

CITY OF POLSON COMMISSION MEETING AGENDA

COMMISSION CHAMBERS

October 19, 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. October 1-14, 2015 claims
- b. City Commission Meeting Minutes October 5, 2015
- c. Wal-Mart Final Plat Approval
- d. Approve WRDA Letters to Senator Tester, Senator Daines, Congressman Zinke

6. CITY MANAGER COMMENTS

City Manager Mark Shrives

OLD BUSINESS

7. APPROVE SECOND READING OF ORDINANCE No. 2015-010 TO ADOPT CHAPTER 14. ARTICLES 1-6. FIRE PREVENTION AND PROTECTION TO THE CITY OF POLSON BOOK OF ORDINANCES

City Manager Mark Shrives

8. APPROVE SECOND READING OF ORDINANCE NO. 2015-011 TO ADOPT CHAPTER 15. ARTICLES 1 AND 2. PARKS AND RECREATION TO THE CITY OF POLSON BOOK OF ORDINANCES

City Manager Mark Shrives

NEW BUSINESS

9. APPROVE RESOLUTION EXTRA MILE DAY 2015 PROCLAMATION

Mayor Knutson

10. APPROVE THE PRA 2014-2015 ANNUAL REPORT

Ken Avison, PRA President, City Finance Officer Cindy Dooley

11. PUBLIC HEARING-BUDGET AMENDMENT FISCAL YEAR 2014-2015

City Finance Officer Cindy Dooley

12. APPROVE RESOLUTION TO APPROPRIATE MONEY AND PROVIDE FOR THE PAYMENT OF DEBTS AND EXPENSES FOR THE CITY OF POLSON IN FISCAL YEAR 2014- 2015 AS DETAILED ON EXHIBIT A OF THE RESOLUTION

City Finance Officer Cindy Dooley

13. APPROVE REVISION TO CONSIDER THE POSSIBILITIES FOR POLSON, DOCUMENT WHICH CREATED THE POLSON REDEVELOPMENT AGENCY.

City Finance Officer Cindy Dooley

14. APPROVE SPECIAL USE PERMIT #15-07 WESTSHORE ESPRESSO

City Planner Kyle Roberts

15. APPROVE SPECIAL USE PERMIT #15-08 101 WHITEWATER PLACE BUILDING

City Planner Kyle Roberts

16. APPROVE DOWL/HKM ENGINEERING TASK ORDER #4 IN THE AMOUNT OF \$2,243,000.00

City Manager Mark Shrives

17. 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.

For doc #s from 122185 to 122329

5a.

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	410200 Executive Services	4829 HEATHER KNUTSON	EXEC-HK TRAVEL MEALS	64.00
1000 General All-Purpose Fund	410360 Municipal Court	4880 ACCESS MONTANA	COURT-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410360 Municipal Court	2031 DENNIS DEVRIES	COURT-CITY JUDGE CON	1,650.00
1000 General All-Purpose Fund	410360 Municipal Court	2074 VERIZON WIRELESS	COURT-J HART ANDROID	40.01
1000 General All-Purpose Fund	410400 Administrative Services	4880 ACCESS MONTANA	ADMIN-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410400 Administrative Services	4743 WEX BANK	ADMIN-C.M. FUEL 9/1-	34.65
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN.-CITY MANGER C	29.65
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN-CITY MANAGER T	437.74
1000 General All-Purpose Fund	410400 Administrative Services	4804 MARK SHRIVES	ADMN-MS TRAVEL MEALS	69.00
1000 General All-Purpose Fund	410500 Financial Services	4880 ACCESS MONTANA	FINANCE-INTERNET SER	15.00
1000 General All-Purpose Fund	410500 Financial Services	000282 QUILL CORPORATION	FINANCE-PAYROLL FILE	24.98
1000 General All-Purpose Fund	411100 Legal Services	4820 M RICHARD GEBHARDT	FACILITIES-CITY ATTY	2,000.00
1000 General All-Purpose Fund	411100 Legal Services	4850 MORIGEAU LAW PLLC	FACILITIES-CITY ATTY	2,000.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4062 WEST COAST PAPER	FACILITIES-PAPER TOW	59.52
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACILITIES-CLEAN/TES	246.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITIES-CLEANING	9.49
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITIES-CLEANING	14.99
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACILITIES-2015 FIND	77.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-ON SITE S	48.75
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-QTRLY MON	75.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-SHARED AL	35.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000185 SUPER 1 FOODS	FACILITIES-BREAKROOM	32.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4743 WEX BANK	FACILITIES-BLUE SUBA	22.97
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000044 REPUBLIC SERVICES #889	FACILITIES-WASTE DIS	55.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	3025 FIRST BANKCARD	FACILITIES-VACUUM RE	64.95
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-INTERNET SERV	15.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-DEDICATED LIN	57.94
1000 General All-Purpose Fund	420140 Crime Control and	4296 JUAN MASO	POLICE-REIMBURSE HEA	8.97
1000 General All-Purpose Fund	420140 Crime Control and	3857 STANFORD POLICE &	POLICE-CONCEALABLE V	849.21
1000 General All-Purpose Fund	420140 Crime Control and	3857 STANFORD POLICE &	POLICE-CONCEALABLE V	849.21
1000 General All-Purpose Fund	420140 Crime Control and	4684 WASH N' GO, LLC	POLICE-VEH WASH 9/1-	54.39
1000 General All-Purpose Fund	420140 Crime Control and	3614 THE CAR WASH/GROGAN'S	POLICE-VEH WASH 9/1-	47.34
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-EKY ILCO IN8	3.00
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLICE-SHARED ALARM	35.50
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLICE-QTRLY MONTR N	129.00
1000 General All-Purpose Fund	420140 Crime Control and	000185 SUPER 1 FOODS	POLICE-K-9 SUPPLIES	24.99
1000 General All-Purpose Fund	420140 Crime Control and	4920 OFFICE DEPOT, INC	POLICE-3" MULTI ROLL	54.99
1000 General All-Purpose Fund	420140 Crime Control and	4920 OFFICE DEPOT, INC	POLICE-CERTIFICATES	10.99
1000 General All-Purpose Fund	420140 Crime Control and	4743 WEX BANK	POLICE-FUEL 9/1-30/1	1,917.78
1000 General All-Purpose Fund	420140 Crime Control and	000044 REPUBLIC SERVICES #889	POLICE-SHARED WASTE	28.34
1000 General All-Purpose Fund	420140 Crime Control and	4436 LES SCHWAB TIRES	POLICE-BATTERY , INS	140.05
1000 General All-Purpose Fund	420140 Crime Control and	4436 LES SCHWAB TIRES	POLICE-WHEEL SWITCH	26.00
1000 General All-Purpose Fund	420140 Crime Control and	4436 LES SCHWAB TIRES	POLICE-CREDIT	-10.00
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-I PHONES	241.87
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-ADDT'L PHONE,	241.70
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-INDEX TABS	4.08
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-DVD R LIFE SE	44.62
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-4-PC GAME STY	4.46
1000 General All-Purpose Fund	420140 Crime Control and	4788 G. W., INC	POLICE-AMMUNITION	734.00
1000 General All-Purpose Fund	420140 Crime Control and	000005 POSTMASTER	POLICE-STAMPS	77.50
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-6 NAMEPLATES	62.89
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-K-9 COLLAR/LE	16.99

For doc #s from 122185 to 122329

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-AWARENESS RIB	477.00
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-AWARENESS RIB	272.25
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-SIM CARD ADAP	12.96
1000 General All-Purpose Fund	420146 Police Municipal Services	001526 THE HUNTING SHACK, INC.	POLICE-ARMUNITION	916.40
1000 General All-Purpose Fund	420400 Fire Protection and	3068 WALMART COMMUNITY CREDIT	FIRE-3 TB HARD DRIVE	109.00
1000 General All-Purpose Fund	420400 Fire Protection and	4880 ACCESS MONTANA	FIRE-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-ASSORT KITCHEN	39.94
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-CLEANING SUPPLI	19.98
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-GARMET HOOKS, L	47.46
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-ARMORED VINL CO	9.49
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-ASSORTED SUPPLI	20.61
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-ASSORTED FOOD S	23.96
1000 General All-Purpose Fund	420400 Fire Protection and	4743 WEX BANK	FIRE-FUEL 9/1-30/15	133.36
1000 General All-Purpose Fund	420400 Fire Protection and	000011 MISSION VALLEY POWER	FIRE-1ST ST E SIREN	12.00
1000 General All-Purpose Fund	420400 Fire Protection and	4329 BISHOP SIGNWORKS	FIRE-HELMET CRESTS &	49.00
1000 General All-Purpose Fund	420400 Fire Protection and	001541 L.N. CURTIS & SONS	FIRE-TURNOUT COAT &	2,196.00
1000 General All-Purpose Fund	420400 Fire Protection and	001632 POLSON RURAL FIRE	FIRE-PURCHASE 5 PAGE	300.00
1000 General All-Purpose Fund	420540 Land Use	4939 KYLE ROBERTS	PLANNING-KR TRVEL MI	204.70
1000 General All-Purpose Fund	420540 Land Use	4939 KYLE ROBERTS	PLANNING-KR LODGING	-48.15
1000 General All-Purpose Fund	420540 Land Use	4880 ACCESS MONTANA	PLANNING-INTERNET SE	15.00
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLANNING-CCPB MEETIN	33.00
1000 General All-Purpose Fund	420545 Zoning Update	4327 LAND SOLUTIONS, LLC	PLANNING-PDC RE-WRIT	630.00
1000 General All-Purpose Fund	420545 Zoning Update	4920 OFFICE DEPOT, INC	PLANNING-WL CORDLESS	20.99
1000 General All-Purpose Fund	430240 Road and Street	3068 WALMART COMMUNITY CREDIT	STREETS-SHOPVAC FILT	14.97
1000 General All-Purpose Fund	430240 Road and Street	4880 ACCESS MONTANA	STREETS-SATELITE @ 1	28.97
1000 General All-Purpose Fund	430240 Road and Street	3328 STAGELINE PIZZA	STREETS-WORKING LUNC	39.98
1000 General All-Purpose Fund	430240 Road and Street	2707 CALIFORNIA CONTRACTORS	STREETS-PLASTIC TIES	173.60
1000 General All-Purpose Fund	430240 Road and Street	4928 BLACK DIAMOND BUILDERS	STREETS-1ST INSTALL	1,200.00
1000 General All-Purpose Fund	430240 Road and Street	000044 REPUBLIC SERVICES #889	STREETS-SHARED WASTE	28.34
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STREETS-CELL PHONES	137.63
1000 General All-Purpose Fund	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS-BUMP BROOM - 4	39.92
1000 General All-Purpose Fund	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS-32G INJ TC - 1	99.70
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PARKS-INTERNET SERVI	15.00
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PARKS-SATELITE SERVI	28.97
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-SCREWDRIIVER, T	71.98
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ASSORTED PRODU	33.05
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-DRILL BIT, FAS	8.08
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-TRIMMER LINE,	41.97
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-PLIER	13.99
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-SPOOL AUTOCUT	9.99
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-TAPE, PRESSURE	12.57
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ASSORTED PRODU	7.62
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-COUPPLINGS	2.94
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ASSORTED PRODU	32.97
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-SHACKLE SCR PI	12.98
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ASSORTED PRODU	9.49
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-ELBOW, COUPLE,	13.72
1000 General All-Purpose Fund	460430 Parks	2547 TREASURE STATE CONCRETE	PARKS-3/4 CLAY CRUSH	529.53
1000 General All-Purpose Fund	460430 Parks	4743 WEX BANK	PARKS-FUEL 9/1-30/15	334.30
1000 General All-Purpose Fund	460430 Parks	000832 DELANEY'S LANDSCAPE CTR.	PARKS-SOLENOID WEATH	80.97
1000 General All-Purpose Fund	460430 Parks	000044 REPUBLIC SERVICES #889	PARKS-CITY PARKS WAS	281.21
1000 General All-Purpose Fund	460430 Parks	3963 ALWAYS MOVING	PARKS-RVRSDE L/S PUM	100.00

10/15/15
09:28:16

City of Polson
Claim Details by Fund, Account
For the Accounting Period: 10/15

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Report ID: AP100Z

For doc #s from 122185 to 122329

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-J CAMPBELL PAR	12.00
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-SACAJAWEA WLK	42.32
1000 General All-Purpose Fund	460430 Parks	2074 VERIZON WIRELESS	PARKS-CELL PHONE SER	110.21
Total for Fund:				21,886.93
2020 Police Municipal Services	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-AIRCARDS & NO	539.50
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-CAMERA & ASSE	609.90
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-UNIFORM	232.00
Total for Fund:				1,381.40
2216 Parkland Subdivision Fee	460430 Parks	4928 BLACK DIAMOND BUILDERS	PARKS-1ST INSTALL LE	5,000.00
Total for Fund:				5,000.00
2386 Street Permits Revenue	214500 Deposits payable -	999999 WAYNE SICZ	STREETS-STREET DEPOS	96.00
Total for Fund:				96.00
2390 Drug Forfeiture Fund	420140 Crime Control and	4844 S & K TRIBAL POLICE DTF	POLICE-Case #215cr00	132.67
Total for Fund:				132.67
2394 Building Code Enforcement	420500 Protective Inspections	4880 ACCESS MONTANA	BUILDING-INTERNET SE	15.00
Total for Fund:				15.00
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PARKS-SPORTS COMPLEX,	32.04
Total for Fund:				32.04
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-N END MAI	200.76
Total for Fund:				200.76
2810 Police Training Fund	420140 Crime Control and	2654 WADE A. NASH	POLICE-WN TRAVEL MEA	46.00
2810 Police Training Fund	420140 Crime Control and	3997 JOAN HART	POLICE-JH TRAVEL MEA	46.00
2810 Police Training Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-BUSINESS MEAL	16.20
Total for Fund:				108.20
2820 Gas Apportionment Tax	430240 Road and Street	000046 BEACON TIRE CENTER	STREETS-NEW TIRES	210.00
2820 Gas Apportionment Tax	430240 Road and Street	4813 CUSTOM FABRICATIONS	STREETS-PATCH TUBE	112.50
2820 Gas Apportionment Tax	430240 Road and Street	2542 CERTIFIED LABORATORIES	STREETS-CUT-THRU EF	140.00
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-TRAFFIC MARK	49.98
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-WASP&HORNET	20.96
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-CRS-2	468.60
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-3/8 CHIPS	94.69
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-CRS-2	1,441.30
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-3/8 CHIPS	425.43
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-CRS-2	617.70

For doc #s from 122185 to 122329

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2820 Gas Apportionment Tax	430240 Road and Street	2547 TREASURE STATE CONCRETE	STREETS-3/8 CHIPS	50.64
2820 Gas Apportionment Tax	430240 Road and Street	4743 WEX BANK	STREETS-FUEL 9/1-30/	884.74
Total for Fund:				4,516.54
5010 Golf Fund	460446 Golf Course -	4880 ACCESS MONTANA	GOLF MAINT-SATELITE	77.94
5010 Golf Fund	460446 Golf Course -	1864 CHS/MOUNTAIN WEST	GOLF MAINT-FUEL	422.08
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-ASST TORO	387.60
5010 Golf Fund	460446 Golf Course -	4825 IBS, INC	GOLF MAINT-ASST PROD	334.76
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-LEVER FLU	8.49
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-PEAT MOSS	35.98
5010 Golf Fund	460446 Golf Course -	2888 MISSION VALLEY SECURITY	GOLF MAINT-QTRLY MON	72.00
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	8.56
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	15.81
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	8.56
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	17.23
5010 Golf Fund	460446 Golf Course -	000185 SUPER 1 FOODS	GOLF MAINT-WATER	7.44
5010 Golf Fund	460446 Golf Course -	2547 TREASURE STATE CONCRETE	GOLF MAINT-GREENS SA	1,161.80
5010 Golf Fund	460446 Golf Course -	000759 DRAGGIN' WAGON TOWING,	GOLF MAINT-DUMP TRK	85.00
5010 Golf Fund	460446 Golf Course -	000044 REPUBLIC SERVICES #889	GOLF MAINT-WASTE DIS	122.44
5010 Golf Fund	460446 Golf Course -	000046 BEACON TIRE CENTER	GOLF MAINT-TIRE REPA	22.00
5010 Golf Fund	460446 Golf Course -	000046 BEACON TIRE CENTER	GOLF MAINT-2 PLUGS	12.00
5010 Golf Fund	460446 Golf Course -	000046 BEACON TIRE CENTER	GOLF MAINT-TUBE, TIR	96.00
5010 Golf Fund	460446 Golf Course -	000046 BEACON TIRE CENTER	GOLF MAINT-TUBE	17.25
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-TORO BOLT	19.76
5010 Golf Fund	460446 Golf Course -	2094 WILBUR ELLIS COMPANY	GOLF MAINT-ASST FERT	9,948.85
5010 Golf Fund	460446 Golf Course -	2094 WILBUR ELLIS COMPANY	GOLF MAINT-PRODUCT R	-580.00
5010 Golf Fund	460446 Golf Course -	2094 WILBUR ELLIS COMPANY	GOLF MAINT-REBATE	-160.66
5010 Golf Fund	460446 Golf Course -	1864 CHS/MOUNTAIN WEST	GOLF MAINT-FUEL	461.60
5010 Golf Fund	460446 Golf Course -	1864 CHS/MOUNTAIN WEST	GOLF MAINT-FUEL	416.36
5010 Golf Fund	460446 Golf Course -	2202 PEAKS & PRAIRIES GCSA	GOLF MAINT-PN CLASS	235.00
5010 Golf Fund	460446 Golf Course -	2202 PEAKS & PRAIRIES GCSA	GOLF MAINT-NA CLASS	235.00
5010 Golf Fund	460446 Golf Course -	3025 FIRST BANKCARD	GOLF MAINT-22 RUBBER	72.16
5010 Golf Fund	460446 Golf Course -	3025 FIRST BANKCARD	GOLF MAINT-PAINT FOR	160.77
5010 Golf Fund	460447 Golf Course - Pro Shop	2234 ACE HARDWARE/ TREMPER'S	GOLF REST-TARP, BUNG	28.97
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GOLF PRO-LAUNDRY	4.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GOLF PRO-LAUNDRY	4.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GOLF PRO-LAUNDRY	4.00
5010 Golf Fund	460447 Golf Course - Pro Shop	001145 MISSOULA TEXTILE SERVICES	GOLF PRO-LAUNDRY	10.92
5010 Golf Fund	460447 Golf Course - Pro Shop	000044 REPUBLIC SERVICES #889	GOLF PRO-SHARED WAST	110.55
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO-INTERNET	22.95
5010 Golf Fund	460447 Golf Course - Pro Shop	000076 LINK'S MANAGEMENT, INC.	GOLF PRO-PRO CONTRAC	9,932.98
5010 Golf Fund	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GOLF PRO-DOWNSTAIRS	115.09
5010 Golf Fund	460447 Golf Course - Pro Shop	3025 FIRST BANKCARD	GOLF PRO-ADVERTISING	40.00
5010 Golf Fund	460448 Golf Course - Carts	1864 CHS/MOUNTAIN WEST	GOLF PRO-FUEL	170.11
5010 Golf Fund	460448 Golf Course - Carts	1864 CHS/MOUNTAIN WEST	GOLF PRO-FUEL	33.01
5010 Golf Fund	460448 Golf Course - Carts	1864 CHS/MOUNTAIN WEST	GOLF PRO-FUEL	37.19
5010 Golf Fund	460450 Golf Course Restaurant	3233 FOOD SERVICES OF AMERICA	GOLF REST-FOOD SUPPL	48.48
5010 Golf Fund	460450 Golf Course Restaurant	000185 SUPER 1 FOODS	GOLF REST-FOOD SUPPL	12.00
5010 Golf Fund	460450 Golf Course Restaurant	000185 SUPER 1 FOODS	GOLF REST-FOOD SUPPL	24.60
5010 Golf Fund	460450 Golf Course Restaurant	000185 SUPER 1 FOODS	GOLF REST-FOOD SUPPL	27.55
5010 Golf Fund	460450 Golf Course Restaurant	000185 SUPER 1 FOODS	GOLF REST-FOOD SUPPL	34.04

