

# CITY OF POLSON COMMISSION SPECIAL MEETING AGENDA

**COMMISSION CHAMBERS**

**October 26, 2015**

**6:30 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**

**OLD BUSINESS**

**5. APPROVE SPECIAL USE PERMIT #15-07 WESTSHORE ESPRESSO**

City Planner Kyle Roberts

**6. APPROVE REVISION TO CONSIDER THE POSSIBILITIES FOR POLSON DOCUMENT WHICH CREATED THE POLSON REDEVELOPMENT AGENCY**

City Attorney Rich Gebhardt

**NEW BUSINESS**

**7. APPROVE FINAL CHANGE ORDER FOR GOLF CAR STORAGE BUILDING**

City Manager Mark Shives

**8. RECESS**

**EXECUTIVE SESSION**

**9. PERSONNEL-MCA CODE 2-3-203 (3) THE PRESIDING OFFICER OF ANY MEETING MAY CLOSE THE MEETING DURING THE TIME THE DISCUSSION RELATES TO A MATTER OF INDIVIDUAL PRIVACY AND THEN IF AND ONLY IF THE PRESIDING OFFICER DETERMINES THAT THE DEMANDS OF INDIVIDUAL PRIVACY CLEARLY EXCEED THE MERITS OF PUBLIC DISCLOSURE. THE RIGHT OF INDIVIDUAL PRIVACY MAY BE WAIVED BY THE INDIVIDUAL ABOUT WHOM THE DISCUSSION PERTAINS AND, IN THAT EVENT, THE MEETING MUST BE OPEN.**

**10. RE-CONVENE**

**11. ADJOURN**

The City of Polson encourages public participation in its public meetings and hearings. In doing so the City holds its meetings in handicapped accessible facilities. Any persons desiring accommodations for a handicapping condition should call the City Clerk at 883-8203 for more information.

# CITY OF POLSON

## CITY COMMISSION AGENDA ITEM SUMMARY

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Consent Agenda Item Number: 5  
Meeting Date: October 26, 2015  
Staff Contact: Kyle Roberts, City Planner  
Email: [cityplanner@cityofpolson.com](mailto:cityplanner@cityofpolson.com) Phone: 406-883-8213

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**AGENDA ITEM SUMMARY:** Update: Special Use Permit #15-07: Westshore Espresso, 48573 US Highway 93 (H-1182) in Section 5, Township 22 North, Range 20 West, Lake County.

**BACKGROUND:** Shauna Johnson (Applicant) would like to place and operate a mobile coffee structure for a drive-thru coffee service. The 10' x 16' mobile structure will be placed on the northern portion of the 2.10 acre property located at 48573 US Highway 93 (H-1182). The subject property is a location that provides convenient automobile access and circulation via two existing driveways located off of Highway 93. A sign is proposed to be placed on top of the mobile structure as well as a 4x6 double-sided sign to be placed between the mobile structure and highway. The mobile structure will not be hooked up to water and sewer immediately as services are not available to that area of the property at this time – the mobile structure's water/sewer will be self-contained. The applicant must connect to City water and sewer within two years.

At the City Commission meeting on October 19<sup>th</sup>, City Commissioner John Campbell had questioned whether such a project could be permitted under the City's water and sewer ordinance, specifically in regards to placement and utilization of a porta-potty on site until the property owner connects the subject property to city water and sewer. Upon further research, City Commissioner Campbell was correct in his interpretation of the ordinance.

**ANALYSIS:** A porta-potty is not permitted to be placed and utilized on site for this project. Ordinance #2015-005, Section 03.03.314 – Private sewage disposal facilities – restrictions, states *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.*

To comply with the ordinance and Polson Development Code, the applicant must connect to city water and sewer. Extending the City's mainlines to the subject property is the only option to get city water and sewer to the property. Should the property owner decide to do so, the cost would be borne by the customer per Ordinance #2015-005, Section 03.03.232 – Line-extension costs borne by customer: *Line-extension costs will be borne by the customer requesting that service.*

### **STAFF RECOMMENDATION:**

### **SUGGESTED MOTION:**

**ATTACHMENTS:** Staff Report (prepared by Kyle Roberts, City Planner)  
Special Use Permit #15-07 Application Package (prepared by Shauna Johnson, applicant)  
Ordinance #2015-005

**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: 03/23/15  
First Reading: 6 ayes      nays      abstentions 1 absent

Date: 04/06/15  
Second Reading: 7 ayes      nays      abstentions

Effective Date: 05/06/15

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

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

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

Sec. 03.03.314. 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.

**STAFF REPORT**  
**Polson City/County Planning Board (CCPB)**  
**Tuesday, October 13, 2015 at 6:00 PM**  
**Polson City Council Chambers**  
**Special Use Permit for the proposed Westshore Espresso**

**GENERAL INFORMATION:**

Property Owner: Gerald and Beverly Kaye  
521 Swan Hill Drive  
Bigfork, MT 59911  
619-980-1176

Applicant: Shauna Johnson  
PO Box 970  
Polson, MT 59860  
406-253-0092

Technical Assistance: Shauna Johnson  
PO Box 970  
Polson, MT 59860  
406-253-0092

Applicant Number: SUP #15-07  
Application Type: Special Use Permit for new development in HCZD  
Date Application Received: 8/25/2015  
Date of Site Review: 8/31/2015

**APPLICABLE REGULATIONS:**

- Polson Development Code
- Polson Growth Policy
- Highway Commercial Zoning District (HCZD)
- Montana Dept. of Environmental Quality (Stormwater and MFE standards)
- Polson Building Code

**PUBLIC NOTICE:**

Lake County Leader: 9/24/2015  
Notices for mailing to adjoining property owners: 9/21/2015  
Staff Report completed: 9/25/2015

**WRITTEN PUBLIC COMMENTS:** None as of the writing of this report

**PROPOSAL:** Applicant is requesting a Special Use Permit to construct a mobile coffee structure that will be on skids, but anchored down. The mobile coffee structure will serve as a drive-thru coffee service. This proposal includes placing the 10' x 16' mobile structure with an additional 4' in front for a porch on the

northern portion of the property. Traffic will flow along both sides of the building (building will have drive-thru windows on each side) via two existing driveways providing access to the building from Highway 93. A 4' x 6' sign is proposed to be placed between the building and the highway as well as a round sign placed on top of the building.

**PROPERTY DESCRIPTION:**

The subject property is located at 48573 US Highway 93 (H-1182) in Section 5, Township 22 North, Range 20 West, Lake County. The property is zoned HCZD and is the suitable zoning district for the proposed use. Per the Polson Development Code, a Special Use Permit approval is required on all new developments in HCZD. The property is 2.10 acres in size.

This proposal does not meet the definitions of a Large-Scale Development because it will not produce more than 1000 vehicle trips per day.

**REVIEW PROCESS:**

The Polson City-County Planning Board shall conduct a public hearing on this request and make a recommendation to the Polson City Commission. Once the public hearing is closed, the City County Planning Board will evaluate the request under the terms of the Polson Development Code for the Highway Commercial Zoning District standards and specifications, the Special Use Permit process and other portions of the PDC as applicable.

The Polson City-County Planning Board shall make a recommendation to approve, deny or conditionally approve the Special Use Permit to the Polson City Commission. The City Commission is the permit-issuing authority for all Special Use Permits within the City Limits.

If the Special Use Permit is denied, the City-County Planning Board and/or City Commission shall specify the codes, standards, regulations, and/or public input that the applicants have not met and note them under "Findings of Fact". Consideration of a Special Use Permit application may be tabled for no more than 35 days.

**ANALYSIS:**

-The applicant is proposing to place a mobile structure on skids to serve as a drive-thru coffee service.

The applicant had a Site Review Meeting on 8/31/2015 where Planning, Building, Water/Sewer, and Fire Department were present to review and comment on the proposal. Comments from that Site Review meeting included:

-The applicant is renting the small portion of the subject property where the mobile structure will be located and has permission from the landlord to place

and operate a mobile structure on the property. There is a mini-storage unit facility operating currently elsewhere on the property.

-The mobile structure will not be hooked up to water and sewer immediately as services are not available to that area of the property at this time. Landowner is motivated as having public services will increase the value of the property that has been for sale for 12 years.

-Until mobile structure is plumbed, potable water will be hauled in. A grey water tank will be buried and dumped once a week. A porta-potty will be placed by the owner and used until building is plumbed. Applicant must provide a maintenance schedule for self-contained water/sewer.

