Erickson asked if this would be available on line. City Manager Shrives replied that yes this would appear on line under Planning and Fee section. Public comment: none
VOTE: Unanimous Motion carried

APPOINTMENT OF MEMBERS TO THE GOLF BOARD AND PARKS BOARD (25:13)-(City Manager Shrives presented this agenda item. There were four vacancies on each board. There will need to be an additional Parks Board member appointed at a later time. **Commissioner Southerland motion to approve the following Board appointments and terms; Golf Board Michael Lies to a two year term (January 1, 2015-December 31, 2016), Larry Ashcraft to a three year term (January 1, 2015 to December 31, 2017), Todd Bassett to a three year term (January 1, 2015 to December 31, 2017), and Ty Weingart to a one year term (January 1, 2015 to December 31, 2015) to the Golf Board.**

Commissioner Ericson second. City Commission discussion: none Public comment: none
VOTE: Unanimous Motion carried
Commissioner Southerland motion to approve the following Board appointments and terms to the Parks Board; Jill Campbell two year term (January 1, 2015 to December 31, 2016), Mike Roberts to a two year term (January 1, 2015 to December 31, 2016) and Brian Moldenhauer to a two year term (January 1, 2015 to December 31, 2016). Commissioner Morrison second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried** Commissioner Southerland requested a completed list of all Boards, their members and terms.

(28:02) Mayor Knutson asked the Commission if there were any agenda items that the Commission would like full detail on. Commissioner Erickson commented that Action Minutes would suffice. Commissioner Morrison and Mayor Knutson agreed.

Mayor Knutson asks for a Motion to Adjourn. (28:40) Commissioner Erickson motion to adjourn. Commissioner Southerland second. VOTE: Unanimous Motion carried.

ADJOURN: 7:32 p.m.

_____

Heather Knutson, Mayor

ATTEST:

_____

Cora E. Pritt, City Clerk

5d.

CITY OF POLSON
CITY COUNCIL
AGENDA ITEM SUMMARY

Agenda Item Number: Consent Agenda
Meeting Date: March 2, 2015
Staff Contact: Eric H. Mulcahy, AICP
Email address: bp@cityofpolson.com phone: 883-8214

AGENDA ITEM SUMMARY:
Wal–Mart Stores, Inc., 2001 S.E. 10th Street, Bentonville, Arkansas 72716-0550 is requesting that the City of Polson grant a one year extension to the preliminary plat for three lots surrounding the existing Wal-Mart building. Improvements such as water, sewer, access, traffic lights, and stormwater drainage are in place and comply with the Conditions of Approval. The applicant is very close to submitting their final plat application to the City but need a few more weeks to complete the final touches on the recording documents. To be on the safe side, the applicant is requesting a one year extension for the preliminary plat approval.

BACKGROUND:
The Wal-Mart project received a preliminary plat approval to create three lots from the Polson City Commission on June 29, 2006. The Preliminary Plat will expire on March 28, 2015.

ANALYSIS:
City Staff has been working with the Consulting Engineer for Wal-Mart and has reviewed and approved many of the Conditions of Approval for the Subdivision. Staff recommends that the City Commission grant a one year extension to the preliminary plat.

CITY OF POLSON
TIME-EXTENSION REQUEST

Date: 2 / 9 / 2015 Fee: $200.00

Name of Applicant: PACLAND-Olympia, Inc.
Contact Number: 360-786-9500
Address: 606 Columbia St. NW, Suite 106, Olympia, WA 98501

Project Name: Super Walmart
Project Address: 36318 Memory Lane, Polson, MT 59860
What was original approval for: Special Use Permit/Subdivision Application
Original Date granted: June 29, 2006
~~Original~~ CURRENT Date expires: March 28, 2015

Reason for Extension: Time to work with City Staff for completion of a few outstanding issues.

- Zoning Conformance Review done: Yes
- Building permits review done: Yes
- Ground breaking started: Yes
- What has been done to date: Construction Complete
- All fees paid: Yes

Length of Extension: 1 year, until March 28, 2016

Request submitted to:
CITY OF POLSON PLANNING DEPARTMENT Date: 2 / 09 / 2015

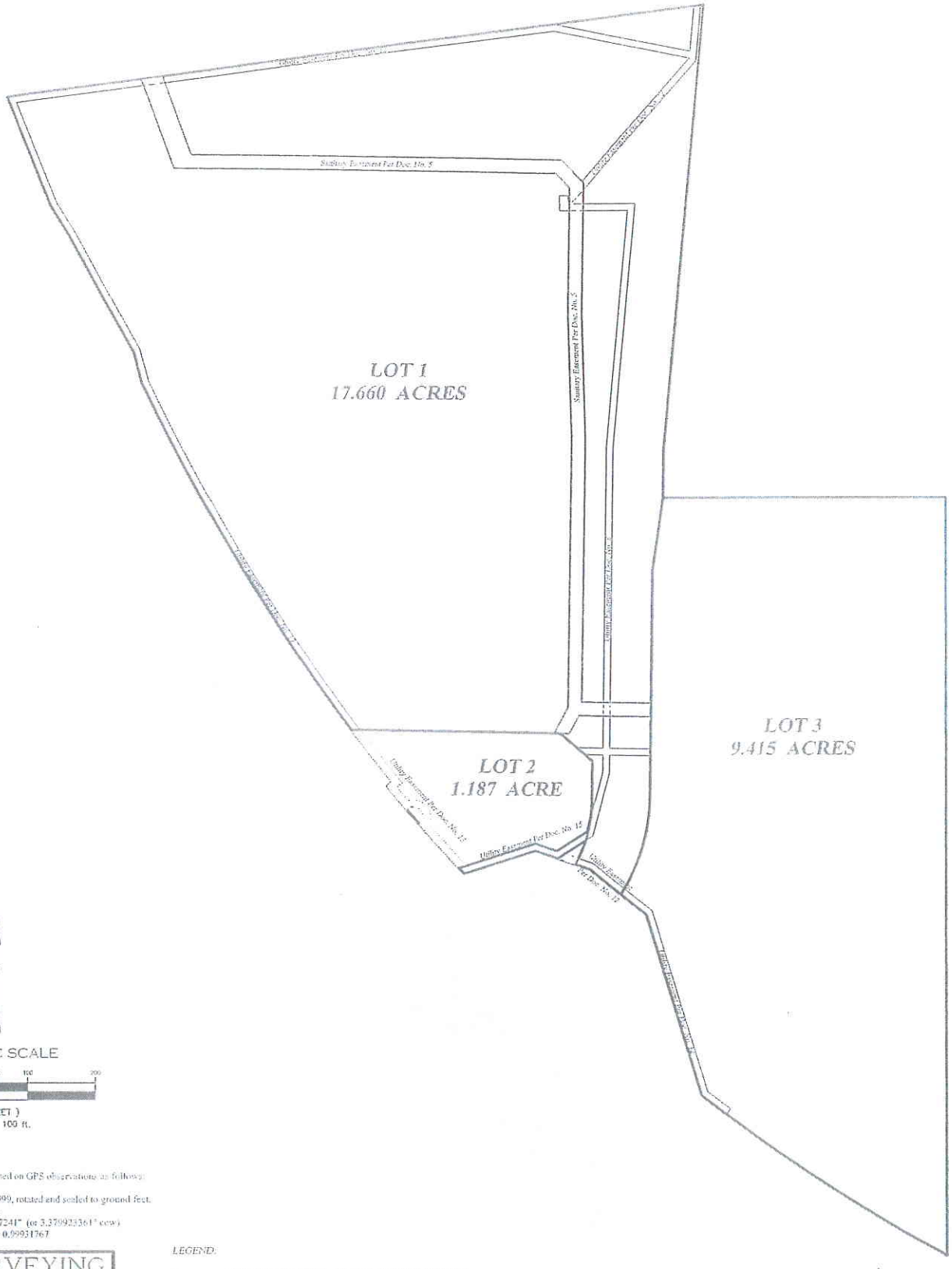
Form Date:12/14/10

RECEIVED
FEB 12 2015
BY: [illegible]

Scanned to Drive

PLAT OF WAL-MART SUBDIVISION

EAST 1/2 SECTION 11, TOWNSHIP 22 NORTH, RANGE 20 WEST, P.M.,M.
LAKE COUNTY, MONTANA



N

GRAPHIC SCALE

100 0 50 100 200

(IN FEET)
1 inch = 100 ft.