For doc #s from 122185 to 122329

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460460 G. C. Restaurant O & M	3306 POLSON PROPANE	GOLF REST-PROPANE FU	180.51
5010 Golf Fund	460460 G. C. Restaurant O & M	2888 MISSION VALLEY SECURITY	GOLF REST-QTRLY MONT	52.50
5010 Golf Fund	460460 G. C. Restaurant O & M	001145 MISSOULA TEXTILE SERVICES	GOLF REST-LAUNDRY	19.66
5010 Golf Fund	460460 G. C. Restaurant O & M	001145 MISSOULA TEXTILE SERVICES	GOLF REST-LAUNDRY	50.49
5010 Golf Fund	460460 G. C. Restaurant O & M	001145 MISSOULA TEXTILE SERVICES	GOLF REST-LAUNDRY	14.38
5010 Golf Fund	460460 G. C. Restaurant O & M	001145 MISSOULA TEXTILE SERVICES	GOLF REST-LAUNDRY	40.40
5010 Golf Fund	460460 G. C. Restaurant O & M	000044 REPUBLIC SERVICES #889	GOLF REST-SHARED WAS	110.55
5010 Golf Fund	460460 G. C. Restaurant O & M	4664 CHARTER COMMUNICATIONS	GOLF REST-TV/INTERNE	54.11
5010 Golf Fund	490200 Revenue Bonds	4668 GLACIER BANK	GOLF MAINT-DEBT SRVC	50,243.44
5010 Golf Fund	490200 Revenue Bonds	4668 GLACIER BANK	GOLF MAINT-DEBT SRVC	2,149.69
			Total for Fund:	77,297.95
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATER-INTERNET SERVI	15.00
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATER-SATELITE @ 715	38.97
5210 Water Fund	430530 Source of Supply and	4074 APPLIED WATER CONSULTING	WATER-SERVICE 8/1-9/	6,523.89
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-7TH AVE W SHOP	109.92
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATER-LAB CHLORINE F	96.00
5210 Water Fund	430550 Transmission and	3260 ANDERSON MONTGOMERY	WATER-PREPARE PLANNI	900.00
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-WINDSHIELD WAS	2.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-GROUND RECEP,S	3.55
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-ASSORTED PRODU	25.98
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-ASSORTED PRODU	18.97
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-JOINT TOPPING	12.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-PRODUCT RETURN	-18.97
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-JOINT CEMENT	9.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-LITHUM BATTERY	7.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-AA BATTERY PAC	9.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VALVE BALL, TE	46.06
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-ASSORTED PRODU	47.11
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-HEX BUSHING, G	22.96
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-KEY KWIKSET	3.00
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-GALV PIPE	50.94
5210 Water Fund	430550 Transmission and	4743 WEX BANK	WATER-FUEL 9/1-30/15	286.24
5210 Water Fund	430550 Transmission and	4507 MT WATERWORKS, LLC	WATER-CONNECT FITTIN	1,013.16
5210 Water Fund	430550 Transmission and	4006 HD SUPPLY WATERWORKS,	WATER-INVENTORY REST	137.43
5210 Water Fund	430550 Transmission and	2007 UTILITIES UNDERGROUND	WATER-UTILITY LOCATE	25.01
5210 Water Fund	430550 Transmission and	2074 VERIZON WIRELESS	WATER-CELL PHONE SER	170.92
5210 Water Fund	430570 Customer Accounting and	2888 MISSION VALLEY SECURITY	WATER-SHARED QTRLY M	35.50
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATER-BILLING RESERV	315.00
5210 Water Fund	430570 Customer Accounting and	000282 QUILL CORPORATION	WATER-HP PRINT CTG	83.46
			Total for Fund:	9,994.05
5310 Sewer Fund	214600 Retainage Payable	3612 SANDRY CONSTRUCTION CO.	SEWER-1% CGR	-885.00
5310 Sewer Fund	214600 Retainage Payable	4425 DEPARTMENT OF REVENUE	SEWER-1% CGR BIOSOLI	885.00
5310 Sewer Fund	430600 Sewer Utilities	3068 WALMART COMMUNITY CREDIT	SEWER-GV VEG OIL	23.92
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWER-INTERNET SERVI	15.00
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWER-SATELITE @ 715	38.97
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-BOD LAB	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-BOD LAB	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-AMMONIA BOD, C	187.00

For doc #s from 122185 to 122329

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-BOD LAB	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-BOD LAB	47.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	36.00
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWER-BULB, SOFTWHT	5.49
5310 Sewer Fund	430630 Collection and	000080 FLATHEAD NEWSPAPER GROUP	SEWER-BIDS WWTP	161.36
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-WEST SHORE	133.92
5310 Sewer Fund	430630 Collection and	4743 WEX BANK	SEWER-FUEL 9/1-30/15	1,066.26
5310 Sewer Fund	430630 Collection and	2007 UTILITIES UNDERGROUND	SEWER-UTILITY LOCATE	25.01
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-7TH AVE W SHOP	109.92
5310 Sewer Fund	430630 Collection and	2074 VERIZON WIRELESS	SEWER-CELL PHONE SER	170.92
5310 Sewer Fund	430640 Treatment and Disposal	2183 DOWL HKM ENGINEERING	SEWER-ENGINEER SERV	3,195.66
5310 Sewer Fund	430640 Treatment and Disposal	4944 A1 JANITORIAL SUPPLY	SEWER-SEWER/LIFT STA	131.26
5310 Sewer Fund	430640 Treatment and Disposal	3612 SANDRY CONSTRUCTION CO.	SEWER-BIOSOLIDS REMO	88,500.00
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWER-BILLING RESERV	315.00
5310 Sewer Fund	430670 Customer Accounting and	000282 QUILL CORPORATION	SEWER-HP PRINT CTG	83.45
5310 Sewer Fund	430670 Customer Accounting and	000341 MMIA-LIABILITY PROGRAM	SEWER-GC2014037021 V	247.49
5310 Sewer Fund	430670 Customer Accounting and	000341 MMIA-LIABILITY PROGRAM	SEWER-GC2015036879 P	750.00
5310 Sewer Fund	430670 Customer Accounting and	000341 MMIA-LIABILITY PROGRAM	SEWER-GC2015037116 S	750.00
Total for Fund:				96,242.63
Total:				216,904.17

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	\$21,886.93
2020 Police Municipal Services Levy	
101000	\$1,381.40
2216 Parkland Subdivision Fee (formerly 7060)	
101000	\$5,000.00
2386 Street Permits Revenue	
101000	\$96.00
2390 Drug Forfeiture Fund	
101000	\$132.67
2394 Building Code Enforcement	
101000	\$15.00
2395 Tree Fund	
101000	\$32.04
2402 Light Maintenance District #20	
101000	\$200.76
2810 Police Training Fund	
101000	\$108.20
2820 Gas Apportionment Tax Fund	
101000	\$4,516.54
5010 Golf Fund	
101000	\$77,297.95
5210 Water Fund	
101000	\$9,994.05
5310 Sewer Fund	
101000	\$96,242.63
Total:	\$216,904.17

CITY OF POLSON COMMISSION MEETING

56.

Commission Chambers

October 5, 2015

7:00 p.m.

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

OTHERS PRESENT (who voluntarily signed in): Elsa Duford, Lita Fonda, Una Rose Graham, Mike Lies, Bonnie Manicke, Lee Manicke, and Roger Wallace.

CALL TO ORDER: (00:18) Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA (01:03) - Commissioner Southerland motion to approve the proposed agenda. Commissioner Campbell second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (01:31)-Una Rose Graham-commented on the Rural Fire Board discussion at the September 21, 2015 Commission meeting. There was no public discussion. The tax payer's money was wasted on the two studies. The separation will only cause taxes to go up. The new City Fire Chief is a nice man, has administrative skills but has no firefighting experience. This is a huge liability for the City.

CONSENT AGENDA (07:03)-(a). September 17-30, 2015 claims, (b). City Commission Continuance Preliminary Budget Public Hearing Meeting Minutes September 21, 2015 (c) City Commission Meeting Minutes September 21, 2015, **Commissioner Donovan motion to approve the consent agenda. Commissioner Southerland second.** City Commission discussion: none Public Comment: none **VOTE: 1 abstained 6 ayes Motion carried**

CITY MANAGER COMMENTS (08:02): City Manager Shrives commented that the City had been awarded the Community Development Block Grant (CDBG) in the amount of \$450,000.00 This money will be used in the deconstruction of the existing wastewater lagoon system and construct a new sequencing batch reactor. Water/Sewer Tony Porrazzo gave a brief update on the East Shore well #8 project. Currently trying to get temporary power instead of generators. On October 12th there will be an 8 hour step down test up to 500 feet conducted. The well is pumping 500 gallons per minute. This amount should increase once the temporary power is hooked up. Drilled down to 420 feet and picked up an additional 50 gallons of water per minute. Drilled down to 495 feet but there was too much material in the water, so that portion was sealed off. October 21st there will be a 72 hour required pump test of the well. This is a really strong well. City Manager Shrives also updated the Commission on the status of the Polson Development Code. It has been decided that the City will move forward. City Manager Shrives, Planner Kyle Roberts, and Dave DeGrandpre met and put a timeline in place and a budget. The project will be \$5,040.00 and be completed in January or February 2016. An update on the Golf Car Storage Project at the Olde 9. The electrical is completed and Mission Valley Power will complete the installation. There was a change order for extra material at \$40,000.00. Currently the extra materials are at \$36,000.00.

APPROVE CITY MANAGER MARK SHRIVES EMPLOYMENT AGREEMENT (23:06)-Mayor Knutson presented this agenda item. There are still a few issues being worked on, so this agreement is not quite ready. Mayor Knutson requested that the item be tabled. Also, there will be an extension placed on the current contract through November 2, 2015. **Commissioner Turner motion to table the City**

Manager Employment Agreement and extend his current contract until the first meeting in November, which is November 2nd. Commissioner Donovan second. Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried** Mayor Knutson commented that there will be an Executive Session at the October 19, 2015 meeting.

APPROVE THE 2016 SEASON GOLF PASS PRICES (27:18)-City Manager Shrives presented this agenda item. The Golf Board has reviewed the changes and sent a letter of approval to the Commission. Roger Wallace, PGA Director Golf, City of Polson commented that the increase will be a 10% increase for the 2016 season passes. There are 21 golf courses throughout the State of Montana. The City of Polson rates are right in the middle of what the courses charge. **Commissioner Southerland motion to set the 2016 Polson Bay Golf Course 2016 Season Pass Fees at the amount as noticed on the attached fee notice sheet. Commissioner Turner second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE CITY MANAGER TO SIGN AGREEMENT WITH POLSON RURAL FIRE DEPARTMENT FOR DISPERSING AND CONTINUED USE OF JOINTLY OWNED ASSETS (37:18) - City Manager Shrives and Fire Chief Cottle presented this agenda item. City Manager Shrives commented that this agreement was worked with City Fire Chief Clint Cottle, Rural Fire Board Chairman R. Jack Clapp and Drew Hoel. The City of Polson Attorney has reviewed the agreement and approves of the language and form. This agreement identifies items that were purchased with membership funds or jointly by the City of Polson Fire Department and the Rural Fire Department. Chief Cottle commented that there are five (5) high dollar pieces of equipment that both departments will share ownership of moving forward. The Rural Fire Board approved the agreement during their regularly scheduled meeting. **Commissioner Campbell motion to approve the agreement for dispersal of and continued use of the jointly owned assets with the Rural Fire District and give the City Manager authority to sign after City Attorney Review. Commissioner Siler second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

WALMART FINAL SUBDIVISION PACKAGE PRELIMINARY REVIEW (41:18)-City Planner Kyle Roberts presented this agenda item. This project was given preliminary approval in 2006. In April 2015 Walmart submitted an application for Final Plat approval. This project will be on the October 19, 2015 agenda for Final Plat. City Planning department did not see any issues that would prevent approval of the Final Plat. Contract Planner Erica Wirtala also reviewed the application and did not see any issues either. Commissioner Turner questioned whether lots 2 and 3 were in the City. City Planner Roberts answered that yes those lots are in the City. City Manager Shrives commented that if there were any questions that the Commission had regarding this application to email those questions to the City Planner. This application has already been heard by the City County Planning Board.

(47:54) Mayor Knutson asked the Commission if there were any items that needed full minutes or will action minutes suffice. The Commission commented that action minutes would suffice.

Adjourn. (48:10) Commissioner Erickson motion to adjourn. Commissioner Campbell second. Commission discussion: none Public Comment: none **VOTE: Unanimous Motion carried.**

ADJOURN: 7:49 p.m.

ATTEST: _____

Heather Knutson, Mayor

Cora E. Pritt, City Clerk

5c.

**Staff Report
Polson City Commission Meeting
7:00 pm, Monday, October 19, 2015
City Hall Chambers
Final Plat Review of
"Wal-mart Subdivision"**

**Located in a portion of the East 1/2, of Section 11, T22N R20W Lake County,
P.M.,M, Lake County, Montana.**

GENERAL INFORMATION:

Applicant: Walmart Stores, Inc.
PO Box 8050 MS 0555
Bentonville, AR 72712-8055

Consultant: Mike Neer, PACLAND
606 Columbia Street NW, Ste. 106
Olympia, WA 98501
360-786-9500

Technical Assistance: Smith Surveying and Consulting
58 West View Drive
Kalispell, MT 59901
406-257-4323

Applicant Number: SD#06-02
Application Type: Final Plat Review of minor-3 Lot Subdivision
Date Received: 4/24/2015

APPLICABLE REGULATIONS:

- Polson Development Code
- Polson Growth Policy,
- HCZD: Highway Commercial Zoning District,
- Montana Uniform Standards for Final Subdivision Plats
- MT Dept of Environmental Health (DEQ)

Staff Reports delivered: 10/13/2015

WRITTEN COMMENTS: none received.

PROPERTY DESCRIPTION: The property is located on the southern tip of the City limits. This development has created a new intersection from Highway 93, (Memory Lane and Ridgewater Drive). The property is described as Parcel B of COS 5202 in Sec. 11, T22N, R20W, P.M.M., Lake County. The property is 28.262 acres in size acres with an existing commercial building (Walmart) on the

proposed Lot 1. Lots 2 and 3 are currently vacant. The property is zoned Highway Commercial Zoning District (HCZD) in the City of Polson.

PROPOSAL: The applicant requests Final Plat review on their proposed 3-lot major subdivision which will split the property so that the existing commercial structure (Walmart) would be located on Lot 1. Lots 2 and 3 could be sold for a new enterprise. Both Lots 2 and 3 are currently vacant and could possibly be sold.

REVIEW PROCESS:

The City Commission, as the governing body, is required to evaluate this Final Plat proposal under the terms of the Polson Development Code and the Montana State Subdivision Statutes and any applicable State/Federal and Tribal requirements. After consideration of the staff report and any input from the public, the Commission will review and vote to approve or deny the final plat application. Any decision needs to be supported by Findings of Fact, which are based on established code and policy.

COMPLIANCE WITH PRELIMINARY PLAT CONDITIONS:

Mike Near, of PACLAND submitted a request on behalf of Walmart, for final plat approval of the above-noted subdivision. Listed below are the Conditions of Preliminary Plat approval and the supporting documentation for how each of these Conditions was met. The Polson City Commission granted approval of the Preliminary Plat on June 29, 2006. There is no Subdivision Improvements Agreement submitted with this final plat application.

1. Approval of a subdivision does not constitute or imply approval of any prospective use of any lot created, per PDC Chapter II, section i.7. Preliminary approval does not constitute approval of the Final plan or platting. Applicants must get "use approval" with the (A.) Special Use Permit.

Response: Condition noted; No further action required as construction of Lot 1 is completed.

This Condition does not require anything of the applicant. It is met.

2. All construction on the parcel shall be in accordance with the approved plans, reports and photos filed with the City of Polson, except as modified by these Conditions. Subdivision design shall adhere to the PDC< LCSR< DEQ and the Montana Code Annotated, more specifically, but not limited to: the PDC, Chapter 18; LCR, pages 28-31; Mont. Code Ann. §76-3-504 to-615. (Polson Master Plan; Polson Development Code; Lake County Subdivision Regulations; Montana Code Annotated; "Montana Uniform Standards for Final Subdivision Plats"; Dept. of Environmental Quality; etc.)

Response: Condition noted: Compliance with the Lake County Subdivision Regulations (LCSR) is not required as the City of Polson has adopted a City Subdivision Code, as identified by Joyce T-Weaver, City Planning and Building Official.

Compliance with the Montana Uniform Standards for Final Subdivision Plats is not required as the project was processed through the Municipal Facilities Exemption (MFE) process. (See Attachment 1).

The water and sewer extensions were approved by the Montana Department of Environmental Quality (MDEQ) on June 22, 1012. (See attachment 2).

The applicant has met all of the criteria as set forth by applicable institutions (PCD, MDT, MDEQ, and the City of Polson's Building Codes) as evidenced by Attachments 2,4,5,7,10, 17, and 29. This Condition has been met.

3. Approval shall not supersede or negate any additional permits or stricter encumbrances that may apply to this property. It is the responsibility of the applicants/owners to know and adhere to the restrictions and covenants of the development, including city/county/federal/tribes/etc., standards, as applicable.

Condition noted.

This Condition does not require anything of the applicant. It is met.

4. Approval 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 applicant requests an extension of time prior to the expiration date.

Condition is met. Construction is complete.

The project proceeded immediately after Preliminary Plat Approval was granted in 2006. Physical improvements began after a long period of securing approvals for stormwater, water, sewer and building plan reviews. The structure is now complete. The Condition is met.

5. PDC Chapter XIX, H., pg 49, Required improvements shall be warranted by the developer, for both materials and workmanship, for one year following their acceptance.

Response: Sureties are no longer required as the warranty period has expired.

Wal-Mart held its Grand Opening on October 23, 2013. The warranties for materials and workmanship has expired.

6. Applicants shall adhere to all parts/portions of this Staff Report.

Response: Condition noted.

This Condition does not require anything of the applicant. It is met.

7. Applicants shall adhere to the review, standards and requirements as outlined in LCSR, Appendix C, Environmental Assessment, Parts I, II and III, see the section in Subdivision binder.

Response: Compliance with the Lake County Subdivision Regulations (LCSR) is not required as the City of Polson has adopted a City Subdivision Code, as identified by Joyce T. Weaver, City Planning and Building Official.

Compliance with the Montana Uniform Standards for Final Subdivision Plats, Appendix C, Environmental Assessment, Parts I, II and III, is not required as the project was processed through the Municipal Facilities Exemption (MFE) process. Approval by Montana Department of Environmental Quality (MDEQ) is attached. (See Attachment 2)

The Condition has been met. See Attachment 2. Most of the above-noted agencies do not have jurisdiction regarding this matter. MDEQ is the applicable agency with jurisdiction on water, sewer and stormwater management.

8. Applicants' engineers are to oversee and review all projects throughout construction, specifically, for adherence to these Conditions of approval.

Response: Condition Noted: No further action is required as construction is completed.

The applicant has had an engineer sign off on all of the applicable materials. Site and building plans were designed and certified by a licensed P.E. This Condition has been met.

9. MDT may require a "System Impact Action Review Report" and, if so, a copy shall be provided to the City before Final approval. The SIAR' review/report may specify MDT's requirements for this project along Hwy 93 and Hwy 35, as applicable.

Response: MDT did not require a System Impact Action Report for this project. (See Attachment 3). All MDT requirements and conditions have been met as evidenced by their plan approval and permit issuance. (See Attachments 4 and 5).

This Condition has been met. MDT refers to this material as a “System Impact Action Process” which has been completed to their satisfaction. (See Attachments 4 and 5)

10. A “Traffic Impact Analysis Report” was required and is attached. Applicants shall adhere to the requirements of the “Traffic Impact Analysis” (TIA); unless otherwise directed by the MDT, or, but the governing body. See binder Traffic Impact Analysis.

Response: All MDT requirements and conditions have been met as evidenced by their plan approval and permit issuance. (See Attachments 4 and 5).

The approved TIA identified one mitigation, which was the installation of a traffic signal at the US 93/Memory Lane intersection. The traffic signal was further recommended in a Signal Warrant Analysis completed on January 25, 2012, accepted and approved by MDT. (See Attachment 6).

This Condition has been met. See Condition #9 above.

11. Applicants shall adhere to the requirements of the “Community Impact Report” (CIR) to the satisfaction of the author P.E. Kevin Johnson of HKM, the City P.E., and the W/S Superintendent, Tony Porrazzo, before Final approval by the governing body, or with “Bonding”. See CIR in the binder for Subdivision; see CLC’s letter dated March 20, 2006, Sheets 23a-b; see Kevin Johnson letter dated April 10, 2006, Sheets 24a-b.