-Easements need to be sorted out and Water/Sewer Superintendent, Mr. Porrazzo is currently working with the landowner on the matter.

-Weekly garbage service must be provided and it would be preferable to place garbage container(s) where they will be hidden from public view.

-The mobile structure though on skids, will be anchored down. Storage units on the property have been broken into. There will be bars/shutters on the mobile structure's windows. In addition, the structure will have motion-sensing security lights.

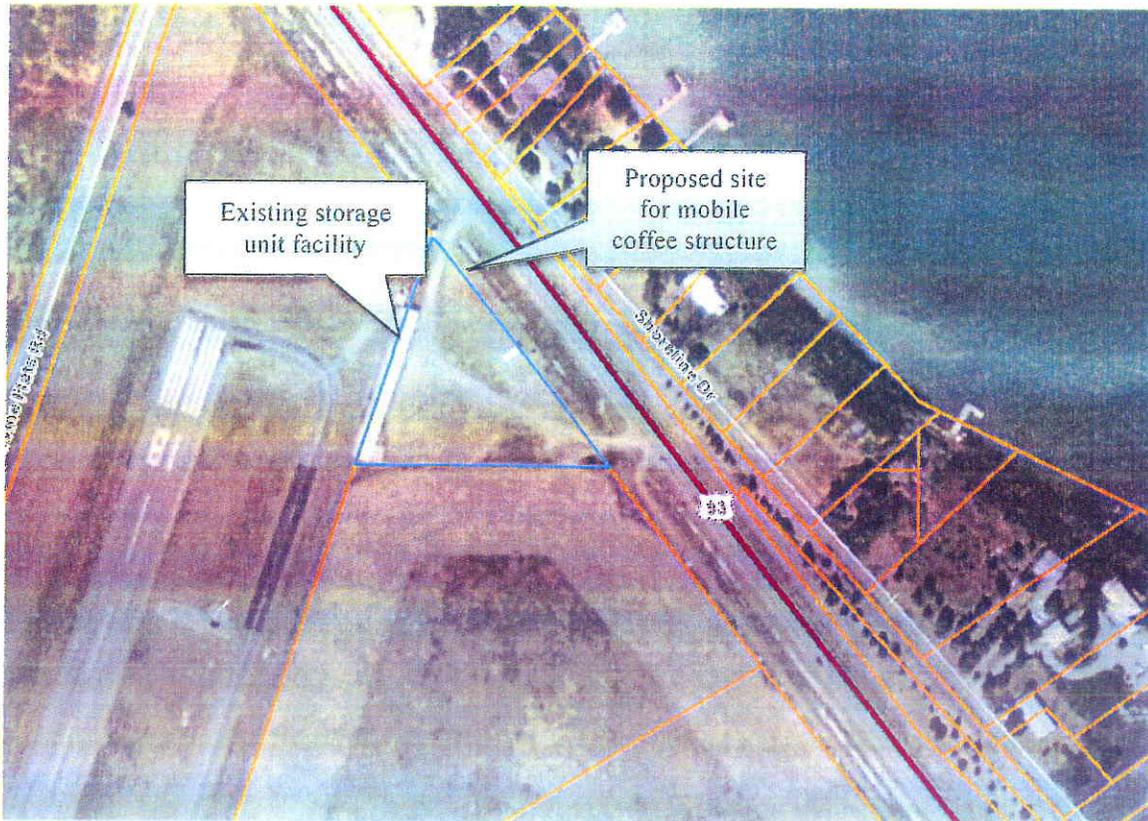
-There will be a small number of employees. It is envisioned that one employee will work 6 AM until 12 PM; two employees working a "helper" shift from 7:30-11 AM; and one employee working from 12 PM until 4 PM. Hours of operation will be Monday-Friday, 6 AM until 4 PM; and Saturday and Sunday, 6 AM until 2 PM.

-There is a round sign with the logo proposed to be placed on top of the building, as well as a 4x6 double-sided sign with the logo to be placed between the building and the highway. A sign application and fee will be required.

-The Polson Development Code defines the Highway Commercial Zoning District as a place for commercial uses that rely on easy automobile access. The subject property is a location that provides convenient automobile access and circulation via two existing driveways located off of Highway 93. Because business traffic will be entering and exiting off of Highway 93, applicant must check with Montana Department of Transportation (MDOT) and adhere to their protocol and requirements. MDOT may require a 20 foot paved apron for mobile structure.

-Institute of Transportation Engineers manual estimates that a 1000 square foot coffee stand may generate approximately 113 daily vehicle trips. Both the driveways and building pad are gravel and therefore dust abatement is recommended.

-For landscaping, the Polson Development Code requires a 12 foot landscape buffer between the mobile structure and the highway. Considering that the mobile structure will not front the entire highway/property line, code should be applied to 100 feet of frontage which will require four trees and grass.



**FINDINGS OF FACTS:**

**Primary Review Criteria**

**Effect on local services:**

1. The developer will connect to municipal water and sewer systems. The owners pay the cost of connecting and extending. Applicant will pay regular water and sewer charges, impact and hook-up fees.
2. The development will receive law enforcement services from the Polson Police Department and fire protection services from the Polson Fire Department.
3. The applicants will maintain the existing driveways from Highway 93 and interior circulation.
4. Applicant will be required to contract with the local solid waste removal company for regularly scheduled garbage pickup.

**Effect on the Natural Environment:**

1. The owners are responsible for weed control and shall prevent the proliferation of weed growth within the property boundaries and their spread to neighboring properties.

**Effect on Public Health and Safety:**

Based on available information such as FEMA Floodplain Maps and Cadastral Maps, the development does not appear to be at risk to natural hazards such as flooding, high winds, wildfire, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, or past industrial/railroad use.

**EASEMENTS FOR UTILITIES:**

1. Public utilities are near the property and will be extended at the applicants' expense.
2. Legal and physical access is provided by the property owner.

**CONFORMANCE TO ADOPTED GROWTH POLICY:**

The development proposal conforms to the Goals, Policies, and Objectives as outlined within the Polson Growth Policy adopted by the City of Polson, 2006.

**STAFF RECOMMENDATIONS:**

After review of the application materials, site plans, and site review discussion, the planning staff finds this application meets the requirements of the Polson Development Code and recommends approval of the Special Use Permit with the following Conditions. These Conditions, along with any other Conditions imposed by the Planning Board or City Commissioners, must be met for the approval of this Special Use Permit and to receive a Certificate of Occupancy.

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1. Any further modifications or additions to the submitted plans shall be reviewed and approved by the Polson Building and Planning Department. If at any time the applicants, their heirs or assigns propose a major change of use or expansion of the structure/site that is not herein proposed and designated, they shall obtain the necessary applications/permits/approvals through the City processes.
  2. Applicants shall apply for and receive building permits from the City of Polson prior to the start of construction of the mobile structure. Permits shall be on site prior to ground breaking.
  3. Applicants shall receive an MFE approval from the City of Polson and the Department of Environmental Quality.
  4. The applicant must acquire MDOT approval for ingress/egress access to Highway 93. Furthermore, applicant must check with MDOT regarding any

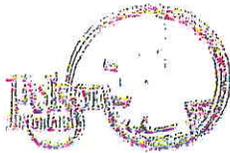
and all recommendations/requirements, and adhere to these recommendations/requirements.

5. Applicant shall develop the existing driveways for ingress/egress from Highway 93 and interior circulation.
6. Clear vision triangles shall exist at the driveways' ingress and egress locations.
7. The applicants shall work directly with the Fire Chief and adhere to Fire Code regulations and requirements.
8. The site shall receive an address from the City of Polson's Planning and Building Department staff. The address numbers shall be displayed so that they are clearly visible from the highway in 4" reflective numbers.
9. A 12 foot landscape buffer shall be installed along Highway 93 that meets the requirements and standards of the Polson Development Code Appendix F. One hundred feet of frontage shall apply. The applicant should work with MDOT on this to ensure that the trees are placed outside of their ROW.
10. A sign permit and associated fees will be required for the proposed signage.
11. The applicant shall check with the airport regarding sign height or any other type of restriction(s) that they may have for structures located near the end of the airport runway.
12. It is preferred that the lighting on the building be shielded downward to reduce the light pollution from the lot.
13. The applicant shall provide the City with a maintenance schedule for their self-contained water/sewer.
14. The applicant must connect to City water and sewer within two years. The applicant shall work with the City Water and Sewer department during the installation of the service lines. The applicant shall notify the City and pay appropriate fees for hook-ups.
15. The applicant shall coordinate with Allied Waste to arrange for weekly garbage collection. It would be preferable to place garbage container(s) where they will be hidden from public view.
16. Applicants are responsible for any applicable Impact Fees as determined by the current impact fee schedule (Resolution #2015-017) or any new resolution adopted before an application for a Building Permit is made.