BASIS OF BEARINGS
Bearings shown hereon were based on GPS observations as follows:

Horizontal Datum = NAD 83-1999, rotated and scaled to ground feet, using the following parameters:
Convergence = -3°22'47.7241" (or 3.379923361° ccw)
Combined Scale Factor = 0.99931767

LEGEND:

- ● Found ½" rebar with plastic cap stamped "Day 10997 LS"
- ◇ Found Concrete Right-of-Way Monument
- ○ Set ⅝" diameter X 24" long rebar with plastic cap stamped "SMITH 4740LS"
- Rec. 1 Record Measurement Per Certificate of Survey No. 5202 (Surveyor: Stephen Day)

SMITH SURVEYING
& CONSULTING
58 West View Drive
Kalispell, Montana 59901
© smithsurveying@digisys.net
Voice: (406) 257-4323 Cell. (406) 250-0507

SHEET 2

5e.

Montana Department of Revenue

Mike Kadas
Director

Steve Bullock
Governor

RECEIVED
FEB 19 2015
BY:

February 17, 2015

Account ID: 4049617-007-ONP
License Type: Montana Retail On-Premises Consumption Golf Course Beer and Wine License
License Number: NEW

Subject: Application for Issuance of One Original (NEW)
Applicant: City of Polson-City Manager: Mark Shrives
CITY OF POLSON GOLF COURSE

Location Address: 113 Bayview Drive, Polson, Lake County, Montana.

We need your help to determine if the above applicant and location comply with all laws and ordinances administered by your office. We ask that you please advise us by **March 18, 2015** if there is a compliance issue. If we do not hear from you concerning a compliance issue, we will assume the laws and ordinances have been met. We would be happy to provide you with any additional information to determine compliance.

It is important for you to understand that local laws are not enforced through the alcoholic beverage licensing process but several factors can influence the issuance of a license or prevent processing of the application:

- Compliance with local laws may influence our final decision; and
- Notification of a local deficiency

I will be happy to assist you if you have questions. Please contact me at the address, telephone number or e-mail below.

Sincerely,

Michael T. Ottman

Mike Ottman
Compliance Specialist
Department of Revenue
Liquor Licensing
PO Box 1712
Helena MT 59604-1710
Telephone (406) 444-0710

Encl. Floor Plan and Application Pages
Certificate of Service

c: Department of Labor & Industry

CERTIFICATE OF SERVICE

I certify that on this 17 day of February 2015, a true and correct copy of the foregoing has been served by placing same in the United States mail, postage prepaid, and addressed as follows:

POLSON CITY ATTORNEY
106 1ST STREET E
POLSON MT 59860-2137

LAKE COUNTY SANITARIAN
COURTHOUSE 106 4TH AVE E
POLSON MT 59860

POLSON BUILDING INSPECTOR
106 1ST STREET E
POLSON MT 59860-2137

POLSON POLICE CHIEF
106 1ST STREET E
POLSON MT 59860-2137

POLSON COUNCILPERSONS
106 1ST STREET E
POLSON MT 59860-2137

CONFEDERATED SALISH & KOOTENAI TRIBES
P O BOX 238
FLATHEAD AGENCY
PABLO MT 59855

JOHN FAIRCHILD, CHIEF
POLSON FIRE DEPARTMENT
106 1ST STREET EAST
POLSON MT 59800

Section I

Check the Appropriate Boxes to Designate the Purpose of this Application

Alcoholic Beverage

☒ New Alcoholic Beverage License Application

☐ Existing Alcoholic Beverage License; Transfer of Ownership

☐ Existing Alcoholic Beverage License; Licensee Structure Change:
(Addition of shareholder, member or partner not previously qualified)

Designate the Type of License of Your Application:

☐ On-Premises Beer

☒ On-Premises Beer and Wine Golf Course - Beer & Wine

☐ All-Beverage

☐ Restaurant Beer and Wine

☐ Resort License

Gambling

An ownership interest in a licensed gambling operation may not transfer an interest in the operation to a stranger to the license until a new gambling license application reflecting the proposed transfer is submitted to the department and the department approves the transfer.

An ownership interest in a licensed gambling operation may not be transferred to another owner or group of owners of an interest or interests in the same licensed gambling operation without submitting an amended gambling license application to the department and obtaining department approval.

☐ New Gambling

☐ Gambling Only - No Alcoholic Beverage License is required for Live Keno/Bingo.

General Information

Print or Type

Name of Entity Applying CITY OF POLSON
(Owning entity Sole Proprietor/Partnerships/Corp./LLC/LLP i.e. John's Bar LLC)

Business/Trade Name

Business Address of Premises to be Licensed 113 BAYVIEW DRIVE, POLSON MT 59860
(Street, Suite No., Building No., City, ST and Zip)

Mailing Address 106 1ST ST E
(P.O. Box or Street, City, ST and Zip)

City POLSON State MT Zip 59860

Business Phone (406) 883-8204 Cell Phone ( )

Fax (406) 883 - 8238 E Mail address finance@cityofpolson.com

Federal Tax I.D. Number

Alcohol Beverage License Number - N/A - -
(N/A if not applicable)

☐ **Check this box if you wish all correspondence sent to the attorney who submitted this application on your behalf.**

Are the premises for licensing located:

☒ Within the boundaries of an incorporated city/town. (Liquor and Gambling Licensing)

☐ Within a distance of five miles of an incorporated city/town. (Liquor Licensing)

☐ Within an unincorporated city/town or outside the boundaries of, and more than five miles distance from, any city/town whether incorporated or unincorporated. (Liquor Licensing)

POLSON in the County of LAKE
City Name County Name

Section II

Ownership Information

A. The applicant is a: (See information checklist for documents required for each ownership type)

- ☐ Individual(s) / Sole Proprietor(s)
- ☐ Partnership
  - ☐ General ☐ Limited
- ☐ Limited Liability Company
- ☐ Limited Liability Partnership
- ☐ Charitable or Non-Profit Organization qualified Under 26 U.S.C. 501(c)(3), (c)(4), (c)(8) or (c)(9)
- ☐ Retirement home or nursing home (Gambling Only)
- ☒ Corporation
  - ☒ C Corporation – MUNICIPAL CORPORATION
  - ☐ Subchapter S
  - ☐ Publicly Held

Individuals and Partnerships may wish to apply as Joint Tenants with Rights of Survivorship (JTROS) or Tenants in Common (TENCOM). Make certain each individual with right of survivorship or tenant in common is listed below.

☐ JTROS or ☐ TEN COM

In the spaces below, list all owners, partners, members, officers and/or directors. Each individual listed below must submit 2 completed fingerprint cards, personal/criminal history statement and fees. Use additional sheet of paper if necessary. For applicants that use a multiple entity structure, attach a diagram showing all entities and individuals.

Name (First, M.I., Last) MARK W SHRIVES Title CITY MANAGER
Date of Birth ___ Social Security No. ___ Number of Shares N/A
Address 45 BOGEY DRIVE, POLSON MT 59860 Percentage of Ownership N/A

Name (First, M.I., Last) ___ Title ___
Date of Birth ___ Social Security No. ___ Number of Shares ___
Address ___ Percentage of Ownership ___

Name (First, M.I., Last) ___ Title ___
Date of Birth ___ Social Security No. ___ Number of Shares ___
Address ___ Percentage of Ownership ___

Section III

Management Information

A. Provide the following information for each management employee. If applying as an entity, include the manager of the day-to-day operation for the business. Attach management agreement if applicable. Each individual listed below must submit 2 completed fingerprint cards, personal/criminal history statement(s) and fee(s).

