

**CITY OF POLSON COMMISSION
AGENDA**

(New Agenda format per 2014ORD#005)

COMMISSION CHAMBERS

April 6, 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 March 19-31, 2015
- b. City Commission Meeting Minutes March 2, 2015
- c. City Commission Public Hearing Minutes March 23, 2015
- d. City Commission Meeting Minutes March 23, 2015
- e. Transfer of Ownership All-Alcoholic Beverages License No. 15-860-3878-001 to Vine & Tap, LLC
- f. Resolution of Annexation of Skyline Drive

6. CITY MANAGER COMMENTS

City Manager Mark Shrives

- a. Polson Fire Department Agency Review

OLD BUSINESS

7. APPROVE SECOND READING OF ORDINANCE 2015-005 TO ADOPT CHAPTER 3, ARTICLES 1. IN GENERAL, ARTICLE 2. WATER, ARTICLE 3. SEWER TO THE CITY OF POLSON BOOK OF ORDINANCES

City Manager Mark Shrives

NEW BUSINESS

8. INFORMATION ON ENVISION POLSON CLEAN UP/GREEN UP DAY APRIL 24, 2015.

Agnes Rinehart

9. APPROVE TWO 2016 GOLF SEASON PASSES FOR FESTIVAL OF YOUTH RAFFLE & CHILI COOK OFF.

10. APPROVE USE OF SALISH POINT PARK FOR 5TH ANNUAL FLATHEAD LAKE BLUES FESTIVAL AUGUST 14 & 15, 2015 WITH WAIVERS.

Darinda Huntley & David Venters

11. APPROVE USE OF SACAJAWEA PARK FOR FLATHEAD FESTIVAL OF THE ARTS, AUGUST 15 & 16, 2015.

Heather Holmes

12. APPROVE THE RESOLUTION TO ADOPT THE SAFE AND ACCESSIBLE STREETS POLICY.

Karen Sargeant

13. ADJOURN

Mayor Knutson

5a.

For doc #s from 120224 to 120307

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	214550 Deposits Payable -	999999 MELEA BIRD	FACILITIES-EVENT CLN	100.00
1000 General All-Purpose Fund	410360 Municipal Court	3513 COLJ CONFERENCE	COURT-DO CONFERENCE	300.00
1000 General All-Purpose Fund	410360 Municipal Court	3997 JOAN HART	COURT- JH TRAVEL MEA	64.00
1000 General All-Purpose Fund	410360 Municipal Court	000010 CENTURYLINK	COURT-SHARED TELEPHO	94.13
1000 General All-Purpose Fund	410400 Administrative Services	000046 BEACON TIRE CENTER	ADMIN-NEW TIRES MT/B	478.68
1000 General All-Purpose Fund	410500 Financial Services	4604 LAKE COUNTY	FINANCE-AS CLASS REG	122.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-CITY HALL	213.48
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-FIRE HALL	139.67
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000011 MISSION VALLEY POWER	FACILITIES-HVAC SYST	772.61
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-WEB HOSTI	22.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000010 CENTURYLINK	FACILITIES-TELEPHONE	291.05
1000 General All-Purpose Fund	420140 Crime Control and	000026 POLSON AUTO PARTS, INC.	POLICE-TAPE	4.96
1000 General All-Purpose Fund	420140 Crime Control and	000026 POLSON AUTO PARTS, INC.	POLICE-MIRROR ADHESI	5.39
1000 General All-Purpose Fund	420140 Crime Control and	000026 POLSON AUTO PARTS, INC.	POLICE-MIRROR ADHESI	5.39
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-CHAIRMAT	49.49
1000 General All-Purpose Fund	420140 Crime Control and	001635 SIRCHIE FINGER PRINT	POLICE-EVIDENCE SUPP	102.71
1000 General All-Purpose Fund	420140 Crime Control and	4684 WASH N' GO, LLC	POLICE-VEH WASH JAN-	111.65
1000 General All-Purpose Fund	420140 Crime Control and	000011 MISSION VALLEY POWER	POLICE-STORAGE SHED	131.70
1000 General All-Purpose Fund	420140 Crime Control and	000750 JOHN A. STEVENS	POLICE-PARTS FOR DET	69.25
1000 General All-Purpose Fund	420140 Crime Control and	000545 POLSON ANIMAL CLINIC	POLICE-BOARDING K-9	45.00
1000 General All-Purpose Fund	420140 Crime Control and	000085 SOUTHSHORE VETERINARY	POLICE-ANIMAL IMPOUN	54.00
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-CELL PHONE SE	292.36
1000 General All-Purpose Fund	420140 Crime Control and	000046 BEACON TIRE CENTER	FIRE-NEW TIRES MT/BA	347.00
1000 General All-Purpose Fund	420140 Crime Control and	000046 BEACON TIRE CENTER	FIRE-TRUCK 316 ROTAT	40.00
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-SHARED TELEPH	47.40
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-TELEPHONE SER	179.11
1000 General All-Purpose Fund	420140 Crime Control and	000034 WESTERN BUILDING CENTER	POLICE-COMPOUND	20.01
1000 General All-Purpose Fund	420140 Crime Control and	000034 WESTERN BUILDING CENTER	POLICE-MASKING TAPE/	34.47
1000 General All-Purpose Fund	420400 Fire Protection and	000026 POLSON AUTO PARTS, INC.	FIRE-GOJO ORNGE GAL	14.55
1000 General All-Purpose Fund	420400 Fire Protection and	000026 POLSON AUTO PARTS, INC.	FIRE-LIFT SUPPORT UN	21.99
1000 General All-Purpose Fund	420400 Fire Protection and	4752 PROFORMA	FIRE-MISC SUPPLIES	548.88
1000 General All-Purpose Fund	420400 Fire Protection and	3328 STAGELINE PIZZA	FIRE-TRAINING SUPPER	149.57
1000 General All-Purpose Fund	420400 Fire Protection and	000010 CENTURYLINK	FIRE-TELEPHONE SERVI	90.71
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-TACO BELL A	122.44
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-SOUTH 1/2 W	81.62
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-HOUSE NE CI	20.41
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-RIDGEWATER	81.62
1000 General All-Purpose Fund	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-CONTRACT SE	1,755.00
1000 General All-Purpose Fund	420545 Zoning Update	4327 LAND SOLUTIONS, LLC	PLANNING-DEVELOPMENT	792.00
1000 General All-Purpose Fund	430240 Road and Street	000011 MISSION VALLEY POWER	STREETS-CITY SHOP	207.50
1000 General All-Purpose Fund	430240 Road and Street	4159 REXEL INC, d/b/a PLATT	STREETS-WH BASE & CO	14.73
1000 General All-Purpose Fund	430240 Road and Street	000010 CENTURYLINK	STREETS-TELEPHONE SE	93.81
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-PUTTY & SCRE	22.20
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-VARIETY BLDG	28.97
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-CAULK,WOOD S	22.47
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-ASST FASTENE	1.08
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-2X4 FIR SELE	6.32
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-STAKES	16.26
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-SCRW-IN LADD	2.29

For doc #s from 120224 to 120307

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-"J" CHANNEL,	68.64
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-COLORED NEOS	22.50
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-CAULK, WOOD	5.99
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-CAULK, WOOD	11.98
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-CITY PARKS	218.15
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-SACAJAWEA PARK	9.07
1000 General All-Purpose Fund	460430 Parks	000046 BEACON TIRE CENTER	PARKS-4 TIRES MT/BAL	55.00
1000 General All-Purpose Fund	460430 Parks	000010 CENTURYLINK	PARKS-TELEPHONE SERV	26.69
Total for Fund:				8,680.45
2216 Parkland Subdivision Fee	460430 Parks	4062 WEST COAST PAPER	PARKS-CRANK HRT DISP	94.00
Total for Fund:				94.00
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-VARIOUS SCREWS	54.64
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-PRODUCT RETURN	-27.76
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-2X12 F/L SELEC	47.99
Total for Fund:				74.87
2350 Local Government Study	411870 Local Government Review	3902 VALLEY JOURNAL LLP	LOCAL GOV REVIEW COM	54.00
Total for Fund:				54.00
2394 Building Code Enforcement	420500 Protective Inspections	4883 DAVID SIMONS, JR	BUILDING-RENEW CERTI	100.00
2394 Building Code Enforcement	420500 Protective Inspections	4883 DAVID SIMONS, JR	BUILDING-DS TRAVEL M	64.00
2394 Building Code Enforcement	420500 Protective Inspections	2074 VERIZON WIRELESS	BUILDING-CELL PHONE	32.41
2394 Building Code Enforcement	420500 Protective Inspections	000010 CENTURYLINK	BUILDING-TELEPHONE S	32.66
Total for Fund:				229.07
2401 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-STREET LI	1,351.08
Total for Fund:				1,351.08
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-STREET LI	754.40
Total for Fund:				754.40
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-SNOW BLOWER	16.30
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-MISC PART	114.20
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-MISC PART	45.25
2820 Gas Apportionment Tax	430240 Road and Street	000026 POLSON AUTO PARTS, INC.	STREETS-ASST PRODUCT	9.68
2820 Gas Apportionment Tax	430240 Road and Street	4530 GLACIER LAKE SAND &	STREETS-3/8" DURA CH	146.88
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-FIMCO PUMP	129.00
2820 Gas Apportionment Tax	430240 Road and Street	4818 PIONEER CHEMICAL SUPPLY	STREETS-SUPER SAC IC	3,899.10
Total for Fund:				4,360.41
2943 RCDI/Growth Policy	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-GROWTH POLI	725.00

For doc #s from 120224 to 120307

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
Total for Fund:				725.00
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-NAPA HYD	21.84
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-JAW 2 TON	40.18
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-METPLASTH	29.99
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-BEARINGS	85.72
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-BATTERY	109.69
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-CORE DEPO	-7.50
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-OIL FILTR	488.88
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-ASST PROD	-46.67
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-CONTRL SP	18.76
5010 Golf Fund	460446 Golf Course -	000026 POLSON AUTO PARTS, INC.	GOLF MAINT-FILTERS,	177.38
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-CABLES	389.26
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-VARIETY P	205.70
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-GOLF SHED	187.47
5010 Golf Fund	460446 Golf Course -	000011 MISSION VALLEY POWER	GOLF MAINT-BAYVIEW P	448.90
5010 Golf Fund	460446 Golf Course -	3992 PAT NOWLEN	GOLF MAINT-PN TRAVEL	115.00
5010 Golf Fund	460446 Golf Course -	3992 PAT NOWLEN	GOLF MAINT-PN TRAVEL	252.50
5010 Golf Fund	460446 Golf Course -	2074 VERIZON WIRELESS	GOLF MAINT-CELL PHON	39.15
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-VARIETY P	352.18
5010 Golf Fund	460446 Golf Course -	000010 CENTURYLINK	GOLF MAINT-TELEPHONE	153.24
5010 Golf Fund	460446 Golf Course -	000034 WESTERN BUILDING CENTER	GOLF MAINT-HUSQ ASST	20.96
5010 Golf Fund	460446 Golf Course -	000034 WESTERN BUILDING CENTER	GOLF MIANT-RENT TREN	123.00
5010 Golf Fund	460447 Golf Course - Pro Shop	3595 DEX MEDIA WEST	GOLF PRO-ADVERTISMEN	176.40
5010 Golf Fund	460447 Golf Course - Pro Shop	3866 OFFICEMAX CONTRACT INC.	GOLF PRO-OFFICE SUPP	39.99
5010 Golf Fund	460447 Golf Course - Pro Shop	3866 OFFICEMAX CONTRACT INC.	GOLF PRO-OFFICE SUPP	228.37
5010 Golf Fund	460447 Golf Course - Pro Shop	3866 OFFICEMAX CONTRACT INC.	GOLF PRO-OFFICE SUPP	22.03
5010 Golf Fund	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GOLF PRO-PRO SHOP/ST	227.10
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO-TELEPHONE S	191.92
5010 Golf Fund	460450 Golf Course Restaurant	3447 SUMMIT BEVERAGE	GOLF REST-ASST BEERS	175.85
5010 Golf Fund	460450 Golf Course Restaurant	000316 WALLACES GOLF SHOP	GOLF REST-ASST SNACK	168.59
5010 Golf Fund	460460 G. C. Restaurant O & M	4664 CHARTER COMMUNICATIONS	GOLF REST-INTRNET 3/	175.59
5010 Golf Fund	460460 G. C. Restaurant O & M	000011 MISSION VALLEY POWER	GOLF REST-METER T102	62.21
5010 Golf Fund	460460 G. C. Restaurant O & M	000010 CENTURYLINK	GOLF REST-TELEPHONE	121.08
Total for Fund:				4,794.76
5210 Water Fund	214100 Refunds Payable	999999 AMBER ASHBY	WATER-DEPOSIT REFUND	33.00
5210 Water Fund	214100 Refunds Payable	999999 WAYNE COOPER	WATER-DEPOSIT REFUND	24.36
5210 Water Fund	214100 Refunds Payable	999999 FRANK & RETTA HAMLIN	WATER-DEPOSIT REFUND	50.00
5210 Water Fund	214100 Refunds Payable	999999 CRAIG KNUTSON	WATER-DEPOSIT REFUND	38.25
5210 Water Fund	214100 Refunds Payable	999999 ANTONIA MODERIE	WATER-DEPOSIT REFUND	29.55
5210 Water Fund	214100 Refunds Payable	999999 KENNETH TOWERS	WATER-DEPOSIT REFUND	22.60
5210 Water Fund	430530 Source of Supply and	4074 APPLIED WATER CONSULTING	WATER-SERV 12/27-2/2	4,822.50
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-WELLS, BOOSTER	2,049.11
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-RIVERSIDE LIFT	86.89
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	546.24
5210 Water Fund	430550 Transmission and	4903 DEEP D'TECT SERVICES, LLC	WATER-GPR RADAR SURV	200.00
5210 Water Fund	430550 Transmission and	4903 DEEP D'TECT SERVICES, LLC	WATER-SINK HOLE IN A	187.50
5210 Water Fund	430550 Transmission and	4458 SHARI A. JOHNSON, PE	WATER-CONSTRUCTION S	81.62

For doc #s from 120224 to 120307

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5210 Water Fund	430550 Transmission and	4458 SHARI A. JOHNSON, PE	WATER-DOWNTOWN LOOPI	1,469.22
5210 Water Fund	430550 Transmission and	4458 SHARI A. JOHNSON, PE	WATER-ALLEY E OF MAI	102.03
5210 Water Fund	430550 Transmission and	4006 HD SUPPLY WATERWORKS,	WATER-RATCHET WRNCH	75.00
5210 Water Fund	430550 Transmission and	3306 POLSON PROPANE	WATER-SHOP	337.29
5210 Water Fund	430550 Transmission and	2547 TREASURE STATE CONCRETE	WATER-3/4 CLAY CRUSH	94.55
5210 Water Fund	430550 Transmission and	000010 CENTURYLINK	WATER-TELEPHONE SERV	213.16
5210 Water Fund	430570 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	WATER-METERS	689.28
5210 Water Fund	430570 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	WATER-METERS	1,453.24
			Total for Fund:	12,617.53
5310 Sewer Fund	430630 Collection and	4902 JOHNSON CONTROLS	SEWER-SQ D MOTOR WW	1,405.50
5310 Sewer Fund	430630 Collection and	000026 POLSON AUTO PARTS, INC.	SEWER-ASST. MISC ITE	17.42
5310 Sewer Fund	430630 Collection and	000026 POLSON AUTO PARTS, INC.	SEWER-WIRE, TUBING, CA	81.04
5310 Sewer Fund	430630 Collection and	4903 DEEP D'TECT SERVICES, LLC	SEWER-SINK HOLE IN A	187.50
5310 Sewer Fund	430630 Collection and	4458 SHARI A. JOHNSON, PE	SEWER-CONSTRUCTION S	81.62
5310 Sewer Fund	430630 Collection and	4458 SHARI A. JOHNSON, PE	SEWER-ALLEY E OF MAI	102.03
5310 Sewer Fund	430630 Collection and	3306 POLSON PROPANE	SEWER-SHOP	337.28
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-PUMP/LIFT STAT	2,774.10
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-TELEPHONE SERV	105.23
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-TELEPHONE SERV	243.56
5310 Sewer Fund	430640 Treatment and Disposal	4458 SHARI A. JOHNSON, PE	SEWER-WWTP ENG. SVCS	1,387.59
5310 Sewer Fund	430640 Treatment and Disposal	4458 SHARI A. JOHNSON, PE	SEWER-TMDL MEETINGS	408.12
5310 Sewer Fund	430640 Treatment and Disposal	2547 TREASURE STATE CONCRETE	SEWER-3/4 CLAY CRUSH	94.55
5310 Sewer Fund	430670 Customer Accounting and	999999 MARY MC EVOY	SEWER-UTILITY PUMP	69.99
5310 Sewer Fund	430670 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	SEWER-METERS	689.28
5310 Sewer Fund	430670 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	SEWER-METERS	1,453.24
			Total for Fund:	9,438.05
5390 Stormwater Project Fund	430235 Storm Drainage	4458 SHARI A. JOHNSON, PE	STORM-ENG SVCS	285.68
			Total for Fund:	285.68
			Total:	43,459.30

CITY OF POLSON CITY COMMISSION MEETING

Commission Chambers

March 2, 2015

7:00 p.m.

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

ABSENT: Commissioners Southerland & Turner

CALL TO ORDER: (00:03) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

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

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (1:23)-Andrew Speer- gave an update on the case of Citizens for Open Government vs. City of Polson. The Supreme Court ruled in favor of the City. **Lee Manicke-**asked if the new schedule for David DeGrandpre to complete the Polson Development Code Rewrite. City Manager Shrives commented that it is currently in progress.