17. LP gas tank, mechanical, plumbing and electrical permits are separate applications/fees. All of these permits are issued by the City of Polson, except for the electrical permit, which is issued by the State of Montana.
18. The City of Polson reserves the right to revoke this permit, terminate or enjoin the use of the structure or property, should the applicants, their heirs or assigns violate the standards of the Polson Development Code, or any Condition on this permit.
19. This Special Use Permit is valid for construction to be completed within two years from the date of issuance. The permit may be extended for one additional year if the applicants request an extension of time prior to the expiration date.

The Commission is encouraged to visit the site, ask questions and request additional information (if necessary) from the Planning Department before the hearing.

**DISCLAIMER:** The Planning Department is an advisory agent and mediator between Boards/Commission and the applicant. The Planning Department covers the applicants' adherence to the Polson Development Code, the Polson Growth Policy and other governmental standards. The Planning Department is not responsible and accepts no responsibility for the applicants' proposals, designs, plans/maps, calculations, etc. or lack thereof.



106 1st Street E., Polson, MT 59860  
 406-883-8200 Fax 406-883-8238  
 www.cityofpolson.com



**APPLICATION FOR  
 SPECIAL USE PERMIT**

PROPOSED USE: Coffee stand

OWNER(S) OF RECORD

Name: Gerald + Beverly Kaye

Mailing Address: 521 Swan Hill Dr.

City/State/Zip: Big Fork, MT 59911 Phone: 1-619-980-1176

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL  
 CORRESPONDENCE IS TO BE SENT.**

Name: Shauna Johnson

Mailing Address: Box 970

City/State/Zip: Polson, MT 59860 Phone: 253-0092

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records)**

Street	Sec.	Town-	Range
Address: <u>48573 1st Hwy 93</u>	No. <u>5</u>	ship <u>22</u>	No. <u>20</u>
Subdivision	Tract	Lot	Block
Name: _____	No(s). _____	No(s). _____	No. _____

1. Zoning District and Zoning Classification in which use is proposed:

HZCD

2. Attach a plan of the affected lot which identifies the following items:

- a. Surrounding land uses.
- b. Dimensions and shape of lot.
- c. Topographic features of lot.
- d. Size(s) and location(s) of existing buildings
- e. Size(s) and location(s) of proposed buildings.
- f. Existing use(s) of structures and open areas.
- g. Proposed use(s) of structures and open areas.
- h. Existing and proposed landscaping and fencing.

✓ Ag/res/airport  
✓ see H1182  
✓ flat  
✓ 10x20  
✓ storage  
✓ coffee stand  
✓ N/A

**APPLICATION FOR SPECIAL USE PERMIT Cont.**

3. On a separate sheet of paper, discuss the following topics relative to the proposed use:

- a. Traffic flow and control.
- b. Access to and circulation within the property.
- c. Off-street parking and loading.
- d. Refuse and service areas.
- e. Utilities.
- f. Screening and buffering.
- g. Signs, yards and other open spaces.
- h. Height, bulk and location of structures.
- i. Location of proposed open space uses.
- j. Hours and manner of operation.
- k. Noise, light, dust, odors, fumes and vibration.

4. Attach supplemental information for proposed uses that have additional requirements (consult Planner).

During the course of review of the application and after final determination by the City of Polson, the Owner/Developer hereby agrees to hold the City of Polson harmless from all claims, expenses, costs and attorney's fees that may arise as a result of the actions or process taken by the Owner/Developer. This "hold harmless" responsibility does not indemnify the City from its acts of negligence, violation of codes or ordinances, or defense of its codes or ordinances.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Polson Planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

  
Applicant Signature

Aug 25<sup>th</sup> 2015  
Date

- A.) Traffic will flow along both sides of the building. With having double drive thru windows there should not be hardly any backup if any at all
- B.) There are two entrances off of the highway and plenty of room to turn around.
- C.) We will not have a designated parking area for patrons since we are a drive thru. Employee vehicles will be parked off to the side as to not interfere with the flow of our customers.
- D.) We will have one garbage can outside and it will be out of the way of our customers but accessible to be picked up by Allied Waste once a week
- E.) I have spoken to Mission Valley Power and we will dig our own trench and run the wires from the existing power pole over to the coffee stand and then they will come and hook them up.
- F.) Screening/buffering N/A
- G.) We will have one round sign on the top of the building with our logo and a double sided 4x6 sign with our logo between us and the highway so that its visible for cars driving by.
- H.) The structure of the building is 10x20 with the first 4' on the front being a porch. The building itself has 8 foot walls and is your average shed size.
- I.) The building will be on the North corner of the property.
- J.) Hours of operation will be Mon-Fri 6am-4pm and Sat-Sun 7am-2pm
- K.) There will be security lights on the outside of the building.

**FEE  
AGREEMENT**

Dear Applicant/Developer:

Please be advised that you are responsible for any and all fees incurred from the City contract engineering firm, per Resolution #942, effective February 21, 2007. These fees begin with the Pre-Application through Final City Council Approval, including inspections. The fees also include any contact or requests from the Applicant/Developer or any person working with the project directly to the City Engineer.

Also, per Resolution #942 there will be an administrative surcharge of 5% to defray the administrative costs hereof, from the requestor, pursuant to the preceding acknowledgement.

Per Resolution #942, paragraph 4: No project or request may move forward thereafter until such time as the City department has been reimbursed the fee and/or cost, together with the five percent surcharge, associated with the City's engineering review of such project or request.

**ACKNOWLEDGEMENT**

I do hereby acknowledge and accept any and all costs incurred on behalf of the application/development as state in the above paragraphs.

  
\_\_\_\_\_  
Signature of Applicant      Date: 08 / 25 / 20 15

June 30, 2015

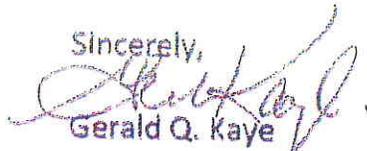
Ms Shauna Johnson

RE: Coffee Stand, Proposed at 48573 Hwy 93 Polson, MT.

This is to acknowledge that you are requesting to rent space from me to place a Coffee Stand.

Subject to completion of the details I will rent you space starting at \$500 per month.