☐ Gambling ☐ Alcoholic Beverage ☐ Both ☒ N/A

Name ___ Date of Birth ___ Social Security No. ___
Address ___ Phone ___ Salary ___

Name ___ Date of Birth ___ Social Security No. ___
Address ___ Phone ___ Salary ___

Section V

Premises Information

A. Does the applicant's premises: (Use additional paper if necessary)

1. ☒ Yes ☐ No Have permanently installed walls extending from floor to ceiling?
2. ☒ Yes ☐ No Have a distinct address?
3. ☐ Yes ☒ No Share an address with another business? If Yes, name the business:
4. ☐ Yes ☒ No Have a public external entrance that is shared with another premises for which a gambling operator license has been issued? If Yes, name the business:
5. ☐ Yes ☒ No Share a common internal wall with another premises to which a gambling operator license has been issued? If Yes, explain and submit copy of the floor plan and also name of operator/owners:
6. ☒ Yes ☐ No Have a bar and at least 12 seats at the bar, tables or booths independent of gaming machines?

B. Describe where the premises is located:

1. Are the entrance doors of the premises proposed for licensing on the same street as, and within 600 feet of, the entrance doors of a building occupied exclusively as a church, synagogue or other place of worship or school (except acommercially operated or post secondary school)?
   ☐ Yes ☒ No
2. Is the premises located within 150 feet of another premises licensed for on-premises alcoholic beverage consumption? (As defined in 23-5-629 MCA)
   ☐ Yes ☒ No If yes, answer all the following questions and include name of premise licensed:
   ☐ Yes ☐ No Does the second premises already have a permit for placement of video gambling machines?
   ☐ Yes ☐ No Is there a structural walkway between the two premises?
   ☐ Yes ☐ No Is the second premises licensee affiliated with the applicant?
   ☐ Yes ☐ No Is there an immediate family member related to the applicant within the ownership structure of the second premises licensee?
   ☐ Yes ☐ No Do the two licensed premises share any common management personnel?
   ☐ Yes ☐ No Would the applicant be considered a parent or subsidiary business entity to the second licensee?
   ☐ Yes ☐ No Does any person or entity within the ownership structure of the applicant share a commonality of business interest with any other person or entity within the ownership structure of the second licensee?
   ☐ Yes ☐ No Are there any contractual agreements or financing agreements between the applicant and the second licensee?
   ☐ Yes ☐ No Are there any investors common to the applicant and the second licensee?

C. Is the premises within any defined zones:

1. ☐ Yes ☒ No Where the sale of alcoholic beverages is restricted by city or county zoning ordinance?
2. ☐ Yes ☒ No Where gambling is restricted by city or county zoning ordinance?

D. Is the building ready for use for an alcoholic beverage business: ☒ Yes ☐ No

1. ☐ Yes ☒ No Is this a newly constructed premises?
   If Yes, indicate an estimated date of occupancy _____
2. ☐ Yes ☒ No Is this a remodel of an existing premises?
   If Yes, indicate an estimated date of completion _____

E. Is the premise operated under a concession agreement?

1. ☐ Yes ☒ No If Yes, attach a copy of the concession agreement. Note: ARM 42.12.133 requires certain signage for a premise operated under a concession agreement.

Section VIII

Declaration and Authorization

APPLICANT'S FORMAL DECLARATION AND AUTHORIZATION FOR EXAMINATION AND RELEASE OF INFORMATION

I, MARK W SHRIVES, hereby declare under the penalty of law and/or the revocation of any licenses granted pursuant hereto, that I am the applicant or duly authorized representative of the firm or corporation making this application and that I have examined the application, including any accompanying information, and that the responses provided herein are true, correct and complete. I understand if this application or attachment(s) contains false information, I am subject to the criminal penalties of Section 45-7-202, 45-7-203 and 45-7-208, Montana Code Annotated, and/or revocation of any alcoholic beverage or gambling licenses granted pursuant to this application.

I further authorize a full review, disclosure and release to any duly authorized officer, agent or employee of the Montana Department of Justice, Gambling Control Division, of any and all records concerning me that the Montana Department of Justice properly determines relate to my qualifications for gambling and/or liquor licensure, whether the records are of a public, private, or confidential nature.

SIGNATURE [signature]

PRINT FULL NAME MARK W SHRIVES

TITLE/POSITION CITY MANAGER

DATE 2/10/2015

This application must be completed in full, and all requested attachments must accompany it. Delay, denial or the return of the application will result if incomplete.

Additional Information May Be Required During the Investigation of Your License Application.

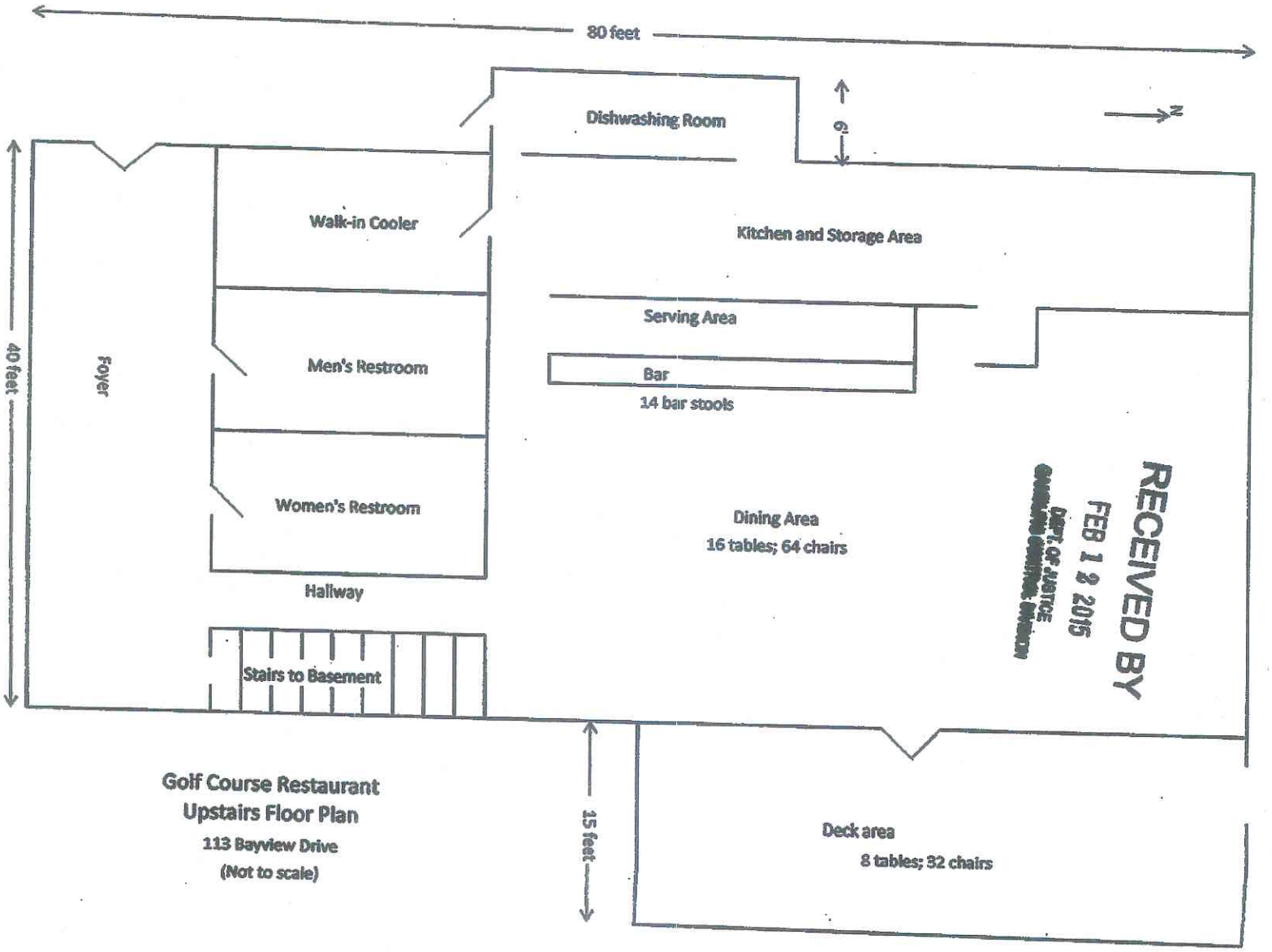
State of Montana
County of Lake

NOTARY On this 10 day of February, 2015, Mark Shrives personally appeared before me, ✓ who is personally known to me, whose identity I verified on the basis of _____, whose identity I verified on the oath/affirmation of _____, a credible witness. the signer of the foregoing document, and acknowledged that he/she signed it.