Response: the Community Impact Report (CIR) prepared by HKM Engineering, dated February 2006, was accepted by City Commission on March 6, 2006. The CIR addressed water service, wastewater service, stormwater management and traffic management. The CIR identified several concerns regarding these services including adequate fire flow for the project, wastewater lift station capacities, adequate stormwater facilities in the event of overflow situations, and adequate review of traffic impacts at intersections in the vicinity of the project.

CLC responded to these concerns by HKM in a letter dated march 20, 2006, identifying further clarification and the intent to conduct further review of the CIR concerns. HKM responded by letter dated April 10, 2006, acknowledging the fact that additional review was required. Further,

on May 2, 2006, CLC submitted a letter acknowledging the need for additional technical review of the project. The following mitigations were completed to address concerns identified in the CIR.

Water Services:

In 2008, the applicant provided funding and technical design services for the installation of the Skyline Booster station. This booster station was installed, in part to address fire flow concerns for the project and the surrounding area. The installation of the booster station addressed all fire flow concerns regarding this project. The water plans were approved by the City of Polson on May 16, 2012. (See Attachment 7) The water plans were also approved by MDEQ on June 22, 2012. (See Attachment 2).

Wastewater Services:

Further review of the "Wal-Mart Lift Station" indicated that this lift station has the capacity to serve the project. The City Engineer conducted an analysis of the lift station capacity and concluded that the Wal-Mart Lift Station does have the capacity to serve this project, and therefore, no additional mitigations were required. The sewer plans were approved by the City of Polson on May 16, 2012. (See Attachment 7) The sewer plans were also approved by MDEQ on June 22, 2012. (See Attachment 2)

Stormwater Management:

The design includes two (2) underground infiltration trenches on Lot 1 and a large retention pond on the existing Wal-Mart site to the north. These stormwater structures will accept stormwater runoff from Heritage Lane and future development on Lot 1. These facilities are designed to accept a 100-year storm event. Current MDEQ regulations (Circular DEQ 8) require a design for a 2-year event for onsite flows and a 10-year event for offsite flows. In the unlikely circumstance of a storm event greater than 100-year, the project has been designed such that stormwater will remain within the confines of existing curbing and ultimately flow along the curblines of Heritage Lane north to Highway 35. The stormwater plans have been approved by the City of Polson (See Attachment 7).

Traffic Management:

The CIR identified various minor changes needed to the Traffic Impact Study prepared for the project. The CIR recommended adding an additional intersection to the TIA, Highway 35 and Heritage lane. On March 20, 2006, a revised TIA was submitted addressing these concerns. On April 10, 2006, Mr. Kevin Johnson, HKM Engineering, submitted a letter acknowledging his concerns had been addressed. MDT has accepted the TIA and approved the development plans. (See Attachments 4 and 5).

It is highly unusual that a preliminary plat applicant would be tied Conditions of Approval that are presented within a comment letter and not based on the PDC and other regulatory authorities. As noted by the applicant's response above, and the supplemental information in Attachments 4 and 5, this Condition has been met.

12. Physical access is provided by public streets: Hwy 93 to Memory Lane, then, the new private road (to be named before Final approval) to private road Heritage Lane, to Hwy 35. Legal access, on Final plats, is to be designated and delineated as "(to be named before Final approval), a private road", for public use with private maintenance by the Owners Association and/or Maintenance Agreement, unless otherwise approved by the governing body. Said road is to never be closed or gated, unless done so by emergency services, or the governing body.

Response: A note has been added to the final plat. Section III. Easements for Utilities No. 3, condition No. 12 and 39 all required specific language on the final plat for Heritage Lane. One note, approved by the City Building and Planning Director was added to the final plat to address the three requirements. (See Attachment 24).

A Maintenance Covenant is recorded under auditor's File No. 540864 and referenced on the final plat (See Attachments 8 and 9).

This Condition appears to be met with the Heritage Road easement-a private road with public access.

13. The existing Wal-Mart's 22'+ wide paved road, that traverses from Heritage Lane, along the easterly side of the Wal-Mart parking lot, to the south property line of the existing Wal-Mart, shall be brought up to City standards. Applicants have designated a minimum width of 30', o.c. to o.c., from Heritage Lane to Memory Lane. These construction design plans shall be reviewed and approved by the City engineer and Planning Dept. before ground breaking. The CCPB and governing body may require the internal paved private road by 33' wide, e.o.a. to e.o.a., a paved road to match up to the existing road shall be designated as a "private road for public use.". See SUP binder for specifications. It shall be designed and constructed to City standards, and, maintained by the Owners Association and/or Maintenance Agreement, as approved by the governing body. The internal road is delineated to be 30' o.c. to o.c., with a 55' right-of-way, with a paved surface no less than 26' wide. Roads less than 33' wide paved, cannot allow parking on the street. Road slope can be no greater than 8% at any point. The construction profile, design and road drainage shall be reviewed and approved by the City engineer, road superintendent and Fire Chief before groundbreaking. The CCPB and governing body may require the internal paved private road by 33' wide, e.o.a to e.o.a., a paved road to match up to

the existing Heritage Lane, an arterial road per the SUP dated April 17, 1997. Sheets 29a-e.

Response: Heritage Lane was designed to City standards and is 33' wide from the face of curb to the face of curb. The road design has been approved by the City and is now constructed. (See Attachment 11). A Maintenance Covenant, is recorded under auditor's File No. 540864 and referenced on the final plat. (See Attachments 8 and 9).

This Condition has been met. Improvements have been constructed as per PDC and the City of Polson's road standards.

14. "No Parking at Anytime" signs shall be posted approximately every 600' (or as shall be effective), on both sides of the new internal private road, from the north property line of the old Wal-Mart at Heritage Lane, to the south property at the intersection of the new private road and Memory Lane.

(See Attachment 11).

This Condition has been met. The signs are in place.

15. Any bonding requests for uncompleted infrastructure improvements shall be at the approval of the governing body with a Subdivision Agreement document submitted, and before Final approval of the subdivision. "Bonding" calculations and documents are to be reviewed and approved by the City Engineer and the City Attorney.

Response: Sureties are not required as the infrastructure improvements are completed.

This Condition has been met. No Subdivision Improvement Agreement has been submitted with this Final Plat application.

16. The developer shall apply for and receive approval from MDEQ relating to the applicable review standards (storm water, drainage, water supply, turbidity, and sewage disposal). A MDEQ Storm Water Discharge Permit may be required for disturbance of 5+ acres of land. Letters of compliance from DEQ are required before Final approval of the subdivision. Also required, is a letter from the Polson Water and Sewer Superintendent stating that services are available. See comments Sheet 20b.

Response: The project was reviewed under the MFE process and so MDEQ only reviewed the water and sewer plans. MDEQ approved these plans on June 22, 2012. (See Attachment 2)

Since the project is located within the boundaries of the Reservation, all stormwater permits was obtained through the EPA. (See Attachment 12)

The Polson Water and Sewer Superintendent has provided a letter indicating water and sewer services are available to the project. (See Attachment 13).

This Condition has been met. See Attachments 2, 12 and 13.

17. It is the applicants' responsibility to collect any written public comments that have been submitted to the City Planning Department concerning water, runoff, and sewer issues and the applicants are to include these comments in their formal application to DEQ. The public has up to 30 days after the CC Preliminary approval of a subdivision to submit their written comments.

Response: The City and CLC have reviewed the files for this project and found no comments submitted to the City within 30-days of City Commissioner's approval.

This Condition has been met.

18. Finished height of any structure is not to exceed 30' from the mean grade. The City has allowed "contouring" with professional, certified engineered plans with supporting soils tests.

Response: The finished height of any future structure will be 30' or less in height as shown on the City approved architectural plans. (See Attachment 14)

This Condition has been met.

19. The developer shall provide certification by a title abstractor showing the names of the owners of record of land to be subdivided and the names of any lien holders or claimants of record against the land and written consent by any lien holders or claimants of record against the land for Final plat approval. A copy of the recorded deed shall accompany the request for annexation at time of CC approval.

Response: A title report prepared by Commonwealth Land Title Insurance Company, dated January 28, 2015, has been submitted to the City (See Attachment 15). A copy of the recorded deed was provided to the City at the time of annexation in 2006.

This Condition has been met.

20. The applicant shall pay a (\$to-be-determined) fee for fire department, before Final plat approval. Also, shall adhere to requirements of Fire Chief's letter dater August 30, 2005. (See Sheet 20c)

Response: On June 21, 2011, a Fire Impact fee of \$186,000 was paid to the City of Polson as part of the fee payment for a building permit for development on Lot 1. (See Attachment 16)

The letter from Fire Chief, Tom Maloney discussed three items: 1). Meet all City and State Codes, 2).Fire protection systems will be required, and 3). The fire department requests funding for a new fire apparatus. All three of these requirements have been met. The road and utilities serving the subdivision and future structure on Lot 1 have been reviewed by the City and approved, a fire sprinkler system has been reviewed and approved as evidenced by issuance of the building permit for the future structure on Lot 1, and finally, fire impact fees have been paid as discussed above.

This Condition has been met.

21. The owners shall pay (\$to-be-determined) Capital Improvements Assessment sewer fee to the City of Polson before Final approval.

Response: One June 21, 2011, a Sewer Impact fee of \$24,541 was paid to the City of Polson as part of the fee payment for a building permit for development on Lot 1. (See Attachment 16)

This Condition has been met.

22. The developer shall contact the Water and Sewer Department to extend services, and pay costs for capital facilities extensions (Mont. Code Ann. §76-3-510, see Sheet 25), to the subdivision and as determined by the governing body. Water/Sewer will not accept permanent, dead-end lines. It is the developer's responsibility to talk to and work with, the Water and Sewer, the Road, the Fire, superintendents and all Dept. Heads, DEQ, the Tribes, and MDT and adhere to their requirements and pay their fees, as applicable. The developer will be required to provide a street bond for any construction within any City right-of-way and obtain permits and pay fees for service extensions. Payments shall occur before obtaining permits.

Response: On June 21, 2011, the following capital facilities fees were paid to the City of Polson (See Attachment 16)

<i>Fire Impact Fee</i>	<i>\$186,000.00</i>
<i>Sewer Impact Fee</i>	<i>\$ 24,541.00</i>
<i>Water Impact Fee</i>	<i>\$ 58,020.00</i>

<i>Administration Impact Fee</i>	<i>\$ 9,300.00</i>
<i>Administration Impact Fee</i>	<i>\$ 3,878.00</i>

No dead end lines are proposed for this project. The applicant has been working with the City of Polson, MDEQ, MDT, Dept of Health and the Tribes throughout this project. All fees have been paid and written approvals/permits issued. (See Attachment 17)

This Condition has been met.

23. Applicants shall physically remove (if still there), the two existing billboards within the property boundaries; one located along the west property line of Lot 1, near center; another located near the southwest corner of Lot 1; unless, owners can provide legal documents that prohibit each one's removal.

Response: The "Wal-Mart coming Soon" sign has been removed. The second sign, "Welcome to Polson" is owned by the City of Polson. The Planning Director requested the sign remain and so the owner granted an easement for the sign in the southwest corner of Lot 2. An easement for the "Welcome to Polson" sign has been recorded under Auditor's File No 530631. (See Attachment 18)

This Condition has been met.

24. As applicable and as preventative measures, hay bales or silt fences shall be placed to prevent any new development water runoff or debris from entering any public or private property. Developer is responsible for weed control at all times.

Response: A stormwater plan and erosion control plan was submitted to EPA and the City of Polson. Best management practices (BMP's) are outlined in these plans which prevent erosion and runoff from the project site. These plans have been reviewed and approved by both agencies. (See Attachments 12 and 17)

All disturbed areas were re-seeded pursuant to the approved Erosion Control Plan. Development of Lot 1 was constructed pursuant to the approved Landscape Plan for the project. (See Attachment 19)

Weed control was provided in coordination with the Lake County Weed Control Office. (See Attachment 25)

This Condition has been met. The Lake County Weed Control Office does not have jurisdiction of this area, so compliance with their regulations is voluntary.

25. Lake view simulated-photos, show some effect to Highway 93's view of the Lake with the placement of the new supercenter store with landscaping buffering. See last portion of SUP. Extra landscaping, berms, etc., may be required by the governing body.

Response: Landscaping along Highway 93 was installed in an amount greater than what is shown in the simulated photos. (See Attachment 19)

This condition has been met.

26. Per the Environmental Assessment requirement, the applicant shall furnish letters (see in the Subdivision binder) from the public and private service entities that would serve the needs of the proposed subdivision, including, as applicable; police protection, fire protection, postal services, garbage services, water and sanitary sewer service, public school systems, hospital and emergency services, telephone, cable, electrical service, Lake Co. Weed Control Dept. etc., before Final approval.

Response: Service letters have been received by Polson Emergency Services, Inc., US Postal Service, Lake County Weed Control District, City of Polson Fire Department, Mission Valley Power, Optimum Cable, Polson School District #23, Century Link, City of Polson Water and Sewer Department, Providence St. Joseph Medical Center, City of Polson Police Department, Lake County Environmental Health, Allied Waste Services and Optimum. (See Attachment 20)

This Condition has been met.

27. Safety, at all times, is the responsibility of the applicants/owners.

Response: Condition noted.

The Condition requires that the applicant utilize safe, prudent and reasonable safety standards while undergoing construction of the facility. The Condition has been met.

28. Before installation, any proposed signage and fencing on the property shall be reviewed, approved and permitted by the Polson Building and Planning Department and fees paid. Signs and fences are separate application processes and fees.

Response: Fence and retaining wall permits have been issued by the City of Polson. (See Attachment 21) The sign permit was obtained and the proposed signage is constructed.

The applicant has applied for and received both fence and sign permits as required by the PDC. This Condition has been met.

29. Applicant shall submit a "Runoff Management, Drainage and Grading Plan" to be reviewed and approved by the City Engineer and Water/Sewer Superintendent, before groundbreaking and permits issued for the proposed road and lots under development. See binder labeled Prelim. Drainage Report and plans' and, the Storm Water Pollution Prevention plans.

Response: The Erosion Control Plan, Drainage Plan and Drainage Report have been submitted to and approved by the City of Polson and City Engineer. The plans and report have been approved and building permit issued. (See attachment 17)

Since the project is located within the boundaries of the Reservation, NPDES stormwater approval was obtained through the EPA. A stormwater Pollution Prevention Plan (SWPPP) has been submitted to the EPA. (See Attachment 12)

This Condition has been met.

30. As designated by the PDC, pgs. F. 1-2, Landscape and Headlight Buffers shall be placed, including trees, shrubs, and ground cover, in each 100' lineal feet of required buffer zones. All to be constructed prior to the opening of new facilities, or "bond" for the uncompleted portions. The Owners Assoc. and/or Maintenance Agreement shall be required to maintain such landscaping/fencing, weed control and replace any dead or dying vegetation, in a timely manner. All lighting shall be shielded and of such type and design to minimize the visual impact to surrounding properties. Excessive light and glare shall not extend beyond the property line, nor be a nuisance. Landscape/Headlight design plans shall be presented to the Planning Dept. for approval.

Response: Landscaping for the development of Lot 1 was provided pursuant to the approved Landscape Plan. A greater amount of landscaping was installed along Highway 93 than what is shown in the simulated photos. No headlight buffer is planned for the west side of the parking lot. This area is set aside for snow storage. Headlight buffers along the west side of the site would be destroyed during plowing of the first snow. A Maintenance Agreement approved by the City will be recorded and referenced on the final plat. All lighting is shielded to prevent light and glare onto surrounding properties. (See Attachments 8, 19 and 26)

This Condition has been met.

31. During construction lighting, dust and noise shall be kept to a minimum, as much as possible. Preventative actions by the developer shall be on-going during development.

Response: Condition noted. Construction is now complete.

This Condition has been met.

32. With handicap accessibility, a 10' wide sidewalk shall be constructed along the private road east side, and within approximately 45' of the east property line, from the old Wal-Mart's north property line, at Heritage Lane, to the intersection of the new "private road" and Memory Lane. More specifically, as designated and delineated on plats SP1, SP2, and SP3. Also, a 10' wide sidewalk shall be designed and constructed on the north side of Memory Lane, from the southerly property line at the access easement of Lot 2, to the Highway 93 right-of-way.

Response: A 10' sidewalk has been installed as identified on SP1, SP2 and SP3, and as shown on the current approved plans. (See Attachment 11)

Sidewalks are installed and complete. This Condition has been met.

33. All easements shall be designated and delineated on each of the lots. No buildings shall be constructed in or over any easement, public or private.

Response: all easements are identified on the final plat. No buildings will be constructed in or over any easement. (See Attachment 9)

This Condition has been met. Easements will also be identified with a title report at the time of conveyance to ensure that structures will not be mistakenly placed.

34. Applicants shall apply for and receive a building permit from the City of Polson prior to the start of construction. Building review process will specify minimum requirements before a permit is issued. No groundbreaking until permits are in hand.

Response: A building permit has been issued for the development of Lot 1. Approval to install the water lines, sewer lines, fences, retaining walls and roads are permitted by the issuance of the Building Permit. (See Attachment 17)

The traffic signal construction, Memory Lane reconstruction and installation of a water main is permitted by the Approach Permit and Utility Permit issued by MDT. (See Attachments 4 an 5).

The water plan and sewer plan have been reviewed and approved by MDEQ. (See Attachment 2)

This Condition has been met.

35. If at any time the applicants, their heirs or assigns propose minor changes of the preliminary approved plans, they shall obtain the necessary approvals from the City Depts., and the governing body. Major changes require re-submission/applications for full review and public notification with CCPB and CC. The Planning Administrator determines minor, major changes.

Response: Since preliminary approval of the subdivision in 2006, minor changes have been made to the final plat. The northeast boundary of Lot 2 has been adjusted slightly due to the increased curb return radius for the approach into Lot 1. Also, utility easement locations have been adjusted to accommodate the minor changes in the development of Lot 1 (See Attachment 9)

Minor changes to the proposed development of Lot 1 have been reviewed and approved by the City. (See Attachment 10)

The plat was reviewed again in June, 2011 by City Manager Todd Crossett. This Condition has been met.

36. The plats shall show the average, percentage of slope, of each lot; and, the maximum allowable percentage of lot coverage for each lot. The City allows "contouring" with professional certified grading, drainage, soils tests and construction plans.

Response: This information has been added to the final plat. (See Attachment 9)

This information is included on the Final Plat. This Condition has been met.

37. Commercial lots shall have parking spaces at: a minimum of 4 per 1,000 sq.ft. (applicants have designated 5+ per 1,000 sq. ft.), and, handicap spaces per ADA. Per PDC, pgs, E. 1-3.

Response: Condition noted.

This Condition has been met.

38. Clear vision triangles shall exist at the intersection of all roads. These triangles shall be defined by lines extending 15; or 30; or 45; (as applicable),

from the intersection of the right-of-way lines. No visual obstruction more than 3 feet above grade shall be permitted. Trees may be permitted where all branches are pruned to a height of at least 8 feet above grade. Said road intersections shall be designed to safely accommodate the ingress and egress of larger vehicles such as fire trucks and vehicles towing vehicles. Said designs shall be reviewed and approved by the City Fire Chief, Road Superintendent and the City Engineer before groundbreaking.

Response: Clear view triangles have been maintained at all intersections. Intersections have been designed to accommodate large semi-trucks, trucks and trailers, and fire apparatus vehicles. (See Attachments 11 and 19)

This Condition has been met.

39. The new “private road”, from Heritage Lane to Memory Lane, shall never be gated or closed off, unless authorized by emergency services or the governing body. Emergency services shall have access, at all times, to any temporary gates and gated areas. The owner is responsible for coordinating and providing said access.

Response: A note has been added to the final plat (See Attachment 24)

A Maintenance Agreement approved by the City has been recorded and referenced on the final plat. (See Attachments 8 and 9)

There are no gates or barriers to Heritage Lane and access is provided as per a note on the plat (#1). This Condition has been met.

40. Applicants shall provide a legal document, of owners and applicable to any future owners, that binds their responsibility for this subdivision and the existing Wal-Mart parcel in; paying taxes, maintenance of sites; landscaping; utilities; snow removal; road; and etc. Covenants and/or Owners Association and/or maintenance Agreement shall be created for the administration of the covenants, and assessments and procedural rules for the owners within the development with all rights to facilities stated and a copy of said documents shall be provided to the City before Final approval, and to be recorded with the Final plat and deed.