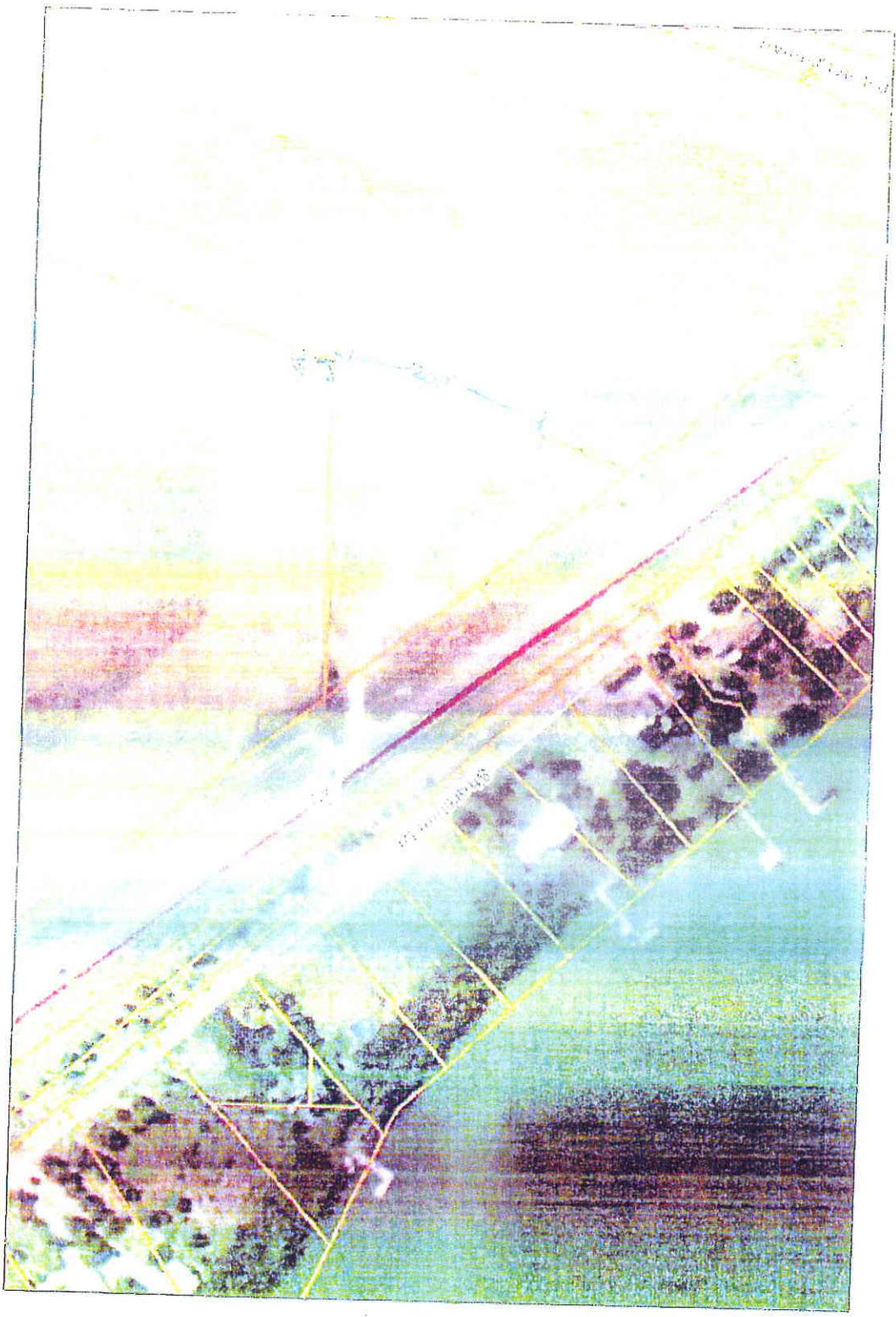
Sincerely,



Gerald Q. Kaye  
521 Swan Hill Dr  
Big Fork, MT 59911  
619-980-1176

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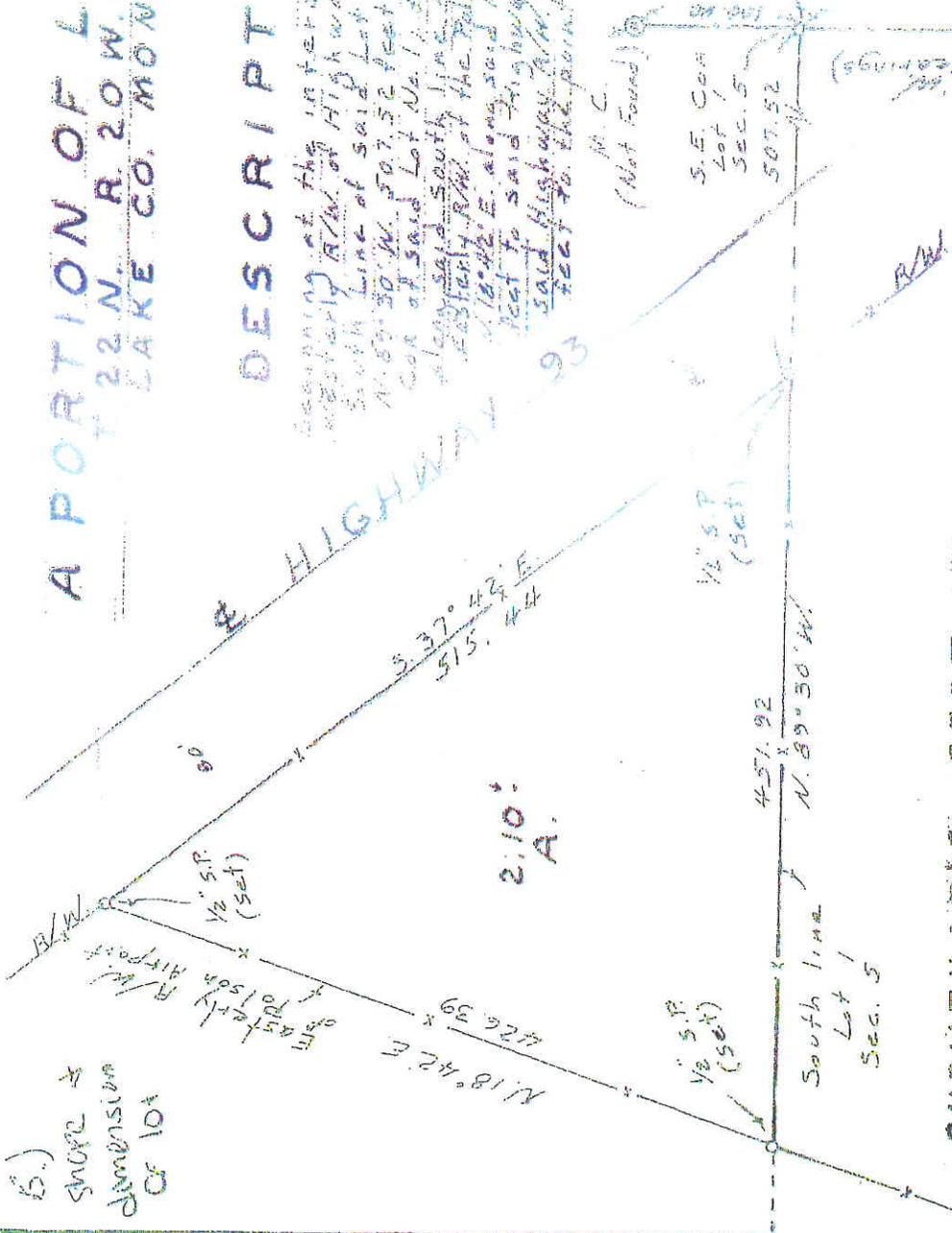


**A PORTION OF LOT 1, SEC. 5  
T. 22 N., R. 20 W., M.P.M.  
LAKE CO., MONTANA**



**DESCRIPTION**

beginning at the intersection of the  
west half R/W of Highway 93 and the  
south line of said Lot No. 1, which bears  
N. 89° 50' W. 507.52 feet from the S.E.  
corner of said Lot No. 1, thence N. 89° 50' W.  
along said south line 451.92 feet to the  
easterly R/W of the Tolson Airport, thence  
N. 18° 42' E. along said Airport R/W 426.39  
feet to said Highway R/W, thence along  
said Highway R/W S. 37° 42' E. 515.44  
feet to the point of beginning.



SCALE  
1" = 100'

SURVEYED  
11-9-66

CLIENT  
TAT BROWNE  
TOLSON, MONTANA

REGISTERED LAND SURVEYOR



HARRY P. MEDLAND

BOY 647  
TOLSON, MONTANA

**SURVEYOR'S CERTIFICATION**

I hereby certify this plat which is  
a true representation of a survey  
made by me and the information thereon  
hereby is true and correct to the best  
of my knowledge and belief.

*Harry P. Medland*

Montana R.L.S. No. 27395

5.)  
SHORE &  
DIMENSION  
OF LOT

H-1182

177754

Rec'd Ex  
Thomas C. Brown ✓  
to  
Francis J. Brown

STATE OF MONTANA  
County of Lake

Filed on the 27 day of Nov

1918

HAZEL KIMMICK

County Clerk and Recorder

By Samuel Carson  
Deputy

472877

Recorded at the request of and  
When recorded mail to:

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 11:50 o'clock A M SEP 19 2008

Microfilm 472877 RUTH E. HODGES Recorder

Fees \$ 14.00 By [Signature] Deputy

GERALD Q. KAYE AND BEVERLY E. KAYE  
12005 Puente Dr.  
El Cajon, CA 92030

Escrow No. 124003R - AR

WARRANTY DEED

FOR VALUE RECEIVED, BRENT L. OLSON, of P.O. Box 388, Spring Valley, CA 91976-0388, GRANTOR, does hereby grant, bargain, sell and convey unto:

GERALD Q. KAYE and BEVERLY E. KAYE, CO-TRUSTEES OF THE GERALD Q. KAYE REVOCABLE TRUST, DATED JUNE 24, 1992, of P.O. Box 4002, Spring Valley, CA 91976-4002

GRANTEE, its successors and assigns, the following described premises in LAKE County, State of Montana:

A PORTION OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 22 NORTH, RANGE 20 WEST, P.M.M., LAKE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DEED EXHIBIT B-1152

TO HAVE AND TO HOLD the said premises, with its appurtenances and easements apparent or of record, unto the said GRANTEE, its successors and assigns, forever

SUBJECT TO:

- (A) All reservations, exceptions, and conditions of record and in patents from the United States or the State of Montana;
- (B) All existing easements, right of way an restrictions apparent or of record;
- (C) Taxes and assessments for the current year and subsequent years;
- (D) All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons;
- (E) Building, use, zoning, sanitary, and environmental restrictions.