CORA ELLEN PRITT NOTARY SEAL
CORA ELLEN PRITT
NOTARY PUBLIC for the State of Montana
Residing at Polson, MT
My Commission Expires April 6, 2015

Cora Ellen Pritt
Notary Public

My Commission expires April 6, 2015

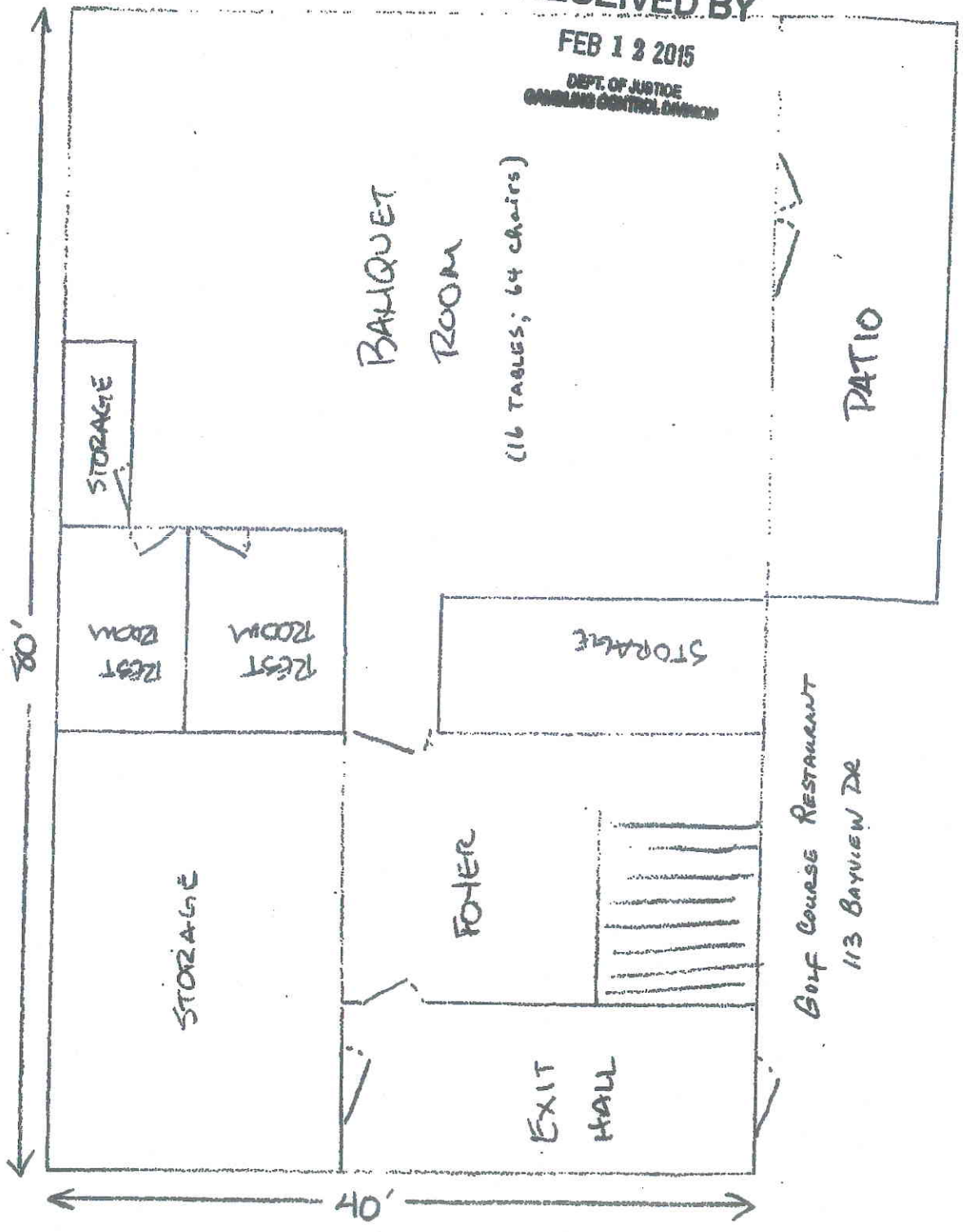


Golf Course Restaurant
Upstairs Floor Plan
113 Bayview Drive
(Not to scale)

RECEIVED BY
FEB 12 2015
DEPT. OF JUSTICE

RESTAURANT
DOWNSTAIRS FLOORPLAN (NOT TO SCALE)

RECEIVED BY
FEB 12 2015
DEPT. OF JUSTICE
GAMBLING CONTROL DIVISION



5f.

Montana Department of Revenue

Mike Kadas
Director

Steve Bullock
Governor

February 20, 2015

RE: Application for Corporate Structure Change of Montana Retail Off-Premises Consumption Beer and Wine License No. 15-999-3831-303, SAFEWAY STORE #1646, 106 South Short Route, Polson, Lake County, Montana

The above referenced application was received at the Department of Revenue, Liquor Licensing. Notice is being provided to you to give you an opportunity to advise us that the applicant and premises meet all the laws and ordinances your office is responsible for regulating. We will be happy to provide any additional information that is needed.

Local laws are not enforced through the alcoholic beverage licensing process; however, if there are local laws affected by this application, compliance with those laws may influence the final determination to issue the license.

If any agency determines deficiencies exist that should be considered in the issuance of this license, please advise this office in writing by **March 22, 2015**. If we receive a determination of a local deficiency, the license application process cannot be completed until the issue is cleared up at the local level and we are notified the issue(s) are resolved. **If no response is received, it will be assumed there are no problems that would affect the issuance of a license.**

I would be happy to assist you if you have any questions. Please contact me at the address, phone number or e-mail listed below.

Sincerely,

Susan M Johnson

Susan M. Johnson
Compliance Specialist
Department of Revenue
Liquor Licensing
P O Box 1712
Helena MT 59624-1712
Telephone (406) 444-7927
susanjohnson@mt.gov

c: Department of Labor & Industry
Montana Beer and Wine Wholesaler Association

CERTIFICATE OF SERVICE

I certify that on this 23 day of February, 2015, a true and correct copy of the foregoing has been served by placing same in the United States mail, postage prepaid, and addressed as follows:

POLSON CITY ATTORNEY
106 1ST STREET E
POLSON MT 59860-2137

LAKE COUNTY SANITARIAN
COURTHOUSE 106 4TH AVE E
POLSON MT 59860

POLSON BUILDING INSPECTOR
106 1ST STREET E
POLSON MT 59860-2137

POLSON COUNCILPERSONS
106 1ST STREET E
POLSON MT 59860-2137

CONFEDERATED SALISH & KOOTENAI TRIBES
P O BOX 238
FLATHEAD AGENCY
PABLO MT 59855

JOHN FAIRCHILD, CHIEF
POLSON FIRE DEPARTMENT
106 1ST STREET EAST
POLSON MT 59800

RECEIVED

JAN 16 2015

Dept. of Revenue
Liquor Licensing

eStop Business Licenses is now online! revenue.mt.gov

eSTOP BUSINESS LICENSES

Master Application

Please check appropriate box(es) and complete all applicable information.