*Response: A note has been added to the final plat (See Attachment 24)
A Maintenance Agreement approved by the City has been recorded and referenced on the final plat. (See Attachments 8 and 9)*

This Condition has been met.

41. The developers shall provide for compliance inspections (as applicable) by the Zoning Officer, the Building Inspector, the Road, Water/Sewer Superintendents, City Engineer, and Fire Chief, or of, bonding, prior to receiving Final approval.

Response: The inspections are complete as the construction is completed.

Letters of approval are included within the Final Plat application package. This Condition has been met.

42. If the project, or any portion, is halted for any reason, for more than 120 days, and the land has been disturbed, the owners/applicants agree to return the disturbed areas to "as good as, or better condition," within 60 days of being notified by letter by the City, at the owners/applicants expense.

Response: condition noted.

The site is up and functioning. This Condition has been met.

43. Approval of the 3;lot minor subdivision is Conditioned that the parcel is also approved: c) a zone change from LRZD to HCZD d) annexation into the City of Polson; and, approval of a) a "Special Use Permit" for the Supercenter store.

Response: Per previous approvals by the City Commission, the property has been annexed into the City corporate limits, a Special Use Permit has been granted, and the property has been zoned Highway Commercial (HCZD) for Lots 1 and 2 and zoned LRZD for Lot 3.

This Condition has been met.

44. The applicants/owners agree to indemnify and hold the City harmless for and against all claims, costs and liability of every kind and nature, for injury or damage received, perceived or sustained by any person or entity in connection with, or on account of the performance of work under this permit. The applicants are not agents of the City.

Response: construction is complete. It is understood that an Indemnification Agreement was signed by the City of Polson and Wal-Mart Stores, Inc. A copy of the signed agreement has not been located, however, since the construction is completed, obtaining the signed copy is unnecessary. (See Attachment 22)

This Condition has been met.

45. For Final approval, the applicants shall submit a “complete” Final subdivision plat package in accordance with the survey requirements specified in the Uniform Standards for Documentation, 4 weeks or more, before the City Commission’s Final review hearing.

Response: Condition noted: This package is the ‘final’ subdivision plat package.

This Final Plat application is complete. The Condition of Approval is met. The package arrived to the City of Polson on 4/24/2015.

46. The City W/S Clerk designates and approves the City addressing. She will need to concur with the proposed names and addressing of any, and all, new roads and structures before submittal for Final plat approval by City Commission. Per Fire Dept., Addressing must be posted ASAP.

Response: A site address has been issued for the development on Lot 1. The address has been posted as directed.

The lots have been addressed. This Condition is met.

47. Applicants’ maps, plats, drawings, designs, calculations, etc., shall adhere to the requirements of this staff report and all standards, codes, and regulations specified, but, not-limited-too. Should error or admissions be found at anytime, applicants shall provide corrected/updated documents, in order to proceed/continue. If any errors or miscommunications are found on the presented plats, maps, reports, etc., after government approvals, the PDC, Lake County Subdivision Regs, Montana Code Annotated, etc., standards and requirements take precedence and shall be adhered to, and the item corrected as directed by the Planning Dept.

Response: Condition noted.

Lot 1 is at full build-out. Pacland has shown a good-faith effort in providing accurate materials for review. It can only be assumed that the future owners of Lots 2 and 3 will follow suit. This Condition has been met.

48. Final plat shall contain the language “All owners, and any future owners, waive their rights to protest any future Special Improvement Districts (SID), formed for any reasons.”

Response: This note has been added to the final plat. (See Attachment 9)

This is shown on the Final Plat under #2 Notes. This Condition has been met.

49. Tony Porrazzo's request for a water/sewer easement across the existing Wal-Mart property, per his drawing.

Response: An easement has been granted and recorded and the sewer line has been installed as directed by Mr. Porrazzo's letter. (See Attachment 23)

This Condition has been met.

RECOMMENDATION: It is found that the Conditions of Preliminary Plat approval have been met or are otherwise adequately addressed. Planning Staff recommends that the Polson City Commission approve the final plat of the Wal-Mart Subdivision.

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

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.

5d.

October 19, 2015

U. S. Senator Jon Tester
14 Third Street E. Suite 230
Kalispell, MT 59901

RE: Request for WRDA Funds to Support City of Polson

Dear Senator Tester,

As you know, the City of Polson is currently identifying and applying for grant and low interest loan funds to decommission its wastewater lagoons and construct a new mechanical treatment plant. The existing system cannot comply with EPA's water quality compliance mandate, and the discharge into the Flathead River impacts a high quality water resource and recreational area of the river. The project is needed to mitigate potential serious risks to human health and safety and to protect this high quality water resource. The total estimated cost of the project is \$16.8 million. In an effort to reduce increases to monthly wastewater user rates, the City is working earnestly to minimize the amount of loan funds needed to finance the project.

We understand the City of Polson is eligible to receive grant funds from the Section 595 Water Resources Development Act (WRDA) program to support the wastewater treatment project. The Polson City Commission understands that in your position you have the ability to influence which communities and projects in Montana will receive WRDA funds.

The Polson City Commission would ask that you strongly consider recommending our community for available WRDA funding. This is an incredibly heavy financial burden we are placing on our citizens for this necessary facility, and any assistance you can recommend on our behalf would be greatly appreciated.

Thank you for your consideration and the work you do to improve the lives of Montanans.

Sincerely,

Heather Knutson
Mayor
City of Polson

October 19, 2015

Senator Steve Daines
218 East Front Street, Ste. 103
Missoula, MT 59802
1008 South Avenue
Suite 2
Missoula, MT 59801

RE: Request for WRDA Funds to Support City of Polson

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Sincerely,

Heather Knutson
Mayor
City of Polson

October 19, 2015

Congressman Ryan Zinke
1008 South Avenue
Suite 2
Missoula, MT 59801

RE: Request for WRDA Funds to Support City of Polson

Dear Representative Zinke,

As you know, the City of Polson is currently identifying and applying for grant and low interest loan funds to decommission its wastewater lagoons and construct a new mechanical treatment plant. The existing system cannot comply with EPA's water quality compliance mandate, and the discharge into the Flathead River impacts a high quality water resource and recreational area of the river. The project is needed to mitigate potential serious risks to human health and safety and to protect this high quality water resource. The total estimated cost of the project is \$16.8 million. In an effort to reduce increases to monthly wastewater user rates, the City is working earnestly to minimize the amount of loan funds needed to finance the project.

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Sincerely,

Heather Knutson
Mayor
City of Polson

CITY OF POLSON COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 7 (Motion) Second reading of Ordinance Number 2015-010 to adopt Chapter 14, Fire Prevention and Protection Articles 1. In General, Article 2 Fire Code, Article 3 Offenses Concerning Firefighting Operations, Article 4. Open Burning, Article 5. Fireworks, Article 6. Reserved To the City of Polson Book of Ordinances.

Commissions meeting Date: October 19, 2015

Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Ordinance Number 2015-010 to adopt Chapter 14, Fire Prevention and Protection Articles 1. In General, Article 2 Fire Code, Article 3 Offenses Concerning Firefighting Operations, Article 4. Open Burning, Article 5. Fireworks, Article 6. Reserved To the City of Polson Book of Ordinances.

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: City staff has also reviewed the additions and changes and have provided their input.

FINANCIAL CONSIDERATIONS: None

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

SUGGESTED MOTION: *I make a motion to approve the 2nd reading of the Ordinance Number 2015-010 to adopt Chapter 14, Fire Prevention and Protection Articles 1. In General, Article 2 Fire Code, Article 3 Offenses Concerning Firefighting Operations, Article 4. Open Burning, Article 5. Fireworks, Article 6. Reserved. To the City of Polson Book of Ordinances.*

ATTACHMENTS:

1. Ordinance with Chapter 15, Articles 1, and 2

ORDINANCE Ord #2015-010

**AN ORDINANCE TO ADOPT
CHAPTER 14. ARTICLES 1-6. FIRE PREVENTION AND PROTECTION
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 14. FIRE PREVENTION AND PROTECTION

ARTICLE 1. - IN GENERAL

ARTICLE 2. - FIRE CODE

ARTICLE 3. - OFFENSES CONCERNING FIREFIGHTING OPERATIONS

ARTICLE 4. - OPEN BURNING

ARTICLE 5. - FIREWORKS

ARTICLE 6. - RESERVED

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: 09/21/15

First Reading: 7 ayes nays abstentions

Date: 10/19/15

Second Reading: ayes nays abstentions

Effective Date:

Mayor

Attest:

City Clerk

CHAPTER 14. FIRE PREVENTION AND PROTECTION

ARTICLE 1. - IN GENERAL

ARTICLE 2. - FIRE CODE

ARTICLE 3. - OFFENSES CONCERNING FIREFIGHTING OPERATIONS

ARTICLE 4. - OPEN BURNING

ARTICLE 5. - FIREWORKS

ARTICLE 6. - RESERVED

ARTICLE 1. IN GENERAL

Sec. 14.01.010-14.01.099. Reserved

ARTICLE 2. FIRE CODE

Sec. 14.02.010. International Fire Code.

Sec. 14.02.020. Fire code board of appeals.

Secs. 14.02.030 – 14.07.099 Reserved.

Sec. 14.02.010. International Fire Code.

A. Adoption by reference of the International Fire Code.

1. The current edition of the International Fire Code together with any supplements, adopted by the Fire Prevention and Investigation Bureau of the Montana Department of Justice (or its successor), as set out in the Administrative Rules of Montana, and as amended from time to time by the Bureau, are adopted by reference and incorporated in this article as if set forth in full, with the additions, amendments, and deletions enumerated within the Administrative Rules, except as may be noted in this article, by future administrative order, or by any regulations not applicable to local government jurisdictions.

2. One copy of the current edition of the code shall be kept on file in the office of the City Clerk of the City of Polson at 106 First Street East, Polson, MT, and one copy shall be kept on file in the office of the Polson Fire Department at the above address.

3. Any amendments adopted by the Fire Prevention and Investigation Bureau which apply to local government jurisdictions, including the adoption of the latest editions of the International Fire Code or applicable Administrative Rules of Montana shall become effective upon execution of an administrative order of the city manager unless a different effective date is specified in the administrative order.

4. A copy of the amendment notification and the corresponding new edition will be kept in the office of the city clerk, and the city fire department.

5. The International Fire Code, Administrative Rules of Montana, as adopted in subsection A.1 of this section, are applicable within the city limits.

B. Violation; penalty.

1. Any person, firm, business or corporation, who erects, constructs, reconstructs, enlarges, alters, repairs, moves, improves, removes, converts, equips, uses, changes the use of, occupies or maintains any building or structure in violation of any provision of this code shall be guilty of a misdemeanor criminal offense punishable by a fine not to exceed \$500.00, or be imprisoned in the county jail for a term not to exceed six months, or both. Each day the violation is allowed to continue shall be deemed a separate chargeable criminal offense.
2. Any damages caused or injuries sustained as a result of any violation of this article shall be ordered paid as restitution as a part of any conviction for any violation.
3. The court may order the reimbursement of costs of enforcement, investigation, fire suppression services, overtime and prosecution related to a violation upon conviction.

Sec. 14.02.020. Fire code board of appeals.

A. *Creation.* The city commission of the city shall appoint an ad hoc fire code board of appeals, hereinafter referred to as the "board," and designate the board to determine the suitability of alternate materials and types of construction under the International Fire Code and to provide reasonable interpretation of the International Fire Code, as adopted by the city.

B. *Membership; meetings.*

1. The board shall consist of five members, appointed by the city commission, who are qualified by experience and training to pass upon pertinent matters. Each member may be reappointed without limitation on the number of reappointments. The fire chief shall be an ex officio member and shall act as secretary of the board.
2. Initial terms of office shall be as follows: one appointed for one year, two appointed for two years and two appointed for three years. Succeeding appointments shall be for a period of three years.
3. Vacancies shall be filled in the same manner as original appointments for the balance of the term remaining.
4. Persons of legal age may be appointed to the board. A majority of the board shall be residents of the city. Nonresident members of the board shall live within the zoning jurisdictional area and shall have some interest in the city by virtue of working in the city, owning property in the city or entering the city frequently for any lawful purpose.
5. Members shall serve without compensation for their time and services.
6. Meetings of the board shall be conducted in accordance with all applicable rules and regulations of the city and the minimum bylaw provisions adopted by the board and approved by the commission.
7. The board shall hear appeals not more than 30 days after filing thereof, and render all decisions and findings in writing to the fire chief, with a copy to the appellant.

8. Any expenses incurred must first be approved by the city commission.

Secs. 14.02.030 – 14.07.099 Reserved.

ARTICLE 3. OFFENSES CONCERNING FIREFIGHTING OPERATIONS

Sec. 14.03.010. False alarms and tampering with fire alarm boxes prohibited.

Sec. 14.03.020. Taking or damaging fire apparatus prohibited; exception.

Sec. 14.03.030. Taking fire apparatus for private use or outside city prohibited.

Sec. 14.03.040. Fire area limits; private citizens to help extinguish fires.

Sec. 14.03.050. Firefighting operations; destruction of property authorized when.

Sec. 14.03.060. Hindering firefighting operations prohibited.

Sec. 14.03.070. Abatement of fire hazard nuisances caused by structures.

Sec. 14.03.080. Abatement of nonstructural fire hazard nuisances.

Secs. 14.03.090 – 14.03.199 Reserved.

Sec. 14.03.010. False alarms and tampering with fire alarm boxes prohibited.

No person shall willfully use any fire alarm box, or telephone, or any means whatsoever for transmitting or sending in to the fire department an alarm of fire which such person knows to be false; nor shall such person willfully tamper with, or injure or destroy any such fire alarm box or any of the equipment thereof. No person shall negligently allow false fire alarm reports to be transmitted or sent which results in the mobilization of fire department resources to the report area. Costs of response for willfully or negligently transmitting or sending such false report shall be billed and paid by the responsible party or landowner.

Sec. 14.03.020. Taking or damaging fire apparatus prohibited; exception.

It is unlawful for any person or persons to take out or remove from the fire stations of the city, where the same are kept, any ladders, trucks, hose, hose cart or any other fire apparatus, except in case of fire, or under the direction of the chief of the fire department; nor shall any person or persons mar, deface or in any manner injure any of the fire apparatus used by the fire department. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 14.03.030. Taking fire apparatus for private use or outside city prohibited.

Any officer in command of the fire department who suffers the engine or other fire apparatus, the property of the city, to be taken beyond the city limits, without permission of the city manager or under a duly authorized mutual or automatic aid agreement, shall be guilty of a misdemeanor. If any person having charge of any engine or other fire apparatus, the property of the city, suffers the same to be applied to private use without permission of the city manager, such person shall be guilty of a misdemeanor.

Sec. 14.03.040. Fire area limits; private citizens to help extinguish fires.

The chief of the fire department may prescribe limits in the vicinity of a fire within which no person, except those residing therein, members of the fire department, members of the police

force, or those admitted by the chief of the fire department, or the chief's subordinates, shall be permitted to respond.

The chief of the fire department, when in the chief's judgment the same is necessary, may call upon any person present to assist the firefighters in their duties, or to assist in extinguishing any fire, and any such person so called upon who refuses or neglects to so assist, unless physically incapacitated, shall be guilty of a misdemeanor.

Sec. 14.03.050. Firefighting operations; destruction of property authorized when.

The chief of the fire department, or in the chief's absence anyone acting in the chief's capacity, may, during the progress of any fire, whenever in the chief's judgment it becomes necessary in order to check or control the same, order any fence, building or structure to be cut or torn down and removed. The chief of the fire department shall, with the consent of the city manager, have power to cause any building or structure to be blown up for the purpose of checking or extinguishing the fire, and may tear down any portion of any building which may remain after a fire if, in the chief's judgment, such portion of any building so remaining standing shall be dangerous to persons or property.

Sec. 14.03.060. Hindering firefighting operations prohibited.

Any person who willfully interferes or hinders any city officer or firefighter in the performance of such officer's or firefighter's duty at, going to, or returning from any fire, or while attending to the officer's or firefighter's duties as a member of the fire department, or who willfully or negligently drives any dray, wagon, streetcar, locomotive, train of cars or other vehicle across, or along or upon any hose, or who willfully cuts, defaces, destroys or injures any telegraph wire or pole, or signal box, or any of the property belonging to or connected with the fire department, or any fire alarm telegraph, shall be deemed guilty of a misdemeanor.

Sec. 14.03.070. Abatement of fire hazard nuisances caused by structures.

Any and all buildings, ruins, chimneys, flues, boilers, walls, remains of burned buildings or other constructions within the city limits which, by reason of their construction or condition, are in danger of being set on fire, or are in any manner a menace to adjoining property or to the public generally, are each hereby declared to be a nuisance. It shall be the duty of the chief of the fire department to examine all such, and, for such purpose, may enter any building within reasonable hours, and if in the chief's opinion any nuisance, as defined by this article, shall exist, the chief of the fire department shall notify the owner or owners to abate such nuisance forthwith.

In case the owner of any premises upon which a nuisance exists fails or refuses to abate such nuisance, after being notified as aforesaid, the chief of the fire department shall report the facts in relation thereto to the city commission. If the city commission finds that such nuisance exists, it may direct the chief of police or city manager to abate such nuisance. The expense thereof shall be reported by such officer so abating same to the commission, to be an item of special assessment, which may be assessed against the premises as in case of special assessment of taxes. The owner of such premises, permitting any such nuisance to remain after being notified, shall be deemed guilty of a misdemeanor.

Sec. 14.03.080. Abatement of nonstructural fire hazard nuisances.

It shall be the duty of the chief of the fire department to inspect all streets and alleys, cellar ways, back lots, woodsheds and all other places within the city limits where shavings, straw, waste or other combustible material may or does accumulate, and to order instant removal of such material, if any is found, by the person responsible, or by the person upon whose premises the same may be located.

Upon the refusal of any such person so notified to abate the nuisance created by such combustible material so being in such place, the person so refusing shall be deemed guilty of maintaining a nuisance, and upon conviction thereof shall be fined as for a misdemeanor.

Secs. 14.03.090 – 14.03.199 Reserved.

ARTICLE 4. OPEN BURNING

- Sec. 14.04.010. Definitions.
- Sec. 14.04.020. Permit; when required; fees.
- Sec. 14.04.030. Other burning allowed with a permit.
- Sec. 14.04.040. Materials prohibited for open burning.
- Sec. 14.04.050. Burn barrels prohibited.
- Sec. 14.04.060. Permit holder responsibilities.
- Sec. 14.04.070. Safety conditions.
- Sec. 14.04.080. Enforcement; penalties.
- Secs. 14.04.090 – 14.04.199 Reserved.

Sec. 14.04.010. Definitions.

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

1. "Best available control technology" means those techniques and methods of controlling emissions of air contaminants from an open burning source and that limits those emissions to the maximum degree taking into consideration impacts on energy use, the environment, the economy, and any other costs, including the cost to the source, including, but not limited to:
 - a. Scheduling burning during periods and seasons of good ventilation;
 - b. Considering atmospheric dispersion forecasts;
 - c. Utilizing predictive modeling results from the Montana Department of Environmental Quality to minimize smoke;
 - d. Limiting the amount of burning to be performed during any one period of time;

- e. Using ignition and burning techniques that minimize smoke production;
- f. Selecting fuel preparation methods to minimize dirt and moisture content;
- g. Promoting fuel arrangements that create an adequate air to fuel ratio;
- h. Prioritizing burns as to air quality impact and assigning control techniques accordingly; and
- i. Promoting alternative treatments and uses of materials so that they do not have to be burned.

2. "Major open burning" means open burning that, on a statewide basis, will emit more than 500 tons of carbon monoxide or 50 tons of any other pollutant regulated under title 17, chapter 8, Administrative Rules of Montana (ARM), in a calendar year, except hydrocarbons. Major open burning requires a permit from the state.

3. "Minor open burning" means open burning that emits less pollutant than "major open burning" and must comply with this article, any other applicable state, federal, or county law including the ARMs and uses the best available control technology (BACT).

4. "Open burning" means the burning or combustion of any material directly in the open air or in a receptacle other than a furnace, multiple chambered incinerator, or a wood waste burner commonly used by the wood products industry.

Sec. 14.04.020. Permit; when required; fees.