66

472877

GRANTOR covenants with GRANTEE that GRANTOR is now seized in fee simple absolute of said premises; that GRANTOR has full power to convey same, that the same is free from all encumbrances excepting those set forth above; that GRANTEE shall enjoy the same without any lawful disturbance; that GRANTOR will, on demand, execute and deliver to GRANTEE, at the expense of GRANTOR, any further assurance of the same that may be reasonably required; and, with the exceptions set forth above, that GRANTOR warrants to GRANTEE and will defend for them all the said premises against every person lawfully claiming all or any interest in same.

DATED this 11<sup>th</sup> day of September, 2006.

Brent L. Olson  
BRENT L. OLSON

STATE OF California )  
COUNTY OF San Diego ) SS.

On this 12<sup>th</sup> day of September, 2006, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared **BRENT L. OLSON** known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

J. Halferty

Notary Public for the State of California  
J. Halferty  
Printed Name of Notary  
Residing: San Diego, California  
My Commission Expires: 3-25-07



# Section 5 Township 22 N Range 20 W



County Book  
Dec. 27 1904  
12575

This map includes general information only.  
Refer to landowners of survey and subdivision  
plans for exact measurements and area.

Tract Number   Owner

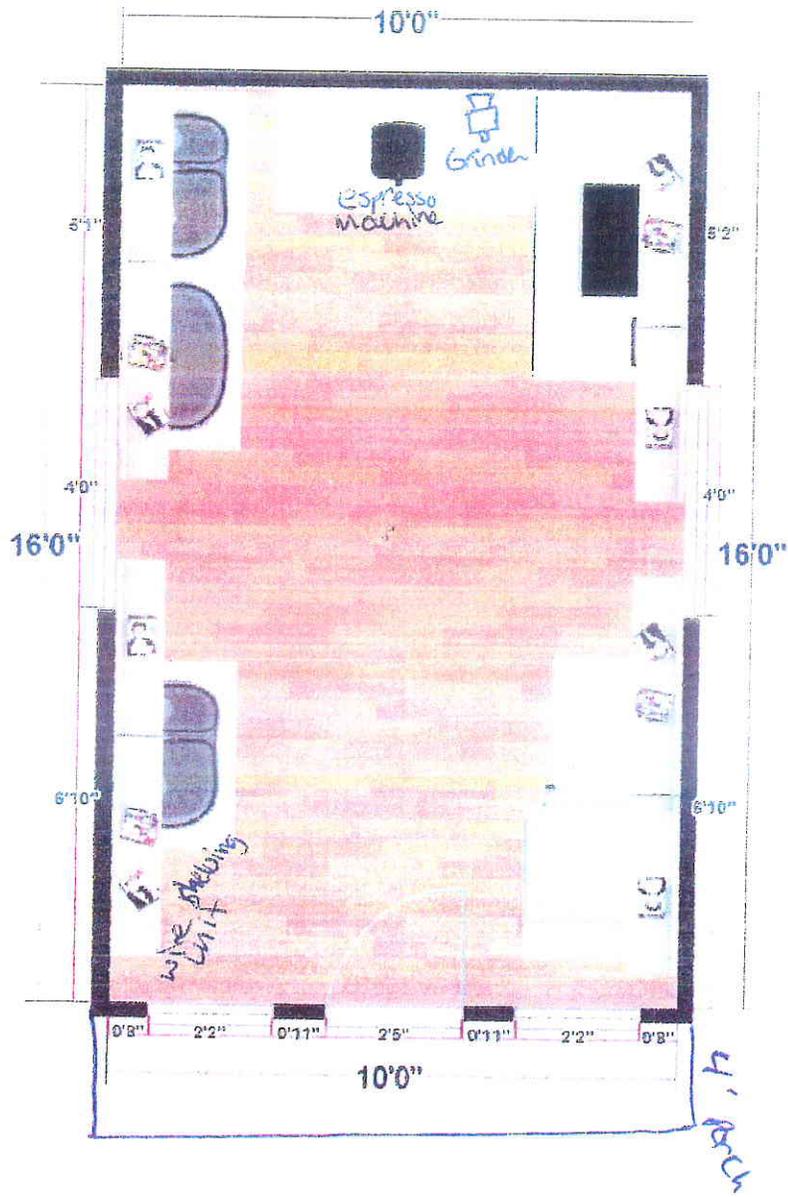
Mailing Address

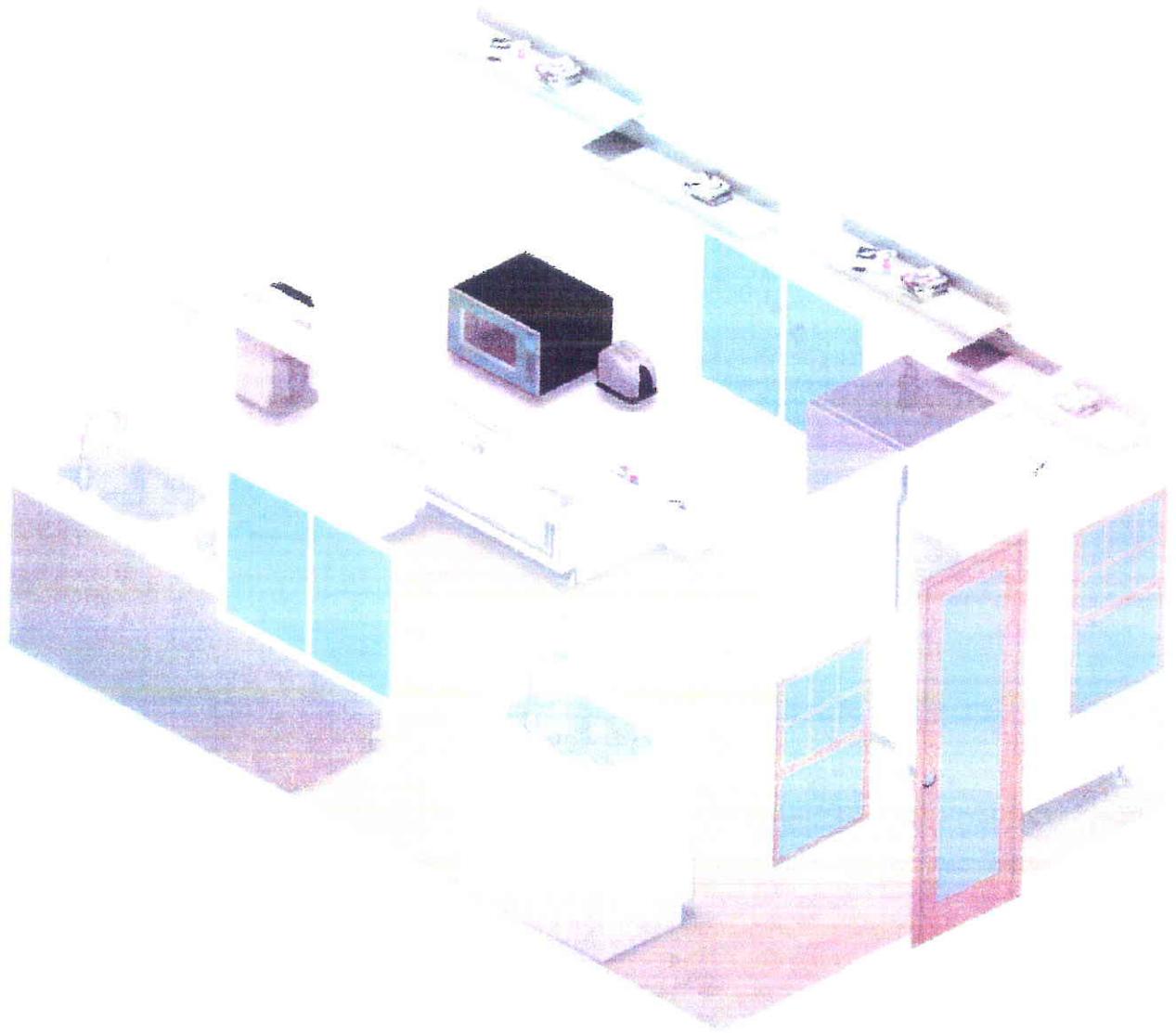
- |    |  |  |
|----|--|--|
| 1  | JOHN C JR AND KATHLEEN HEGUE                           | PO BOX 444 POLSON, MT 59660                |
| 2  | JOHN C JR AND KATHLEEN HEGUE                           | PO BOX 444 POLSON, MT 59660                |
| 3  | CITY OF POLSON   | 111 1ST AVE EAST POLSON, MT 59860          |
| 4  | TRIBAL   | PO BOX 278 PABLO, MT 59855                 |
| 5  | RANALD L MCDONALD                                      | 540 SHORELINE DRIVE POLSON, MT 59860       |
| 6  | CB & JOANN MCNEIL                                      | PO BOX 488 POLSON, MT 59860                |
| 7  | CHARLES B & JOANN P MCNEIL                             | PO BOX 488 POLSON, MT 59860                |
| 8  | BJERGO FAMILY TRUST                                    | 5001 HWY 12TH AVE VANCOUVER, WA 98665-6808 |
| 9  | LORI DUKE TRUST  | 236 WESTVIEW TER ARLINGTON, TX 76013-1620  |
| 10 | EDUARDE J WELLS & EVONNE SMITH                         | 201 RAILROAD ST W MISSOULA, MT 59802-4211  |
| 11 | WAYNE K & JOYCE M ERICKSON C/O TODD AND SUSAN ERICKSON |  |
| 12 | SUSAN- 313 MONTANA LANDING POLSON, MT 59660            | TODD- 636 SHORELINE DR POLSON, MT 59860    |
| 13 | DONALD D JR & LYNN M GNOSE                             | 113 MISSION BAY DR POLSON, MT 59860        |
|    | WILLIAM E & MARAGRET KOBABEL                           | 7930 WHER B LONGMONT, CO 80504-9472        |