Business Changes

- ☐ **Register a new business with eStop.** See Section II for fees that apply.
- ☐ **Update business information, such as mailing address or contact information, etc.** No fee.
- ☒ **Change business structure or entity type.** A liquor processing fee may apply. See Section II.
- ☐ **Add a new physical location to your eStop business.** See Section II for fees that apply.
- ☐ **Purchase of an existing eStop location.** Previous owner's Location Number _____

Location Changes - Please provide current Location Number for box(es) selected below _____

Your Location Number is at the upper right-hand section of your eStop license and renewal.

- ☐ **Relocate to a new physical location.** A license fee may apply. See Section II.
- ☐ **Update location information, such as name/DBA/trade name, etc.** No fee.
- ☐ **Update license information, such as add, increase/decrease, change license type, etc.** See Section II for fees that apply.

Section I.

Business Information

Company or Owner Name: Safeway Inc.

Federal Employer Identification Number or Social Security Nur _____ (required)

P.O. Box 29096, Mail Stop 6516 — Business Mailing Address
Phoenix — City
AZ — State
85038-9096 — ZIP + 4

Type of Business (please check one and provide additional information if needed):

- ☐ Sole proprietorship
- ☐ Limited liability company
- ☒ C corporation
- ☐ Nonprofit C corporation
- ☐ S corporation
- ☐ Association
- ☐ Limited liability partnership
- ☐ Partnership
- ☐ Governmental
- ☐ Limited partnership
- ☐ Other

Location Information

Assumed Business Name/DBA/Trade Name, etc.: N/A

106 South Short Route — Physical Location Address
Polson — City
MT — State
59860 — ZIP + 4

Lake — County
(406) 883-1975 — Location Phone Number
(406) 883-1975 — Location Fax Number

Contact Information

Name: Philip Terry - on-site Manager (*Please Print*)
Phone Number: (406) 883-1975

Email address: N/A

Important: *Please complete Section II (other side of form), if applicable. In all situations, sign and date. All coordinating applications and affidavits must be completed and attached for processing.*

License fee and payment information is on the other side of this form.

Signature (required)

I declare under penalty of false swearing that I am the applicant or the duly authorized representative of the entity making this application, and that the responses provided, including any accompanying information, are true, correct and complete.

Signature
Senior Vice President and Secretary — Title
12/9/14 — Date

Please mail completed form to: eStop Business Licenses, PO Box 8003, Helena, MT 59604-8003

Questions? Call us toll free (866) 859-2254 (In Helena, 444-6900), FAX: (406) 444-7723

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eSTOP BUSINESS LICENSES

Section II. License Fees

License	Type of Fee	Inspection Required	Fee	Quantity	Total Amount
Retail Food Establishment	Small - Establishments with one or two employees working at any one time. *New or relocation fee applies.*	Yes. Please contact your county environmental health department.	$85.00		
	Large - Establishments with more than two employees working at any one time. *New or relocation fee applies.*		$115.00		
Tobacco Products	Retailer. *New or relocation fee applies.*	No	$5.00		
	Vendor. *New or relocation fee applies.*	No	$50.00		
	Wholesaler. *New or relocation fee applies.*	No	$50.00		
	Subjobber. *New or relocation fee applies.*	No	$50.00		
Off-Premises Beer/Wine	Processing fee for new applicant, relocation, *some* business structure changes and addition of beer or wine license to current license. *Fee is nonrefundable.*	Yes, if new application or application for transfer of location.	$200.00	1	$ 200.00
	Background check processing fee		$27.25		
	Beer		$200.00		
	Wine		$200.00		
	Beer/Wine		$400.00		
Nursery License	*A license is not required if gross annual sales are less than $1,000.*				
	❑ Check this box if applying for a secondary location. *No fees are required.*				
	Initial application fee for >$1,000 gross annual sales	Not at registration	$25.00		
	License fee for $1,000-$5,000 gross annual sales	Not at registration	$25.00		
	License fee for >$5,000 gross annual sales	Not at registration	$100.00		
Underground Storage Tanks	❑ Owner ❑ Operator (Please check one.)				
	Tanks ≤1,100 gallons. *New or relocation fee applies.*	Not at registration. Every three years for operating permit.	$36.00		
	Tanks >1,100 gallons. *New or relocation fee applies.*		$108.00		
Meters - Petroleum Dealers	PA - Max delivery ≤ 20 gal/min	Yes	$21.00		
	PB - Max delivery > 20 gal/min and ≤ 130 gal/min	Yes	$70.00		
	PC - Max delivery > 130 gal/min	Yes	$83.00		
	PD - LPG (Propane) meters	Yes	$102.00		
Scales - Weighing Devices	S1 or SA - 0 thru 499 lbs	Yes	$20.00		
	S2 or SB - 500 thru 1,999 lbs	Yes	$33.00		
	S3 or SC - 2,000 thru 7,999 lbs	Yes	$64.00		
	S4 or SD - 8,000.thru 60,000 lbs	Yes	$165.00		
	S5 or SE - 60,001 lbs or greater	Yes	$280.00		
				Total Amount Due	$ 200.00

Section III. Payment Information

Please make checks or money orders payable to ***eStop Business Licenses.***

Check or Money Order _____

Credit Card Payment: ❑ Visa ❑ MasterCard Credit Card Number ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date _____ Name on Card _____

Questions? Call us toll free (866) 859-2254 (in Helena at 444-6900). FAX: (406) 444-7723

Montana Department of REVENUE

MONTANA
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Beer and Wine License Application (Retail Off-Premises Consumption)

Note: *When eStop Business Licenses receives your Beer and Wine License application, we will contact you by letter to request additional documents and let you know if your application meets our initial requirements. It usually takes 45 to 60 days to process an application. When we receive a complete application, we will notify the necessary officials for final review and approval of your application.*

Section 1. Application Guide and Checklist

Please check the appropriate boxes below and include this page with your application.

Register for a New License

- ☐ Complete and sign the eStop Master Application.
- ☐ Include the license, processing and background check fees (see page 2 of the eStop Master Application).
- ☐ Complete Sections 2-6 of this application.
- ☐ Include additional documents needed to complete this application or send them to the appropriate agency. See Section 7, items 1-7.
- ☐ Request Temporary Operating Authority (see Section 4) if the premises has been licensed within the last year to sell beer and wine.
- ☐ Schedule a fire, building and health inspection of the premises at least two weeks prior to the tentative date of opening or completion.

Submit a Business Structure Change

I want to add an entity or individual to the business structure that has never before had an ownership interest in the license.

- ☒ Complete and sign the eStop Master Application.
- ☒ Include the $200 processing fee and $27.25 background check fee (see page 2 of the eStop Master Application).
- ☒ Complete Sections 2-6 of this application.
- ☒ Include additional documents needed to complete this application or send them to the appropriate agency. See Section 7, items 2-7.

Relocate to a New Physical Location

- ☐ Complete and sign the eStop Master Application.
- ☐ Include the $200 processing fee (see page 2 of the eStop Master License Application).
- ☐ Complete Sections 2-6 of this application.
- ☐ Include additional documents needed to complete this application or send them to the appropriate agency. See Section 7, items 1, 2, 6 and 7.
- ☐ Schedule a fire, building and health inspection of the premises two weeks prior to the tentative date of opening or completion.

Adding a Beer or Wine License to an Existing License

- ☐ Complete and sign the eStop Master Application.
- ☐ Include the license fee and $200 processing fee (see page 2 of the eStop Master License Application).

Section 2. Premises

1. Please indicate the location of the physical address.

   ☒ City Limits ☐ County Area

2. Is the building complete and ready for use?

   ☒ Yes

   ☐ No. The expected completion date is_____

   The delay is due to a ☐ remodel ☐ new construction

3. Is the location to be licensed within a zone or area where the sale of alcoholic beverages is not allowed by city, county or tribal ordinances?

   ☐ Yes

   ☒ No

4. Do you, as the individual or entity on the eStop Master Application, own or are you purchasing the real property, building or building area proposed for licensing?

   ☒ Yes. Please provide a warranty deed, purchase agreement or current property tax statement.