CONSENT AGENDA: (6:53) a. Claims February 13-26, 2015, b. City Commission Public Hearing Minutes February 18, 2015 c. City Commission Meeting Minutes February 18, 2015, d. Wlamart 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. Commissioner Morrison motion to approve the Consent Agenda. Commissioner Siler second. City Commission discussion: Commissioner Campbell commented that he would abstain from voting because his wife works for Safeway. Public comment: none **VOTE: 4 ayes, 1 abstain Motion carried**

CITY MANAGER COMMENTS (8:14)- City Manager Shrives commented on February 20, 2015 the All Beverage Liquor License was sold at auction for \$55,000.00. The buyer was Mackenzie River. The City has applied for a Beer/Wine license. At the March 23rd Commission meeting there will need to be a discussion about the open inventory liquor. The City will either have to dispose by pouring down the sink or sell until the All Beverage Liquor License is transferred. Met with the Mission Bay Home Owner's Association to talk about the upcoming Hawk Dr. Project that will take place this summer. The lawsuit that Mr. Speer mentioned, the finding was actually in favor of Judge Manley's decision. The cost for the defense was \$30,646.00. As a result, the City will see higher rates based on the cost.

APPROVE THE SECOND READING OF ORDINANCE 2015-002 ADOPTING CHAPTER 2, ARTICLE 4 AND 5 OF THE CITY OF POLSON BOOK OF ORDINANCES.(13:13) City Manager Shrives commented that this has been before Commission previously. **Commissioner Siler motion to approve the second reading of Ordinance 2015-002 adopting Chapter 2, Articles 4 and 5 of the City of Polson Book of Ordinances. Commissioner Erickson second.** City Commission discussion: none
Public Comment: **Lee Manike** commented that at the previous meeting, the item had been tabled. There will need to be a motion to remove the item from the Tabled status and then a motion to approve. Commissioner Siler and Commissioner Erickson rescinded their motion. **Commissioner Campbell motion to remove from the table Ordinance 2015-002 Adopting Chapter 2, Article 4 and 5 of the City of Polson Book of Ordinances. Commissioner Morrison second.** Commission discussion: none

Public comment: none. **VOTE Unanimous Motion carried** Commissioner Siler motion to approve the second reading of Ordinance 2015-002 adopting Chapter 2, Articles 4 and 5 of the City of Polson Book of Ordinances. Commissioner Erickson second. Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE SECOND READING OF ORDINANCE 2015-003 ADOPTING CHAPTER 2, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES. (18:08) City Manager Shrives presented this agenda item. Commissioner Erickson motion to approve the second reading of Ordinance 2015-003 Adopting Chapter 2, Article 6 of the City of Polson Book of Ordinances. Commissioner Campbell second. Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE SECOND READING OF ORDINANCE 2015-004 ADOPTING CHAPTER 12, ARTICLE 6 OF THE CITY OF POLSON BOOK OF ORDINANCES.(19:08) City Manager Shrives presented this agenda item. Commissioner Campbell motion to approve the second reading of Ordinance 2015-004 adopting Chapter 12, Article 6 of the City of Polson Book of Ordinances. Commissioner Morrison second. Commission discussion: Commissioner Erickson asked about the impact this would have on the Streets Department. City Manager Shrives replied it will not affect the Streets Department but will assist the Streets Department in future projects. Commissioner Erickson asked about the financial responsibilities on the part of the Excavator. City Manager Shrives answered that a Fee Resolution would follow. Public comment: none **VOTE: Unanimous Motion carried**

AWARD DOWNTOWN WATER LOOPING PROJECT.(21:20) City Manager Shrives presented this agenda item. The bids were opened on Thursday, February 26th at 3:00 p.m. in the Commission Chambers at City Hall. There were 6 bids. LHC is the lowest bidder but will need to have the proper check completed before being formally awarded the bid. Commissioner Campbell asked if all of the bidders were from Montana. City Manager Shrives replied one was out of Idaho. **Commissioner Siler motion to award the bid for the Downtown Watermain Looping Project to the apparent low bidder, L.H.C., 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. Commissioner Erickson second.** Commission discussion: none Public comment: none **VOTE Unanimous Motion carried**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISCUSSION AND PROJECT SELECTION. (24:50) City Manager Shrives presented this agenda item. There was a Public Hearing on February 18th to allow the Community to bring possible projects to the Commission. There were three projects proposed. Of the three projects, only one will fit the requirements of the CDBG process. The project is the Waste Water Treatment Project. The other projects proposed were all good projects but would need additional studies done. There will be another Public Hearing on this subject March 23rd. **Commissioner Morrison motion to select the Waste Water Treatment Project for the Community Development Block Grant. Commissioner Campbell second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

WATER COMPACT FOLLOW UP DISCUSSION FROM THE FEBRUARY 3, 2015 WORKSHOP. (30:58) City Manager Shrives presented this agenda item. This is basically a follow up and a potential draft letter to send to the Legislature. There was discussion and comments from the Mayor and Commission. Commissioner Campbell was in support of the letter as written. Commissioner Erickson agreed the letter stayed focused. Commissioner Siler commented that the letter was the best for the City. Mayor Knutson commented that after her additional research into the matter, her recommendation was to keep the letter as written. Commissioner Southerland communicated to the Mayor her approval of the letter as written. **Commissioner Campbell motion to approve the letter to**

be sent to State Legislature. Commissioner Erickson second. Commission discussion: none Public comment:

Ric Smith thanked the Commission for drafting the letter. Mr. Smith suggested adding a line to thank the Legislatures for their time and to possibly send the Mayor or City Manager to speak before the Legislature in support of the Water Compact on behalf of the City of Polson. **Dennis Duty** commented that he agreed with Ric Smith's comments. Mr. Duty commented that someone should be there to testify before Legislature. **Paul London** commented that he supported the Compact. It will take the uncertainty out. **Diane Speer** commented that she does not support the Water Compact. Diane commented that it is about more than water delivery, but there will be an economic impact as well. Montana State law and Federal law prohibit it. Diane further commented that the City Commission should remain neutral. **Ken McAplin** commented that he is in support of the Water Compact and he also agrees that there needs to be a representative to testify before the Legislature in support of the Compact. **Elsa Duford** commented that she has not been in favor of the Compact from the beginning. Elsa stated that there has been too much conflicting information given out. The City should remain neutral, it is better to not do something in haste on behalf of the City of Polson citizens. **Jack Horner** commented that he appreciated the support. Mr. Horner lives in western Ronan. There is a few that believe in property rights. **Rick LaPiana** commented that he is totally in favor of the Compact. **Andrew Speer** commented that irrigation is a wonderful thing but that this Compact goes against the State of Montana Constitution. The Montana Constitution addresses the water rights in four paragraphs. Mr. Speer commented that in order to pass this Compact the State of Montana Constitution would need to be amended. The State Constitution is what we need to be supporting.

Commissioner Morrison commented that stronger language may need to be added to the letter. Commissioner Morrison supports Ric Smith's idea. Mayor Knutson then re-read the letter following all of the public comment. Commissioner Siler commented that he liked the idea of adding the thank you language into the letter. Then Commissioner Siler asked if City Manager Shrives would go to the Legislature to represent the City of Polson. City Manager Shrives answered he would go to testify before the Legislature. Mayor Knutson agreed to add the thank you to the Legislature and local Representative to the letter. Mayor Knutson then asked for a revised motion as mentioned and submit the letter. **Commissioner Campbell motion to revise the motion to add the thank you to the letter and to submit to the Legislature upon approval. Commissioner Erickson second. VOTE: Unanimous Motion carried**

(01:01:36) Mayor Knutson asked the Commission if there were any agenda items that the Commission would like full detail on. Commission did not specify any full detail on the minutes.

Mayor Knutson asks for a Motion to Adjourn. (01:02:16) Commissioner Erickson motion to adjourn. Commissioner Southerland second. VOTE: Unanimous Motion carried.

ADJOURN: 8:03 p.m.

Heather Knutson, Mayor

ATTEST:

Cora E. Pritt, City Clerk

5c.

CITY OF POLSON CITY COMMISSION PUBLIC HEARING

Commission Chambers

March 23, 2015

6:30 p.m.

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

ABSENT: Commissioner Southerland

OTHERS PRESENT (who voluntarily signed in): Lori Benner, Shari Johnson

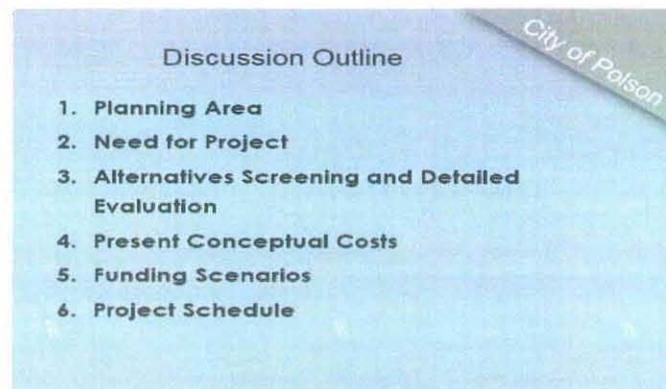
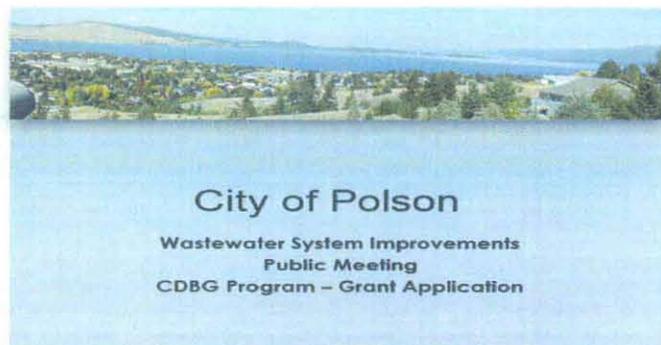
CALL TO ORDER: (00:07) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (00:51)- Commissioner Turner motion to approve the proposed agenda. Commissioner Erickson second. City Commission discussion: none Public comment: none VOTE: Unanimous Motion carried

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (1:18)-There was no public comment.

PUBLIC HEARING OPENED (01:41):

Shari Johnson and Lori Benner gave the following power point presentation:



Regulatory Drivers

City of Polson

- **By June 2017 – Compliance Directive Must be Satisfied**
- **January 2018 – NPDES Permit Renewals**
- **Water Quality Standards**
- **Total Maximum Daily Loads (TMDL's)**
- **Non-Degradation Limits**
- **Numeric Nutrient Criteria**

Treatment Alt. Screening & Selection

City of Polson

- **Screened Nine (9) Alternative Treatment Processes**
- **Completed Detailed Evaluation of Three (3); MBR, SBR w/ Filtration, SBR without Filtration**

Alternative Selection

- **April 2014 – MBR Selected**
 - » Higher Cost
 - » EPA Discussions; Need for Filtration
Questionable and Timing Less Imminent
- **November '14 – SBR (no filtration) Selected**

Potential Funding Scenarios

	Funding Scenarios		
	SRF Loan/Local	TSEP/RRGL/SRF /Local	TSEP/DNRC/CDBG/SRF /Local
Total Project Costs	\$ 14,796,040	\$ 14,796,040	\$ 14,796,040
Grant Share			
TSEP	\$ -	\$ 750,000	\$ 750,000
DNRC (RRGL)	\$ -	\$ 125,000	\$ 125,000
CDBG	\$ -	\$ -	\$ 450,000
Local Contribution	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000
Total Cost to Be Financed (loan)	\$ 13,546,040	\$ 12,671,040	\$ 12,221,040

Projected Rate Increase (100% Loan or With Some Grant Funds)

City of Polson

Funding Scenario	Funding Options		
	SRF Loan/Local	TSEP/RRGL/SRF/Local	TSEP/DNRC/CDBG/SRF/Local
Current Average Sewer Rate =	\$ 28.75	\$ 28.75	\$ 28.75
Projected Average Rate Increase =	\$ 42.14	\$ 40.14	\$ 39.11
Projected Average Rate Total =	\$ 70.89	\$ 68.89	\$ 67.86

"Current Average Sewer User Rate" Does Not Include January '15 Increase
but "Projected Average Rate Total" Does Include January '15 Increase"

Phased/Staged Rate Increase

City of Polson

- Jan 2015 (\$14/month – minimum) (To \$42 +/-)
 - » Fund Design, Equipment Procurement (no borrowing)
- 2016 (Additional \$20/month; To \$62)
- 2017 (Additional \$10/month to \$70)

Project Schedule

- Treatment Facility Site Visits – January 2014
- Equipment Procurement - March – June 2015
- CDBG Application Due – May 2015
- Final Design – June '15 – Feb 2016
- Regulatory Review – March – April 2016
- Bidding/Award – May- June 2016
- Construction July 2016 – Dec 2017



Possible Sources of Funding

Funding Source	Type	Amount	Status
MT Treasure State Endowment Program (TSEP)	Competitive Grant	\$750,000	Ranked 2 nd out of 40 applications
MT Renewable Resource Grant and Loan Program (RRGL)	Competitive Grant	\$125,000	Ranked 4 th out of 101 applications
MT Community Development Block Grant Program (CDBG)	Competitive Grant	\$450,000	Submitting on April 20, 2015
US Water Resources Development Act (WRDA)	Competitive Grant Annual Appropriations Bills Fund Projects	\$200,000 - \$500,000	Sent letters of interest to MT Congressional Delegates in February 2015
USDA Rural Development Loan and Grant Program	Competitive Loan / Grant	5.00% not to exceed 40 years	Evaluating submission of application
MT State Revolving Fund	Loan	2.50% not to exceed 20 years	Submitted draft application in March 2015

Montana Community Development Block Grant (CDBG)

- Due April 20, 2015; \$450,000; 25% or \$112,500 match
- Seven ranking criteria
 1. Community planning (Growth Policy, CIP, public meetings, and O & M budgets)
 2. Need for project (PER)
 3. Project concept and technical design (PER)
 4. Community efforts and citizen participation (public meetings and letters of support)
 5. Need for financial assistance (serious efforts to identify all sources of funding and projected user rates)
 6. Benefit to low and moderate income persons (2000 Census data)
 7. Implementation and management (written plan, thorough and justified budget, environmental checklist, procurement of professional services, clean audits, and financial accounting system)



Public Comment

Mayor Knutson then asked if there was any Public comment (18:36).

Hearing none, the Mayor closed the Public Hearing (19:00).

Mayor Knutson asks for a Motion to Adjourn. (19:39) Commissioner Southerland motion to adjourn. Commissioner Morrison second. VOTE: Unanimous Motion carried.

ADJOURN: 6:49 p.m.

Heather Knutson, Mayor

ATTEST:

Cora E. Pritt, City Clerk

5d.

CITY OF POLSON CITY COMMISSION MEETING

Commission Chambers

March 23, 2015

7:00 p.m.

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

ABSENT: Commissioners Southerland

OTHERS PRESENT (who voluntarily signed in): Lita Fonda, Dania Johnston, Ann Madone, Link Moderie, Tana Seeley, Joslyn Shackelford, Ric Smith, and Sarah Smith

CALL TO ORDER: (00:03) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (00:48)- Commissioner Campbell 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 (1:21)-Mayor Knutson- will be hosting an event at the Polson Bay Golf Course on April 2nd from 5:00 - 7:00 p.m. The event is in celebration of spring and opening of the Golf Course and Restaurant. If you come and enjoy a drink, you will also be given a free drink courtesy of the Mayor.

CONSENT AGENDA: (2:23) a. Claims March 1-18, 2015, b. City Commission Meeting Minutes March 2, 2015, c. Gordon Zimmerman resignation from City County Planning Board. **Commissioner Morrison motion to approve the Consent Agenda. Commissioner Siler second.** City Commission discussion: Mayor Knutson requested that the phrase “removing from the table.” be added to the motion on Ordinance 2015-002. Commissioner Siler pointed out that on Ordinance 2015-003 there is not a second on the motion. This needs to be corrected before approving the minutes. **Commissioner Morrison amended his motion to remove the City Commission Meeting Minutes March 2, 2015 from the Consent Agenda. Commissioner Siler second.** Public comment: none **VOTE: Unanimous Motion carried**

CITY MANAGER COMMENTS (7:05)- City Manager Shrives asked the Commission for policy direction regarding the remainder of the open alcohol at the golf course restaurant. The alcohol could not be sold with the liquor license. The City could still sell the hard alcohol since the All Beverage Liquor License is still operational for the City. The Commission agreed that hard alcohol beverages could still be sold. Also, on Thursday, March 19th the City Manager met with the County Commissioners to discuss a variety of issues and concerns. This meeting will become a monthly meeting. Some of the topics discussed were the issues with Skyline Drive, which the County still has control over, and the Polson Development Code Re-write, and confusion with mapping issues. Due to the County having stricter notice of meeting times, the schedule for the Development Code Re-write meetings will be re-written. The notices will be dual between the County and the City.