A. For burning between the periods of March 1 through November 30, a county or tribal open burn permit must be obtained prior to engaging in any open burning within the city limits. When limits for atmospheric conditions or hours restrict burning, these limits will be designated in the permit restrictions.

B. For any major open burning during any time of the year or for open burning during the months of December, January, and February a person may make a written application to the state department of environmental quality or tribal authorities for permission to burn.

C. Where burning is conducted on public property or the property of someone other than the permit applicant within the city limits, the permit applicant will obtain a burn permit as well as written permission from the owner or the owner's authorized agent.

D. The fees for the permits will be set in accordance with a schedule adopted by the Lake County Board of County Commissioners or tribal fire management .

Sec. 14.04.030. Other burning allowed with a permit.

Essential agricultural open burning on a farm or ranch is allowed during the months of March through November with a burning permit and only for the purposes of eliminating excess vegetative matter from irrigation ditches or cultivated fields or improving range conditions or wildlife habitat when no reasonable alternative method of disposal is available.

Prescribed wild land open burning, if conducted on forest land or relatively undeveloped rangeland, is allowed with a burning permit only for the purpose of improving wildlife habitat or range conditions; reducing fire hazards from forestry practices; controlling forest pests and diseases; promoting forest regeneration; or promoting other accepted forest practices.

Sec. 14.04.040. Materials prohibited for open burning.

A. Open burning within the city limits is totally prohibited for:

1. Food wastes;
2. Styrofoam, plastic wastes and other materials generating noxious odors;
3. Poultry litter, animal droppings, dead animals or dead animal parts;
4. Rubber materials including, but not limited to, tires;
5. Treated lumber and timbers;
6. Pathogenic wastes;
7. Asbestos or asbestos-containing materials;
8. Materials resulting from salvage operations to reclaim or salvage any product or material, except materials from the forest practice commonly referred to as a salvage cut in timber harvesting;
9. Hazardous wastes, which are a waste or combination of wastes that, because of the quantity, concentration, or physical, chemical or infectious characteristic, if any, cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed as defined in the Code of Federal Regulations; and
10. Any other materials specifically prohibited by Montana Code Annotated and the ARMs.

Sec. 14.04.050. Burn barrels prohibited.

The use of burn barrels is totally prohibited within the city limits.

Sec. 14.04.060. Permit holder responsibilities.

A. A permit holder must call the county open burning number or tribal fire management each day burning is planned at least 30 minutes before the planned burn and give the following information:

1. Name, permit number, and phone number;
2. Material to be burned;

3. Starting time of burning, during daylight hours;
4. Location of burn;
5. The number of acres to be burned.

B. Before setting a fire, permit holders must ensure that adequate fire suppression equipment and personnel are present for fire control for the duration of the burn. The permit holder will not leave the immediate fire area until the fire has completely burned out, with no remaining embers or smoke.

C. The permit holder may delegate any of these duties to a designated responsible person; however, the permit holder is ultimately responsible for any violations.

Sec. 14.04.070. Safety conditions.

A. No fire shall be set if wind or weather conditions make it hazardous to burn. If wind or other weather conditions change making the fire hazardous, the fire must be extinguished as quickly as possible.

B. When there is high fire danger, because winds or other conditions make burning hazardous, or when fire suppression resources are not available, permits may be temporarily suspended until good ventilation exists and to allow assignment of burn priorities, if others request permission to burn on the same day.

C. The city fire chief may close or restrict open burning when necessary. All permit holders must extinguish fires upon request of any city or county law enforcement officer or firefighter. Failure to do so will be a violation of this article.

Sec. 14.04.080. Enforcement; penalties.

The city police department has the authority to investigate complaints and issue written notices of violation, orders to take corrective action, and citations to enforce this article.

Secs. 14.04.090 – 14.04.199 Reserved.

ARTICLE 5. FIREWORKS

Sec. 14.05.010. Definitions.

Sec. 14.05.020. When this article does not apply.

Sec. 14.05.030. Public display permitted when.

Sec. 14.05.040. Sale and discharge of fireworks.

Sec. 14.05.050. Permits required.

Sec. 14.05.060. General liability insurance required.

Sec. 14.05.070. Enforcement.

Sec. 14.05.080. Violation; penalty.

Secs. 14.05.090 – 14.05.199 Reserved.

Sec. 14.05.010. Definitions.

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- a. "Fireworks" means and includes any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes, but is not limited to, sky rockets, roman candles, dago bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. This definition includes items which contain even small amounts of silver fulminate, potassium nitrate, ammonium perchlorate, or other chemical or pyrotechnical composition intended to produce a pyrotechnic event or effect, even if not classified as a "hazardous material" under federal regulation.

Sec. 14.05.020. When this article does not apply.

- A. This article shall not apply to:
- 1. Fireworks held or sold to a person possessing a valid permit under MCA 50-37-107, and a valid permit issued by the fire chief for the purpose of conducting a supervised public display of such fireworks.
 - 2. Fireworks used by railroads or other transportation agencies for signal purposes or illumination.
 - 3. The sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, for use by peace officers, or for use by official military organizations or organizations composed of veterans of the United States armed forces.
 - 4. Toy paper caps containing not more than 0.25 of a grain of explosive composition per cap.

Sec. 14.05.030. Public display permitted when.

- A. The fire chief and/or chief of police shall review and inspect all supervised public displays of fireworks, including "display fireworks," by the municipality, fair associations, amusement parks, or other organizations or groups of individuals upon completion of the necessary application and submission of appropriate fees as may be established by resolution of the city commission. A visual site inspection shall occur before any permit is issued. Submission of the application does not guarantee issuance of a permit. All applications under this section shall be made to the fire chief.

- B. Each display shall:
- a. Be handled by a licensed, bonded pyrotechnic operator to be approved by the fire chief;
 - b. Be located, discharged, or fired such that the display, in the opinion of the fire chief, shall not be hazardous to persons or property;
 - c. Clearly post a "NO SMOKING" warning within 50 feet of the staging and discharge area established for the display, and no one may smoke within the defined area.
- C. The application for a permit shall be made in writing at least 15 days prior to the date of the display, and shall contain, at a minimum:
- a. A map of the proposed display venue, including the temporary storage site, the parking and spectator viewing areas, the fireworks discharge point, location of structures and roads, streets, and alleys within a 1,000-yard radius, overhead obstructions or other hazards;
 - b. The name of the licensed and bonded pyrotechnic operator along with the operator's qualifications, training and experience, and the names of any assistants for the event;
 - c. The location of all fire hydrants, water spigots or other access points for water, and all other fire retardants or extinguishers available at or near the venue;
 - d. Proof of general liability insurance in an amount acceptable to the city, and which includes the city as an additional insured;
 - e. The name of the association, entity, organization or group and its organizing or supervising board or responsible parties for the event;
 - f. A complete list of the fireworks intended for use in the display together with their projectile range, if any;
 - g. The location, date and time of the display and written consent from the landowner; and
 - h. A detailed safety plan for the event.
- D. Upon inspection and issuance of the permit, and only then, sales, possession and use of fireworks for such display as detailed in the permit shall be lawful for that purpose only.
- E. Following the public display, the organizers and the pyrotechnic operator shall be responsible for clean-up of the display site, including disposal of all discharged fireworks and all non-discharged or "dud" fireworks in a safe manner.
- F. No permit issued under this article shall be subject to transfer.

- G. This permit may be revoked by the fire chief when any of the conditions under which the permit was granted change, when a hazardous condition is determined to exist, or when, in the best judgment of the fire chief, such permit must be withdrawn in the interests of public safety, and may include violation of any rule, regulation or requirement of this article.

Sec. 14.05.040. Sale and discharge of fireworks.

- A. No individual, firm, partnership, corporation or association shall possess for sale, sell, or offer for sale, at retail, or discharge within the city limits, any fireworks, as defined herein, except as specifically provided in this article.
- B. No parent, guardian or custodian of any child under the age of majority shall knowingly permit or consent to the possession or discharge of fireworks by any child under the age of majority without proper supervision. Possession or discharge by any child under the age of majority within the city limits shall be prima facie evidence of the knowing permission or consent of such parent, guardian or custodian.
- C. No fireworks may be discharged within the boundaries of or within 300 feet of any public park owned or maintained by the city without a public display permit except as otherwise provided in this article. No fireworks may be discharged upon any public street, alley, road or right-of-way, except as otherwise provided in this article. No fireworks may be discharged within 1,000 feet of any hospital, nursing or assisted living facility. No fireworks may be discharged under or upon a motor vehicle, whether moving or not, or within 300 feet of any gas station, gas, oil or propane storage facility or other area which is highly flammable by nature.
- D. Subject to the limitations contained in this article, fireworks, as listed in subsection E of this section, may be discharged within the city limits only on private property of the owner, or with the owner's permission, or on paved city streets which are not arterial streets or collectors when such discharge is in a safe and sane manner, and limited to the July 4 holiday only:
 - a. Between 12:00 p.m. July 3 and 12:00 a.m. July 4;
 - b. Between 12:00 p.m. July 4 and 1:00 a.m. July 5;
 - c. Between 12:00 p.m. July 5 and 12:00 a.m. July 6;
- E. and for the New Year's Day holiday only from 11:00 p.m. December 31 until 1:00 a.m. January 1. As used in this subsection, the phrase "safe and sane manner" refers to actions which do not endanger life, limb or property of those in the area of the discharge. Nothing in allowing the discharge of fireworks within the city limits relieves the individual, firm, partnership, corporation or association of its responsibility for any injury or damage caused to individuals or property by the discharge of the fireworks. Any discharge, with or without a permit, is at the individual, firm, partnership, corporation or association's own risk, and is not sanctioned by this article.
- F. Permitted fireworks are the following type of Class C "common fireworks" among those listed in federal law:
 - a. A cardboard or heavy paper cylindrical tube or cone that:

- b. Produces a shower of color and sparks that reach a maximum of 15 feet;
 - c. May whistle or pop; and
 - d. Is not designed to explode or leave the ground;
 - e. A pyrotechnic wheel device:
 - i. May be attached to a post or tree; and
 - ii. Contains up to six "driver" units or tubes;
 - f. Any device that:
 - i. Spins, jumps, or emits popping sounds when placed on the ground;
 - ii. Does not exceed a height of 15 feet when discharged; and
 - iii. Does not travel laterally more than ten feet on a smooth surface when discharged;
 - g. Sparklers under 12 inches in length which do not have a magnesium make-up, glow worms, snakes, party poppers, trick noisemakers; and
 - h. Certain mortar type aerial devices and multi-shot cakes that are found acceptable by the fire chief.
- G. When, in the opinion of the fire chief, drought or other conditions exist which, when coupled with the discharge of fireworks, would pose a hazard to persons or property, the fire chief shall issue a ban on the discharge of all fireworks until such time as the condition causing the ban ceases to exist.
- H. Any individual, firm, partnership, corporation or association discharging fireworks under this article shall, upon such discharge, be responsible for clean-up of the discharge site, including disposal of all discharged fireworks, all non-discharged or "dud" fireworks, and the associated debris from the discharged fireworks in a safe manner.
- I. It shall be unlawful for any individual, business entity, or association to use any fireworks designed to move vertically within two thousand feet of any part of the Polson Municipal Airport without first notifying the Fixed Base Operator of such intention for use no later than twenty-four hours prior to such use, or to follow any instructions issued by such Operator as to such use.

Sec. 14.05.050. Permits required.

- A. All groups and/or individuals engaged in the retail sale of fireworks shall obtain a permit at least 15 days prior to the opening of the retail outlet. Every permit issued for the retail sale of fireworks shall be conditioned on the retailer posting at his place of business, in such locations as may be directed by the Polson Fire Chief, a notice consisting of the terms of 9.18.010 (0) above.

- B. All operators shall comply with all regulations set forth by the State of Montana.
- C. The permit fee for operation of an outlet for the sale of fireworks shall be as stated in the schedule of fees adopted for the city by resolution of the commission.
- D. No permit granted hereunder shall be transferable.

Sec. 14.05.060. General liability insurance required.

- A. An individual, firm, partnership, corporation or association planning a public display of fireworks shall provide proof of general liability insurance in an amount acceptable to the city attorney; and which includes the city as an additional insured.
- B. Notice to the city shall be given ten days prior to any public display if any insurance policy required under this article is cancelled or subject to non-renewal. Notice shall be provided by the insured and the insurance carrier.
- C. A copy of the insurance policy for any public display shall be filed with the city clerk and shall indemnify the city against any damages to private or public property, as well as any injuries to persons, which may be caused by or incident to the public display.
- D. Any individual, firm, partnership, corporation or association discharging fireworks without a public display permit shall be deemed to be the responsible party and shall be liable for any damages incurred as the result of such discharge. The individual, firm, partnership, corporation or association insurance policy or policies maintained by the individual or entity discharging the fireworks shall be subject to any claim as a result of such discharge resulting in damage or injury.

Sec. 14.05.070. Enforcement.

- A. Any police officer or firefighter may, in the enforcement of this article, seize, impound, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered for sale, sold, or in the possession of any individual, firm, partnership, corporation or association in violation of this article. Notice of the seizure and the reasons for the seizure shall be reported to the chief of police within 48 hours of the seizure.
- B. Fireworks seized under this section may be disposed of in a safe and proper manner by the police department ten days after seizure.
- C. Appeal of any seizure shall be filed with the chief of police in writing within five working days of the seizure. The decision of the chief of police on the appeal shall be final.

Sec. 14.05.080. Violation; penalty.

- A. Any individual, firm, partnership, corporation or association violating the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be

punished by a fine of not less than \$100.00 or more than \$500.00 for a first offense; a fine of not less than \$200.00 or more than \$500.00 for a second offense; and a fine of not less than \$300.00 or more than \$500.00 for a third or subsequent offense. Each day of a violation constitutes a separate offense. In the case of a violation by a firm, partnership, corporation or association, the manager or members of the partnership or responsible officers or agents shall be deemed to be prima facie responsible, individually, and subject to the penalty as provided.

- B. Any damages caused or injuries sustained as a result of any violation of this article shall be ordered paid as restitution as a part of any conviction for any violation.
- C. The court may order the reimbursement of costs of enforcement, investigation, fire suppression services, and overtime related to a violation upon conviction.

ARTICLE 6. RESERVED

CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 8 (Motion) Second reading of Ordinance Number 2015-011 to adopt Chapter 15, Parks and Recreation Articles 1. General Reserved Article 2 Park Regulations. To the City of Polson Book of Ordinances.

Commissions meeting Date: October 19, 2015

Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Ordinance Number 2015-011 to adopt Chapter 15, Parks and Recreation Articles 1. General Reserved Article 2 Park Regulations. To the City of Polson Book of Ordinances.

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: City staff has also reviewed the additions and changes and have provided their input.

FINANCIAL CONSIDERATIONS: None

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

SUGGESTED MOTION: *I make a motion to approve the 2nd reading of the Ordinance Number 2015-011 to adopt Chapter 15, Parks and Recreation Articles 1. General Reserved Article 2 Park Regulations. To the City of Polson Book of Ordinances.*

ATTACHMENTS:

1. Ordinance with Chapter 15, Articles 1, and 2

ORDINANCE Ord # 2015-011

**AN ORDINANCE TO ADOPT
CHAPTER 15. ARTICLES 1 AND 2. PARKS AND RECREATION
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 15. PARKS AND RECREATION

ARTICLE 1. GENERAL-RESERVED

ARTICLE 2. PARK REGULATIONS

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: 09/21/15

First Reading: 7 ayes nays abstentions

Date: 10/19/15

Second Reading: ayes nays abstentions

Effective Date:

Mayor

Attest:

City Clerk

CHAPTER 15. PARKS AND RECREATION

ARTICLE 1. GENERAL-RESERVED

ARTICLE 2. PARK REGULATIONS

- Sec. 15.02.010. Intent.
- Sec. 15.02.020. Definitions.
- Sec. 15.02.030. Park prohibitions.
- Sec. 15.02.040. Park use/general standards for reserved use of a park or recreational facility.
- Sec. 15.02.050. Park and recreational facility reservation permits; application; alcohol waiver.
- Sec. 15.02.060. Standards of issuance of reservation permit.
- Sec. 15.02.070. Sale of articles or services within a park or recreational facility/permits.
- Sec. 15.02.080. Requirement for liability insurance, bonding or other security/clean up deposit.
- Sec. 15.02.090. Revocation of permit.
- Sec. 15.02.100. Fees.
- Sec. 15.02.110. Park property; regulations authorized.
- Sec. 15.02.120. Reserved.
- Sec. 15.02.130. Regulations pertaining to wheeled recreational devices.
- Sec. 15.02.140. Skateboard facility regulations.
- Sec. 15.02.150. Reserved.
- Sec. 15.02.160. Enforcement.
- Sec. 15.02.170. Violations, penalties.
- Sec. 15.02.180. Appeal procedure.
- Sec. 15.02.190. Judicial review.
- Sec. 15.02.200. Hours of operation of parks.
- Sec. 15.02.210. Traffic control.
- Sec. 15.02.220. Dock Control.**
- Sec. 15.02.221. City commission—Park development.
- Secs. 15.02.230-15.02199. Reserved.

Sec. 15.02.010. Intent.

The provisions of this article shall apply to all park lands in the city, whether dedicated, deed, or otherwise acquired for park purposes, and to all facilities designated for city recreational purposes. Each application for use of a park or recreational facility shall be reviewed on a case-by-case basis. This article seeks to impose reasonable time, place and manner controls in an appropriate and limited manner upon events and facility uses for which permits are required. This article shall be administered in a manner that seeks to allow for expression, assembly, and the exercise of religious rights in accordance with applicable constitutional and statutory limits and controls.

Sec. 15.02.020. Definitions.

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

1. "Aggrieved person" means a person who can demonstrate a specific, personal and legal interest in the final decision of an application for a permit issued under this article, as distinguished from a general interest such as is the concern of all members of the community, and which interest would be specifically and personally prejudiced by the decision or benefited by its reversal.
2. "Animal" shall have the meaning stated by ordinance.
3. "Director" means the director of parks and recreation.
4. "Domestic animals" means those animals which live in or about the habitations of people or which contribute to the support of people and include but are not limited to the following: horses, cows, sheep, ducks, geese, chickens, dogs, cats, goats, and other tamed animals.
5. "Fireworks" shall have the meaning stated by ordinance.
6. "Park" means a park, playground, recreation facility/complex, or any other area in the city, developed or undeveloped, owned or used by the city, and devoted to active or passive recreation.
7. "Public assembly" means any meeting, march, demonstration, picket line, rally, or gathering of more than 75 persons for a common purpose as a result of prior planning that affects or may reasonably be expected to affect the normal flow or regulation of pedestrian or vehicular traffic within a park or recreational facility, or occupies any park or recreational facility in a place open to the general public.
8. "Recreational facility" means a building, structure, place, sports field or other location within a park or under the management of the city.
9. "User group" means any group or organization that is given use of a park for an extended period of time through a park user group agreement.
10. "Vehicle" means any device in, upon or by which any person or property may be transported or drawn including snowmobiles. The term "vehicle" shall include any trailer in tow of any size, kind or description. Exception is made for bicycles, baby strollers and carriages, wheelchairs, and vehicles in the service of the city parks and recreation division.

Sec. 15.02.030. Park prohibitions.