   ☐ No. Please provide a lease agreement.

Section 3. Type of Off-Premises Business

Please check the license type under which the premises proposed for licensing will operate.

☒ Grocery store (include a copy of the Grocery Inventory, Form G-1)

☐ Pharmacy (include a copy of your current pharmaceutical license)

☐ Stand Alone

If applying for a Stand Alone license type, do you agree to maintain a business gross income of 95% or more from the sale of beer and wine, and that the business gross income of other retail products will not exceed 5%?

☐ Yes ☐ No

Section 4. Temporary Operating Authority

Has this premises been licensed within the last year and no building, health or fire deficiencies exist?

☐ Yes. Please enter the expected date that Temporary Operating Authority will begin_____

☐ No. Temporary Operating Authority cannot be granted.

Note: Temporary Operating Authority is granted for the use of the Beer and Wine license only during the time period that your application is being processed.

The department will issue Temporary Operating Authority when we receive verification that the tax information of the current recorded licensee or seller is current. The current recorded licensee (seller) must provide the Liquor Division Authorization to Disclose Tax Information (Form LIQ-AUTH) to the department. This form is available on our website at *revenue.mt.gov/formsandresources/downloadable-forms/liquor-licensing.mcpx*. Please be aware that we will revoke Temporary Operating Authority if you or your employees violate any provisions of Montana Code Annotated or Administrative Rules of Montana.

Section 6. Manager Information

Name of person or entity that is managing or that will be managing the business _____

Philip Terry will oversee the alcoholic beverage business conducted on the premises.

- ☐ This person or entity is a shareholder, member or partner.
- ☒ This person or entity was employed as a manager and a current management agreement is on file with the department. Management agreement will be submitted soon.
- ☐ This manager was recently employed. Date of hire _____

  Please include with your application a management agreement for this manager or management company. A management agreement (Form MGR-1) is available on our website at *http://revenue.mt.gov/formsandresources/downloadable-forms/liquor-licensing.mcpx*. This form meets the requirement for ARM 42.12.132.

Section 7. Required Documents

1. A Floor Plan (Form F-1) detailing the outside dimensions, general layout and areas where beer and wine will be stored and sold. Please label the floor plan with the date, DBA (doing business as) and address of premises to be licensed.
2. A lease agreement, purchase agreement, warranty deed or current property tax bill verifying the applicant has possessory interest in the real property where the business is located.
3. A Registered Certificate of Existence, Authority or Fact if you are applying as a corporation, company or partnership. In addition, if your DBA is different than the applicant's name, please include the certificate as filed with the Secretary of State's (SOS) Office. In Montana, call (406) 444-3665 or go to *http://app.mt.gov/bes/instruct.html* to register the new entity and DBA by mail or online.
4. A background check fee of $27.25, personal history statement and two fingerprint cards for each individual with an ownership interest of 10% or more of the license. In certain circumstances, a representative for the licensee will require a background check. Please contact our office toll free at (866) 859-2254, (in Helena) at (406) 444-6900, and we will mail the fingerprint cards to you. Go to your local law enforcement agency to be processed. (Local officials may charge a separate fee for this service).
5. A bank account agreement having the applicant's name, Federal Employer Identification (FEIN) or social security number and authorized signatures.
6. The Liquor Division Authorization to Disclose Tax Information (Form LIQ-AUTH) for each individual and entity that has an ownership interest of 10% or more, and for the current recorded licensee (seller). Please fax the completed Form LIQ-AUTH to Department of Revenue, Business Income Tax Division at (406) 444-6642. The form is available on our website at *http://revenue.mt.gov/content/forbusinesses/alcohol_beverage_control/Liquor_Licensing/LIQ_AUTH.pdf*.
7. If you have not registered your business with Alcohol and Tobacco Tax and Trade Bureau (TTB), all alcohol beverage dealers must file the TTB F 5630.5d form and mail it to the designated address on the form, or contact TTB's National Revenue Center at (800) 937-8864 or (513) 684-2979.

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Grocery Inventory

Section 16-4-115(1), MCA states a retail license to sell beer or table wine in the original package for off-premises consumption may be issued only to a qualified applicant whose premises proposed for licensing operates as a bona fide grocery store; a drug store licensed as a pharmacy; or a stand-alone beer, wine, or beer and wine business.

If you are applying a Stand-Alone type license, you are not required to complete this form.

ARM 42.12.126(2) states that a retail inventory of $3,000 will serve as a basis for determining whether an establishment qualifies as a "bona fide grocery store." An establishment must maintain retail inventory of at least $3,000 at all times.

The retail inventory must include at least three different types of items in each of the following food groups: meats, vegetables, fruits, bakery items, dairy products and household supplies.

Provide the Total Retail Inventory dollar amount, do not include the beer and wine inventory amounts.

For each of the following food group categories, list three types of items included in your retail inventory:

Meats	Chicken	Beef	Pork
Vegetables	Lettuce	Onions	Carrots
Fruits	Bananas	Apples	Grapes
Bakery Items	Rolls	Muffins	Cakes
Dairy Products	Milk	Cheese	Eggs
Household	Laundry Detergent	Paper Towels	Sponges

Enter the total dollar amount of the retail inventory proposed above. If your business is already established, write the total dollar amount of the retail inventory you had last month, not including beer and wine. $ 383,926.12

Please provide the total retail amount of the proposed inventory for the previous month.

I certify this inventory to be correct.