APPROVE RESOLUTION OF ANNEXATION AND ZONE CHANGE FOR POLSON YOUTH SOCCER ASSOCIATION, INC. (10:03) Contract Planner Erica Wirtala presented this agenda item. This is application number 15-02. An application for annexation of 20 acres of property located between Ridge Water Subdivision and Lake County Cemetery. This process was begun in December 2014. There have been two meetings with City staff and one presentation to Commission on the proposed

development of the property. A portion of the property will become soccer fields, a concession stand, rest rooms and parking facilities. The property is currently zoned medium density residential. Along with the annexation the applicants are requesting the zone be changed to Highway Commercial Zoning District. On April 14, 2015 the applicants will appear before the City County Planning Board for a Special Use Permit to have the plans approved. The property will be season in use. Staff recommends adoption of the Resolution of Annexation. Commissioner Siler congratulated the Polson Youth Soccer Association for winning the golf passes that the Polson Rotary raffled off. The Rotary Board approved the \$750.00 to the Polson Youth Soccer Association to pay for the Special Use Permit application. **Commissioner Turner motion to approve the Annexation and Initial Zoning request on behalf of the Polson Youth Soccer Association for the twenty acre parcel as described to be designated with the Highway Commercial Zoning District as per the staff report, the Findings of Fact and the substantial compliance of the twelve criteria for zone amendments. Commissioner Erickson second.** Commission discussion: none Public Comment: **Lita Fonda** commented that soccer is an excellent sport. Lita questioned the zone change not going before the City County Planning Board, and to encourage a lot of parking for the area. **VOTE: Unanimous Motion carried**

APPROVE RESOLUTION TO AUTHORIZE THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION (27:32) This agenda item was presented by City Manager Shrives. This is an approval to move forward with the application for the CDBG grant. **Commissioner Campbell motion to approve resolution authorizing submission of a Community Development Block Grant Application in support of the City's upcoming Wastewater Project. Commissioner Erickson second.** Commissioner Siler commented that all the projects presented were good projects but the wastewater project was selected due to the fact that all the studies had been met. City Manager Shrives commented that is correct. Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE RESOLUTION FOR MAYORS DAY FOR NATIONAL SERVICE RECOGNITION. (29:13) Mayor Knutson commented that the City of Polson participated in this event last year and she would like to do the same this year. The Mayor requested that the phrase National Service be changed to read National and Local Service. There will be a luncheon on April 7th at the Senior Community Center. The Proclamation will be read by the Mayor. **Commissioner Turner motion to approve the Resolution for Mayors Day for National and Local Service recognition. Commissioner Campbell second.** Commission discussion: Commissioner Campbell commented that this is a good opportunity to recognize our biggest service organization, the volunteer fire department. Public comment: none **VOTE: Unanimous Motion carried.**

APPROVE RESOLUTION PRELIMINARY ENGINEERING REPORT (PER) ADDENDUM #1- (32:00) City Manager Shrives presented this agenda item. This resolution would approve the change to the PER. The City of Polson had selected an MBR Wastewater Treatment facility. After several meetings, the selection was changed to an SBR System. In changing the type of facility to be constructed, there needs to be the addendum to the report. **Commissioner Campbell motion to approve the resolution accepting Addendum #1 to the Wastewater Preliminary Engineering Report dated April 2014 with direction to the City Manager to have further discussion with the Engineer about acceptance of septic sewage into this treatment plant from sewage haulers. Commissioner Erickson second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE FIRST READING OF ORDINANCE TO ADOPT CHAPTER 3, ARTICLES 1-IN GENERAL, ARTICLE 2-WATER, ARTICLE 3-SEWER TO THE CITY OF POLSON BOOK OF ORDINANCES. (38:31) City Manager Shrives presented this agenda item. This is the first reading of

the next chapter of the Book of Ordinances. This process is updating the Book of Ordinances. Email any comments to the City Manager or stop by and discuss any proposed changes. **Commissioner Siler motion to approve the first reading of the Ordinance adopting Chapter 3, Articles 1, 2, and 3 of the City of Polson Book of Ordinances. Commissioner Campbell second.** Commission discussion: Commissioner Siler requested that page numbers be added to the document to help when looking up information. none Public comment: none **VOTE: Unanimous Motion carried**

RESORT TAX DISCUSSION (40:58) -Mayor Knutson presented this agenda item. The Resort Tax is only applied to resort locations that are under the population of 5500. Once that number is reached, the location automatically becomes ineligible to have a Resort Tax. There are several projects the monies could be used for. Tonight the discussion would be whether or not to form an Economic Development Council. This Council would go through the process and make the recommendation whether or not to put the Resort Tax on the ballot in November. The Council would consist of at the least five but no more than seven members. **The consensus of the Commission was to approve the formation of the Economic Development Council and to begin the application process for the Council.**

WHOLLY SURROUNDED PROPERTY ANNEXATION DISCUSSION (49:29)-City Manager Shrives presented this agenda item. There are 12-13 parcels located on Hillcrest Drive and Scenic Lane that currently have City water. Ordinance 637 gives direction for annexation of properties wholly surrounded. These lots have City services but are currently not in the City. Commissioner Campbell questioned the availability of sewer to the lots. Water/Sewer Superintendent Tony Porrazzo commented that there were stub outs already in place for the majority of the lots. There are two properties that would require a pump. Commissioner Turner questioned who would pay for the pumps. Mr. Porrazzo answered the home owner. City Manager Shrives commented that these properties are getting all of the City Services but are not paying City taxes. Mayor Knutson would like to know the compare the additional services vs the tax base. Mayor Knutson commented that the annexation is an option for the City it is not required.

Mayor Knutson would like to work with the individual homeowners on whether or not they want to be annexed. Public Comment: **Dennis Duty** commented that in Mission Bay the wholly surrounded properties that were on a septic system were required to annex into the City when the septic system would fail. It wasn't a force annexation but direction that in the future the homeowner would become City. Mayor Knutson commented that the matter would be addressed further.

RECESS (1:02:06)-Mayor Knutson recessed the Commission meeting for Executive Session. Recess was at 8:03 p.m.

EXECUTIVE SESSION ((1:03:45)-Personnel City Manager review

RE-CONVENE (1:04:00) Mayor Knutson re-convened the meeting at 9:12 p.m.

CITY MANAGER PERFORMANCE APPRAISAL REPORT (1:04:04)-Mayor Knutson read the report. **Commissioner Morrison motion to approve the City Manager Performance Appraisal Report. Commissioner Turner second.** Commission discussion: none Public Comment: **Finance Officer Cindy Dooley** requested that the pay increase go into effect at the beginning of the new Fiscal Year due to budget constraints. This request was agreed upon by the Mayor, Commission, and City Manager Shrives. **Water/Sewer Superintendent Tony Porrazzo** commented about the great job City Manager Shrives has been doing. Mr. Porrazzo considers it a pleasure to work with City Manager Shrives. **Chief of Police Wade Nash** commented that City Manager Shrives brings stability to the City. The stability has been lacking in the past. **Mayor Knutson noted the revision to the motion, to change the effective date until the first of the new Fiscal Year. VOTE: Unanimous Motion carried**

(1:13:51) Mayor Knutson then asked the Commission if there were any of the agenda items that should be detailed or are the Action Minutes okay. The Commission responded that Action Minutes on all of the agenda items would be appropriate.

Mayor Knutson asks for a Motion to Adjourn. (01:14:45) Commissioner Campbell motion to adjourn. Commissioner Erickson second. VOTE: Unanimous Motion carried.

ADJOURN: 9:23 p.m.

Heather Knutson, Mayor

ATTEST:

Cora E. Pritt, City Clerk



Mike Kadas
Director

Montana Department of Revenue



Steve Bullock
Governor

5e.

March 11, 2015

Account ID: 6346758-002-ONP
License Type: Montana All-Alcoholic
Beverages License
License Number: 15-860-3878-001

Subject: Application for Transfer of Ownership
Applicant: Vine & Tap, LLC – Members with 10% or more: Geraldine P. Browning, Joseph G. Browning
VINE & TAP

Location Address: 218 Main Street, 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 **May 1, 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. **This is an application for a licensed premise. The applicant is currently remodeling the premise. The remodel is to be completed by May 1, 2015. Building (separate inspections and permits may be required – contact the local building department), health and fire approval will be required before department approval will be considered.**

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,

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 12 day of March 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

A handwritten signature in black ink, appearing to read "Bill King", is written over a horizontal line.

RECEIVED BY

MAR 11 2015

DEPT. OF JUSTICE
TOLSON

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
- 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 licensee 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 VINE + TAP LLC
(Owning entity Sole Proprietor/Partnership/Corp./LLC/LLP i.e. John's Bar LLC)

Business/Trade Name VINE + TAP

Business Address of Premises to be Licensed 218 Main St Polson, MT 59860
39418 LAKEVIEW DR. (Street, Suite No., Building No., City, ST and Zip)

Mailing Address 218 Main St Polson, MT 59860
(P.O. Box or Street, City, ST and Zip)

City POLSON State MT Zip 59860

Business Phone (406) 283-2668 Cell Phone (406) 270-5514

Fax () N/A E Mail address terrace.flowers@hotmail.com

Federal Tax I.D. Number _____

Alcohol Beverage License Number 15 - 860 - 3878 - 001
(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

City Name

In the County of LAKE

County Name

RECEIVED BY

MAR 11 2015

DEPT. OF JUSTICE
MILITARY CONTROL DIVISION

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)(6) or (c)(8)
- Retirement home or nursing home (Gambling Only)
- Corporation
 - C 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) Geraldine P. Browning Title owner/manager

Date of Birth _____ Social Security No. _____ Number of Shares N/A

Address 39418 Lakeview Dr Polson, MT 59860 Percentage of Ownership 50%

Name (First, M.I., Last) Joseph G. Browning Title owner

Date of Birth _____ Social Security No. _____ Number of Shares N/A

Address 39418 Lakeview Dr. Polson, MT 59860 Percentage of Ownership 50%

Name (First, M.I., Last) _____ Title _____

Date of Birth _____ Social Security No. _____ Number of Shares _____

Address _____ Percentage of Ownership _____

N/A

Geraldine will be owner/manager

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 Geraldine P. Browning Date of Birth _____ Social Security No. _____

Address 39418 Lakeview Dr Polson, MT 59860 Phone 270-5514 Salary \$9.00/hr

Name _____ Date of Birth _____ Social Security No. _____

Address _____ Phone _____ Salary _____

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 a commercially 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 MAY 1, 2015

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.

Declaration and Authorization

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

I, Geraldine P. Browning, 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 Geraldine P. Browning
PRINT FULL NAME Geraldine P. Browning
TITLE/POSITION owner / manager
DATE 1-23-15

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.

NOTARY

STATE OF Montana
COUNTY OF Lake

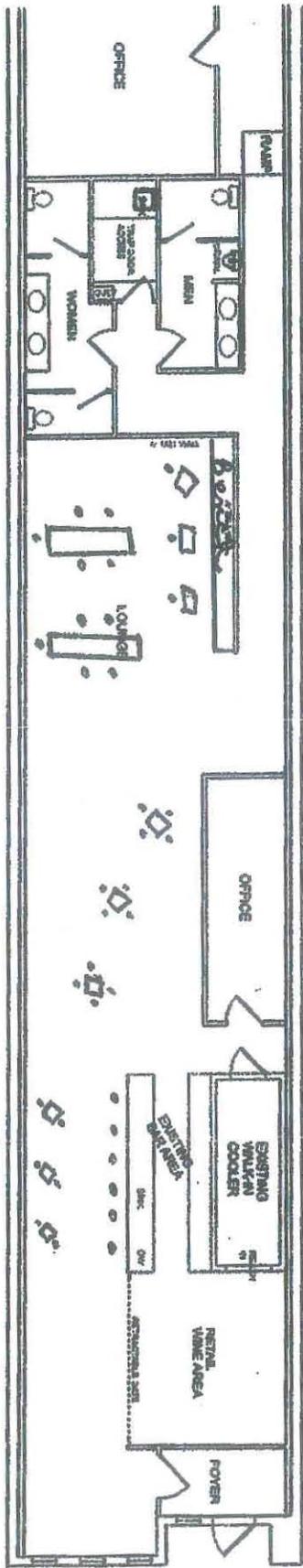
Sworn to (or affirmed) and subscribed before me this 23 day of Jan, 2015, by Geraldine P. Browning

Elizabeth Grant Notary Public's Signature Elizabeth Grant Notary Name

Personally Known X ORC Type of Identification Produced MT DL



ELIZABETH GRANT
NOTARY PUBLIC for the
State of Montana
Residing at Polson, Montana
My Commission Expires
December 31, 2015



← 140 ft →

← 45 ft →

VINE & TAP
 218 Main St
 Polson, MT. 59860
 License # 15-860-3878-001

with tables & chairs
 plus the long bar
 we should have
 seating for approx 40-45
 people

RECEIVED BY
 JAN 28 2015
 DEPT. OF JUSTICE
 CAPITAL BUILDING

54.

Return to:
Cora Pritt, Clerk
City of Polson
106 First Street East
Polson, MT 59860

RESOLUTION NO. _____

A RESOLUTION OF ANNEXATION OF SKYLINE DRIVE

WHEREAS, the City of Polson has received a Petition for Annexation from the Board of Lake County Commissioners, County of Lake, Montana, pursuant to M.C.A. Section 7-2-4601; and

WHEREAS, the City of Polson finds that the Petition is signed by the owner of the territory to be annexed, which property is adjacent and contiguous to the existing corporate boundary of the City of Polson, said property being described as follows, to-wit:

Roadway known as Skyline Drive, starting at the Polson city boundary at or about the intersection of Demers Lane and continuing to the intersection with the "Pablo Feeder Canal" T22, R20, S15.

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

The corporate limits of the City of Polson, a municipal corporation, are hereby extended to include that property described as:

Roadway known as Skyline Drive, starting at the Polson city boundary at or about the intersection of Demers Lane and continuing to the intersection with the "Pablo Feeder Canal" T22, R20, S15.

which shall remain dedicated to the public.

The annexed real property shall be in Voting Ward 3 and is zoned as a public improvement roadway.

The Clerk is directed to prepare a certified copy of this Resolution and file same in the office of the Clerk and Recorder of Lake County.

PASSED AND APPROVED this _____ day of April, 2015.

Heather Knutson, Mayor

Attest:

Cora E. Pritt, City Clerk

Approved as to form and content:

M. Richard Gebhardt, City Attorney

STATE OF MONTANA)
 :ss.
County of Lake)

On this ____ day of April, 2015, before me, the undersigned Notary Public for the State of Montana, personally appeared **HEATHER KNUTSON**, known to me to be the Mayor of the City of Polson Montana, the municipal corporation that executed the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for the State of Montana

Printed Name of Notary:

Residing at: _____

My commission expires: __/__/20_____



LAKE COUNTY

106 4th Ave. E.

Polson, Mt. 59860

Re: Annexation of Contiguous Government Land

Lake County currently maintains jurisdiction over the county road known as Skyline Drive from the Polson city limits at or about Demers Lane and continuing Southeast, including right of way, to the intersection with the "Pablo Feeder Canal".

Lake County, in partnership with the City of Polson, applied for and obtained significant federal funding to completely upgrade and improve Skyline Drive, from at or about Demers Lane and continuing Southeast to the intersection with the "Pablo Feeder Canal" which serves numerous residents within the City of Polson with road maintenance, water, and sewer services by the City.

Lake County agrees with the City of Polson, that Skyline Drive, at or about Demers Lane to the intersection with the "Pablo Feeder Canal" is contiguous with the City of Polson and that the City of Polson has a legitimate government interest in annexing the described section of roadway because it is a main traffic way for providing services to current and future residents within the City of Polson.

THEREFORE, we, the Lake County Commissioners, as the administrative heads of Lake County, a political subdivision, and pursuant to Montana Code Annotated, Title 7, Chapter 2, Part 44, request that the City of Polson annex the County road known as Skyline Drive, including the right of way, starting at the Polson city limits at or about the intersection of Demers Lane and continuing to the intersection with the "Pablo Feeder Canal".

DATED THIS 31st day of March, 2015.

BILL BARRON, COMMISSIONER

ANN BROWER, COMMISSIONER

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 7 (Motion) Adopt Chapter 3 Article 1, 2, and 3,
Meeting Date: April 6, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Chapter 3 Articles 1, 2 and 3 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 3 Articles 1, 2, and 3 discuss water and sewer codes, rules and regulations. 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 the Ordinance 2015-005

SUGGESTED MOTION: *I make a motion to approve the 2nd reading of the Ordinance 2015-005 adopting Chapter 3 Articles 1, 2, and 3 of the City of Polson Book of Ordinances.*

ATTACHMENTS:

1. Ordinance with Chapter 3, Articles 1, 2 and 3

ORDINANCE Ord #2015-005

**AN ORDINANCE TO ADOPT
CHAPTER 3, ARTICLES 1. IN GENERAL,
ARTICLE 2. WATER, ARTICLE 3. SEWER
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:

CHAPTER 3

ARTICLE 1. IN GENERAL

ARTICLE 2. WATER

ARTICLE 3. SEWER

All previous versions adopted by the City of Polson of these parts of the municipal code are hereby expressly repealed and replaced with these Ordinances. Any inconsistencies created in adopting such provisions are to be liberally construed in favor of the citizenry of the City.

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

BE IT FURTHER ORDAINED, that the clerk is hereby instructed to publish this Ordinance and to make the same available for public inspection and copying during normal business hours of the City.

Date: _____
First Reading: ___ ayes ___ nays ___ abstentions

Date: _____
Second Reading: ___ ayes ___ nays ___ abstentions

Effective Date: _____

Mayor Heather Knutson

Attest:

City Clerk Cora E. Pritt

Chapter 3. Utilities

ARTICLE 1. IN GENERAL

ARTICLE 2.- WATER

ARTICLE 3. SEWER

ARTICLE 4. STORMWATER

ARTICLE 5. UTILITY POLES

ARTICLE 6. PUBLIC WORKS STANDARDS

ARTICLE 7. INFRASTRUCTURE REBATE

ARTICLE 1. IN GENERAL- Reserved

ARTICLE 2. WATER

DIVISION 1. GENERALLY

DIVISION 2. PROTECTION OF WATER SUPPLY

DIVISION 3. WATER SERVICE UTILITY OPERATIONS

DIVISION 4. OUTDOOR WATER USE RESTRICTIONS

DIVISION 1. GENERALLY

Secs. 03.01.100-03.01.199. Reserved.