- A. It is unlawful for any person in a park or in or adjacent to a recreational facility to:
 1. Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, grills, railings, paving or paving material, water lines, equipment, signs, drinking fountains, swimming or wading pools or other park or recreational facility property, improvements or appurtenances whatsoever, real or personal;
 2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex;
 3. Dump dirt, grass and tree clippings or dig, remove, plant or deposit any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any

excavation by tool, equipment or other means or agency except as authorized by the director;

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public utility into, upon or across park or recreational facility property, except on special written permit issued hereunder;
5. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;
6. Climb any tree or walk, climb, stand or sit upon buildings, monuments, statues, vases, planters, fountains, railings, fences or upon any other structure not designated or customarily used for such purpose;
7. Attach any rope, cable, structure, device or other contrivance to any tree, fence, railing, bridge, bench, building or other structure unless otherwise posted. This prohibition does not include locking bicycles to the foregoing mentioned structures as long as no damage is done to the structure and so long as the bicycle does not interfere with the use and enjoyment of the park by others, and so long as the bicycle is not locked to the structure for a period of time not to exceed 24 hours;
8. Litter or fail or refuse to deposit litter in provided garbage receptacles. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. Dumping of household or commercial garbage into park trash receptacles is prohibited and shall be deemed a theft of services and carry the appropriate punishment;
9. Being in possession of glass objects in the parks or adjacent to a recreational facility. Break glass objects and then fail to remove broken glass and safely dispose of the broken glass in such fashion so as not to cause injury to persons or property;
10. Cause or permit any domestic animal to run loose, or fail to keep such animal under restraint, in any park or other open space area designated by the commission as an area requiring restraint. Further, every owner or person having custody of said dog or other animal shall remove and properly dispose of the animal's solid waste (fecal material). Except for the removal of waste, this subsection shall not apply to service animals authorized under the Americans with Disabilities Act;
11. Tie or hitch an animal to any tree or plant;
12. Pasture or pen any animal, domesticated or wild, except as authorized by the director;
13. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, nor remove from the park or have in his possession any animal, or the eggs or nest, or young of any animal. An exception to the foregoing is made in that snakes known to be poisonous may be killed on sight. An exception is further made to fishing where allowed by the state department of fish, wildlife and parks. This regulation does not apply to officers of state or local government duly acting within the course and scope of their duties;
14. Ride a horse except on designated horse trails;
15. Start a fire except in facilities installed and provided for such purpose, or to fail to completely extinguish a fire upon leaving the park;

16. Camp or park a vehicle overnight except in designated camping areas or with written permission from the director;
 17. Display, offer to sell, or sell any article or service without first obtaining a permit from the director pursuant to this article;
 18. Bring or discharge any firearm, air gun, bow and arrow, slingshot, atlatl, spear, boomerang or any other form of potentially dangerous weapon into a park or recreational facility;
 19. Be in a park or recreational facility after being closed, either because of the night closure or closure following public notice or posting;
 20. Possess or bring fireworks into a park or adjacent to a recreational facility, or cause the fireworks to be ignited or exploded in a park or adjacent to a recreational facility;
 21. Operate a skateboard, rollerskate, inline skate, or ride a bike or similar recreational device with wheels on or against any city-owned table, bench, structure, tennis court, bike rack, parking stop, retaining wall, fountain, statue, railing, stage, or other improvement which may suffer damage by such use;
 22. Operate a skateboard, rollerskate, inline skate, or ride a bike or similar recreational device with wheels on or in any pavilion, except as authorized by section 15.02.130
 23. Practice golf with real golf balls in any park;
 24. Drive, operate or park any vehicle or trailer on park lands or trails/pathways, except as authorized by the director;
 25. Within any park, paint trees, bushes, buildings, parking lot surfaces, or sidewalks;
 26. Allow an animal, other than service animals, in a recreational facility.
 27. Subject to the terms and conditions of these ordinances, the use or consumption of alcoholic beverages within the parks is prohibited.
 28. Fishing anywhere in Travis Dolphin Dog Park and swimming off of or near the dock or shore of Travis Dolphin Dog Park.
- B. The director may create additional prohibitions which may be applicable to one or more parks or recreation facilities.

Sec. 15.02.040. Park use/general standards for reserved use of a park or recreational facility.

The following standards apply to the use, including the reserved use, of all parks and recreational facilities:

1. *Reservation priority.* Unless reserved according to the park reservation procedure, established in section 15.02.050, the use of the park or portion thereof by the public shall be on a first-come, first-served basis.
2. *Scope.* Only parks and recreational facilities designated by the director may be reserved for exclusive use.
3. *Tents, canopies, inflatable structures.* Approval must be granted by the director for the use of, and prior to the assembly of, any tents, canopies, shade structures, inflatable toys, etc., within a park.

4. *Public address or sound systems.*
 - a. Public address and/or sound systems may be used within parks with the approval of the director. The sound system cannot be used for more than three consecutive hours in any park except as provided in subsection A.4.b of this section. The use of amplified sound shall be limited to the hours between 12:00 noon and 9:00 p.m.
 - b. Music may be played inside a structure with the exception of a park shelter located in a park or in a recreational facility as long as it cannot be heard outside the structure. All music shall end by 10:00 p.m.
5. *Marking the grounds.* Approval shall be obtained from the director prior to the use of any turf paint within any park. Only water-based turf paint shall be used on any turf. Only chalk shall be used on impervious surfaces such as sidewalks and asphalt.
6. *Park user group agreements.* The director may enter into agreements with various park user groups, with the fee for such agreements established by the director.
 - a. Admission fees may be charged for events held in conjunction with a park user group agreement if approved by the director and listed in the agreement.
 - b. Articles, food, beverages or service may be sold for events held in conjunction with a park user group agreement, if so noted in the agreement.
7. *Parking.* Parking spaces at a park or recreational facility are not reserved with a park reservation permit, and all parking is on a first-come, first-served basis. Park reservation permits may be denied if available parking is inadequate for the number of participants expected.
8. *Power generators.* The director may require a person holding a reservation permit to provide a power generator. The use of a power generator is subject to the restrictions in subsection A.4 of this section.
9. *Portable toilet facilities.* The director may require a person holding a reservation permit to provide portable toilet facilities. The director shall determine how many such facilities are needed and the timeframe in which they must be present. If the facilities are not removed within the timeframe established, the city may remove them and all costs associated with removal shall be charged to the applicant.
10. *Admission fees.* An admission fee to a permitted event cannot be charged without written approval from the director.
11. *Litter removal.* A person holding a reservation permit shall pick up and properly dispose of all types of litter within the buildings and grounds.
12. *Additional rules.* The director may establish additional rules governing the use of a park or recreational facility by the public or a person holding a reserved use permit.

Sec. 15.02.050. Park and recreational facility reservation permits; application; alcohol waiver.

- A. A person seeking a park or recreational facility reservation permit shall file an application with the director on forms provided by the city. Applicants must be at least 18 years of age. If an open container waiver is requested the applicant must be at least 21 years of age.

- B. An application for a reservation permit shall be filed with the director no less than 15 working days and not more than 180 days before the event is proposed to commence. The director may waive the minimum filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the event, the anticipated number of participants, and the city services required in connection with the event, the director determines the granting of a waiver will not unduly burden city services or interfere with any other previously approved or applied for event. If the reservation fee for the shelter is not received 5 days before the reservation, then the reservation is considered cancelled.
- C. The application shall be made on a form provided by the city and shall include all information the director deems relevant to the requested event.
- D. If 75 or more participants are expected for the event, a public assembly permit shall also be required and may be issued by the director pursuant to the standards and criteria in section 34.08.140.
- E. Waiver of open alcoholic beverage container. Per section 4.04.030, public drinking or display or exhibition of open alcoholic beverages (open containers) is prohibited in public parks and recreational facilities. A waiver of this requirement may be granted per the provisions of section 4.04.050. A separate alcohol permit application and fee are required and the permit must be physically present when the facility is being used.

Sec. 15.02.060. Standards of issuance of reservation permit.

- A. The director shall issue a permit, subject to any conditions deemed necessary and reasonable, as provided for herein when, from consideration of the application and such other information as may otherwise be obtained, the director finds:
 - 1. The application is complete and sets forth accurately and in sufficient detail the information required for consideration;
 - 2. The conduct of the event will not unduly inconvenience either the public in using adjacent public areas normally open for general public use or the city in the conduct of governmental operations;
 - 3. The possibility of the event causing any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, as further discussed in chapter 16, article 6;
 - 4. The conduct of the event will not require the diversion of so great a number of city police officers to properly police the event as to prevent normal police protection of the city. In the event that this diversion could occur, the permit holder for the event may be required to provide their own security;
 - 5. The conduct of the event is not reasonably likely to cause injury to persons or property;
 - 6. Adequate sanitation and other required health facilities are or will be made available;
 - 7. There is sufficient parking near the site of the event, or other arrangements made for transportation, to accommodate the number of vehicles reasonably expected;
 - 8. Such event is not for the primary purpose of advertising any product, goods, or event that is primarily for private profit, unless a park user agreement is entered into per section 15.02.040.A.6;

- B. An event may be limited as to the number of participants in the interest of adequacy of facilities.
- C. Unless otherwise agreed by the applicant, the director shall act on an application within 15 working days after determining that the application is complete.

Sec. 15.02.070. Sale of articles or services within a park or recreational facility/permits.

For the purpose of maintaining control of park or recreational facility use, the following standards and procedures are adopted in the public interest for issuing permits to sell articles or services in connection with either a community-oriented event approved by the commission or an event established pursuant to a park user group agreement.

- 1. A person seeking issuance of a permit to sell articles or services shall file an application with the director with the following information no less than 15 working days and not more than 180 days prior to the date requested:
 - a. Name, age, telephone number, and address of applicant;
 - b. Name and address of sponsor of activity;
 - c. Day and hours for which permit is desired;
 - d. The park or portion thereof for which the permit is desired;
 - e. Purpose of the request for permit or nature of activity;
 - f. Name and address of person responsible for cleanup, if different from applicant or sponsor.
- 2. Standards of issuance of permit to sell articles or services within a park or recreational facility.
 - a. In addition to the standards listed in section 15.02.060, in issuing a permit to sell articles or services the director shall consider whether:
 - (1) The proposed activity or use of the park or recreational facility is appropriate for the named park or facility and will not unreasonably interfere with or detract from the public's use and enjoyment of the park;
 - (2) The proposed activity or uses that are reasonably anticipated will not include violence, crime, or disorderly conduct;
 - (3) The proposed activity will not entail extraordinary or burdensome expense on the city;
 - (4) The facilities desired have not been reserved for other use on the date and hour requested in the application; and
 - (5) That the sale of articles or services is not primarily for private profit and provides a community benefit.
 - b. Applications meeting these standards will be issued on a first-come, first-served basis.

Sec. 15.02.080. Requirement for liability insurance, bonding or other security/clean up deposit.

- A. To avoid interference with protected rights of speech and assembly, any requirement imposed for surety for performance (including but not limited to insurance, bonding, or monetary deposits) shall be based upon needs directly associated with the event and not on the basis of possible disruption of the event by protestors or other persons who might be opposed to the speech or assembly. Such restriction, however, shall not apply where the director determines that the event is being scheduled so as to unduly and unnecessarily create a potential for counter-protest or disruption or interference with public health, safety, welfare, or order.
- B. A permittee under this article, including a person or entity entering into a park user group agreement, shall obtain commercial general liability insurance covering the permittee and/or the permittee's organization for all activities related to the event or permit, including but not limited to setup, the event itself, and all cleanup activities. The insurance policy shall contain no exceptions or exclusions for activities conducted under or related to the permitted activities. The permittee shall name the city, its officers, and employees as additional insureds on a primary non-contributory basis. The additional insured coverage shall be in a form acceptable to the city. To the extent reasonably possible, such additional insured coverage shall be in the minimum amounts of \$750,000.00 per claimant and \$1,500,000.00 per occurrence.
- C. The insurance requirements of this section are in addition to and separate from any other obligations contained in this section or article or in a permit issued under this article.
- D. Applicants for a permit under this article shall agree in writing to defend, hold the city and its employees and officials harmless and indemnify the city, its employees and officials, for any and all claims, lawsuits or liability, including attorneys' fees and costs allegedly arising out of loss, damage or injury to a person or a person's property occurring during the course of, in preparation of, or in any way pertaining to the permitted event which is caused by the conduct of employees or agents, including guests, of the permit holder.
- E. The director may grant a waiver to the requirements of this section for city-sponsored events or when the director determines the event does not present a substantial or significant public liability or property damage exposure for the city, its officers, agents and employees. The director shall consider the applicant's proven financial inability to obtain the required coverage. When the director considers requests for waivers, the director shall base the decision on the factual circumstances presented by the applicant and decide the specific request on its merits. The cleanup deposit shall be set in the discretion of the director and will be forfeit for inadequate cleanup in the sole discretion of the director.

Sec. 15.02.090. Revocation of permit.

The director, city manager, the chief of police, or the fire chief shall each have independent authority to instantly revoke or suspend any permit issued under this article:

1. Upon a violation of the conditions imposed in the permit;
2. Upon violation of this article or any other provision of law;
3. When a public emergency arises where the municipal resources required for that emergency are so great that deployment of municipal personnel, equipment or services

required for the permit would have an immediate and adverse effect upon the welfare and safety of persons or property.

Such revocation shall take effect immediately, and the director, city manager, chief of police, or fire chief shall promptly notify the permittee of revocation. After revocation, the permittee may not conduct the event, or if the event has commenced, shall immediately cause the event to be terminated in a safe, proper manner.

Sec. 15.02.100. Fees.

A nonrefundable fee shall be paid to cover administrative costs of processing permits. All fees under this article shall be set by commission resolution and included in the Schedule of Fees. The director may require a deposit for the rental of any park or recreational facility. If the director requires a deposit for the rental of any park, the director shall establish standards for return and forfeit.

Sec. 15.02.110. Park property; regulations authorized.

The city commission shall have the right to adopt reasonable regulations for the government of the public parks in the city, and no person shall violate any of such regulations.

Sec. 15.02.120. Reserved.

Sec. 15.02.130. Regulations pertaining to wheeled recreational devices, excluding the skate park.

- A. No person shall use or place a ramp, jump, or any other device used to force a skateboard, roller skate, inline skate, bike or similar recreational device with wheels off the pavement on the grounds of any city-owned parking lot, park or sidewalk.
- B. The city commission may, by resolution, designate areas within city parks in which operation of skateboards, roller-skates, in-line skates, bikes and similar recreational devices with wheels is permitted during specified times.
- C. The operation of skateboards, roller skates, inline skates, bikes and similar recreational devices with wheels may also be permitted in designated areas during specially authorized events pursuant to section 15.02.050

Sec. 15.02.140. Skateboard facility regulations.

- A. No person shall use or place additional obstacles or other materials, such as ramps, jumps, or any other device onto any city-owned skateboard facility.
- B. Motorized vehicles are prohibited from using any city-owned skateboard facility.
- C. The hours of operation for skateboard facilities shall be commensurate with the operation of all other park facilities, and shall be clearly posted. All skateboard facilities will be closed during periods of inclement weather.
- D. Protective equipment: helmets, pads and guards are strongly recommended.

- E. The use of food or drink, water excluded, is prohibited on the skating surface of all skateboard facilities. No glass containers are allowed.
- F. Use of smoking products are prohibited within the fenced area of the skateboard facility.

Sec. 15.02.150. Reserved.

Sec. 15.02.160. Enforcement.

This article shall be enforced by the police department. In addition this article may be enforced by injunction, restraining order, declaratory relief, or such other order as may be imposed by a court with appropriate jurisdiction.

Sec. 15.02.170. Violations, penalties.

Any person violating the provisions of any section of this article or any provision or requirement of a permit issued hereunder shall be subject to the general penalties provided by these ordinances. Nothing herein shall be deemed to prevent the city from pursuing an additional action in law or equity to recover unreimbursed costs associated with a permit or unpermitted event.

Sec. 15.02.180. Appeal procedure.

- A. An aggrieved person shall have the right to appeal the director's decision of a permit to the city manager. Prior to filing of an appeal with the city manager, the appellant shall, within five business days of the director's decision, request the director reconsider the decision. The director shall have five days to issue a decision on the request to reconsider.
- B. An aggrieved person may, only after complying with subsection A of this section, file a written appeal with the commission through the city clerk with a copy to the city manager not later than five days after the city manager's decision. The appeal to the commission shall state with specificity the grounds for the appeal. The commission shall hear the appeal at the next regularly scheduled meeting following the accepted notice of appeal, provided that the receipt of the notice is received prior to the deadline for submission of new agenda items.
 - 1. The appeal hearing shall be limited to the grounds stated in the appeal unless the commission for good cause determines to hear other issues or concerns.
 - 2. The appellant, applicant (if not the appellant), the city manager and other persons directly affected may speak or submit evidence at the hearing. Public comment will be accepted.
 - 3. The commission shall make a determination on the appeal at the meeting, unless the applicant agrees to a continuance. The city clerk shall issue the commission's decision in writing to the applicant either by personal delivery, or regular or electronic mail.

Sec. 15.02.190. Judicial review.

After complying with the requirements of section 15.02.180, an aggrieved person may file a request for judicial review of a decision by the city commission pursuant to this article. The request for review shall be filed no later than 30 days after the commission's action.

Sec. 15.02.200. Hours of operation of parks.

- A. *Hours.* All parks shall be open to the public every day of the year subject to the exceptions established herein.
- B. *General closure.* Any section or part of any park may be closed to the public by the director. Notice of closing shall be posted in a conspicuous manner.
- C. *Night closure.* No person without written permission of the director shall be physically present within the boundaries of any park between the hours of 11:00 PM and 6:00 AM (April 1 – October 30) and between the hours of 10:00 PM and 7:00 AM (November 1 – March 31), except in designated camping areas.
- D. *Maintenance Hours.* Maintenance hours in the parks shall be May 1st to September 15th, from 7:00 AM until dusk. The facilities will be signed appropriately informing the public of impending seasonal closures.

Sec. 15.02.210. Traffic control.

- A. No person shall drive any vehicle through the park or upon park roads at a rate of speed exceeding 15 miles per hour or at such speeds as may be established by the director.
- B. Vehicles shall not be driven or parked off designated roads and parking areas without the written permission of the director.
- C. All persons shall obey the traffic laws of the state and the city.

Sec. 15.02.220. Dock Control.

Where allowed, dockage of boats at city dock facilities shall be limited to a period not to exceed five (5) consecutive days followed by a period of at least seven (7) days in which the boat will not be docked at the city facilities. Boats operating as a concessionaire shall be operated in accordance with the contract/permit issued by the city. The only facility allowing overnight dock moorage is the east Salish Point dock. Overnight moorage shall be prohibited at all other city-owned dock facilities. There is no boat moorage allowed without written permission from the director at the docks at Boettcher Park. Owners of the boats found in violation of these provisions shall be subject to the general penalty provided in the city ordinances.

Sec. 15.02.221. City Manager—Park development.

The city manager shall authorize any conceptual changes, new development, or redevelopment aspects of changes in all city parks proposed by the staff. New buildings, renovations, or conceptual changes will be presented to the city manager before construction or implementation.

Secs. 15.02.230-15.0299. Reserved.

EXTRA MILE DAY 2015 PROCLAMATION

RESOLUTION NO. 2015-_____

WHEREAS, Polson, Montana is a community which acknowledges that **a special vibrancy exists within the entire community** when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Polson, Montana is a community which encourages its citizens to **maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction** to their individual ambitions, family, friends, and community; and

WHEREAS, Polson, Montana is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to **make a difference and lift up fellow members of their community**; and

WHEREAS, Polson, Montana acknowledges the **mission of Extra Mile America to create 550 Extra Mile cities in America** and is proud to support “Extra Mile Day” on **November 1, 2015**.

NOW THEREFORE, I, Mayor of Polson, Montana do hereby proclaim **November 1, 2015** to be **Extra Mile Day**. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also **acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place**.

Heather Knutson
Mayor, Polson, Montana

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 10

Meeting Date: October 19, 2015

Staff Contact: Cindy Dooley, Finance Officer

AGENDA ITEM SUMMARY: Approval of Polson Redevelopment Agency (PRA) annual report for 2014-2015.

BACKGROUND: The Polson Redevelopment Agency is a board appointed by the City Commission to oversee the Tax Increment Financing (TIF) Fund #2310 and capital expenditure activities associated with the TIF fund. Please see the annual report for a history of the PRA and the TIF district.

ANALYSIS: Tax Increment Financing is a method of providing tax dollars to fund projects within a tax increment financing district. These areas have been considered blighted and in need of redevelopment. The tax increment is created when the current year taxable value exceeds the base year taxable value of properties in the TIF district. The tax dollars generated by the base year taxable value continue to flow to all entities in the district (county, city, school district, and state) while the tax dollars generated by the increase in value flow to a special fund set aside for projects within the district. The 6 mills that the Montana University system receives are exempt from tax increment financing meaning it receives the full taxable value each year. Taxpayers in a TIF district pay the same amount as they would if the property were located outside the district. TIF only affects the way that taxes, once collected, are distributed. Tax increment districts normally sunset 15 years after their creation, but may potentially be extended for up to an additional 25 years if all or part of TIF dollars have been pledged to the repayment of a bond. Repayment of the TIF district's current debt will extend the district to 2025.