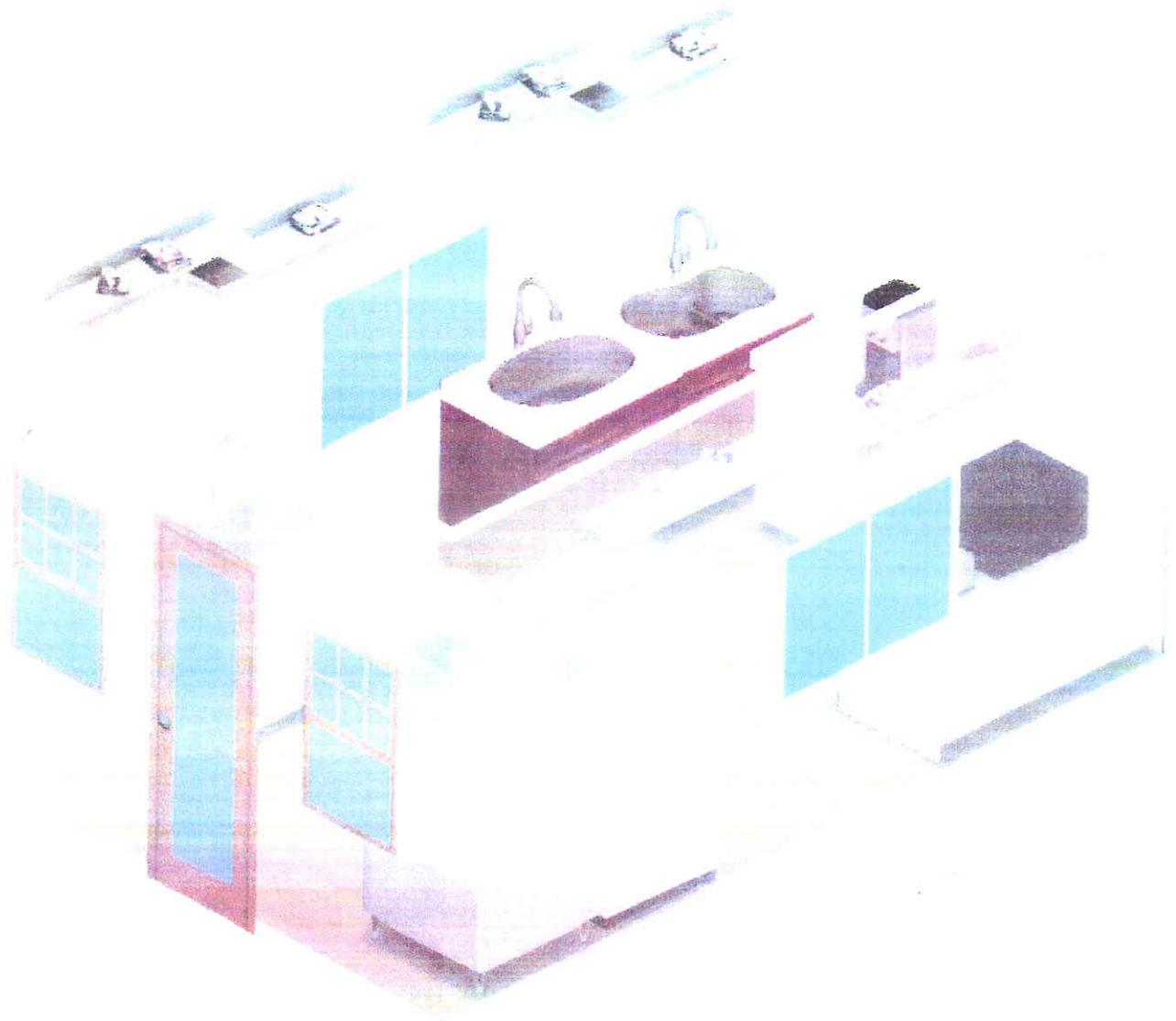
This information was compiled using Montana Centralnet (<https://svc.mt.gov/msl/mis/mtcadastral/>) and public records obtained from Lake County Abstract and Title Company, 406-883-6226.



Little Bistro Tables outside during warm months. Flowers will be planted. Security bars on windows and security lights will be installed.







# CITY OF POLSON

## CITY COMMISSION AGENDA ITEM SUMMARY

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Agenda Item Number: 6  
Meeting Date: October 26, 2015  
Staff Contact: Cindy Dooley, Finance Officer

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**AGENDA ITEM SUMMARY:** Approve Revision of Consider the Possibilities for Polson! document which created the Polson Redevelopment Agency.

**BACKGROUND:** The Polson Redevelopment Agency (PRA) has been in existence since the adoption of the Consider the Possibilities for Polson! document as the City of Polson's urban renewal plan on May 1, 2000. Under MCA codes the PRA can either operate as its own separate body and its activities would be a component unit of the City or it can merely be an advisory board to the City Commission with City control of all activities. Since its inception, the five member board has operated as an advisory board to the City Commission similar to other boards and not as a separate body. Item 9.4 of Chapter 9 of the Consider the Possibilities for Polson! document required that a bi-annual audit be conducted of the PRA's activities. The City's auditor, Jennifer Cote CPA of Cote and Associates was asked by City Manager Shrives to review the document during the FY14 audit to determine if a separate audit was necessary. The auditor in her FY14 audit findings stated that the "Polson Redevelopment Agency Implementation document and the actual functioning of the Polson Redevelopment Agency are not aligned". In consultation with the City Attorney, City Manager, Finance Officer and PRA President Ken Avison, it was decided that the PRA would continue to operate as an advisory board to the City Commission. The City Commission clarified the function of the PRA as an advisory board to the City Commission through Ordinance #2015-009 (see attached). In addition, the document Consider the Possibilities for Polson! requires revision to bring it into alignment with the Ordinance.

**ANALYSIS:** Attached are the revised sections 9.1 through 9.6 of Chapter 9 of the Consider the Possibilities for Polson! document. Also attached are the original sections 9.1 through 9.6 for comparison purposes. The entire document is located on the City's website at <http://www.cityofpolson.com/pdf/consider.pdf>.

Update: This item was tabled at the October 19, 2015 City Commission Meeting. City Attorney Richard Gebhardt will present an analysis of the language change at the October 26, 2015 special meeting.

**FINANCIAL CONSIDERATIONS:** None

**STAFF RECOMMENDATION:** Approve the revised sections of the Consider the Possibilities for Polson! document to align it with the actual functioning of the PRA.