DIVISION 2. PROTECTION OF WATER SUPPLY

Sec. 03.02.200. Interfering with or polluting water supply prohibited.

Sec. 03.02.210. Private water wells prohibited.

Secs. 03.02.220-03.02.299. Reserved.

Sec. 03.02.200. Interfering with or polluting water supply prohibited.

It is unlawful for any person, without the written permission of the director of public service, to manipulate, interfere with and/or obstruct, in whole or in part, directly or indirectly, the free flow of water in any part of the municipal water carrying, treatment and distribution system of the city, whether within or without the corporate limits of the city; and/or to manipulate, interfere with, injure, deface, remove and/or destroy any part of the water carrying, treatment and distribution system of the city, including in whole and in part any and all appliances, pipelines, aqueducts, reservoirs, telephone system and any signaling system or device, gates, headgates, measuring devices, ditches, canals, trenches, drains, valves, valve parts, manholes, hydrants, sprinkling-pipes, fences, gates, posts, signs, notices, storage tanks, booster stations and/or appurtenances of every kind and description of the water carrying, treatment and distribution system and/or used in connection therewith and/or for the protection thereof, and/or any part thereof; and/or to pollute and/or impair the purity and wholesomeness, by any means or manner whatsoever, of any part of the water supply of the municipal water carrying, treatment and distribution system within and without the corporate limits of the city.

Sec. 03.02.210. Private water wells prohibited.

The drilling and development of private water wells within the city is prohibited unless the applicant can show that public water cannot be provided to the subject property by the city. The drilling and development of private water wells within the city corporate limits for the use and benefit of property located outside of the city is prohibited.
(Ord. No. 537, April 17, 1995)

Secs. 03.02.220-03.02.299. Reserved.

DIVISION 3. WATER SERVICE UTILITY OPERATIONS

Subdivision I. - In General

Subdivision II. - Service Provided

Subdivision III. - Service Conditions

Subdivision IV. - Water System Rules and Regulations

Subdivision I. In General

Sec. 03.02.300. Provisions adopted; regulations a part of service contracts.

Sec. 03.02.301. Definitions.

Sec. 03.02.302. Purpose of provisions.

Sec. 03.02.303. Scope of provisions; revision conditions.

Sec. 03.02.304. Information available to public.

Sec. 03.02.305. Waiver of regulations; conditions.

Secs. 03.02.306-03.02.309. Reserved.

Sec. 03.02.300. Provisions adopted; regulations a part of service contracts.

- A. The rules and regulations set out in this division are made for the government of the waterworks system of the city.
- B. These rules and regulations of the city pertaining to its waterworks system, are made a part of the contract with every individual, firm or corporation who takes water, and every such individual, firm or corporation agrees, in making application for water, to be bound thereby. The following rules and regulations set out in this division are adopted by the city.

Sec 03.02.301. Definitions.

- A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - 1. "Customer" means any individual, partnership, association, firm, public or private corporation, or governmental agency, or any other entity receiving water service from the utility. **The term "customer" shall not include renters or occupants of an improvement served by water service. The real property owner shall be billed for**

service as the customer and is responsible to the city for payment of the water utility bill.

2. "Meter" or "meters" mean the complete installation, including auxiliary devices and equipment, if any, used to measure the water supplied to a customer.
3. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to utility, unless otherwise defined in the service agreement.
4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.
5. "Service agreement" means the agreement or contract between utility and customer pursuant to which service is supplied and taken.
6. "Utility" means the City of Polson, Montana, and its water service division, engaged in the business of providing water and supplying water service to its customers on its system in the State of Montana.
7. "Water service" or "service" means the supplying of or availability at the point of delivery of water, and also the water delivered or used.

Sec. 03.02.302. Purpose of provisions.

These service regulations are intended to define good practice which can normally be expected, but are not intended to exclude other accepted standards and practices not covered herein. They are intended to ensure adequate service to the public and protect the utility from unreasonable demands.

Sec. 03.02.303. Scope of provisions; revision conditions.

These service regulations govern the supplying by the utility, and taking by its customers, of water service from the utility water system. These regulations are subject to revision, and supersede all regulations, by whatever term designated, which may heretofore govern the supplying and taking of water service.

Sec. 03.02.304. Information available to public.

There shall be made available to the public at the office of the city clerk copies of these service regulations and the rate schedules, forms of agreement for water service, and service standards of the utility.

Sec 03.02.305. Waiver of regulations; conditions.

In any case where compliance with any of these rules introduces unusual difficulty, such rule may be temporarily waived by the director of public works upon application of the utility or the customer. If in any case compliance with a rule would cost more than the results of such compliance are worth, such rule may be permanently set aside by the director of public works.

Secs. 03.02.306-03.02.309. Reserved.

Subdivision II. Service Provided

Sec. 03.02.310. Service provided by utility; basis.

Sec. 03.02.311. Water service for customer's use only; violations.

Sec. 03.02.312. Customer to furnish easement, right-of-way and permits.

Sec. 03.02.313. Access to premises.

Sec. 03.02.314. Unauthorized tapping into system prohibited.

Sec. 03.02.315. Furnishing water to others prohibited; exception.

Sec. 03.02.316. Procedure for activating water lines.

Secs. 03.02.317-03.02.319. Reserved.

Sec. 03.02.310. Service provided by utility; basis.

The utility agrees to furnish water and water services for certain specified purposes as contained in the service agreement, for a certain specified sum, based either on a metered or non-metered rate, as hereinafter provided. Meter pits, containers, lids and fittings are the property of the customer. Meters, as property of the city, are installed by the city after payment of the hook-up fee by the user.

Sec. 03.02.311. Water service for customer's use only; violations.

If a customer furnishes other individuals or entities with water services without permission from the utility, or utilizes the water or water service for other purposes than for which it was intended, that customer is in violation of the customer's service agreement. Customers in violation of their service agreements may have their water service discontinued until such time as the charge for such additional service has been paid, together with the actual additional expense incurred by the utility in discontinuing or reconnecting water service.

Sec. 03.02.312. Customer to furnish easement, right-of-way and permits.

A customer, or prospective customer, must furnish all easements, cleared rights-of-way, and permits necessary to enable the utility to supply the service required.

Sec. 03.02.313. Access to premises.

The utility's employees or representatives, or other authorized persons, shall have access at reasonable hours to enter any premises where water is used, for the purpose of making inspection, or investigation.

Sec 03.02.314. Unauthorized tapping into system prohibited.

With the exception of special installation approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall tap into the utility's transmission or distribution system or service lines attached thereto.

Sec. 03.02.315. Furnishing water to others prohibited; exception.

In no instance may the customer extend such customer's water facilities across or under a street, alley, lane, court or avenue, or other public or private space, existing under different ownership, in order to obtain a rate advantage by taking water service for two or more premises through one source or meter.

Sec. 03.02.316. Procedure for activating water lines.

No person or entity shall activate a line connected to the utility's system, or allow any other person to do so, except upon specific, written permission of the utility. Activation of any line, for testing purposes, or otherwise, shall obligate the individual performing the test to turn off the water service at the curb stop.

Secs. 03.02.317-03.02.319. Reserved.

Subdivision III. Service Conditions

Sec. 03.02.320. General conditions for supplying service.

Sec. 03.02.321. Application; existing service; requirements.

Sec. 03.02.322. Service supplied to existing points of delivery only.

Sec. 03.02.323. Line extension costs borne by customer.

Sec. 03.02.324. Installation conditions; property owner's responsibilities; permit required.

Sec. 03.02.325. Protective devices.

Sec. 03.02.326. Fire lines.

Sec. 03.02.327. Service lines; inspection, connection and penalty for failure to comply.

Sec. 03.02.328. Same—Property owner responsibility.

Sec. 03.02.329. Meter—Required for new service; installation cost deposit required.

Sec. 03.02.330. Same—Location.

Sec. 03.02.331. Same—Required for expanded service when.

Sec. 03.02.332. Same—Utility responsibility; maintenance.

Sec. 03.02.333. Irrigation or other outdoor use; restrictions; prohibited in emergencies.

Sec. 03.02.334. Flat-rate service; billing procedures; penalties for delinquent payment.

Sec. 03.02.235. Metered service; billing; penalties for delinquent payment.

Sec. 03.02.336. Billing method for multiple delivery points or separate meters for single customer.

Sec. 03.02.337. Termination of service by customer.

Sec. 03.02.338. Maintenance; customer responsibility; wasting water prohibited.

Sec. 03.02.339. Continuity of service; liability limitations.

Sec. 03.02.340. Suspension of service for repairs and changes.

Sec. 03.02.341. Interruption of service; liability limitations.

Sec. 03.02.342. Authorized utility personnel required for maintenance.

Sec. 03.02.343. Violation of irrigation or sprinkling rules; penalty.

Sec. 03.02.344. Violation of division provisions; disconnection of service required when.

Sec. 03.02.345. Accidents or Injuries.

Secs. 03.02.346-03.02.350. Reserved.

Sec. 03.02.320. General conditions for supplying service.

Service will be supplied only under and pursuant to these ordinances and any regulations adopted pursuant thereto, and any modification or additions thereto lawfully made, and under such applicable rates, schedules and contracts as may from time to time be lawfully established.

Sec. 03.02.321. Application; existing service; requirements.

Application for the use of water from an existing service must be made at the city administrative services office on a printed form provided for that purpose. Service will be furnished to any customer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the utility's rules and regulations as on record and, that the existing utility water system, and water supply, is adequate to meet the use for which the application is made.

Sec. 03.02.322. Service supplied to existing points of delivery only.

Service will be supplied under the applicable rates, schedules and contracts only at points of delivery as presently exist on the utility's system.

Sec. 03.02.323. Line extension costs borne by customer.

Line extension costs will be borne by the customer requesting that service.

Sec. 03.02.324. Installation conditions; property owner's responsibilities; permit required.

- A. Except under special conditions approved by the utility, the property owner, at the property owner's expense, will be responsible for installing all water service lines, fire lines, back flow valves and all other necessary appurtenances or attachments from the curb box to the meter inside the served structure. All water services to any premises shall be installed by a plumber licensed and bonded in accordance with Montana state law and the Polson Municipal Code. Service lines must be so installed that the supply of water for each separate building, house or customer shall be controlled by a separate curb stop placed within or near the property line. The curb stop and box must be kept in a readily accessible condition by the owner of the premises.
- B. An application for installation of water service to any premises must be signed by the property owner or the property owner's designated agent and must be made on a regular form furnished by the utility for that purpose. Prior to approval of such application, the utility will require the property owner to obtain a plumbing permit, and may require the property owner to establish credit or to furnish a deposit.
- C. Upon completion of the application, receipt of the plumbing permit and payment of all charges related to the connection of water services, and full inspection by the utility, the utility will, in its discretion and at the property owner's expense, install the service, from the main to the curb stop.

Sec. 03.02.325. Protective devices.

When it is deemed by the water superintendent that such protective devices are necessary to protect another customer's facilities and/or the municipal water supply system, the water superintendent may require a property owner to install, as a condition of continued water service and at the property owner's expense, an approved expansion tank, pressure reducing valve, backflow prevention device, pressure relief valve, or any other similar type of device on property owner's water service line at a location designated by the city's water superintendent. Property owners will be responsible for keeping these devices in good repair and effective operating condition at all times. Failure to keep these devices in good working condition may be cause to discontinue water service to the property involved.

Sec. 03.02.326. Fire lines.

Fire lines will be applied for and installed, at the property owner's expense, in compliance with the city's standards of design and construction for fire lines. Except when specifically excepted, a fire line will not be interconnected with domestic service pipes downstream of the curb valve, and each fire line will have its own independent curb valve, which will be located at or near the water main in the street at a point designated by the city.

Sec. 03.02.327. Service lines; inspection, connection and penalty for failure to comply.

- A. The owner of any house, building or other property used for human occupancy, employment, or recreation, which is situated within the corporate city limits and abuts on any street, alley or right-of-way in which there is located a public water main of the city which the city determines is of sufficient capacity within 200 feet of the property line will, at the city's request and at the owner's expense, connect to the city water service for domestic purposes. The utility will be responsible for the connection from the water main to the curb box. The connection of the service lines between the main and the curb box will not be made by any other person, business or entity other than the utility unless given express permission by the utility.
- B. Prior to backfill, the applicant will notify the utility when the service line is ready for inspection and connection to the curb box. The connection and testing will be made under the supervision of the city water/sewer department. The utility may elect not to connect the property owner to the utility's water service unless the inspection has been completed and the service line fully complies with all applicable federal, state, and city regulations.
- C. Should the owner of any property described above fail to connect to the city's water service or in any way fail to comply with the provisions of this division, the water/sewer superintendent will provide the owner with notice of the requirement to do so. The notice will be sent to the owner by certified mail and give the owner 90 days to install the proper service lines. Should the owner fail to connect even after receiving proper notice, the utility may, at its discretion and at the owner's cost, lay the proper service lines from the main to the meter. The utility may charge the owner an additional five percent of the cost of installing the service for failure to connect within a timely manner.

Sec 03.02.328. Property owner responsibility.

- A. Water service lines and fire lines from the curb box to the premises are owned by the owner of the property served. As owners of the service lines, all new property owners will have the

responsibility of keeping the service lines, backflow valves, and all other necessary appurtenances from the curb box to the meter in good condition. Should the lines not be properly maintained, the city may, at its discretion and at the owner's expense, fix or correct any deficiencies that occur which may affect the utility's ability to provide service to its customers. The utility, at its own expense, will maintain the service lines, fire lines or combinations thereof from the utility's main line to the property owner's curb box.

- B. Any property owner currently receiving water from the utility seeking to utilize the water provided for purposes not stated in their original agreement with the utility, including but not limited to extending those lines, or those requiring any type of repair to the water lines within their boundaries will be required to complete a new application in which they agree to maintain the service line from the curb box to their property.

Sec. 03.02.329. Meter—Required for new service; installation cost deposit required.

All new installations shall be metered. Prior to installation, the customer is required to deposit with the utility an amount equal to the installation charges, as determined by the utility. Following installation, the actual costs incurred thereby will be credited against the amount of the deposit. If the installation charges are less than the deposit, the difference between the actual costs incurred and the deposit shall be refunded to the customer. If the installation costs are greater than the deposit, the difference shall be billed to the customer.

Sec. 03.02.330. Same—Location.

The meter shall be located in a meter pit specified by the city or inside a commercial building that is accessible during normal business hours.

Sec. 03.02.331. Same—Required for expanded service when.

Any customer presently on a flat-rate schedule for fire service who installs additional fixtures or seeks to utilize the water provided for purposes not stated in their original agreement, such as expanding or remodeling improvement, shall be required to convert to a metered water service.

Sec. 03.02.332. Same—Utility responsibility; maintenance.

The utility shall install and maintain all meters to include routine maintenance and replacement of meters on an established schedule. When it is determined maintenance is required, the utility will notify the customer in writing and schedule the required service. No person, business or entity other than the utility will tamper with the meter for any reason. Should the customer feel maintenance is required or for any other reason feels the meter should be inspected, the customer must contact the city's water/sewer superintendent to schedule service.

Sec 03.02.333. Irrigation or other outdoor use; restrictions; prohibited in emergencies.

In emergency situations, as determined by the water superintendent, which demand immediate action, the water superintendent of the utility may immediately restrict or wholly prohibit the use of water from the utility's system by notifying customers by newspaper publication and/or public by service radio announcements within the city.

Sec. 03.02.334. Flat-rate fire service; billing procedures; penalties for delinquent payment.

All flat-rate fire services shall be billed monthly in advance, on or about the first day of each month, based on rates and charges on file with the city. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the water service will be disconnected after a ten-day written notice. Service will not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting and subsequently reconnecting the line.

Sec03.02.335. Metered service; billing; penalties for delinquent payment.

All metered services shall be billed for actual water consumed, based on rates and charges as established by resolution of the city commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the utility, at its own discretion, may disconnect the water services following a ten-day written notice. Should the utility disconnect a customer's service for failure to pay a delinquent bill, service shall not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting or subsequently reconnecting the line. In the event of a transfer of ownership of a property with supplied water, the seller, purchaser, or real estate agent may request that the meter be read at a specific time to establish the final bill for the seller. Either the seller or purchaser may direct that the water be turned off. It is the property owner's responsibility to notify the city when his/her property becomes vacant and whether the water is to be turned off or left on. Base rates will continue to be assessed and paid without regard to termination of service.

No user of the city water system shall block access to the water meter.

Sec. 03.02.336. Billing method for multiple delivery points or separate meters for single customer.

Where separate points of delivery exist for supplying service to a single customer, or separate meters are maintained and provided for measurement of service to a single customer, each point of delivery or metering shall be separately billed under the applicable rates. An accessible curb stop will be provided for each point of delivery.

Sec. 03.02.337. Termination of service by customer.

Customer shall give utility at least 24 hours' notice, Saturdays, Sundays and holidays excluded, to terminate service, unless a longer notice of termination is provided for in the service agreement. Should the customer desire to discontinue the use of water temporarily, or should the premises become vacant, the utility must be notified in writing of the temporary discontinuance of use of the utility water supply.

Sec. 03.02.338. Maintenance; customer responsibility; wasting water prohibited.

Waste of water is prohibited, and customers must keep their fixtures and interior pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the city, and if not repaired within five days

after written notice is given, water service may be discontinued until such time as the leak is repaired.

Sec. 03.02.339. Continuity of service; liability limitations.