Signature

Safeway Inc. / Lake County

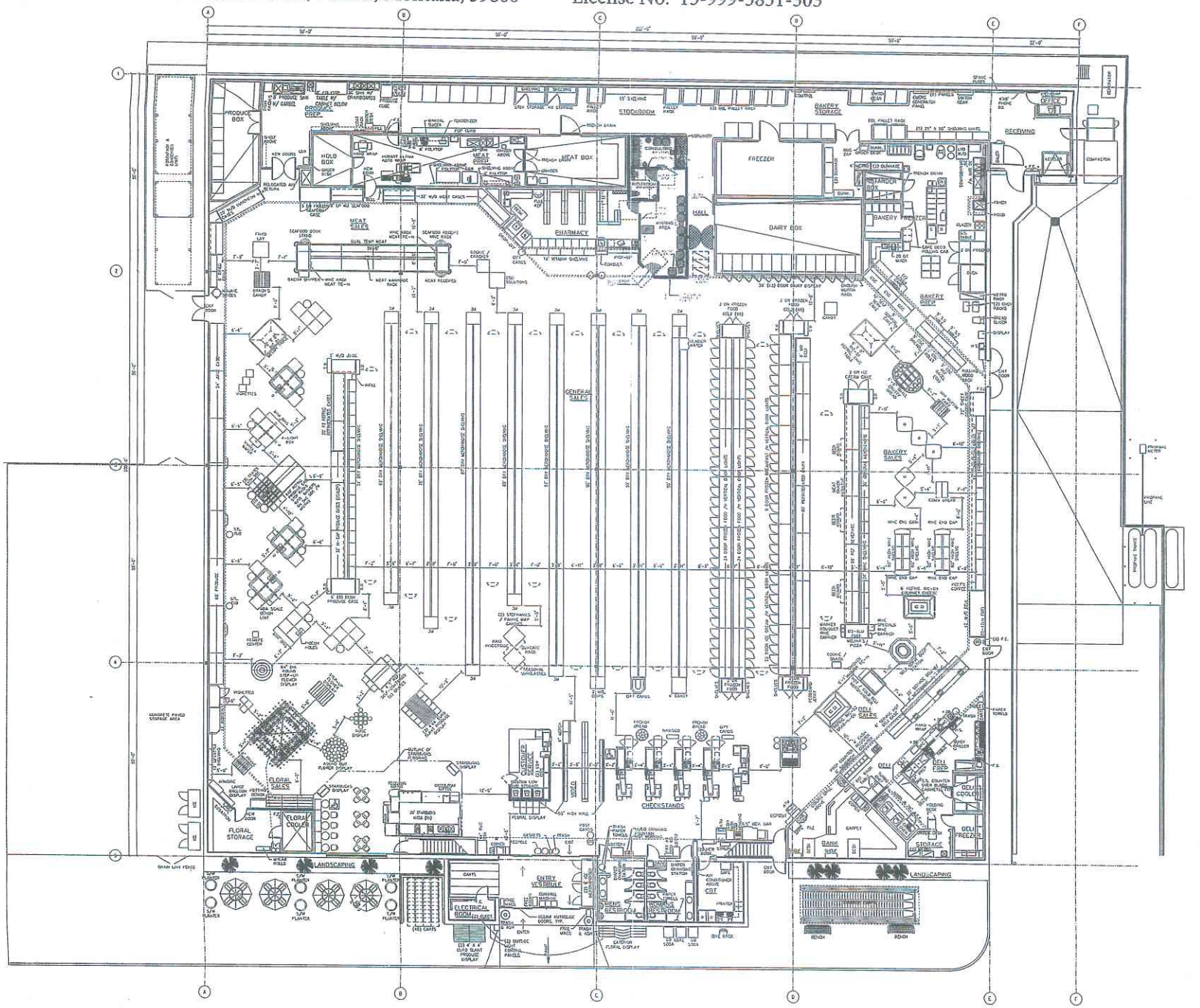
Business Trade Name/County

12/9/14

Date

Name of Establishment: Safeway, Inc.

Physical Address: 106 South Short Route, Polson, Montana, 59860 License No. 15-999-3831-303



PROPOSED
05/27/11

SAFEWAY

SAFEWAY STORE 1646
POLSON, MT
#0400-00-00
MT HWY 35 & US HWY #93
SAFEWAY SHOPPING CENTER

PROPOSED FIXTURE PLAN

27-1646

A-161

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 7 (Motion) Adopt Chapter 2, Article 4, Departments and Article 5, Boards and Commissions
Meeting Date: March 2, 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 second 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 2 Articles 4 and 5 were 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. City staff has also reviewed the additions and changes and have provided their input.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Staff recommends approval of the 2nd reading of Ordinance 2015-002

SUGGESTED MOTION: ***I make a motion to approve the 2nd reading of Ordinance 2015-002 adopting Chapter 2 Articles 4 and 5 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance 2015-002 with Chapter 2, Articles 4 and 5

ORDINANCE Ord #2015-002

**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: 12/15/2014
First Reading: ____ayes ____nays ____abstentions

Date: 03/02/2015

Second Reading: ____ayes ____nays ____abstentions

Effective Date: 04/02/2015

_____
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;

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 financial operations, 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, disputes, terminating 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 may 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 maybe reappointed for additional terms and shall serve 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 December 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 commission resolution.

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 five 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. In the event such appointment is made, the zoning commission shall consist of the members of the city-county planning board.

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 December 31 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 December 31of 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. Preference 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. One member shall be chosen from each ward of the city by the commissioners representing that ward, with the advice and consent of 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. Three members shall be appointed at large, without limitation as to residency, by the city manager and upon the consent of the commission.

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: 8 (MOTION) Adopt Chapter 2, Article 6 Finance
Meeting Date: March 2, 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 second reading of Ordinance 2015-003.

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 Article 6 was 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 2nd reading of Ordinance 2015-003

SUGGESTED MOTION: ***I make a motion to approve the 2nd reading of Ordinance 2015-003 adopting Chapter 2 Article 6 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance 2015-003 with Chapter 2, Article 6

ORDINANCE Ord #2015-003

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:03/02/2015
Second Reading: ____ayes ____nays ____abstentions

Effective Date: 04/02/2015

_____
Mayor Heather Knutson

Attest:

_____
City Clerk Cora E. Pritt

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.
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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.

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: 9 **(Motion)** Adopt Chapter 12, Article 6, Excavations
Meeting Date: March 2, 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 second 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 2nd reading of Ordinance 2015-004

SUGGESTED MOTION: ***I make a motion to approve the 2nd reading of Ordinance 2015-004 adopting Chapter 12 Article 6 of the City of Polson Book of Ordinances.***

ATTACHMENTS:

1. Ordinance 2015-004 with Chapter 12, Articles 6

ORDINANCE Ord #2015-004

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:03/02/2015
Second Reading: ____ayes ____nays ____abstentions

Effective Date: 04/02/2015

_____
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: 10 (MOTION REQUESTED)
Meeting Date: March 2, 2015
Staff Contact: Tony Porrazzo/Mark Shrives

AGENDA ITEM SUMMARY: Establishment of Apparent Low Bidder and recommended award of Base Bid and Additive Alternate A of the Downtown Watermain Project to LHC, Inc. of Kalispell, MT.

BACKGROUND: The Downtown Watermain Project involves the replacement of approximately 5,125 lineal feet of undersized watermain in the Downtown area between Main and 3rd Streets from 4th Avenue to Kootenai. Included are two trenchless crossings of Highway 93 at 1st and 2nd Streets. The project is funded by a $100K Renewable Resources grant from MDNRC, a $547,350 TSEP grant and an anticipated $565K low interest SRF loan from MDEQ/MDNRC.

This project was previously bid in the summer of 2014. Due to bidding irregularities, the Commission did not award the project at that time and asked that it be rebid in the January/February 2015 timeframe. Construction Budget for the Downtown Project is $835,140 plus a contingency of $160,990

ANALYSIS: There were six bid packets submitted for the project. The engineer estimate was $1,040,950.00

The following companies bid on the project. The apparent low bidder is highlighted in yellow. Bid Tabulation form is attached **(Enclosure 1).**

Company Name	Bid Amount
1. LHC, Inc.	$737,795.38 (Apparent Low Bidder)
2. Downing Construction	$794,116.00
3. Noble Excavating	$817,643.00
4. JD Russell	$837,378.75
5. Sandry Construction	$863,484.50
6. MT Underground	$957,112.00

Once the City Commission approves the award of bid, it must also be approved by the funding agency and will be finalized after all necessary background checks are made

FINANCIAL CONSIDERATIONS: Bid Price of $737,795.38. ***The new project bid reflects a savings in construction costs of $69,820.62 from the bid in August of 2014.***

STAFF RECOMMENDATION: To award the Downtown Watermain Looping project to LHC Inc...

The Award recommendation conditional upon the following:

- Contractor satisfies all necessary insurance, bonding, solvency and capacity requirements
- funding agency approval

SUGGESTED MOTION: I move to award the bid for the Downtown Watermain Looping Project to the apparent low bidder, LHC, Inc.in an amount of $737,795.38, pending final approval of funding agencies and completion of reference checks and to authorize the City Manager to execute all necessary contracts.

ATTACHMENTS:

- Certified Bid Tabulations - Attached

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 10 **(Motion)** Discuss Potential Projects for CDBG Grant Application and Make Project Selection

Meeting Date: March 2, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission to discuss and then select a project for the City to move forward with a CDBG Grant Application.

BACKGROUND: The City engaged Nittany Grant Works (Lori Benner) to prepare a CDBG Grant application on behalf of the City. For a CDBG Grant Application, there is a specific public process to follow. That includes

1. Hold a public hearing to take input on potential projects **(we completed that hearing on February 18, 2015)**
2. Discuss the proposed projects and make a project selection **(scheduled for March 2, 2015)**
3. Hold a Public Hearing and take comments on selected project **(scheduled for March 23, 2015)**

ANALYSIS: Nittany Grant Works, (Lori Benner) has prepared a memorandum **(enclosure 1)** which further outlines what is available through the CDBG process and she has also answered the questions that were asked at the Public Hearing. In addition, she has provided a discussion regarding each project that was presented.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Based on the analysis completed by Lori Benner of Nittany Grant Works, it appears the only project that was presented that would meet the criteria to be eligible for this CDBG grant cycle is the Waste Water Treatment project.