**SUGGESTED MOTION:** *I move to approve the revision of Sections 9.1 through 9.6 of Chapter 9 of the Consider the Possibilities for Polson! document.*

**ATTACHMENTS:** Revised & Original Chapter 9, Sections 9.1-9.6 of the Consider the Possibilities for Polson! document.  
Approved Ordinance 2015-009

## CHAPTER 9. IMPLEMENTATION

### 9.1 Introduction

Polson's Redevelopment Plan for its Urban Renewal District identifies community opportunities, and sets a direction for achieving redevelopment throughout the District. Upon adoption by the City Commission, this document becomes a policy guide for public action. These policies can only be transformed into action through an effective implementation program, the framework for which is contained below. The successful implementation of community policies depends entirely upon the City's ability to develop a sound process of administration, financing and evaluation.

### 9.2 Administration

A Polson Redevelopment Agency (PRA) shall be organized to implement and administer the Redevelopment Plans within the Urban Renewal District. Such PRA is authorized by the Mayor and City Commission, and in accordance with M.C.A. 7-15-4232, the City Commission (as Agency) reserves unto itself and its departments the powers of the PRA. The Commission will appoint a five member citizen advisory Board to provide insight and input into the PRA process. The City Planning Department is empowered with the responsibility of conducting the business of the agency.

The PRA is responsible for the administration of the District's redevelopment effort under the provisions of M.C.A. 7-15-Parts 42 and 43. The City will utilize staff already in place within the City's personnel structure.

The Polson Redevelopment Agency is authorized to work only within the boundaries of the Urban Renewal District as established by the City Commission under Resolution 739 and may exercise only those urban renewal project powers as may be specifically granted to them by the City Commission as provided under M.C.A. 7-15-4233 which are as follows:

1. To formulate and coordinate a workable program as specified in M.C.A. 7-15-4209;
2. To prepare urban renewal plans and project plans for each area of the District;
3. To prepare recommended modifications to an urban renewal project plan;
4. To undertake and carry out urban renewal projects as required by the Polson City Commission;
5. To make and execute contracts as specified in M.C.A. 7-15-4251, 7-15-4254, 7-15-4255, and 7-15-4281, with the exception of contracts for the purchase or sale of real or personal property;
6. To disseminate blight clearance and urban renewal information;
7. To exercise the powers prescribed by M.C.A. 7-15-4255, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
8. To enter any building or property, in any urban renewal area, in order to make surveys and appraisals in the manner specified in M.C.A. 7-15-4257;
9. To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
10. To insure real or personal property through the City as provided in M.C.A. 7-15-4258;
11. To effectuate the plans provided for in M.C.A. 7-15-4254;

12. To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
13. To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
14. To conduct appraisals, title searches, surveys, studies and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
15. To negotiate for the acquisition of land;
16. To study the closing, vacating, planning or replanning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
17. To organize, coordinate and direct the administration of the provisions of M.C.A. 7-5-Parts 42 and 43.

Any powers granted in M.C.A. 7-15-Parts 42 and 43 that are not included above as powers of the Polson Redevelopment Agency or a department or other officers of the municipality in lieu thereof may only be exercised by the Polson City Commission or other officers, boards and commissions as provided under existing law. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by the City. Such remedies may include, but are not limited to, specific performance, damages, injunctions, or any other remedies appropriate to the purposes of the plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the District may be enforced by such owners.

### **9.3 Annual Program and Budget**

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the proposed method of financing those activities. All budgets and revised budgets shall be reviewed and approved by the City Commission.

### **9.4 Audit**

The City will audit the activities of the PRA as part of its annual city-wide audit. The PRA is not a component unit of the City and all financial information will be included as part of the City's annual financial statements.

### **9.5 Evaluation**

The Planning Department shall file annually with the City Commission, a report of the PRA's activities for the preceding fiscal year in the exercise of the functions, powers and duties of the PRA. Such report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of the fiscal year. At the time of filing, the City shall publish in a newspaper of general circulation in the City a notice to the effect that such report is available for inspection during business hours in the office of the City Clerk.

### **9.6 Amendment**

The Redevelopment Plan may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with the *Polson Development Code* and the most current version of the *Polson Master Plan*.

## CHAPTER 9. IMPLEMENTATION

### 9.1 Introduction

Polson's Redevelopment Plan for its Urban Renewal District identifies community opportunities, and sets a direction for achieving redevelopment throughout the District. **Upon adoption by the City Council, this document becomes a policy guide for public action.** These policies can only be transformed into action through an effective implementation program, the framework for which is contained below. The successful implementation of community policies depends entirely upon the City's ability to develop a sound process of administration, financing and evaluation.

### 9.2 Administration

A Polson Redevelopment Agency (PRA) shall be organized to implement and administer the Redevelopment Plans within the Urban Renewal District. Such PRA is authorized by the Mayor and City Council, and require that they appoint a five member Board of Commissioners as provided by M.C.A. 7-15-4234. Such Commissioners are empowered with the responsibility of conducting the business of the agency. A majority of the commissioners present shall constitute a quorum.

The PRA is responsible for the administration of the District's redevelopment effort under the provisions of M.C.A. 7-15-Parts 42 and 43. As soon as funding can be developed, the PRA will fund its own staff. There are several options for the staff requirements:

1. Utilize staff already in place within the City's personnel structure.
2. Use the staff and facilities provided to Polson Development Corporation through Lake County Community Development Corporation by entering into a contract for services.
3. Contract for services with another public agency.
4. Develop a separate staff exclusively for the operation of the PRA
5. Contract for services with a private urban redevelopment consulting firm.

The Polson Redevelopment Agency is authorized to work only within the boundaries of the Urban Renewal District as established by the City Council under Resolution 739 and may exercise only those urban renewal project powers as may be specifically granted to them by the City Council as provided under M.C.A. 7-15-4233 which follow. **Such authorization is provided to the Agency only by the City Council and may, at Council's discretion, include all or any portion of the following:**

1. To formulate and coordinate a workable program as specified in M.C.A. 7-15-4209;
2. To prepare urban renewal plans and project plans for each area of the District;
3. To prepare recommended modifications to an urban renewal project plan;
4. To undertake and carry out urban renewal projects as required by the Polson City Council;
5. To make and execute contracts as specified in M.C.A. 7-15-4251, 7-15-4254, 7-15-4255, and 7-15-4281, with the exception of contracts for the purchase or sale of real or personal property;
6. To disseminate blight clearance and urban renewal information;

7. To exercise the powers prescribed by M.C.A. 7-15-4255, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
8. To enter any building or property, in any urban renewal area, in order to make surveys and appraisals in the manner specified in M.C.A. 7-15-4257;
9. To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
10. To insure real or personal property as provided in M.C.A. 7-15-4258;
11. To effectuate the plans provided for in M.C.A. 7-15-4254;
12. To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
13. To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
14. To conduct appraisals, title searches, surveys, studies and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
15. To negotiate for the acquisition of land;
16. To study the closing, vacating, planning or replanning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
17. To organize, coordinate and direct the administration of the provisions of M.C.A. 7-15-Parts 42 and 43.
18. To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in M.C.A. 7-15-Parts 42 and 43 that are not included above as powers of the Polson Redevelopment Agency or a department or other officers of the municipality in lieu thereof may only be exercised by the Polson City Council or other officers, boards and commissions as provided under existing law. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, injunctions, or any other remedies appropriate to the purposes of the plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the District may be enforced by such owners.

### **9.3 Annual Program and Budget**

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the proposed method of financing those activities. All budgets and revised budgets shall be reviewed and approved by the City Council.

### **9.4 Bi-Annual Independent Audit**

The Agency shall cause to be performed a bi-annual independent audit covering the operations of the Agency in carrying out the Plan. The first such audit shall be completed within ninety (90) days of the

close of the first fiscal year following the adoption of the Plan by the City Council. All such bi-annual independent audits shall be public records of the agency.

#### 9.5 Evaluation

The PRA shall file annually with the City Council, a report of its activities for the preceding fiscal year. Such report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of the fiscal year. At the time of filing, the Agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report is available for inspection during business hours in the office of the City Clerk and in the office of the Agency.

#### 9.6 Amendment

The Redevelopment Plan may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with the *Polson Development Code* and the most current version of the *Polson Master Plan*.