- A. The utility shall make reasonable effort to avoid interruption of service, and when such interruptions occur, shall reestablish service with reasonable diligence.
- B. The utility shall not be liable to customer or others for failure or interruption of water service due to acts of God, governmental regulations, court orders, acts of the public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

Sec. 03.02.340. Suspension of service for repairs and changes.

- A. When it is necessary for the utility to make repairs or to change its water collecting, storage, transmission or distribution system, meters or other property, utility may, without incurring any liability therefor, suspend service for such period as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers.
- B. A customer must never leave the premises with any faucets open or water turned on.

Sec. 03.02.341. Interruption of service; liability limitations.

Interruptions of service resulting from the repair of leaks as provided in section 08.02.890, or for repair of frozen facilities of the customer, shall not render the utility liable for any adjustment in customer's bill. Whenever service is discontinued under section 08.02.890, the utility shall not be required to restore service until customer's account, if any be outstanding, is paid in full. The utility may also require customer to pay all costs of discontinuing or reestablishing service.

Sec. 03.02.342. Authorized utility personnel required for maintenance.

With the exception of special installations approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall maintain or repair the utility's water utility system.

Sec. 03.02.343. Violation of irrigation or sprinkling rules; penalty.

At such time when the utility, through its agents, employees or representatives, determines that a customer is in violation of the utility's regulations in regard to sprinkling or irrigation, the utility shall deliver to such customer a copy of the notice of hours and days of sprinkling and irrigating, and shall advise the customer that such customer is in violation of the rule. If the customer is found in violation of the rule on more than one occasion in any one irrigation or sprinkling season, the customer will be notified by certified mail, with return receipt, that another violation will result in discontinuance of service.

Sec. 03.02.344. Violation of division provisions; disconnection of service required when.

For violation of any of these regulations or for nonpayment of water charges, as provided in the utility's schedule of rates and charges currently on file with the city, the utility has the right to

disconnect water service following ten days' written notice to the customer. After service has been discontinued, the same shall not be reinstated until all delinquent charges are paid. Costs of all disconnects and/or subsequent reconnects shall be borne by the customer.

Sec. 03.02.345. Accidents or Injuries.

The city will not be responsible for any accident or injury to a property owner or renter which may occur by reason of any pipes, water heaters or house or business fixtures used upon any of the premises being supplied with water, or which may occur by reason of the shutting off of the water, for the non-payment of water charges fixed herein, or for any other reason, such as frozen or broken water lines.

Secs. . 03.02.346-03.02.349. Reserved.

Subdivision IV. Water System Rules and Regulations

Sec. 03.02.350. Rules and regulations adopted; part of contract with customer.

Sec. 03.02.351. Plumbers; rules and regulations.

Secs. 03.02.352-03.02.359. Reserved.

Sec. 03.02.350. Rules and regulations adopted; part of contract with customer.

- A. The following rules and regulations are made for the government of the waterworks system of the city.
- B. These rules and regulations of the city, pertaining to its waterworks system are made a part of the contract with every individual, firm or corporation who takes water. The following rules and regulations are adopted by the city:
 - 1. An application for the introduction of water service to any premises must be signed by the owner of the premises and must be made on the regular form furnished by the city for that purpose. When such an application has been granted, the city, at the property owner's expense, will tap the main and furnish corporation stop, clamp when necessary, and any other material used or labor furnished in connection with the tapping of the main. All expense of laying the service pipes from the mains to the property owner's premises must be borne by the property owner. Additionally, the property owner is responsible for the maintenance of all service lines including the pipe and all necessary fixtures and appurtenances as required, from the curb stop to the meter as well as all associated costs. The lines must be laid below the street grade and on the property owner's premises, at a depth not less than six feet and, designated by the city, to prevent freezing. A curb stop of approved pattern with a cast-iron curb box must be installed by the property owner at a point designated by the city. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun.
 - 2. At some convenient point inside of the building and so located that it cannot freeze, a stop and waste stop must be placed, so that the water can be readily shut off from the building and the water pipes drained to prevent freezing.

3. Waste of water is prohibited, and consumers must keep their fixtures and service pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the city and if not repaired after reasonable notice is given, the water will be shut off by the city.
4. No plumber or other person will be allowed to make connection with any conduit, pipe or other fixture connecting therewith or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the city.
5. Service pipes shall be so arranged that the supply of each separate building, house or premises may be controlled by a separate curb stop, placed within or near the line of the street curb, under rules established by the city. This curb stop and box must be kept in repair and easily accessible by the owner of the premises.
6. Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the city, when notified to do so in writing, will shut off the water at the curb.
7. Shutoff notice; effect of shutoff on boilers
 - a. Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies, their water supply may be shut off at any time.
 - b. All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve must always be placed between the boiler and the city's mains to prevent draining the boiler.
8. Contractors, builders and owners are required to take out a permit for the use of water for building and other purposes in construction work, payable in advance at a rate set by the commission. Consumers are warned not to allow contractors to use their fixtures unless they produce a permit specifying the premises on which the water is to be used. Water will not be turned on at any new building until all water used during construction has been paid.
9. The city's officers or other authorized person shall have access at reasonable hours to enter any premises where water is used, for the purpose of making inspection or investigation.
10. For violation of any of these rules or for nonpayment of water usage, for either domestic, sprinkling or other purposes, the city has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of rules, the same shall not be turned on again until unpaid usage charges are paid, together with the cost incurred thereby.
11. Applicability of flat rate and meter rate rules.

- a. The flat-rate rules and the meter-rate rules shall be effective for all water utilities having schedules of that nature.
- b. This rule, however, shall not be construed to mean that the city must have both flat rates and meter rates. The city may adopt either a flat-rate or meter-rate schedule, or both.
- c. In addition to the general flat-rate and meter-rate rules, the city may adopt other rules by written order of the director of public works.

C. Flat-rate service.

1. The flat-rate will cover the use of water for domestic use, lawn sprinkling, and any other purposes enumerated on the rate sheet covering flat-rate services. The city agrees to furnish water for certain specified uses for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from the city, or uses it for other purposes than those the customer is paying for, it is a violation of the consumer's contract and the consumer offending, after reasonable notice, may have the consumer's water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on water.
2. Flat-rate water charges are payable monthly in advance and payments should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of the month, the water will be shut off.
3. Every user of water coming under the use prescribed under meter rates shall furnish a meter at the user's own expense, and the meter rate for the first month shall be the rate for such use as estimated by the city clerk, and thereafter the rate shall be paid monthly in advance; and payment should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of each month, the water will be shut off. The rate for each succeeding month after the first month shall be based upon the amount of water used during the preceding month.
4. Should any consumer on a flat-rate schedule wish to install additional fixtures or should such customer desire to apply the water to purposes not stated in the original application, written notice must be given the city prior to making such installation or change of use. Special extension permits are issued for any extension of pipes within a building. In case a consumer places new fixtures on the consumer's premises without securing an extension permit from the city, when such fixtures are discovered, a charge will be made for such extra fixtures at schedule rates for the full length of time such fixtures have been installed.
5. Should it be desired to discontinue the use of water for any special purpose, whether for bathtubs, closets, lawn sprinklers, hose connections, or other fixtures, the faucet must be removed, the branch pipe plugged, and notice given the city at the city clerk's office before any reduction of rates will be made.

Sec. 03.02.351. Plumbers; rules and regulations.

- A. The following rules and regulations are adopted in regard to plumbers:

1. Inspection of the work. No person or firm, carrying on a plumbing business, shall without city permission interrupt water service or resist an inspection of the person's or firm's work, done upon the pipes or appurtenances of the city waterworks or its consumers.
2. Application for permits. Any person or firm, carrying on a plumbing business, desirous of introducing water from the works to any premises, or of making any alterations, additions or extensions for consumers, shall first procure a permit from the city for such purpose, and for each and every opening, excavation or change required. All applications for permits must be made in writing, upon blanks furnished by the city, stating the full name of the owner of the property and the purpose for which the water is to be used.
3. Taps. No person, except the tapper employed by the city, shall, under any circumstances, tap the distribution pipes or insert pipes therein, or lay pipes in the streets.
4. Kind of material that may be used.
 - a. All pipes placed in connection with the city waterworks, and the pattern of all water closets, hydrants, curb stops, and other appurtenances that are proposed to be used, shall be submitted to the inspection and subject to the approval of the water/sewer superintendent.
 - b. The water pipe laid in trenches shall be laid not less than six feet below the surface of the ground, and in such a manner as to prevent rupture by settlement.
 - c. All pipe and all stops and fixtures must be of sufficient strength to sustain a hydrostatic pressure of 300 pounds to the square inch.
 - d. All work shall be done in the manner required by the city engineer and shall be subject to its inspection or approval; and no work underground shall be covered up until so inspected and approved.
5. Location of service pipe.
 - a. Permits for attachments will not be granted when the service pipe passes over or through premises which at the time are, or may thereafter, become the property of persons other than the owner of the premises to be supplied by such attachments; and in case the building does not occupy the full width of the lot on which it is situated, the service pipe must either be laid under the building or in the lot clear of the building, and within three feet of the side wall thereof.
 - b. No service pipe will be permitted to be laid in a sewer trench, or within 18 inches of such trench.
6. Curb stop and boxes. There shall be a curb stop and curb box attached to every supply pipe at the point where it enters the building, so as to admit the water being shut off in frosty weather, or in case of accident, and of the pipes being drained. The service pipe passing from the ground into every building shall be enclosed in a box of not less than eight inches, inside measurement, filled with sawdust or other suitable material to

protect the pipes from frost, except when connections are in basements or crawlspaces.

7. Turning on and shutting off water. No plumber shall turn on the water at the curb stop, or allow any person in such plumber's employ to do so, except with the special permission of the water/sewer superintendent. When the work in any building has been completed and tested, it shall be the duty of the plumber or fitter to turn off the water.
8. No plumber or fitter to allow name to be used by others.
 - a. No plumber or fitter shall allow the plumber's or fitter's name to be used by any person, directly or indirectly, either to obtain a permit or permits, or to do any work under the plumber's or fitter's bond.
 - b. The license of any plumber violating any of the city's rules and regulations governing the introduction, supply and consumption of water, will be revoked or suspended, at the discretion of the city, and will not be renewed under any circumstances until the city has been reimbursed for all damages that it may have sustained on account of such violation.

Secs. 03.02.352—03.02.359. Reserved.

DIVISION 4. OUTDOOR WATER USE RESTRICTIONS

Sec. 03.02.400. Definitions.

Sec. 03.02.401. Application of restrictions.

Sec. 03.02.402. Authority to restrict outdoor use of water.

Sec. 03.02.403. Sprinkling systems; timing.

Sec. 03.02.404. Landscaping; seeding; sodding; planting.

Sec. 03.02.405. Notice required.

Sec. 03.02.406. Wasting water prohibited.

Sec. 03.02.407. Exception to maintain sanitation.

Secs. 3.02.408-3.02.499. Reserved.

Sec. 03.02.400. Definitions.

- A. For the purposes of this division, the following terms, phrases, words, and their derivations shall have the meaning given herein.
 1. "Outdoor use" means the use of water, excepting water which has been used indoors and is being recycled for outdoor use, for:
 - a. Sprinkling or irrigating gardens, lawns or other outdoor vegetation;
 - b. Washing automobiles, trucks, or other mobile equipment except at places of business where such are washed on every business day either with attendants, with automatic equipment or by self-service;
 - c. Washing sidewalks, driveways, outside building walls or other outdoor surfaces;
 - d. Washing any business or industrial equipment machinery;

- e. Operating any ornamental fountain or other similar structure not employing a recirculating system;
 - f. Swimming and wading pools not employing a filter and recirculating system;
 - g. Leakage or other escape outdoors through defective plumbing when a person has knowingly permitted the defective plumbing to remain in disrepair;
 - h. Settling back-fill around foundations, pipes, etc.; and
 - i. Other outdoor uses including use for fire protection.
2. "Water" means water from the city's water service utility.

Sec. 03.02.401. Application of restrictions.

- A. The provisions of this division or any restriction or prohibition in force pursuant thereto shall apply as follows:
- 1. To all persons using water both in and outside the city, and regardless of whether any person using water shall have a contract for water service with the city; or
 - 2. To persons contracting for water service at a location who shall be responsible and strictly liable for all water use at that location.

Sec. 03.02.402. Authority to restrict outdoor use of water.

The director of public works is, with the concurrence of the city manager, authorized, directed and empowered, whenever in the director's opinion the necessities of the situation demand such action, to restrict or wholly prohibit the outdoor use of the water supply of the water service utility.

Sec. 03.02.403. Sprinkling systems; timing.

Whenever outdoor use restrictions are in effect, the director of public works may set alternative time restrictions for the use of large scale sprinkling systems or those which are equipped with a timing device.

Sec03.02.404. Landscaping; seeding; sodding; planting.

While it is not the intent of this division to place restrictions on the normal conduct of business, whenever outdoor use restrictions are in effect, the director of public works may restrict or wholly prohibit the seeding, sodding or planting of live vegetation.

Sec. 03.02.405. Notice required.

Restrictions or prohibitions imposed by the director of public works shall become effective at midnight immediately following the publication of notice thereof in any weekly newspaper published within the county.

Sec. 03.02.406. Wasting water prohibited.

Whenever outdoor use restrictions are in effect, no person shall waste water which shall include but not be limited to permitting water to escape or run to waste.

Sec. 03.02.407. Exception to maintain sanitation.

The director of public works shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 08.02.1308. Enforcement.

- A. Police officers to enforce. Every police officer of the city shall, in connection with the duties imposed by law, diligently enforce the provisions of this division.
- B. Discontinuance of service. The city manager shall have the authority to enforce the provisions of this division by the discontinuance of water service in the event of violation hereof.

Secs. 3.02.408-3.02.499. Reserved.

ARTICLE 3. SEWER

DIVISION 1. GENERALLY

DIVISION 2. SEWER SERVICE RULES AND REGULATIONS

DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM

DIVISION 4. SEWER SERVICE OUTSIDE CITY

DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES

DIVISION 1. GENERALLY

Secs. 03.03.100—03.03.199. Reserved.

Secs. 03.03.100—03.03.199. Reserved.

DIVISION 2. SEWER SERVICE RULES AND REGULATIONS

Subdivision I. - In General

Subdivision II. - General Regulations

Subdivision III. - Service Provided

Subdivision IV. - Service Conditions

Subdivision I. In General

Sec. 03.03.200. Regulations adopted; applicability.

Sec. 03.03.201. Definitions.

Secs. 03.03.202—03.03.209. Reserved.

Sec. 03.03.200. Regulations adopted; applicability.

The city commission adopts the following service regulations prescribing standards for sewer service as provided under Montana Law. These regulations supersede all rules, regulations and supplements previously applicable to municipal sewer utility operations.

Sec. 03.03.201. Definitions.

A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Customer" means any individual, partnership, association, firm, public or private corporation or governmental agency, or any other entity receiving sewer service from the utility. The term "customer" shall not include renters or occupants of an improvement served by sewer service. The real property owner shall be billed for

service as the customer and is responsible to the city for payment of the sewer utility bill.

2. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to the utility, unless otherwise defined in the service agreement.
3. "Pit privy" means a pit that receives undiluted, non-water-carried toilet wastes and does not include licensed, individual mobile toilets;
4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.
5. "Service agreement" means the agreement or contract between the utility and customer pursuant to which service is supplied and taken.
6. "Sewer service" or "service" means the collection and treatment of waterborne wastes.
7. "Utility" means the City of Polson and its sewer service division, engaged in the business of providing sewage collection and treatment to its customers on its system in the state of Montana.

Secs. 03.03.202—03.03.209. Reserved.

Subdivision II. General Regulations

Sec. 03.03.210. Purpose of provisions.

Sec. 03.03.211. Applicability of provisions.

Sec. 03.03.212. Regulations available to the public.

Sec. 03.03.213. Waiver of regulations; conditions.

Secs. 03.03.214—03.03.219. Reserved.

Sec. 03.03.210. Purpose of provisions.

These service regulations are intended to define good practice which can normally be expected, but are not intended to exclude other accepted standards and practices not covered herein. They are intended to ensure adequate service to the public and protect the utility from unreasonable demands.

Sec. 03.03.211. Applicability of provisions.

These service regulations govern the supplying by the utility, and taking by its customers, sewer service to the utility's sewer system. These regulations are subject to revision, upon approval by the commission, and supersede all regulations, by whatever term designated, which may heretofore govern the collection and treatment of waterborne wastes.

Sec. 03.03.212. Regulations available to the public.

There shall be made available to the public at the office of the city copies of these service regulations and the rate schedules, forms or agreement for sewer collection and treatment standards of the utility.

Sec. 03.03.213. Waiver of regulations; conditions.

In any case where compliance with any of these rules introduces unusual difficulty, such rule may be temporarily waived by the director of public works upon application of the utility or the customer.

Secs. 03.03.214—03.03.219. Reserved.

Subdivision III. Service Provided

Sec. 03.03.220. General service conditions.

Sec. 03.03.221. Easements, rights-of-way and permits furnished by customer.

Sec. 03.03.222. Sewer service for customer use only.

Sec. 03.03.223. Access to premises for inspection.

Sec. 03.03.224. Extension of service to other persons prohibited when.

Sec. 03.03.225. Connections to be made by authorized personnel.

Secs. 03.03.226-03.03.229. Reserved.

Sec. 03.03.220. General service conditions.

The utility agrees to furnish sewer services for certain specified purposes, as contained in the service agreement, for a certain specified sum based either on a metered or non-metered rate, as hereinafter provided.

Sec. 03.03.221. Easements, rights-of-way and permits furnished by customer.

A customer, or prospective customer, must furnish all easements, cleared rights-of-way and permits necessary to enable the utility to supply the service required.