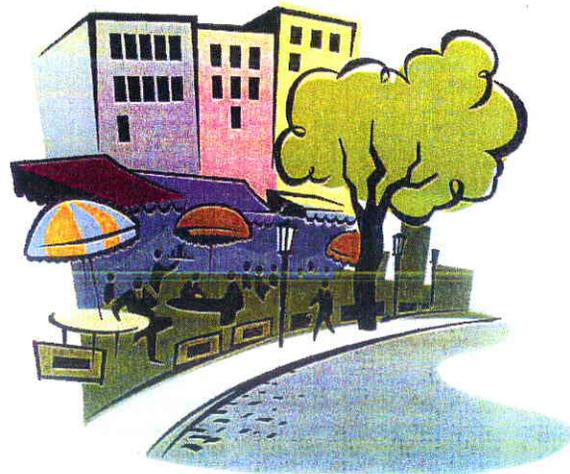
FINANCIAL CONSIDERATIONS: Please see the annual report for financial information.

STAFF RECOMMENDATION: N/A

SUGGESTED MOTION: *I move to approve the PRA 2014-2015 Annual Report.*

ATTACHMENTS: PRA Annual Report 2014-2015

**POLSON REDEVELOPMENT
AGENCY
ANNUAL REPORT 7/1/14-6/30/15**



Montana Code Annotated 2015

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7-15-4237. Annual report. (1) An agency authorized to transact business and exercise powers under part 43 and this part shall file with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year. A copy of the annual report must be made available upon request to the county and school districts that include municipal territory.

(2) The report must include a complete financial statement setting forth its assets, liabilities, income, and operating expenses and the amount of the tax increment as of the end of the fiscal year.

(3) At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that the report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

History: En. Sec. 16, Ch. 195, L. 1959; R.C.M. 1947, 11-3916(part); amd. Sec. 1, Ch. 441, L. 1991; amd. Sec. 3, Ch. 374, L. 2011; amd. Sec. 3, Ch. 376, L. 2011.

Provided by Montana Legislative Services

History of the Polson Redevelopment Agency

Polson adopted Resolution No. 739 on November 3, 1997. This resolution designated four areas in the City of Polson as blighted: Salish Point, The Central Business District, the Railyard and the adjacent Commercial/Light Industrial areas; and called for the creation of an urban renewal plan for the City.

The Polson Community Development Corporation (no longer in existence) developed a draft urban renewal plan (draft plan) for the City and presented that draft plan in August, 1998 to the City-County Planning Board (CCPB) for their approval. The CCPB determined that the draft Plan conformed to the Polson Master Plan and Development Code. Ordinance No. 559 was passed on January 19, 1999 which created an urban renewal planning commission to further review the draft plan and complete a final plan to be presented to the public and the City Commission for approval.

The final Urban Renewal Plan called "Consider the Possibilities for Polson!" was adopted by the City Commission on May 1, 2000. This plan created the tax increment financing district (TIF) with a base year of 1999 (which was later revised to 2002 by Ordinance No. 591) and the Polson Redevelopment Agency (PRA). The initial members of the PRA were also nominated and appointed at that meeting. Ordinance No. 591 was passed on October 20, 2003 that formally adopted the Urban Renewal Plan pursuant to Section 7-15-4216(3) MCA.

The PRA consists of five members who must be City residents. Each member serves a 4 year term. The members are appointed by the City Commission. The PRA has oversight of the Tax Increment Financing Fund (Fund #2310) but the City Commission has final approval on all expenditures for that fund. Included with this report is a map of the TIF district. For a period of 8 years following establishment of the base year, the TIF received no tax revenue. The PRA asked the County to conduct an audit of the TIF district to ascertain why there was no increase in value over the base year. That audit concluded that there were errors in the setup and calculation of the TIF district by the Department of Revenue. The City received a lump sum of \$90,000 from the County in 2010 for back years 2003 - 2009 and has been receiving tax revenue since that time.

During the FY2014 audit, the auditor was asked to look at the requirement for a bi-annual audit of the PRA and its activities. Based on her finding #2014-2 she stated that the implementation document (Consider the Possibilities for Polson!) and the actual functioning of the PRA were not aligned. 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 with City control of all activities. The City clarified the function of the PRA as an advisory board to the City Commission through Ordinance #2015-009.

The PRA has contributed to the Streetscape project, financed the Sacajawea retaining wall upgrade and walk path, and contributed to the walk path under the bridge and city dock construction.

RESOLUTION NO. 739

A RESOLUTION FINDING THAT AN AREA OF BLIGHT EXISTS WITHIN AREAS DESIGNATED BY POLSON'S MASTER PLAN AS SALISH POINT, THE CENTRAL BUSINESS DISTRICT, RAILYARD AND THE ADJACENT TRANSITIONAL AND LIGHT INDUSTRIAL/COMMERCIAL (EXHIBIT "A) ZONES AND THAT REHABILITATION, REDEVELOPMENT OR A COMBINATION THEREOF, WITHIN SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS OR WELFARE OF THE RESIDENTS OF THE CITY OF POLSON.

WHEREAS, on February 21, 1994 the City Council of the City of Polson adopted the Polson Master Plan (hereinafter "Plan"); and

WHEREAS, on March 7, 1994 the City Council of the City of Polson adopted the Polson Development Code (hereinafter "Code"); and

WHEREAS, the Plan adopted investment strategies calling for urban renewal and revitalization within the Policy Areas known as Salish Point, the Central Business District (CBD) and the Railyard; and

WHEREAS, the Code provides for a well-planned transition from single family residential to higher density residential or commercial uses within the Transitional area adjacent to the CBD; and

WHEREAS, the Code also provides for a wider range of commercial and industrial development is similar to that specified for the Railyard; and

WHEREAS, in the process of developing the Plan and in conducting a windshield survey of the residential and commercial structures in the areas, the following blighting conditions were found:

- 1) present urbanized land use patterns incorporate a haphazard and incompatible mix of uses;
- 2) 147 existing structures are structurally substandard, of which 50 are substantially to severely substandard;
- 3) interaction of pedestrians, bicycles and vehicles can create dangerous situations; and
- 4) growth within the areas is resulting in increased strains on infrastructure, parking, streets, sidewalks and other city services; and

WHEREAS, the above factors involving land use, transportation and safety indicate a relationship of factors contributing to the blighting conditions which exist in the area under subsection 7-15-4206, MCA; and

WHEREAS, urban renewal and revitalization of the above mentioned areas are an integral part of the Plan as adopted by the City; and

WHEREAS, such urban renewal and revitalization will enable the City to consider projects and incentives to encourage the orderly redevelopment of commercial and residential properties in the area; and

WHEREAS, preparation of an urban renewal plan for the entire area may result in an Ordinance which includes:

- 1) an urban renewal plan for the area conforming to the Code and Plan, or parts thereof, for the City of Polson as a whole, and
- 2) an urban renewal plan affording maximum opportunity, consistent with the sound needs of the City of Polson as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise, and
- 3) an urban renewal plan addressing infrastructure needs, prioritized and conforming to the Code, plan and capital improvements plan, or parts thereof, for the City of Polson as a whole; and
- 4) a phased schedule of implementation which addresses the specific concerns of each of the zones (Salish Point, CBD, Railyard) within the renewal area and provides for orderly transition between zones; and
- 5) an implementation schedule which prioritizes projects and determines which portions of the renewal area should be addressed over a sequential period of time; and

6) a sound and adequate financial program for financing of said project(s).

WHEREAS, it is the desire of the City of Polson to exercise the powers conferred by the Montana Urban Renewal Law; and

WHEREAS, the Montana Urban Renewal Law states that no municipality may exercise any of the powers conferred therein until after its local governing body shall have adopted a Resolution of Necessity.

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

SECTION I. That one or more blighted areas exist in the City of Polson, specifically the area encompassing the Salish Point, Central Business District, Railyard, Transition and Commercial/Light Industrial Zones as described in Exhibit "A".

SECTION II. That the rehabilitation, redevelopment or combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals and welfare of the residents of the City of Polson.

SECTION III. That the Polson Community Development Corporation, as a non-profit organization working with and on behalf of City Council, shall be authorized to prepare an Urban Renewal Plan for the area as described above and in Exhibit "A".

SECTION IV. That said plan shall be presented to the Polson City/County Planning Board within sixty days from the date of this resolution.

SECTION V. That this resolution shall take effect immediately upon passage by the city Council.

PASSED AND APPROVED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF POLSON THIS 3rd DAY OF NOVEMBER, 1997

John W. Glueckert
John W. Glueckert, Mayor

ATTEST:

Aggi Loeser
Aggi Loeser, City Clerk

STATE OF MONTANA)
) : ss.
County of Lake)

On this 3rd day of November, 1997, before me, the undersigned Notary Public for the State of Montana, personally appeared JOHN W. GLUECKERT and AGGI LOESER, known to me to be the Mayor and the City Clerk of the CITY OF POLSON, Montana, the municipal corporation that executed the foregoing instrument, and acknowledged to me that such corporation 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.

Bonnie Cornett
Notary Public for the State of Montana
Residing at Polson, Montana
My commission expires: 8-16-2000

ORDINANCE NO. 591

AN ORDINANCE TO APPROVE AN URBAN RENEWAL PLAN FOR THE CITY OF POLSON:

Whereas, the City of Polson did, in November, 1997, create an Urban Renewal District; and,

Whereas, a draft Urban Renewal Plan was reviewed by the City-County Planning Board in August, 1998, open to public comment upon lawful notice, which determined that such Plan conforms with Polson Master Plan and Development Code or parts thereof for the municipality as a whole; and,

Whereas, the City of Polson did, in January, 1999, create an Urban Renewal Commission, appointing members thereto in June, 1999; and,

Whereas, in April, 2000, the Polson Urban Renewal Commission held a public hearing on the issue of tax increment financing of the proposed Urban Renewal Plan; and,

Whereas, in October, 2002, the City Council of the City of Polson, by and through its appointed agent, the Polson Urban Renewal Commission, held public hearing on the proposed Urban Renewal Plan pursuant to Section 7-15-4214 and 4215; and,

Whereas, at the regular meeting of the Polson City Council of November 18, 2002, the motion was made, seconded, and passed unanimously approving the Urban Renewal Plan with proposed amendments; the adoption of the district boundaries as previously defined and consideration of including all of the rail yard within the district boundaries; adoption of the 2002 year as the base year for the purpose of tax increment gathering; inclusion of the statutes in question, and the inclusion of a statement that all redevelopment actions taken by the Polson Redevelopment Agency are to go before the City Council for review and approval; and,

Whereas, a copy of the proposed and adopted Urban Renewal Plan, entitled, "Consider the Possibilities for Polson!", is appended hereto, adopted herein, and made a part hereof as if fully set forth in this place, subject to the amendments mentioned above; and,

Whereas, the City of Polson desires by this Ordinance to formally adopt the Urban Renewal Plan pursuant to Section 7-15-4216(3), Montana Codes; and,

Whereas, it is the intention of the City of Polson, by this Ordinance approving and adopting such Urban Renewal Plan, to authorize, as provided in Section 7-15-4282, Montana Codes, the provisions in such Urban Renewal Plan for the segregation and application of tax increments.

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

1. The foregoing recitals are not mere recitals but are part and parcel of this ordinance.
2. The Urban Renewal Plan entitled "Consider the Possibilities for Polson!" is adopted as the Urban Renewal Plan.
3. The District Boundaries shall be those set forth in the Plan.

- 4. The tax year 2002 shall, so far as is feasible, be the base year for any tax increment financing scheme contemplated in the Plan.
- 5. Administration of the Plan shall proceed under Chapter 9.2 thereof, under the Commissioners appointed pursuant to Polson City Ordinance Number 559 and any successor Commissioners subsequently appointed pursuant to that Ordinance and Section 7-15-4234 and 4235, Montana Codes. Until further direction by the City Council, any contemplated Urban Renewal Projects, as defined at Section 7-15-4206(19), Montana Codes, undertaken pursuant to the Plan shall be subject to review and approval by the Polson City Council.
- 6. Such administration shall, as its first task, review and make any necessary amendments to the text of the Urban Renewal Plan predicated on any comments received during any public comment period already held, for final approval by the City Council of the City of Polson.

REPEALING CLAUSE: All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: October 6, 2003

SECOND READING: October 20, 2003

NOW, THEREFORE, the foregoing Ordinance shall become effective on November 20, 2003.

PASSED AND ADOPTED THIS twentieth day of October, 2003.

CITY OF POLSON

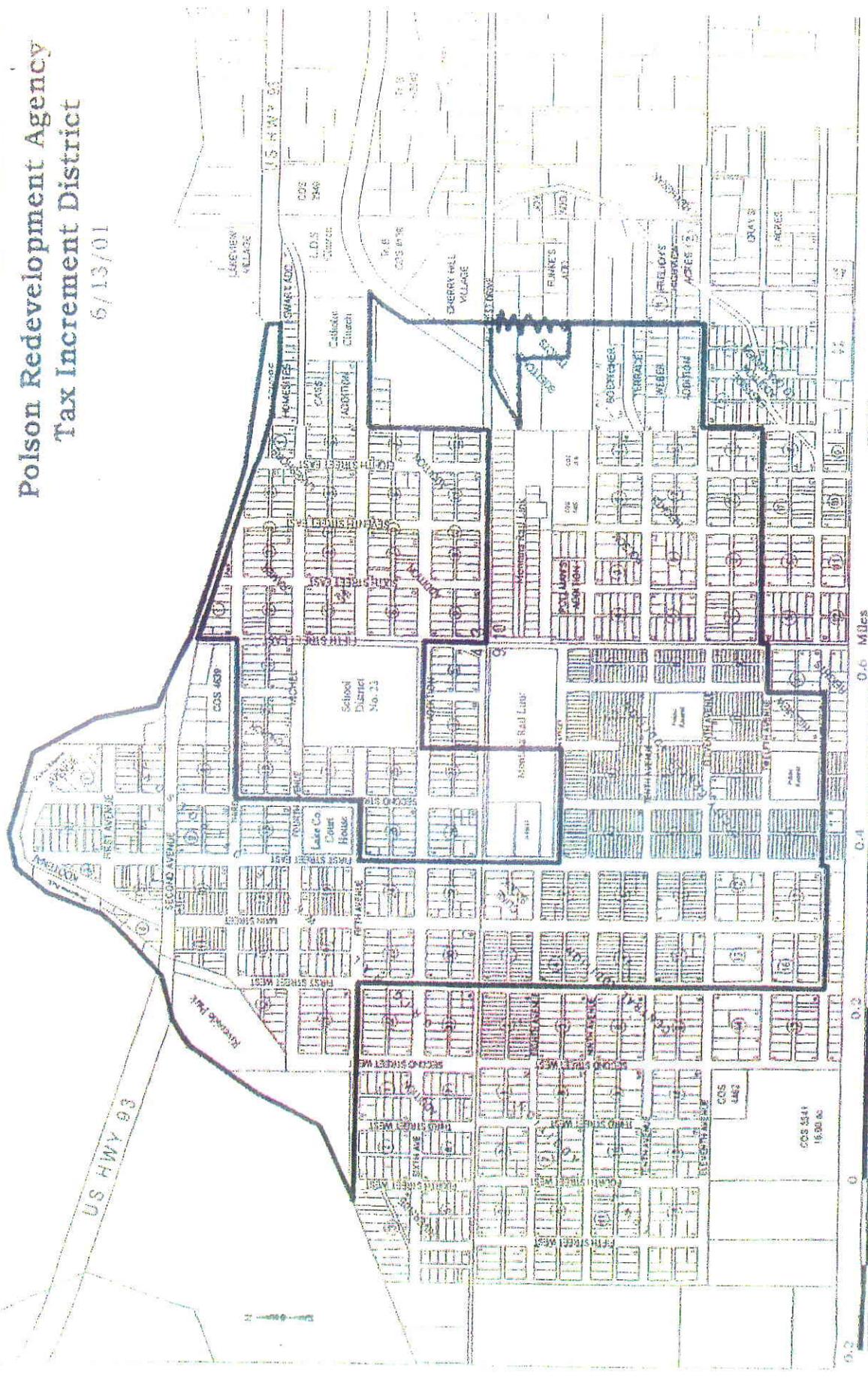

 Randy Ingram, Mayor

ATTEST:

 Aggi Loesser, City Clerk

Polson Redevelopment Agency Tax Increment District

6/13/01



District boundary
Non-taxable property

0.6 Miles

0.4

0.2

0

Scale 1:10000

Lake County Plat Dept.
AVS:flawmats/polstad

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 Commissions 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

CITY OF POLSON PRA ASSETS, FY2015

TIF Fund	Operating cash balance	\$343,082
TIF Fund	Sinking and Interest cash	26,606
TIF Fund	Bond Reserve	<u>40,000</u>
TOTAL CASH ASSETS		\$409,688
TIF Fund	Tax Receivables:	
	2009 Real Property	\$ 2,473
	2014 Real Property	10,731
	2015 Personal Property	<u>(545)</u>
TOTAL TAX RECEIVABLES		\$ 12,659

CITY OF POLSON PRA LIABILITIES, FY2015

Current Liabilities

TIF FUND Accounts Payable \$ 541
(This represents printing and mailing costs for TIF district letter paid in FY16)

TIF FUND Accrued Interest Payable \$ 7,963
(This represents the portion of interest expense accrued through June 30th to make the debt service payment on 08/15/15)

TIF FUND Due to Lake County \$ 27,877
(This represents the negative increment created by personal property in the TIF district)

TIF FUND Deferred Tax Revenue \$ 12,659
(Offsets tax receivables. This account is reduced as the tax receipts are received.)

Long-term Liabilities

TIF FUND Current principal portion of long-term debt \$ 58,902

TIF FUND Long-term principal portion of debt \$655,956

(The debt represents the balance owed on 5 tax increment financing bonds issued on August 15, 2013 in a total amount of \$800,000. Bond term is 12 years with a 2.987% APR. Payments are made semi-annually on February 15th and August 15th. Remaining term is 10 years.)

**CITY OF POLSON PRA INCOME & EXPENDITURES
FY2015**

TIF FUND INCOME	Tax Revenue	\$196,015*
TIF FUND INCOME	Entitlement Share	\$ 13,081
(This represents a reimbursement from the State of Montana for lost personal property tax revenue due to legislative changes.)		
TIF FUND INCOME	Interest Earnings	\$ 500
TIF FUND EXPENDITURES	Printing & Postage	\$ 541
(print and mail TIF letter)		
TIF FUND EXPENDITURES	Advertising	\$ 20
(Advertise for PRA vacancy)		
TIF FUND EXPENDITURES	Debt Service	\$ 79,436
(Principal and Interest payments on bonds)		
TIF FUND EXPENDITURES	Capital Outlay	\$ 381
(Consultation with City Engineer on Parking Lot)		
Budgeted Revenue for 2015-2016:		
	Tax Revenue	\$ 75,000*
	Entitlement Share	\$ 13,081
Budgeted Expenditures for 2015-2016:		
	Indirect Cost Payment to General Fund	\$ 3,752
	Debt Service	\$ 79,820
	Capital Outlay – Paving Project	\$126,000

*See Certified Taxable Value reports attached



2014 Certified Taxable Valuation Information
(15-10-202, MCA)

Lake County
CITY OF POLSON

1. 2014 Total Market Value*	\$	411,606,950
2. 2014 Total Taxable Value	\$	10,114,730
3. 2014 Taxable Value of Newly Taxable Property	\$	305,061
4. 2014 Taxable Value less Incremental Taxable Value**	\$	9,795,099
5. 2014 Taxable Value of Net and Gross Proceeds*** (Class 1 and Class 2)	\$	-

6. TIF Districts

Tax Increment District Name	Current Taxable Value	Base Taxable Value	Incremental Value
15TUO1-Polson DT	1,755,633	1,436,002	319,631 *
<hr/>			
			Total Incremental Value \$ 319,631

Preparer Erika A Marquardt Date 7/24/2014

*Market value does not include class 1 and class 2 value
 **This value is the taxing jurisdiction's taxable value less total incremental value of all tax increment financing districts.
 ***The taxable value of class 1 and class 2 is included in the taxable value totals.

For Information Purposes Only

2014 taxable value of centrally assessed property having a market value of \$1 million or more, which has transferred to a different ownership in compliance with 15-10-202(2), MCA.