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#### 9.7 Property Acquisition

It is contemplated that the Agency will be purchasing little, if any, of the property in the Project area, but will be assisting and encouraging public and private entities to eliminate blight or blighting influences and strengthening the City's economy by developing property within the District consistent with this Redevelopment Plan and the City's Master Plan. Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located within the District, by gift, devise, exchange, purchase, eminent domain, or any other means authorized by law. The Agency shall have the power to enter into a development agreement with the owner of real property within the District and undertake activities, including acquisition, removal or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. Such a development agreement must contain provisions obligating the owner to redevelop the property for a specified use consistent with the urban renewal plan and offering recourse to the municipality if the redevelopment is not completed as agreed.

However, the Agency shall not acquire real property for any renewal project within the District, nor enter into any development agreement, unless the City Council has approved the urban renewal project plan as provided under M.C.A. 7-15-4216 and 7-15-4217.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alternations, improvements, modernization, or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape, or use; or (3) it is necessary to impose upon such property any of the standards, restrictions, and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

#### 9.8 Acquisition of Personal Property

In general, personal property shall not be acquired. However, where necessary in the execution of the Plan, the agency is authorized to acquire personal property in the Project area by any lawful means. For the public interest and in order to eliminate the conditions requiring redevelopment and to execute the Plan, it may be necessary for the power of eminent domain to be employed by the Agency. Exercise of such powers shall be used judiciously and in accordance with state law as set forth under M.C.A. 7-15-4259.

ORDINANCE # 2015-009

AN ORDINANCE TO AMEND SECTION 2.05.510 TO CLARIFY  
THAT NO SEPARATE AGENCY IS CREATED FOR  
POLSON URBAN RENEWAL

WHEREAS, the City Commission of Polson has been requested by its auditor to clarify its intentions in the creation of the urban renewal board and to define its role in the administration of the urban renewal planning

WHEREAS, the Commission has never intended by its actions or statements to create a separate agency for urban renewal and seeks to minimize the costs of the improvements by administering and accounting within the existing departments and personnel of the city;

WHEREAS, it appears in the best public interest that the following ordinance be amended to clarify the Commission's intentions for the urban renewal planning of the City of Polson.

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following section of the Ordinances of the City of Polson be amended:

Sec. 2.05.510. Creation; powers and duties.

The city commission shall by resolution or ordinance create an urban renewal board or economic development district board to exercise any of the powers authorized pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA which are specifically authorized for that board by the city commission. The city elects not to create a separate agency for purposes of administration of these sections and to assign the project powers to the urban renewal board, with final approval by the city commission. Furthermore, the financial and accounting functions of the urban renewal process are assigned to the finance department of the City, as authorized by MCA 7-15-4232.

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

Date: 09/09/15

First Reading:       7   ayes          nays          abstentions

Date: 09/21/15

Second Reading:     5   ayes          nays          abstentions     2   absent

Effective Date:    October 21, 2015

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

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

Date: 09/09/15

First Reading:       7   ayes          nays          abstentions

Date: 09/21/15

Second Reading:     5   ayes          nays          abstentions     2   absent

Effective Date:    October 21, 2015

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

# CITY OF POLSON

## CITY COMMISSION AGENDA ITEM SUMMARY

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Agenda Item Number: 7 (MOTION REQUESTED) Final Approval of Golf Car Storage Building  
Change Order

Meeting Date: October 26, 2015

Staff Contact: Mark Shrives

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AGENDA ITEM SUMMARY: Final approval of change order for Golf Cart Storage Building.

BACKGROUND: On June, 2015 the Commission approved a contract with Bjorn Johnson Construction in an amount of \$181,000 for the construction of two Golf Cart Storage Buildings for the privately owned golf cars. After construction began, there was a problem discovered when buried asphalt and other debris was found at the construction site. This discovery stopped work for a time in order to determine the best solution to move forward. After discussion with the project Engineer and City Attorney regarding possible solutions and contract ramifications, and in order to keep the project moving, I approved Change Order Number 1 (attachment 1) on July 15, 2015. This change order authorized the contractor to make the necessary changes as recommended by the project engineer. At the time we only had estimated costs, so we agreed to a cost plus 15% change order. At the July 20, 2015 City Commission meeting, I informed the Commission of the options we had reviewed, which were, dig down and remove all of the buried material at an estimated cost of \$60,000 to \$70,000, or to build the site up. This option was estimated to cost between \$30,000 and \$40,000

ANALYSIS:

The work has now been completed and Change Order Number 2 (attachment 2) has been submitted for final payment. The Project Engineer has reviewed and verified all costs which were submitted under the cost plus 15% scenario. The final change order price is \$37,446.77

FINANCIAL CONSIDERATIONS: The original budget for the project was \$220,000. With the original bid of \$181,000 and change order #2 for \$37,446.77, the total contract is at \$219,205.17, which keeps the project within budget.

STAFF RECOMMENDATION: Approve final amount for Change Order #2

SUGGESTED MOTION: *I move to approve final amount for Change Order Number 2 in an amount of \$37,446.77 for payment to Bjorn Johnson Construction*

ATTACHMENTS:

- Change Order #1
- Change Order #2

Change Order  
No. 1

Date of Issuance: 7/15/15 Effective Date: 7/15/15  
Contract: Polson Golf Cart Storage Date of Contract: 6/26/15  
Owner: City of Polson Contractor: Bjorn Johnson Construction

The Contract Documents are modified as follows upon execution of this Change Order:

Additional prep work to include

- 1.5 feet of pitrun on top of a Geo-Grid over existing prepped surface. Tensar Triaxial TX5 or equal.
  - Material to be placed in one lift, compaction with smooth drum vibratory roller
- Compaction effort to be monitored by CMG and continued or stopped at their direction
- Extend 5 feet beyond structures

Cost: Cost of work to be per contract Exhibit E B1.c. = cost of work plus 15% overhead and profit.

Equipment Hourly Costs are agreed to be

- \$125 per hour for the excavator
- \$135 per hour for the loader
- \$145 per hour for the Dozer
- \$65 per hour for the skid steer
- \$110 per hour for the big roller

Sequence & Estimate of work:

- The north building pitrun will be installed first, then if needed, the south building will be immediately prepped
- Both pads together would not exceed estimated \$40,000, with estimated quantities above

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 181,000.00

[Increase] [Decrease] from previously approved

Change Orders No. 0 to No. 0

\$ 0.00

Contract Price prior to this Change Order:

\$ 181,000.00

[Increase] [Decrease] of this Change Order:

\$ cost of work plus 15%

Contract Price incorporating this Change Order:

\$ to be determined

CHANGE IN CONTRACT TIMES:

Original Contract Times:  End Date  Calendar days

Substantial completion (days or date):

Ready for final payment (days or date): 9/30/15

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. 0

Substantial completion (days): 9/30/15

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date): 9/30/15

Ready for final payment (days or date):

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 14

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date): 10/14/15

Ready for final payment (days or date):

RECOMMENDED:

By: [Signature]  
Engineer (Authorized Signature)

Date: 7/15/15

ACCEPTED:

By: [Signature]  
Owner (Authorized Signature)

Date: 7/15/15

ACCEPTED:

By: [Signature]  
Contractor (Authorized Signature)

Date: 7/15/15

A + B

# Change Order

No. 2

Date of Issuance: 10/12/15      Effective Date: 7/1/15  
Contract: Polson Golf Cart Storage      Date of Contract: 6/26/15  
Owner: City of Polson      Contractor: Bjorn Johnson Construction

**The Contract Documents are modified as follows upon execution of this Change Order:**

- Cost and time for delay and suspension of work per the Contract. See attached email and claim analysis

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:

\$ 181,000.00

[Increase] [Decrease] from previously approved

Change Orders No. 0 to No. 1:

\$ 37,446.77

Contract Price prior to this Change Order:

\$ 218,446.77

[Increase] [Decrease] of this Change Order:

\$ 1,258.40

Contract Price incorporating this Change Order:

\$ 219,705.17

**CHANGE IN CONTRACT TIMES:**

Original Contract Times:  End Date  Calendar days

Substantial completion (days or date):

Ready for final payment (days or date): 9/30/15

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. 1:

Substantial completion (days): 14

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date): 10/14/15

Ready for final payment (days or date):

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 14

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date): 10/28/15

Ready for final payment (days or date):

RECOMMENDED:

By:   
Engineer (Authorized Signature)

Date: 10/16/15

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By:   
Contractor (Authorized Signature)

Date: 10/16/15

Attach 2