Sec. 03.03.222. Sewer service for customer use only.

If a customer furnishes other individuals or entities with sewer services without permission from the utility, or utilizes the sewer service for other purposes than for which it was intended, that customer is in violation of the customer's service agreement. Customers in violation of their service agreements may have their water service discontinued until such time as the charge for such additional service has been paid, together with the actual additional expense incurred by the utility in discontinuing or reconnecting water service.

Sec. 03.03.223. Access to premises for inspection.

The utility's employees or representatives, or other authorized persons, shall have access at reasonable hours to enter any premises where sewers are used, for the purpose of making inspection or investigation.

Sec. 03.03.224. Extension of service to other persons prohibited when.

In no instance may the customer extend the customer's sewer facilities across or under a street, alley, lane, court or avenue, or other public or private space, existing under different ownership, in order to obtain a rate advantage by taking sewer service for two or more premises through one connection.

Sec. 03.03.225. Connections to be made by authorized personnel.

With the exception of special installation approved by the utility, no person or other entity, other than agents, representatives or employees of the utility shall connect to the utility's collection system or service lines attached thereto.

Secs. 03.03.226-03.03.229. Reserved.

Subdivision IV. Service Conditions

Sec. 03.03.230. Basis for supply of service.

Sec. 03.03.231. Service provided only to existing collection points.

Sec. 03.03.232. Line-extension costs borne by customer.

Sec. 03.03.233. Application and other service conditions.

Sec. 03.03.234. Installation prerequisites and procedures.

Sec. 03.03.235. Elevation check and permit.

Sec. 03.03.236. Billing—For multiple delivery points or separate meters for single customers.

Sec. 03.03.237. Same—Meter service; penalty for delinquent payments.

Sec. 03.03.238. Same—Flat-rate service; penalty for delinquent payments.

Sec. 03.03.239. Continuity of service; liability limitations.

Sec. 03.03.240. Suspension of service for repairs and changes.

Sec. 03.03.241. Maintenance—Work performed by utility.

Sec. 03.03.242. Same—Authorized personnel required.

Sec. 03.03.243. Violation of regulations; nonpayment of sewer charges notice; penalty.

Secs. 03.03.244-03.03.249. Reserved.

Sec. 03.03.230. Basis for supply of service.

Service will be supplied only under and pursuant to these service regulations, and any modifications or additions thereto lawfully made, and under such applicable rates, schedules and contracts as may from time to time be lawfully established.

Sec. 03.03.231. Service provided only to existing collection points.

Service will be supplied under the applicable rates, schedules and contracts only at points of collection as are presently existing on the utility's system.

Sec. 03.03.232. Line-extension costs borne by customer.

Line-extension costs will be borne by the customer requesting that service.

Sec. 03.03.233. Application and other service conditions.

Application for the use of sewers from an existing service must be made at the city administrative services office on a printed form provided for that purpose. Service will be furnished to any customer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service, provided the purposes set forth comply with all the utility's rules and regulations as on record and approved by the commission, and that the existing utility sewer system is adequate to meet the use for which the application is made.

Sec. 03.03.234. Installation prerequisites and procedures.

All sewer services to any premises shall be installed by a bonded installer, except under special conditions approved and inspected by the utility. An application for introduction of sewer service to any premises must be signed by the owner or the owner's designated agent, and must be made on a regular form furnished by the utility for that purpose. Prior to approval of such application the utility may require the customer to establish credit or to furnish a deposit. The utility shall then install the service to the property line, and the customer shall have the service brought to the building by a bonded installer, agreed upon between utility and customer.

Sec.03.03.235. Elevation check and permit.

All new sewer service installations shall be subject to a preconstruction elevation review and permit. Prior to the commencement of construction of sewer services upon properties included in the city service area, the owner or agent shall make application for an elevation check on the slope of sewer services to the public utility's sewer main. The city will, upon the receipt of application and payment of the fee for services, inspect the property and determine if the building or proposed building sewer services will meet minimum slope for flow into the sewer mainline. If the same does not meet such minimum, the permit shall be denied and no installation of services will be made to the sewer mainline. If approved, the owner may proceed with construction and installation to the mainline in accordance with these and other ordinances of the city.

The fee for the inspection and review of elevation and slope shall be set by resolution of the commission as set forth in the city's Schedule of Fees.

Sec. 03.03.236. Billing—For multiple delivery points or separate meters for single customers.

Where separate points of delivery exist for supplying service to a single customer, or separate meters are maintained and provided for measurement of service to a single customer, each point of collection or metering shall be separately billed under the applicable rates.

Sec. 03.03.237. Same—Meter service; penalty for delinquent payments.

All metered services shall be billed based on the actual water consumed, based on rates and charges on file with and approved by the commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the water service will be disconnected after a ten-day written notice. Service shall not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting or subsequently reconnecting the line.

Sec. 03.03.238. Same—Flat-rate service; penalty for delinquent payments.

All flat-rate services shall be billed monthly in advance, on or about the first day of each month, based on rates and charges on file with and approved by the commission. Payment is due upon receipt of the bill, and will be considered delinquent if not paid by the 15th day of the month in which it is received. If the bill is not paid within 30 days after it has become delinquent, the sewer service will be disconnected after a ten-day written notice. Service will not be reinstated until delinquent charges are paid, together with the cost incurred by the utility in disconnecting and subsequently reconnecting the line.

Sec. 03.03.239. Continuity of service; liability limitations.

- A. The utility shall make reasonable effort to avoid interruptions of service, and when such interruptions occur, shall reestablish service with reasonable diligence.
- B. The utility shall not be liable to customer or others for failure or interruption of sewer service due to acts of God, governmental regulations, court or commission orders, acts of the public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

Sec. 03.03.240. Suspension of service for repairs and changes.

When it is necessary for the utility to make repairs or to change its sewer collecting system, the utility may, without incurring any liability therefor, suspend service for such period as may be reasonably necessary, and in such manner as to minimize the significance to customers.

Sec. 03.03.241. Maintenance—Work performed by utility.

Once service to any customer has been installed, the utility, at its own expense, shall maintain the connection to the mainline within the public right-of-way line.

Sec. 03.03.242. Same—Authorized personnel required.

With the exception of special installations approved by the utility, no person or other entity, other than agents, representatives or employees of the utility, shall maintain or repair the utility's sewer system.

Sec. 03.03.243. Violation of regulations; nonpayment of sewer charges notice; penalty.

For violation of any of these regulations, or for nonpayment of sewer charges as provided in the utility's schedule of rates and charges currently on file with and approved by the commission, the utility has the right to disconnect sewer service following ten days' written notice to the customer. After service has been discontinued, the same shall not be reinstated until all delinquent charges are paid. Costs of all disconnects and/or subsequent reconnects shall be borne by the customer.

Secs. 03.03.244-03.03.249. Reserved.

DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM

- Sec. 03.03.300. Purpose and policy.
- Sec. 03.03.301. Definitions.
- Sec. 03.03.302. Abbreviations.
- Sec. 03.03.303. Discharge prohibitions.
- Sec. 03.03.304. Wastewater dischargers.
- Sec. 03.03.305. Permit required for connection or use.
- Sec. 03.03.306. Sand and grease traps.
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- Sec. 03.03.309. Building sewer—Location.
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- Sec. 03.03.314. Private sewage disposal facilities—restrictions.
- Sec. 03.03.315. Discharge of unpolluted waters to sanitary sewer prohibited unless approved.
- Sec. 03.03.316. Connecting downspouts or drains to building sewers prohibited when.
- Sec. 03.03.317. Special agreements for sewage treatment.
- Sec. 03.03.318. National Categorical Pretreatment Standards.
- Sec. 03.03.319. State requirements.
- Sec. 03.03.320. Excessive discharge.
- Sec. 03.03.321. Accidental discharges; notice to employees; control of slug discharges.
- Sec. 03.03.322. Wastewater classification survey.
- Sec. 03.03.323. Industrial discharge permit.
- Sec. 03.03.324. Monitoring facilities.
- Sec. 03.03.325. Sampling, analysis and inspection.
- Sec. 03.03.326. Reporting and compliance requirements.
- Sec. 03.03.327. Affirmative defenses.
- Sec. 03.03.328. Upsets.
- Sec. 03.03.329. Bypass.
- Sec. 03.03.330. Suspension and revocation of permit.
- Sec. 03.03.331. Nuisance; injunctive relief available; liability.
- Sec. 03.03.332. Criminal penalties.
- Sec. 03.03.333. Civil penalties.
- Secs. 03.03.334—03.03.399. Reserved.

Sec. 03.03.300. Purpose and policy.

- A. This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws.
- B. The objectives of this division are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 4. To provide for equitable distribution of the cost of the municipal wastewater system.
- C. This division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 03.03.301. Definitions.

- A. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, title 33, ch. 26, USC.
 2. "Authorized representative of industrial user" means:
 - a. A principal executive officer or an officer of at least the level of vice-president, if the industrial user is a corporation;
 - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - c. A duly authorized representative of the individual designated in subsections a and b of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
 3. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
 4. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other polluted waters in drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
 5. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

6. "Bypass" means the diversion of waste streams from any portion of an industrial user's treatment facility directly to the POTW.
7. "Categorical standards" means National Categorical Pretreatment Standards or pretreatment standard.
8. "Combined sewer" means a sewer receiving both surface runoff and sewage.
9. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
10. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Montana.
11. "Engineer" means the city engineer, or the city engineer's authorized deputy, agent or representative.
12. "Estimated maximum daily discharge" means the greatest discharge into the sewerage system which it is estimated will occur in any one 24-hour day during the year.
13. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
14. "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
15. "Holding tank waste" means any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.
16. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the publicly owned treatment works (POTW).
17. "Industrial user" means any user that discharge wastewater other than domestic wastes from industrial or commercial processes.
18. "Industrial wastes" means the liquid wastes from industrial processes, as distinct from sanitary sewage.
19. "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 085 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

20. "National Categorical Pretreatment Standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.
21. "National Pollution Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to section 082 of the Act (33 USC 1342).
22. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any regulation developed under the authority of 307(b) of the Act and 08 CFR 083.5, as amended.
23. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
24. "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing section 307(c) (33 USC 1317), Categorical Pretreatment Standard, which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
25. "Pass-through" means a discharge which exits the POTW into waters of the state in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
26. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
27. "Pollutant" means any dredged spoil, solid waste, incinerator residue, wastewater, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.
28. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
29. "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.
30. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 08 CFR 083.6(d).

31. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
32. "Publicly owned treatment works (POTW)" means a treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by permit, contract or agreement with the city, users of the city's POTW.
33. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the city.
34. "Sanitary sewer" means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.
35. "Severe property damage" means substantial physical damage to property, or significant operational interference, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
36. "Sewer" means a pipe or conduit for carrying sewage.
37. "Significant industrial user." Except as provided ~~herein in section 08.03.1130.C~~ the term "significant industrial user" means:
 - a. All industrial users subject to categorical pretreatment standards under 08 CFR 083.6 and 08 CFR ch. I, subch. N; and
 - b. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the engineer on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
38. "Slug discharges" means any nonroutine discharge, episodic in nature, including but not limited to an accidental spill or a noncustomary batch discharge.
39. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
40. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

41. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
42. "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
43. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated under the provisions of CWA 307(a) or other acts.
44. "Upset" means an incident, beyond the reasonable control of the industrial user, that causes the user to be in unintentional and temporary noncompliance with categorical pretreatment standards. Upsets do not include noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.
45. "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
46. "Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such groundwater, surface water and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
47. "Wastewater contribution permit" shall have the meaning as **set forth and described herein** ~~in section 08.03.1130.~~
48. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
49. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Sec. 03.03.302. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
CWA	Clean Water Act
l	Liter
mg	Milligrams
mg/l	Milligrams per liter

NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 USC 6901 et seq.
USC	United States Code
TSS	Total suspended solids

Sec. 03.03.303. Discharge prohibitions.

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standard or requirements. A user may not contribute the following substances to any POTW:
1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 108 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 08 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which constitutes a fire or explosion hazard;
 2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities. Prohibited materials include but are not limited to: fats, oils, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, paint, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
 3. Unless authorized by the superintendent, any wastewater having a pH less than 6.0 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;
 4. Any wastewater containing toxic pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act;

5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or which create the presence of toxic gases, vapors or fumes within in the POTW in a quantity that may cause acute worker health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair;
 6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 085 and section 503 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
 7. Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;
 8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions;
 9. Any wastewater having a temperature that will cause the temperature of the wastewater plant influent to exceed 80 degrees centigrade (104 degrees Fahrenheit) or will inhibit biological activity of the wastewater treatment;
 10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW;
 11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed established limits;
 12. Any septic tank pumpings or material taken from cesspools, privies or other sewage treatment systems, unless approved by the superintendent;
 13. Any water or waste which may contain more than 25 parts per million, by weight, of fat, oil or grease;
 14. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
 15. Any trucked or hauled pollutants, except as may be approved by the engineer and at discharge points as may be designated by the city.
- B. When it is determined that a user is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, then the plant operator shall:
1. Advise the user of the impact of the contribution on the POTW; and
 2. Develop effluent limitation for such user to correct the interference with the POTW.

- C. Upon such notification, the user shall develop a pretreatment program and comply with the conditions set forth in this division. ~~particularly sections 08.03.1110 through 08.03.1200, inclusive.~~

Sec. 03.03.304. Wastewater dischargers.

No person shall discharge any wastewater to any natural outlet within the city or to the POTW except as authorized by the city.

Sec. 03.03.305. Permit required for connection or use.

No authorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

Sec. 03.03.306. Sand and grease traps.

- A. No person operating a filling station, garage, car wash or similar place having wash or grease racks shall discharge into the wastewater utility unless such place is provided with a sand and grease trap of a size and construction approved by the engineer. Each owner shall submit a detailed drawing and design criteria for the sand and grease trap. The operator of a restaurant or food preparation establishment discharging wastewater containing greater than 25 mg/l of oil and grease or that has a recurrence with grease building or blockage of sewer lines shall immediately install an approved grease trap. All sand and grease traps shall be properly maintained and serviced at the owner's expense.
- B. Records of maintenance and service for the sand and grease trap shall be made available to the city upon request by the sewer superintendent.

Sec. 03.03.307. Construction and materials standards.

The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specification of A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 03.03.308. Use of old building sewers permitted when.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the sewer superintendent, to meet all requirements of this division.

Sec. 03.03.309. Building sewer—Location.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted at the user's expense by an approved means and discharged to the building sewer.

Sec. 03.03.310. Same—Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lighted so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the engineer.

Sec. 03.03.311. Same—Connection to system; specifications.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the city before installation.

Sec. 03.03.312. Same—Inspection requirements.

The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the city's public works department.

Sec. 03.03.313. Connection to public sewer; when required.

The owner of any house, building or other property used for human occupancy, employment or recreation, which is situated within the city and abuts on any street, alley or right-of-way in which there is located a public sanitary lateral sewer of the city within 200 feet of the property line, shall install suitable toilet facilities therein at the owner's own expense and connect such facilities directly with the proper sewer. The connection shall be made within 90 days after such owner is given official notice to make the connection by the city.

Sec. 03.03.314. Private sewage disposal facilities—restrictions.

It is unlawful to construct or maintain any privy, privy vault, pit privy, septic tank, cesspool or other facility intended or used for the disposal of sewage. Unitized portable toilets are permitted within the city limits but may not be used or placed as permanent toilet facilities. These toilets must be removed promptly upon the completion of the project or event. No owner or lessee of portable toilets shall allow the same to be used without periodic maintenance and flushing.

Sec. 03.03.315. Discharge of unpolluted waters to sanitary sewer prohibited unless approved.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer, except, however, that industrial cooling water or unpolluted water may be discharged into a sanitary sewer upon approval of the sewer superintendent.

Sec. 03.03.316. Connecting downspouts or drains to building sewers prohibited when.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 03.03.317. Special agreements for sewage treatment.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. Such agreement shall not include the waiver of National Categorical Pretreatment Standards.

Sec. 03.03.318. National Categorical Pretreatment Standards.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division.

Sec. 03.03.319. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those in this division.

Sec. 03.03.320. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in this division.

Sec. 03.03.321. Accidental discharges; notice to employees; control of slug discharges.

- A. Each user with the potential to contribute prohibited substances as outlined ~~herein in section 08-03-930~~, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the sewer superintendent for review, and shall be approved by the sewer superintendent before construction of the facility. No user shall introduce industrial wastes into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- B. Within five days following an accidental discharge, the user shall submit to the sewer superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any civil or

criminal penalties or other liability which may be imposed by this division or other applicable law.

- C. Each user shall permanently post on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Each user shall advise all employees who may cause or suffer such a dangerous discharge to occur of the emergency notification procedure.
- D. The city may evaluate, at any time, whether each significant industrial user needs a plan to control slug discharges. If the city decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - 1. A description of discharge practices, including non-routine batch discharges;
 - 2. A description of stored chemicals;
 - 3. Procedures for immediately notifying the POTW treatment plant of slug discharges, including any discharge that would violate a prohibition in **this ordinance section 08-03-930**; and
 - 4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training and the building of containment structures or equipment.

Sec. 03.03.322. Wastewater classification survey.