SUGGESTED MOTION: ***I make a motion to select _____ as the project to include in the City's CDBG Grant application.***

ATTACHMENTS:

1. Memo – Nittany Grant Works

NITTANY GRANTWORKS PO Box 1821, Livingston, MT 59047 • Ph 406 222 6111 • Fx 888 644 3230 • www.nittanygrantworks.com

MEMORANDUM

TO: Mark Shrives, City Manager

FROM: Lori Benner GPC, Nittany Grantworks

DATE: February 25, 2015

RE: Public Hearing Follow-up

I have prepared an overview of the Community Development Block Grant (CDBG)-eligible projects presented at the Public Hearing on February 18, 2015. As a reminder, the CDBG program is designed to help communities with their greatest community development needs. The program's National Objective is to help develop viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. I learned from Andrew Chanania, CDBG Program Specialist, that communities can propose only one (1) project in an application. The CDBG program has three grant categories: Planning, Competitive Housing and Neighborhood Renewal Construction, Non-Competitive Housing Rehab Construction, and Public Facilities Construction.

Planning grants are available in amounts up to $30,000. Applicants must provide match on a 3:1 basis; in other words, an applicant must provide a minimum of $1 in match for every $3 of CDBG planning grant funds awarded. Planning grant funds can be used for the preparation of plans and studies; the following are a few project examples: growth policies, housing plans, downtown/neighborhood revitalization or master plans, Preliminary Architectural Reports (PAR) and Preliminary Engineering Reports (PER). Planning grant applications will be accepted on an on-going basis beginning July 1, 2015.

Competitive Housing and Neighborhood Renewal construction grants are available in amounts up to $450,000 and there is no match requirement. Construction grant funds can be used to support the following projects: new construction of single family or multi-family housing, acquisition, construction, or rehabilitation of rental units, community renewal, and temporary housing facilities. A Preliminary Architectural Report (PAR) must be complete and included in the grant application. The deadline for Housing Construction grant applications is April 20, 2015.

Non-Competitive Housing Rehab construction grant award amounts are based on public health and safety needs and there is no match requirement. Construction grant funds can be used to rehabilitate occupied homes and residential properties determined to have critical health and safety deficiencies, new construction of vacant, infill development residential properties, and /or demolition activities which directly result in the redevelopment of residential properties as the direct activity, as established in the one-to-one replacement guidance. The program is non-competitive; applications are received on a first-come, first-served basis.

Public Facilities Construction grants are available in amounts up to $450,000. Applicants must contribute local funds equal to at least 25% of the total CDBG funds requested. Construction grant funds can be used to support public infrastructure projects and community facilities that are designed to provide services that are used by predominately by low- to moderate-income individuals, such as

nursing homes, senior centers, food banks, and Head Start centers. A Preliminary Engineering Report (PER) must be complete and included in the grant application if the applicant is requesting funds to support public infrastructure. A Preliminary Architectural Report (PAR) must be complete and included in the grant application if the applicant is requesting funds to support a community facility. The deadline for Public Facilities Construction grant applications is April 20, 2015.

Project Overviews

Renovation or expansion of the Boys and Girls Club in Polson would require the completion of a Preliminary Architectural Report (PAR). The PAR must be prepared by a professional architect licensed to practice in the State of Montana; adequately describe existing building conditions and problems, present and analyze reasonable alternative, and propose a specific course of action for solving the identified problems; provide sufficient information to adequately assess the need for, feasibility, and general, estimated cost of the proposed project; and, thoroughly address all of the other issues identified in the Montana PAR outline.

Construction of an Alternative School would require the completion of a Preliminary Architectural Report (PAR). Rehabilitation of an existing building is also eligible. Leasing is not an eligible cost.

Construction of the Wastewater Treatment Plant would require the completion of a Preliminary Engineering Report (PER). The PER must be prepared by a professional engineer licensed to practice in Montana; adequately describe existing conditions and problems, present and analyze reasonable alternative, and propose a specific course of action for solving the identified problems; provide sufficient information to adequately assess the need for, feasibility, and general, estimated cost of the proposed project; and, thoroughly address all of the other issues identified in the Montana PER outline.

Providing affordable housing for low income populations and housing for seniors; as well as, home repair and accessibility upgrades. Construction of a new or rehabilitation of an existing building would require the completion of a Preliminary Architectural Report (PAR). Regarding home repair and accessibility upgrades, applicants must complete and submit a Non-Competitive Rehabilitation Application Qualifying Information form to the CDBG Rehab review team.

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 12 **(Possible Motion)** Water Compact Follow-up Discussion

Meeting Date: March 2, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item provides an opportunity for the City Commission to further discuss items that were presented during the work session on February 3, 2015. If it is determined by the City Commission to make any comment on the water compact, a possible draft letter is included for your review and consideration.

BACKGROUND: Information regarding the water compact was presented to the City Commission at the February 3, 2015 work session.

ANALYSIS: None Provided

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: None

SUGGESTED MOTION: None

ATTACHMENTS:

1. Proposed draft letter

March __, 2015

Name
Address
City, State Zip

Dear <Name>,

Greetings from the City of Polson. The City Commission held a workshop in early February inviting representatives from the Montana Reserved Water Rights Commission, the Confederated Salish and Kootenai Tribes, and from a local group in opposition to the Compact. Our goal was to gather information from all positions, specifically focused on the municipal water element in the proposed CSKT Water Compact. Melissa Hornbein accepted our invitation on behalf of the Montana Reserved Water Rights Commission, Dan Decker accepted our invitation on behalf of CSKT, and the group in opposition to the Compact elected to decline the opportunity to present to the City Commissioners.

Further to this meeting, reviewing a memo from Attorney General Tim Fox in response to the letter from Flathead County Commissioners, there are two points we found of particular interest to us in evaluating the future of the City of Polson's water supply. The first was in his response to question number 4, where he writes "Without the Compact, CSKT will be able to "call" any non-tribal user of water, including water for homes, businesses, **cities and towns**, and farms both on and off the Reservation..." In his response to question number 6, the Attorney General clarifies that the "quantification of water needs to be made for both surface and ground water," which is what the City of Polson is currently using for our water source.

The presentations we heard were educational and informative, and were aligned with what the Attorney General noted in his memo. This subject of water rights, and specifically the proposed CSKT Water Compact, is so vast and complex that it would be unreasonable to expect the City Commission to have full understanding after one presentation. It is important to point out that this letter and position focuses solely on the municipal water portion of the Compact and does not address the irrigation or domestic well components.

By asking the presenters to focus specifically on municipal water, we believe we have a good understanding of what the Compact means to our City. In particular, what we need to know is what the difference would be for the City if the Compact is passed versus if the Compact does not get passed.

If the Compact is passed, we are assured of two very important details: 1) Our water will be protected from potential "calls" from the Tribe; 2) Future water needs have an identified process that once followed and approved, could provide the City with new leases lasting 99 years.

If the Compact is not passed, we would be exposed to potential "calls" and the process of attaining future water needs would be very uncertain for an unknown amount of time while adjudication is completed.

DRAFT

The question we have to ask ourselves is what is best for the 4,800 citizens of Polson now and into the future?

We believe that specifically with respect to municipal water, the proposed CSKT Water Compact does help address most of the City of Polson's concerns and would not jeopardize or adversely affect our City's water supply. We understand from both Ethan Mace, hydrologist for DNRC, and Daniel Decker, CSKT Attorney, that the likeliness of the Tribe placing a "call" on the City of Polson, or not allowing the City of Polson the necessary water – with or without the compact – is minimal. With that said, however, there is comfort in knowing that with the signing of the Water Compact, the structure, processes in place, and sense of stability the City would have in addressing future water needs would be advantageous.

We understand there are many other factors that will go into the final decision the Montana Legislature will ultimately make. As we indicated, we cannot speak specifically to those aspects, but we know, they are a large part of the decision making process. The City of Polson supports our legislators in their review of the CSKT Water Compact and their ultimate decision. We have entrusted you to make difficult decisions of this nature, and we believe you will do what is best for Montana and Montanans, including our citizens of Polson.

Sincerely,

Mayor Heather Knutson and Polson City Commissioners

DRAFT