- A. All industrial users shall complete and file with the engineer a wastewater classification survey containing the following information prior to discharging into the municipal wastewater system: name and facility address; type of services rendered and products produced; principal raw materials and catalysts used; plant operational characteristics; water use information; wastewater discharge information; wastewater quantities and constituents; wastewater pretreatment; a plot plan of sewers on the user's property showing sewer and pretreatment monitoring facility locations; details of systems to prevent and control the losses of materials through spills to the POTW; and non-discharge wastes and their disposal.
- B. All industrial users obtaining a building permit for initial construction or for building expansion or remodel shall complete and submit the survey to the sewer superintendent for review prior to approval of said building or remodel permit.
- C. All industrial users shall update the wastewater classification survey on file with the sewer superintendent whenever significant changes are made in the wastewater discharge. Significant changes include without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. The sewer superintendent may request a new submittal of the wastewater classification survey as deemed necessary.

Sec. 03.03.323. Industrial discharge permit.

- A. A significant industrial user shall obtain an industrial discharge permit renewable every three years at the initial cost of \$100.00 and a renewal fee of \$50.00 if the user:
 - 1. Is subject to National Categorical Pretreatment Standards; or
 - 2. Is determined by the engineer to have significant impact, either singly or in combination with other contributing industrial users, on the quality of the wastewater treatment plant's effluent, sludge, scum or residues, or such that interference with the treatment process or facilities would result.
- B. Existing significant industrial users shall apply for a wastewater discharge permit within 60 days after the effective date of the ordinance codified in this division and proposed new significant industrial users shall apply at least 60 days prior to discharging into the wastewater utility. The application shall include a statement regarding whether or not applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or additional pretreatment is required to meet the standards.
- C. The engineer may at any time, and in accordance with 08 CFR 083.8(f)(6), determine that an industrial user meeting the criteria ~~herein of section 08.03.910.A.37~~ is not a significant industrial user if the user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- D. Industrial wastewater permits are subject to all provisions of this division and all other applicable reports, regulations, user charges and fees established by the city. Permits may contain, without limitation, the following:
 - 1. A statement of duration;
 - 2. A statement of nontransferability;
 - 3. Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;
 - 4. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - 5. Schedules for installation of pretreatment equipment to bring discharge into compliance with applicable regulations;
 - 6. Requirements for installation and maintenance of inspection and sampling facilities;
 - 7. Specifications for monitoring programs that include sampling locations; frequency of sampling; number, type and standards for tests; and reporting schedules;
 - 8. Requirements for submission of technical reports, discharge reports and compliance progress report;

9. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city and affording city access thereto;
 10. Requirements for notification of the city to the new introduction of wastewater constituents or any change in character of the wastewater constituents or average volume being introduced into the wastewater utility;
 11. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and
 12. Other conditions as deemed necessary by the engineer in order to enforce the provisions of this division.
- E. The engineer shall issue industrial discharge permits for a specified time period not to exceed two years. The industrial user shall apply for permit reissuance at least 30 days prior to the expiration of the user's existing permit. The terms and conditions for the permit may be subject to modification by the engineer during the term of the permit if limitations or requirements are modified, if necessary to meet requirements of the city's NPDES discharge permit to accommodate new or increased contributions of wastewater or changes in the nature of the wastewater, or if there is other good cause. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. An applicant for a permit shall pay the prescribed fees.
- G. A wastewater discharge permit may not be sold, traded, assigned, transferred or sublet. Any new significant industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises.

Sec. 03.03.324. Monitoring facilities.

- A. All significant industrial users shall provide and operate, at their expense, monitoring equipment and facilities sufficient to allow inspection, sampling and flow measurements of the private sewer or internal drainage system.
- B. The monitoring facility shall normally be situated outside of the building on the user's premises. If the industrial user's service line ties into an existing city manhole and such manhole allows for safe sampling and isolation of the industrial user's discharge, the sewer superintendent may allow said manhole to serve as the industrial user's monitoring facility.
- C. Any significant industrial user or user discharging prohibited substances or specific pollutants into the POTW shall install a monitoring facility for each separate discharge. Each separate monitoring facility shall meet requirements set forth by the sewer superintendent with safe and independent access for city personnel at all times.
- D. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The industrial user shall maintain and operate its own monitoring facility and all sampling and measuring

equipment at all times in a safe and proper operating condition at the industrial user's expense.

- E. Whether constructed on public or private property, the industrial user shall construct the sampling and monitoring equipment and facilities in accordance with monitoring requirements and all applicable local construction standards and specifications within 60 days following written notification by the sewer superintendent or before final building inspection approval.
- F. All industrial users shall provide safe access to sampling and monitoring sites and pretreatment facilities at all times for authorized city personnel.
- G. The city may inspect the facilities of any industrial user to determine whether the intent of this division and all applicable requirements are being met. Owners, employees or occupants of premises where wastewater is discharged shall allow city representatives or agents ready access at all reasonable times to all parts of the premises where wastewater is created or discharged, including industrial process areas, for the purpose of inspection, sampling, records examination and copying, or performance evaluation. Where an industrial user has security measures in force which require proper identification and clearance before entry into industrial user's premises, the industrial user shall make necessary arrangements with the security personnel so that upon presentation of suitable identification, personnel authorized by the city, the state, or United States Environmental Protection Agency will be permitted to enter without delay for the purpose of performing their specific responsibilities under this article.

Sec. 03.03.325. Sampling, analysis and inspection.

- A. All industrial users shall obtain the sewer superintendent's approval for all sampling and measuring equipment prior to its installation or use. All measuring, test and analyses and all sampling that the industrial user is required to make shall be done at the user's own expense.
- B. All industrial users shall make all measurements, tests, sampling and analyses required by this division in accordance with the techniques prescribed in 08 CFR 136 and amendments thereto. The sewer superintendent may direct an industrial user to deliver a split sample to a designated laboratory for analytical verification.
- C. The sewer superintendent shall determine the frequency of sampling, measuring and analyses and include them as conditions of the user's industrial discharge permit. The engineer may impose mass limitations on industrial users that use flow equalization to meet applicable standards or requirements or in other cases where imposition of mass limitations are appropriate.
- D. The city may place upon the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.
- E. Sampling and analysis may be performed by the city in lieu of the industrial user. Where the city itself collects all the information required for the report, the industrial user may be excused from submitting duplicate test data results.

- F. The city may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by the industrial users, occasional and continuing noncompliance with pretreatment standards.
- G. The city shall inspect and sample the effluent from each significant industrial user at least once a year.

Sec. 03.03.326. Reporting and compliance requirements.

- A. All significant industrial users required to meet categorical pretreatment standards must submit the reports required in 08 CFR 083.12. All reports shall be based on sampling and analysis performed during the period covered by the report, and performed in accordance with the techniques described in 08 CFR part 136 and amendments thereto. All reports shall be signed by an authorized representative of the industrial user and certified by a qualified professional. All industrial users that have permits or that have the potential to discharge prohibited substances or specific pollutants that may cause a significant impact on the POTW shall submit to the sewer superintendent semiannual compliance reports at the times designated on the permit, and containing information and data as required by the permit, including but not limited to the following:
 - 1. The name and address of the industrial user including the name of the operator and owners;
 - 2. Any environmental control permits held by or for the industrial user;
 - 3. A brief description of the nature and average rate of production by the industrial user;
 - 4. A brief description of the Standard Industrial Classification of the operation carried out by the industrial user;
 - 5. Building plans or details that indicate all points of discharge to the city sewer system from the regulated process;
 - 6. The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a. Regulated process streams; and
 - b. Other streams as necessary to allow use of the combined waste stream formula of 08 CFR 083.6(e). All flows shall be measured unless cost or feasibility justify allowing a verifiable estimate of the flow;
 - 7. Nature and concentration of pollutants or materials prohibited in the discharge;
 - 8. A statement indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the requirements; and

9. If additional pretreatment and/or operation and maintenance will be required to meet the requirements, the industrial user shall supply the shortest schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance.
- B. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
1. Chronic violation of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 2. Technical review criteria (TRC) violation, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the engineer determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
 6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; and
 8. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.
- C. The city may publish an annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements.
- D. All industrial users shall notify the POTW, EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 08 CFR part 261. Such notification shall be conducted in accordance with the provisions of 08 CFR 083.12(p).

- E. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 08 CFR 083.12(p).
- F. Any industrial user submitting information to the city pursuant to this division may claim it to be confidential if it demonstrates to the satisfaction of the sewer superintendent that release of such information would divulge information processes, or methods of production entitled to protection as the user's trade secrets.
 - 1. The user must assert such claim at the time of submission by stamping the words "confidential business information" on each page containing such information. If no such claim is made at the time of submission, the city may make information available to the public without further notice.
 - 2. Such confidential business information shall not be made available to the public, but the city may use the information for determining compliance with this division.
 - 3. Effluent or discharge data is not confidential.
 - 4. The city may provide confidential business information to governmental agencies upon written request for uses directly related to enforcement of this division, but, the city shall not transmit the confidential information to any government agency until the city has received written approval from the user.
- G. No person shall make any false statement, representation or certification, knowing it to be false, in any application, record, plan, data or document filed or required to be maintained pursuant to this division.
- H. No person shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this division.
- I. The sewer superintendent shall have access to records and wastewater testing facilities during normal working hours of the user.

Sec. 03.03.327. Affirmative defenses.

- A. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general and specific prohibitions established **herein in-section 08.03.930.A** where the user can demonstrate that:
 - 1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and
 - 2. A local limit designed to prevent pass-through and/or interference, as the case may be, was developed by the city for each pollutant in the industrial user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

3. If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant that caused the pass-through or interference, the industrial user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Sec. 03.03.328. Upsets

- A. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the industrial user can identify the cause of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 3. The industrial user has submitted the following information to the POTW treatment plant and the city within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- B. In any enforcement proceeding, the industrial user seeking to establish an affirmative defense for the occurrence of an upset shall have the burden of proof.

Sec. 03.03.329. Bypass.

- A. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections B and C of this section.
- B. The industrial user shall provide notice of bypass, to the city, as follows:
 1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW treatment plant, if possible at least ten days before the date of the bypass.
 2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW treatment plant within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description

of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- C. Bypass is prohibited, and the city may take enforcement action against an industrial user for bypass, unless:
 - 1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
 - 2. There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The industrial user submitted notices as required under subsection B of this section.
- D. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in subsection C of this section.

Sec. 03.03.330. Suspension and revocation of permit.

- A. The engineer may suspend or revoke any industrial discharge permit and terminate the wastewater service if the permittee:
 - 1. Discharges wastewater which presents imminent or substantial endangerment to the environment and/or public health, safety and welfare;
 - 2. Discharges wastewater which causes interference with the POTW or causes the city to violate any conditions of its NPDES permit;
 - 3. Violates any condition stated in the permit or provisions of this division;
 - 4. Fails to report an accidental discharge of a toxic substance;
 - 5. Increases the use of process water or attempts to dilute the discharge for the sole purpose of achieving compliance with any limitations;
 - 6. Falsifies any report of the wastewater constituents and characteristics;
 - 7. Tampers with, disrupts or damages monitoring and sampling equipment or facilities;
 - 8. Refuses reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or

9. Fails to pay fees or charges.

- B. In the event of any violation of this division, the sewer superintendent shall revoke the industrial discharge permit for the remainder of its term or suspend it for a shorter period based on the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied if at all.
- C. No user will be permitted to discharge into the POTW any wastewater which is in violation of this division. Any user may have their wastewater service suspended or terminated by the sewer superintendent.
- D. Any person notified of a revocation or suspension of such person's wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the suspension order, the city shall sever the sewer connection or take such steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the sewer superintendent within 15 days of the date of occurrence.
- E. Any user, whose permit is revoked or suspended, may request a hearing before the city commission to show cause why the proposed enforcement action should not have been taken.
 - 1. The city commission will cause the user to be notified of the time and place set for the hearing. Notice will be served personally or by registered or certified mail at least ten days prior to the hearing.
 - 2. The city commission or its designated representative will conduct the hearing by accepting testimony and evidence relevant to the matter involved in the hearing. Testimony shall be taken under oath and transcribed so that it may be made available to any party at the hearing or the public.
 - 3. The city commission will, within ten days after the hearing, issue its final determination to the user.
- F. The user shall pay all costs and expenses associated with any such suspension and restoration of service.

Sec. 03.03.331. Nuisance; injunctive relief available; liability.

- A. Any discharge into the POTW in violation of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, is declared to be a nuisance.
- B. If any person discharges into the POTW in violation of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, the city

attorney may, in addition to any other remedies, commence an action for equitable or legal relief, or both, including a petition in a court of competent jurisdiction for a temporary restraining order, and preliminary and permanent injunctions to prohibit the continuation of any violation of this division.

- C. Any person who violates any provision of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be liable for any loss, damage or expense to the city or others arising out of, resulting from or occurring in connection with said violation, including but not limited to injury to or death of any person, damage to property, enforcement of this division, attorneys' fees or increased costs for managing effluent, sludge or operating POTW.
- D. Any person who discharges into the POTW in violation of any provision of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be liable for any expense arising out of, resulting from or occurring in connection with said discharge if the city is found to violate any condition of its NPDES permit, including but not limited to fines assessed against the city, enforcement of this division, attorney's fees, sampling or analytical testing.

Sec. 03.03.332. Criminal penalties.

Any person who purposely, knowingly or negligently violates any provision of this division, or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than six months, or both.

Sec. 03.03.333. Civil penalties.

Any person who violates any provision of this division, or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be subject to a civil penalty in an amount of not less than \$200.00 or more than \$500.00 for each violation, and a separate violation shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 03.03.334-03.03.399. Reserved.

DIVISION 4. SEWER SERVICE OUTSIDE CITY

Sec. 03.03.400. Applicability of division and plumbing code.

Sec. 03.03.410. Application for permission to connect.

Sec. 03.03.420. Extension of service; ~~factors for consideration~~ sole discretion of commission.

Sec. 03.03.430. Consent to annexation; design specifications applicable.

Sec. 03.03.440. Sewer connection charge.

Sec. 03.03.450. Line extensions; costs borne by property owners.

Sec. 03.03.460. Rates, charges and rentals.

Secs. 03.03.470-03.03.499. Reserved.

Sec. 03.03.400. Applicability of division and plumbing code.

Any person owning or leasing property outside the corporate limits of the city now connected with the system of sanitary sewers shall be subject to the provisions of this division. As a condition and a prerequisite for the continuing use of the sanitary sewerage system, the plumbing inspector may, upon demand, inspect the plumbing on such property and require the owner or occupant to comply with the latest plumbing code. The plumbing upon any property which is to be connected with the city sewerage system shall comply with the plumbing code.

Sec. 03.03.410. Application for permission to connect.

Application for permission to connect with the sanitary sewerage system shall be made in writing to the city manager. The owner or lessee of such property shall make application to connect as provided, obtain a plumbing permit from the plumbing inspector, and pay the inspection fee required by the plumbing code.

Sec. 03.03.420. Extension of service; ~~factors for consideration~~.sole discretion of commission.

~~A. The following factors will be considered by the city commission in determining whether or not to extend water or sewer service outside of the city limits of the city:~~

- ~~1. Orderly growth and development of the city;~~
- ~~2. Water and land pollution abatement or control;~~
- ~~3. Need of persons or industries requesting service as determined by the city commission;~~
- ~~4. Capacity of the utility system of the city to serve property outside of the city limits of the city;~~
- ~~5. Extension of water or sewer service facilities outside of the city limits will not be approved if the property to be served has been determined by an engineering analysis to be outside of the areas that the existing water system, sewer collection system and sewage treatment facilities are designated and constructed to serve.~~

~~B. The city manager will be responsible for submitting information and recommendations pertaining to the foregoing factors.~~

It shall be in the sole, exclusive discretion of the commission as to the application of this ordinance and such extension may be denied to the applicant.

Sec. 03.03.430. Consent to annexation; design specifications applicable.

- A. Any person, firm or corporation requesting water and/or sewer service outside of the incorporated limits of the city shall be required, as a condition precedent to the extension of such service, to execute and deliver to the city a written consent of annexation of the property to be served by the water and/or sewer facilities.

- B. All extensions of water and/or sewer lines outside the city limits shall be constructed in accordance with the design and specifications approved by the city engineer prior to the installation of the water and/or sewer lines.

Sec. 03.03.440. Sewer connection charge.

A charge based on actual cost shall be made for each connection to any lateral of the city sewerage system to serve property located outside the city limits. The charge established by this section shall apply to each dwelling or building connected with a sewer lateral.

Sec. 03.03.450. Line extensions; costs borne by property owners.

The cost of water and/or sewer line extensions outside the city limits shall be borne by the owners of the property to be served, who shall also pay all water and sewer assessments and rates.

Sec. 03.03.460. Rates, charges and rentals.

The sanitary sewerage disposal rates, charges and rentals shall be charged by the city and paid monthly for all premises outside the city limits which are now or hereafter connected with the sewerage system of the city sanitary sewerage disposal, based upon the total consumption of water used during the months of November, December, January and February on the respective premises. The rate shall be computed in the same manner as for city residents, and where the character of the waste exceeds the limitations imposed by the ordinances of the city, the surcharges shall be based on a formula used by the city with the determination of the charge made by the city manager.

Secs. 03.03.470-03.03.499. Reserved.

DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES

Sec. 03.03.500. Persons liable for sewerage rates, charges and rentals.

Sec. 03.03.501. Operation and maintenance costs designated; determination.

~~Sec. 03.03.502. Wastewater contribution percentage; determination procedure.~~

Sec. 03.03.502. Determining a surcharge for users with excess BOD and SS.

Sec. 03.03.503. Determining each user's wastewater service charges.

~~Sec. 03.03.504. Notification of wastewater treatment rate.~~

~~Sec. 03.03.505. Billing of charges in accordance with the Schedule of Fees; penalties for late payment.~~

Sec. 03.03.506. Sewer connections; deferred payments authorized when.

Sec. 03.03.507. Payment of sewerage charge; status of debt.

Sec. 03.03.508. Extra-strength surcharge; computation of rates.

Secs. 03.03.509-03.03.599. Reserved.

Sec. 03.03.500. Persons liable for sewerage rates, charges and rentals.

The rates, charges and rentals for sewage disposal service provided by the sewerage system of the city shall be imposed upon the parties and properties which are connected thereto for sanitary sewerage disposal.

Sec. 03.03.501. Operation and maintenance costs designated; determination.

The city manager shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

~~Sec. 03.03.502. Wastewater contribution percentage; determination procedure.~~

~~A. The city shall determine each user's average daily volume of wastewater which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The city, or its city engineer, shall determine each user's average daily poundage of five-day, 20-degree centigrade bio-chemical oxygen demand (BOD) which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine each user's BOD contribution percentage.~~

~~B. The city shall determine each user's average suspended solids (SS) poundage which has been discharged to the wastewater system, which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system, to determine the user's suspended solids contribution percentage. Each user's volume contribution percentage, BOD contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day, 20-degree Celsius BOD and of the suspended solids, respectively.~~

Sec. 05.03.503. Determining a surcharge for users with excess BOD and SS.

The city will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The city will assess a surcharge rate for all users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users' above-normal BOD and 250 ppm SS. The surcharge rate structure for such above-normal-strength waste discharges is on file in the office of the city clerk.

Sec. 03.03.503. Determining each user's wastewater service charges.

Each user's wastewater treatment cost contribution as determined ~~in sections 08.03.1570 and 08.03.1580~~ shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user, and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The city manager may classify industrial, commercial and other nonresidential establishments as equivalent to the wastes from the average residential user with respect to volume, suspended solids, and BOD. Each user's wastewater treatment cost

contribution will be assessed in accordance with the rate schedule which is on file in the office of the city clerk.

Sec. 03.03.504. Notification of wastewater treatment rate.

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

Sec. 03.03.505. Billing of charges in accordance ~~with the Schedule of Fees; penalties for late payment.~~

~~The city shall charge for such wastewater treatment service to the user as is established by the Schedule of Charges and Fees of the City of Polson. submit an annual statement to the user for the user's annual wastewater service charge, or 1/12 of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The city shall add a penalty of one and one-half percent per month if the payment is not received by the city within 15 days. Should any user fail to pay the user wastewater service charge and penalty within three months of the due date, the city may stop the wastewater service to the property.~~

Sec. 03.03.505. Sewer connections; deferred payments authorized when.

Pursuant to the provisions of MCA 7-3-4443, it is provided that whenever any sewer connection shall be made voluntarily, or ordered to be made by the director of public service, and the person so voluntarily making such connection or making it pursuant to such order shall, within 30 days after such connection is completed, request in writing filed with the city clerk that the cost thereof be divided into not more than eight equal annual payments with interest on the deferred payments at not to exceed six percent per year, the director of administrative services shall make the appropriate entry on the director's books of account, and the assessment shall be certified and collected as are other assessments for street improvements.

~~Sec. 03.03.506. Review of wastewater service charges.~~

~~The city shall review the total annual cost of operation and maintenance, as well as each user's wastewater contribution percentage not less often than every two years, and will revise the system as necessary to ensure equity of the service charge system established herein and to ensure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the city commission, such factual information, and the city shall then determine if the user's wastewater contribution percentage is to be changed. The city shall notify the user of its findings as soon as possible.~~

Sec. 03.03.506. Payment of sewerage charge; status of debt.

- A. The sewerage charges for each premises shall be personal or corporate obligations of the same parties who are obligated for payment of city water bills for such premises, according to the ordinances and regulations respecting the city water utility. It is the duty of the water department of the city to prepare, issue and mail, as near as may be to the first day of each calendar month, a statement of the sewerage charge for each user of the sewerage utility. In all cases, the sewerage charges shall appear as a surcharge, separately stated, upon the water bill as rendered. Each such charge shall

be due and payable at the time and place as the water bill on which it is shown, and no payment shall be accepted by the city, or any of its officers or employees, of a water bill without concurrent payment of the sewerage charge; and all of the penalties, including the shutting off of the customer's water supply, shall be applied in each case of nonpayment of the sewerage charge in like manner as for nonpayment of the water charge.

- B. Each user of the sewerage utility shall be deemed to have contracted and agreed to pay the sewerage charges hereby imposed, and such charges may be collected by actions at law whenever the same are more than 30 days overdue and shall bear interest at the highest rate allowed by law for contract indebtedness from and after the 15th day of the month in which the charge becomes due and payable.
- C. To the full extent now or hereafter permitted by law, overdue sewerage charges shall constitute a lien upon, and enforceable against, the real estate constituting the premises which was the user of the sewerage utility for which the charges were imposed. No subsequent owner or occupant of any premises for which any sewerage charge is overdue shall be entitled to water or sewerage service until the overdue charge is paid, notwithstanding that such subsequent owner or occupant may not have been personally obligated thereof.

Sec. 03.03.507. Extra-strength surcharge; computation of rates.

Customers contributing wastewater with strength concentration in excess of normal allowable limits of 250 milligrams per liter of BOD, 250 milligrams per liter of suspended solids, and five milligrams per liter of phosphorus shall be subject to an extra strength surcharge, in addition to the regular service charge computed in accordance with the current rate structure.

Secs. 03.03.509-03.03.599. Reserved.

Bea and Dave

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From: Cameron Milton [cmilton@pga.com]
Sent: Tuesday, March 10, 2015 6:38 PM
To: Dave Cottington; Roger Wallace
Subject: Fwd: Golf Pass

See rotarys request for below.

Thank You,

Cameron Milton, PGA
Head Golf Professional
Polson Bay Golf Course
cmilton@pga.com
polsonbaygolfcourse@gmail.com
(O) 406 883 8230
(C) 406 671 3776
www.polsonbaygolf.com

Begin forwarded message:

From: Ken Siler <kensiler@gmail.com>
Date: March 10, 2015 at 5:55:01 PM MDT
To: cmilton@pga.com
Subject: Golf Pass

Cameron, Please pass this to Roger.

It's that time again that we are getting ready to print the raffle tickets for the Festival of Youth Raffle & Chili Cook Off. We hope we can count on you for another 2 Season Passes. They will be for the 2016 season. They help us sell lots of tickets.

Thanks.

Ken Siler, Polson Rotary 8831842

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: *10* (MOTION REQUESTED)

Meeting Date: April 6, 2015

Staff Contact:

AGENDA ITEM SUMMARY:

- Use of Salish Point Park, August 14, & 15 For Flathead Lake Blues Festival. Setup August 13, and Cleanup August 16 (park open to public during setup and cleanup)
- Waiver of PDC noise level ordinance to 12:00 am. Saturday morning August 15, and 12:10 a.m. Sunday morning August 16.
- Extension of Park hours until 12:15 am. Saturday morning August 15, and 12:30 a.m. Sunday morning August 16 (to give us time to clear people out of the park after concert)
- Waiver of Park open container ordinance for August 14 & 15 2015
- Road Closures and use of barricades to block one street during festival.
- Parks Department cooperation to prepare park grounds for festival use, and to deliver picnic tables to site.

BACKGROUND:

This is the 5th year that the Festivals on the Flathead is requesting use of this park. Each year the group left the park clean and in good order. Each year we have increased the Festival draw to the community, see attachment: "2014 Flathead Lake Blues Festival Summary"

Flathead Lake Blues Festival is coordinating and collaborating with the Sandpiper Art Gallery as relates to their use of parking area, roadway, and road closures, for their Flathead Lake Festival of Art (see accompanying request) taking place in adjacent Sacajawea Park on August 15 and 16.

ANALYSIS:

FINANCIAL CONSIDERATIONS:

- **Use of Park:** No direct revenue impacts foreseen
- **Street Department/Road Closure:** No direct revenue impacts foreseen

(continues)

STAFF RECOMMENDATION

Per Police Chief Wade Nash’s recommendations the organizers will:

- o Clearly mark the boundaries of the event grounds
- o Make sure event security monitor ingress and egress
- o Have 6 to 8 people will wear clearly marked security clothing to make security staff more visible to attendees and to police
- o Have experienced and trained personnel to serve alcohol and check IDs and watch for over serving or underage drinking.

SUGGESTED MOTION:

The City of Polson:

- Allow Flathead Lake Blues Festival use of Salish Point Park the following dates and times:
 - Setup day Thursday August 13 (park open to public). This includes pre-cleaning the area of goose and dog waste, paper litter, etc.
 - Festival Friday August 14 (park admission by ticket only) 4 pm to midnight & Saturday August 15 2 pm to midnight.
 - Finish clean up Sunday August 16, (park open to public). It is our intent and practice to leave the grounds better than we found them.
- Waive the PDC noise level ordinance 12:00 am. Saturday morning August 15, **and** 12:15 a.m. Sunday morning August 16. and
- Extend Park hours until 12:30 am. Saturday morning August 15, **and** 12:30 a.m. Sunday morning August 16. and
- Waive the Park open container ordinance for Salish Point Park for Friday August 14 **and** Saturday August 15, and
- Close Salish-Kootenai-Pend Oreille Loop from no later than 12:01 am Friday August 15 to 12:01 am Sunday August 17
- Close Kootenai Avenue from 3pm August 15 to 12:15 am August 17, leaving a lane open for emergency vehicles and residents. (see Sandpiper’s accompanying request)

ATTACHMENTS:

Respectfully Submitted
Darinda Huntley, President
406-471-2144, darinda@gmail.com

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 11 (MOTION REQUESTED)

Meeting Date:

Staff Contact:

AGENDA ITEM SUMMARY:

Use of Sacajawea Park, August 14, 15, and 16, 2015 For Flathead Lake Festival of Art.

- Road Closures and use of barricades to block two streets during festival.
- Parks Department cooperation to prepare park grounds for festival use

BACKGROUND:

This is the first year that the Sandpiper Gallery is sponsoring Flathead Lake Festival of Art. We have successfully run a similar event for 44 years on the Courthouse Lawn (Commonly known as the Sandpiper Art Festival). The August 15 & 16 event is in **addition** to the classic Sandpiper Art Festival. We are collaborating with the Flathead Lake Blues Festival on parking, road use, and organization for this event.

This is a free event during park hours. It will not restrict public access to the park.

We wanted to offer an event that would complement and expand on the draw from the Blues Festival, as well as offer an activity on Saturday and Sunday that promotes participation in the arts.

ANALYSIS:

FINANCIAL CONSIDERATIONS:

- **Use of Park:** No direct revenue impacts foreseen
- **Parks Department:** Staff for Cleanup and prep of restrooms and delivery and emptying of trash cans.
- **Street Department/Road Closure:** No direct revenue impacts foreseen

STAFF RECOMMENDATION

No additional staff requested. The Festival will provide its own security.

SUGGESTED MOTION:

- Allow Sandpiper Art Gallery and Flathead Lake Festival of art use of Sacajawea

Park the following dates and times:

- Setup day Friday August 14 (park open to public). 4 to 8 pm for Vendor Tent Setup.
 - Festival Saturday August 15, Setup 6 to 9 am., Festival 10am to 6 pm
Festival Sunday August 16, 10 am to 5 pm. Cleaup to follow.
 - It is our intent to leave the grounds better than we found them.
- Close Kootenai Avenue from Saturday August 15, 6 am to Sunday August 16, 5pm.
This closure is for vendor parking. A lane will be left open for emergency and residential traffic. The parking will be supervised to ensure a lane is left open.

ATTACHMENTS:

Event Checklist Addendum to Flathead Lake Blues Festival Agenda Checklist (per the request of Karen Sargeant)

Respectfully Submitted
Heather Holmes, Director
Sandpiper Art & Gift Gallery
406-370-6397
heatherholmes38@yahoo.com

Sandpiper Gallery Agenda Addendum Checklist

Flathead Lake Festival of Art

August 15th & 16th 2015

- **Require access/use of electrical outlets at Sacajawea Park by 4pm Friday, August 14th - 5pm Sunday August 16th**
- **Cleaning of Sacajawea Restrooms Friday, August 14th by 4pm, Sat., August 15th by 8am and Sun., August 16th by 9am**
- **Set up of 8 trash cans within Sacajawea Park and maintaining them throughout the San/Sun Festival**
- **Closure of Kootenai Ave. for event staff parking Friday at 4pm-Sunday at 5pm**

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 12 (Motion) Resolution to adopt the Safe and Accessible Streets (SAS) Policy

Meeting Date: 4/6/15

Staff Contact: Karen Sargeant, Parks and Recreation Director

AGENDA ITEM SUMMARY: As part of the City of Polson's Building Active Communities Initiative, city staff is presenting a Safe and Accessible Street Policy Resolution for adoption by the City Commission.

BACKGROUND: A five-member committee made up of city staff, local citizens and representatives from the Confederated Salish and Kootenai Tribes attended a Building Active Communities Workshop in Bozeman during the spring of 2014. Two action items resulted from that workshop: Researching the local option tax and developing a Safe and Accessible Streets Policy to be adopted by the City Commissioners. This is the SAS action item. In June of 2014 at a City Commission workshop, city staff presented the principles of Safe and Accessible Streets with specific, practical application examples of these principles. The City Commission was also informed of several webinars further explaining the SAS principles.

ANALYSIS: This resolution will assist city staff during the project planning process to consider what changes or improvements can be made to streets and pathways to enhance the health and safety of the citizens of Polson.

FINANCIAL CONSIDERATIONS: All multi-modal, all abilities and all age transportation enhancement opportunities will be considered within budget thresholds.

STAFF RECOMMENDATION: Approve attached resolution.

SUGGESTED MOTION: I move to approve the resolution to adopt the Safe and Accessible Streets Policy.

ATTACHMENTS: Resolution and Safe and Accessible Streets Policy.

RESOLUTION # _____

**A RESOLUTION OF THE CITY OF POLSON CITY COMMISSION
TO ADOPT A SAFE AND ACCESSIBLE STREETS PROGRAM**

WHEREAS, the City of Polson accepted the *Polson Area Transportation Plan* in September, 2011; and

WHEREAS, the Polson Area Transportation Plan contains Transportation System Management (TSM) recommendations including TSM 5.4 *Non-Motorized Network and Considerations*; and

WHEREAS, the City of Polson adopted the Polson Growth Policy pursuant to Resolution #928 on June 19, 2006, which includes the section in 5.13 *Bike/Pedestrian Pathways*; and

WHEREAS, the adoption of a Safe and Accessible Streets policy would help to implement the *Polson Area Transportation Plan* and the *Polson Growth Policy*; and

WHEREAS, in the summary report of the Heart and Soul Project dated 2/28/14, residents indicated that more bike/pedestrian pathways were desired in eight out of eight neighborhood gatherings; and

WHEREAS in responses gathered by St. Joseph Medical Center through surveys and focus groups, one of the top health concerns in the local area was child and adult obesity, the rise in diabetes and senior services availability; and

WHEREAS, it is the intention of the City of Polson Commission to undertake transportation improvements that are planned, designed and constructed to facilitate active transportation that increases the general health, safety and accessibility for all citizens and is in conjunction with all aforementioned plans and studies; and

WHEREAS, the adoption of a Safe and Accessible Streets policy will establish a clear policy assuring the needs of adjacent land uses as well as all transportation users including, but not limited to vehicle users, pedestrians, bicyclists, transit users, and persons of all ages and abilities are considered.

NOW THEREFORE BE IT RESOLVED that the City of Polson City Commission hereby adopts the Safe and Accessible Streets Policy as set forth in Attachment A of this Resolution.

Ayes _____ Nays _____ Abstentions _____

PASSED AND APPROVED this _____ day of _____ 2015.

Heather Knutson, Mayor

ATTEST:

Cora E. Pritt, City Clerk

ATTACHMENT A

SAFE AND ACCESSIBLE STREETS POLICY

Section 1.1: Subject to budget needs and constraints, the City of Polson will plan for, design, construct, operate and maintain appropriate facilities for pedestrians, cyclists, transit vehicles and riders, and users of all ages and abilities, in all new construction and reconstruction projects subject to the exceptions contained herein

Safe and Accessible Streets principles will be applied on new city projects, privately funded development and incrementally through reconstruction projects where the scope of work to meet Safe and Accessible Streets standards is proportional to the project and meets the need as outlined in Polson Growth Policy and the Polson Area Transportation Plan. Consideration of Safe and Accessible Streets projects will be accordance with the aforementioned policies and plans, available budget, and standard planning and engineering principles related to Safe and Accessible Streets practices.

Safe and Accessible Streets principles will be applied in street construction and reconstruction projects except in unusual or extraordinary circumstances. Safe and Accessible Street requirements will not be applied when:

1. Cyclist and pedestrians are prohibited by law from using the facility. In this case, alternative facilities and accommodations may be provided within the same transportation corridor if budget constraints allow.
2. The existing right-of-way doesn't allow for the accommodation of all users. In this case, alternatives such as revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement may be utilized to accommodate potential users.
3. The cost of accommodating all users would be excessively disproportionate to the established need.
4. The construction is not practically feasible due to adverse environmental factors or negative impacts to neighboring land uses, (impact from right-of-way acquisition).
5. Undertaking ordinary street maintenance activities or when interim measures are being taken on temporary detour routes.
6. Implementing regular public works or utility maintenance activities or repairs.

Excluding exceptions 5 and 6, the City must, prior to waiver of this Resolution, make specific findings of fact to support the exception.

The city staff is strongly encouraged during maintenance activities to find opportunities to improve the travelling environment for other roadway users. For example, during routine restriping maintenance activities, budget permitting, city staff could improve crosswalks or install bike lanes or shoulder stripes in accordance with recommendations found in the Polson Transportation Plan or the Polson Growth Policy.