I. Value Included in "newly taxable" property	\$	-
II. Total value exclusive of "newly taxable" property	\$	-

**CITY OF POLSON PRA TIF DISTRICT
CAPITAL OUTLAY, FY2013-2015**

Fund 4530

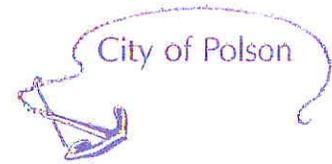
WALK PATH/CITY DOCK CONSTRUCTION:

Cash Balance, July 1, 2012	\$ 0
Revenue:	
Revenue Bond Proceeds	\$800,000
Transfers from TIF District Fund	63,450
Interest earnings	<u>1,402</u>
Total Cash Available	\$864,852
Expenses:	
Construction (McCrumb)	\$811,011
Engineering	28,552
Bond Counsel	13,164
Miscellaneous	<u>75</u>
Total Capital Outlay Expenses	\$852,802
Cash Balance, June 30, 2015	\$ 12,050

- Final payment to McCrumb Construction and Marine paid on 10/05/2015 for \$9,289
- Estimate of final payment to Shari A Johnson, PE = \$450
- Balance of cash approximately \$2,311 will be used to pay down debt.



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



ACCOUNTANT'S COMPILATION REPORT

To the City Commission
City of Polson
Polson, Montana

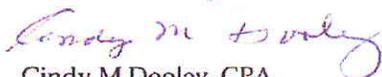
I have compiled the accompanying balance sheet – governmental fund of the City of Polson Tax Increment District as of June 30, 2015, and the related statement of revenues, expenses, and changes in fund balance for the year then ended. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the fund's assets, liabilities, fund balance, revenues and expenditures. Accordingly the financial statements are not designed for those who are not informed about such matters.

I am not independent with respect to the City of Polson.


Cindy M Dooley, CPA
Finance Officer, City of Polson

October 9, 2015

CITY OF POLSON, MONTANA

BALANCE SHEET - GOVERNMENTAL FUND
 TAX INCREMENT DISTRICT FUND
 June 30, 2015

ASSETS

Current Assets

Cash and Investments - Restricted - Operating	\$ 343,082.03	
Cash and Investments - Revenue Bond Sinking and Interest	26,606.12	
Cash and Investments - Restricted - Bond Reserve	40,000.00	
Taxes Receivable	12,658.60	
Total Current Assets		\$ 422,346.75

Total Assets		<u>\$ 422,346.75</u>
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LIABILITIES

Current Liabilities

Accounts Payable	\$ 541.16	
Accrued Interest Payable	7,963.06	
Due to Lake County - Pers. Property Negative Increment	27,877.47	
Deferred Tax Revenue	12,658.60	
Total Current Liabilities		\$ 49,040.29

Total Liabilities		<u>49,040.29</u>
-------------------	--	------------------

FUND BALANCE

Restricted	<u>373,306.46</u>	
Total Fund Balance		373,306.46

Total Fund Balance and Liabilities		<u>\$ 422,346.75</u>
------------------------------------	--	----------------------

See Accountant's Compilation Report
 These financial statements are not audited or reviewed

CITY OF POLSON, MONTANA

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND BALANCE
 TAX INCREMENT DISTRICT FUND
 FOR THE YEAR ENDED JUNE 30, 2015

REVENUE

Real & Personal Property Tax Revenue	\$ 196,015.22	
Personal Property Tax Reimbursement	13,081.14	
Interest Earnings - Estimate	500.00	
Total Revenue		\$ 209,596.36

EXPENDITURES

Purchased Services	560.96	
Debt Service - Principal	57,181.35	
Debt Service - Interest	22,254.80	
Capital Outlay	380.54	
Total Expenditures		80,377.65

Excess of revenues over expenditures		<u>129,218.71</u>
--------------------------------------	--	-------------------

OTHER FINANCING SOURCES (USES)

Total Other Financing Sources (Uses)		<u>-</u>
--------------------------------------	--	----------

NET CHANGE IN FUND BALANCE		129,218.71
----------------------------	--	------------

FUND BALANCE

Beginning of the Year		251,898.35
Prior Period Adjustment - Interest expense accrual		(8,345.21)
Prior Period Adjustment - Interest earnings		534.61
Fund Balance, June 30, 2015		<u>\$ 373,306.46</u>

See Accountant's Compilation Report
 These financial statements are not audited or reviewed



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



ACCOUNTANT'S COMPILATION REPORT

To the City Commission
City of Polson
Polson, Montana

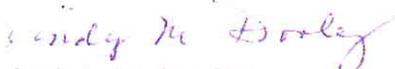
I have compiled the accompanying balance sheet – governmental fund of the City of Polson TIFD City Dock & Walkpath Project as of June 30, 2015, and the related statement of revenues, expenses, and changes in fund balance for the year then ended. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

My responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by accounting principles generally accepted in the United States of America. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the fund's assets, liabilities, fund balance, revenues and expenditures. Accordingly the financial statements are not designed for those who are not informed about such matters.

I am not independent with respect to the City of Polson.


Cindy M Dooley, CPA
Finance Officer, City of Polson

October 9, 2015

CITY OF POLSON, MONTANA
 BALANCE SHEET - GOVERNMENTAL FUND
 TIFD CITY DOCK & WALKPATH PROJECT
 June 30, 2015

ASSETS

Current Assets

Cash and Investments - Restricted - Operating	\$ 12,050.08	
Total Current Assets		\$ 12,050.08
Total Assets		\$ 12,050.08

LIABILITIES

Current Liabilities

Retainage Payable	\$ 3,100.83	
Total Current Liabilities		\$ 3,100.83
Total Liabilities		3,100.83

FUND BALANCE

Restricted	8,949.25	
Total Fund Balance		8,949.25
Total Fund Balance and Liabilities		\$ 12,050.08

See Accountant's Compilation Report
 These financial statements are not audited or reviewed

CITY OF POLSON, MONTANA

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND BALANCE
TIFD CITY DOCK & WALKPATH PROJECT
FOR THE YEAR ENDED JUNE 30, 2015

REVENUE		
Interest Earnings - Estimate	\$ 600.00	
Total Revenue		\$ 600.00
EXPENDITURES		
Capital Outlay	<u>63,966.57</u>	
Total Expenditures		63,966.57
Excess of expenditures over revenues		<u>(63,366.57)</u>
OTHER FINANCING SOURCES (USES)		
Total Other Financing Sources (Uses)		<u>-</u>
NET CHANGE IN FUND BALANCE		(63,366.57)
FUND BALANCE		
Beginning of the Year		<u>72,315.82</u>
Fund Balance, June 30, 2015		<u>\$ 8,949.25</u>

See Accountant's Compilation Report
These financial statements are not audited or reviewed

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: *12*

Meeting Date: October 19, 2015

Staff Contact: Cindy Dooley, Finance Officer

AGENDA ITEM SUMMARY: Approval of Resolution No. 2015-#___ to appropriate money and provide for the payment of debts and expenses for the City of Polson in fiscal year 2014-2015.

BACKGROUND: The final budget, even though it is displayed on a line item basis, is approved at the fund level. Per MCA 7-6-4006, the City is allowed to amend the final approved budget for any funds where the expenditures exceed the approved appropriations. This usually occurs when the City receives unanticipated revenues and then spends those revenues or unexpected expenditures are incurred that require the use of fund balance reserves (prior year net revenues). A budget amendment requires a public hearing to be held during the regular City Commission business meeting. At the public hearing any taxpayer or resident may be heard for or against any part of the proposed budget amendments.

ANALYSIS: For fiscal year 2014-2015 there are a total of 11 funds that require a budget amendment. Exhibit A to the Resolution details the appropriation amount that is needed and the source of the appropriation and the amount available to fund the appropriation. Several funds have more than one line item that is being amended.

FINANCIAL CONSIDERATIONS: The total increase in appropriations is \$98,170.00. There is a total of \$86,483.00 in increased revenues to offset appropriations in funds 2210, 2222, 2390, 2398, 2710, 2730, 3542 and 5201. Working capital will decrease in funds 2216, 2219, 2222 and 2395 as fund balance reserves are the source of the appropriation.

STAFF RECOMMENDATION: Approve the Budget Amendments Resolution to be in compliance with budgetary laws.

SUGGESTED MOTION: *I move to approve Resolution No. 2015-#___ to appropriate money and provide for the payment of debts and expenses for the City of Polson in fiscal year 2014-2015 as detailed on Exhibit A of the resolution.*

ATTACHMENTS: Resolution No. 2015-#_____

RESOLUTION NO.2015-#_____

RESOLUTION TO APPROPRIATE MONEY AND PROVIDE FOR THE PAYMENT OF DEBTS AND EXPENSES FOR THE CITY OF POLSON IN FISCAL YEAR 2014-2015 AS ALLOWED BY MCA 7-6-4006.

WHEREAS, pursuant to MCA section 7-6-4006 the City Commission of the City of Polson, Montana, may appropriate money and provide for payment of debts and expenses of the local government.

WHEREAS, appropriations may be adjusted by passage of a resolution stating the adjustment, which is the procedure authorized by the governing body for, debt service funds for obligations related to debt approved by the governing body, trust funds for obligations authorized by trust covenants, any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body; any fund for special assessments approved by the governing body; the proceeds from the sale of land, any fund for gifts or donations, and money borrowed during the fiscal year.

WHEREAS, the governing body may amend the budget for the fiscal year and conducted a public hearing on October 15, 2015 stating its intention to amend the budget and provide for additional appropriations and identify reserves, unanticipated revenue or previously unbudgeted revenue that will fund the appropriations.

WHEREAS, the annual appropriations and transfers out for various departments of the City of Polson, Montana for the Fiscal Year 2014-2015 will be controlled and monitored for budgetary compliance at the fund level;

WHEREAS, the following adjustments to increase expenditure fund budgets are proposed and deemed necessary:

See attached Exhibit A for detail regarding each budget amendment.

NOW BE IT RESOLVED by the Polson City Commission that unanticipated revenues, unbudgeted revenues and fund balance reserve amounts will be used to cover the following expenditures:

\$	4,555.00	Added to	2210	460430	300
\$	25,465.00	Added to	2216	460430	920
\$	5,840.00	Added to	2216	460430	940
\$	4,293.00	Added to	2219	460430	920
\$	1,217.00	Added to	2219	460430	930
\$	16,520.00	Added to	2222	460430	930
\$	1,010.00	Added to	2390	420140	300
\$	2,440.00	Added to	2390	420140	805
\$	10,000.00	Added to	2390	420140	900
\$	730.00	Added to	2395	480150	300
\$	750.00	Added to	2398	411200	313
\$	1,452.00	Added to	2710	420144	200
\$	175.00	Added to	2730	420140	299

\$ 4,852.00 Added to 3542 490300 610
\$ 18,871.00 Added to 5201 430500 898

PASSED AND APPROVED this _____ day of October 2015.

Heather Knutson, Mayor

ATTEST: _____
Cora E Pritt, City Clerk

City of Polson					
Resolution No. 2015-# _____					
Exhibit A					
Budget Amendment Appropriations					
Fiscal Year 2014-2015					
To	Description	Budget Amendment Appropriation	Source of Appropriation	Revenue or Fund Balance Reserve Amount	Justification
2210-460430-300	Parks Donations-Parks-Purchased Services	\$ 4,555.00	Unbudgeted Donation Revenue: 2210-365000	\$ 4,929.00	Fund was not budgeted for FY15. Expenditures incurred based on revenue received
2216-460430-920	Parkland Subdivision Fee-Parks-Land/Building	\$ 25,465.00	Fund Balance Reserves: 2216-250200	\$ 139,867.00	Riverside Park Bathroom Remodel was more than original budget estimate and fund balance reserves available
2216-460430-940	Parkland Subdivision Fee-Parks-Machinery & Equipment	\$ 5,840.00	Fund Balance Reserves: 2216-250200	\$ 139,867.00	Equipment Purchase was more than original budget estimate due to an equipment add-on and fund balance reserves available
2219-460430-920	Parks Donations-Parks-Land/Building	\$ 4,293.00	Fund Balance Reserves: 2219-250200	\$ 17,602.00	Additional expenses were incurred for the City Shop upgrade and fund balance reserves available
2219-460430-930	Parks Donations-Parks-Improvements Not Buildings	\$ 1,217.00	Fund Balance Reserves: 2219-250200	\$ 17,602.00	Additional expenses incurred on portion of Sacajawea Park lighting that was donated and fund balance reserves available
2222-460430-930	Parks Donations Restricted-Parks-Improvements Not Buildings	\$ 16,520.00	Unanticipated Donation Revenue: 2222-365049 = \$16,488 Fund Balance Reserves: 2222-250200 = \$5,907	\$ 22,395.00	Expenditures incurred based on additional restricted donations received during FY15 and fund balance reserves available
2390-420140-300	Drug Forfeiture Fund-Crime Control and Investigation-Purchased Services	\$ 1,010.00	Unanticipated Drug Forfeiture Revenue: 2390-351013	\$ 24,761.00	Expenditures were incurred based on additional drug forfeiture revenue received
2390-420140-805	Drug Forfeiture Fund-Crime Control and Investigation-DTF Agency Payouts	\$ 2,440.00	Unanticipated Drug Forfeiture Revenue: 2390-351013	\$ 24,761.00	Expenditures were incurred based on additional drug forfeiture revenue received
2390-420140-900	Drug Forfeiture Fund-Crime Control and Investigation-Capital Outlay \$5000+	\$ 10,000.00	Unanticipated Drug Forfeiture Revenue: 2390-351013	\$ 24,761.00	Expenditures were incurred based on additional drug forfeiture revenue received
2395-480150-300	Tree Fund-Tree Conservation-Purchased Services	\$ 730.00	Fund Balance Reserves: 2395-250200	\$ 3,550.00	Unanticipated Expenditures incurred for tree removal and fund balance reserves available

City of Polson					
Resolution No. 2015-# _____					
Exhibit A					
Budget Amendment Appropriations					
Fiscal Year 2014-2015					
To	Description	Budget Amendment Appropriation	Source of Appropriation	Revenue or Fund Balance Reserve Amount	Justification
2398-411200-313	Credit Card Fees-Facilities (Shared Costs)-Visa/Mastercard Service Charges	\$ 750.00	Unbudgeted Credit Card Convenience Fees: 2398-341090	\$ 755.00	Fund created in January 2015 so it was not budgeted
2710-420144-200	Kids Safety/POLICE/FIRE-Juvenile Programs-Supplies	\$ 1,452.00	Unanticipated Donation Revenue: 2710-365000	\$ 2,000.00	Expenditures incurred based on additional donation revenue received
2730-420140-299	K-9 Donation Fund-Crime Control and Investigation-Assets less than \$5000	\$ 175.00	Unanticipated Donation Revenue: 2730-365000	\$ 831.00	Expenditures incurred based on additional donation revenue received
3542-490300-610	SID #42 Streetscape Main St. Imp. Project-Special Improvement Bonds-Principal	\$ 4,852.00	Unanticipated Bond Principal & Interest Assessments 3542-363020	\$ 4,852.00	Principal payoff received and was used to pay down the debt service on the bonds
5201-430500-898	Water Impact Fees-Water Utilities-Reimburse Impact Fees	\$ 18,871.00	Unanticipated Impact Fee Revenue: 5201-341072	\$ 31,867.00	Additional Impact Fee revenue was received that was in the payback area and was reimbursed under the payback agreement

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 13

Meeting Date: October 19, 2015

Staff Contact: Cindy Dooley, Finance Officer

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/consider.pdf>.

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*.

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 Commissions 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

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Consent Agenda Item Number: 14
Meeting Date: October 19, 2015
Staff Contact: Kyle Roberts, City Planner
Email: cityplanner@cityofpolson.com Phone: 406-883-8213

AGENDA ITEM SUMMARY: 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.

STAFF RECOMMENDATION: The Planning Staff recommends to the City Commission to approve the Special Use Permit request.

SUGGESTED MOTION: *I MAKE A MOTION TO APPROVE THE SPECIAL USE PERMIT REQUEST FOR A MOBILE COFFEE STRUCTURE ON BEHALF OF SHAUNA JOHNSON ALONG WITH THE CONDITIONS OF APPROVAL AS DESCRIBED IN THE STAFF REPORT ATTACHED.*

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

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.

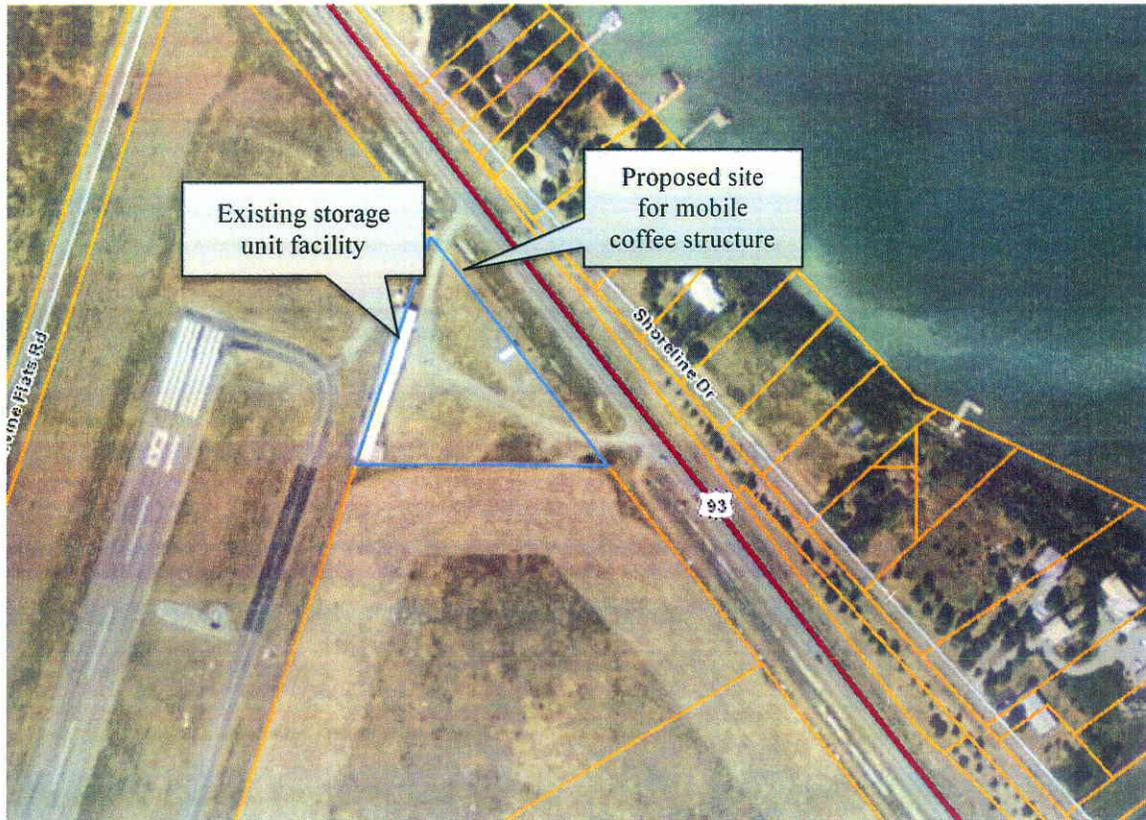
-There will be a small number of employees. It is envisioned that one employee will work 6 AM until 12 PM; two employees working a "helper" shift from 7:30-11 AM; and one employee working from 12 PM until 4 PM. Hours of operation will be Monday-Friday, 6 AM until 4 PM; and Saturday and Sunday, 6 AM until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

-
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

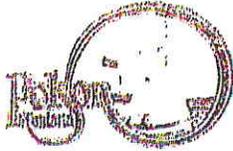
and all recommendations/requirements, and adhere to these recommendations/requirements.

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 Address: 48573 125 Hwy 93 Sec. 5 Town-ship 2a Range No. 20

Subdivision Name: _____ Tract No(s). _____ Lot No(s). _____ Block 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. ✓ AG/res/airport
- b. Dimensions and shape of lot. ✓ see H1182
- c. Topographic features of lot. ✓ flat
- d. Size(s) and location(s) of existing buildings
- e. Size(s) and location(s) of proposed buildings. ✓ 10x20
- f. Existing use(s) of structures and open areas. ✓ storage
- g. Proposed use(s) of structures and open areas. Coffee stand ✓
- h. Existing and proposed landscaping and fencing. 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 25th 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: 08/25/2015

June 30, 2015

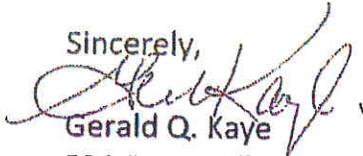
Ms Shauna Johnson

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.

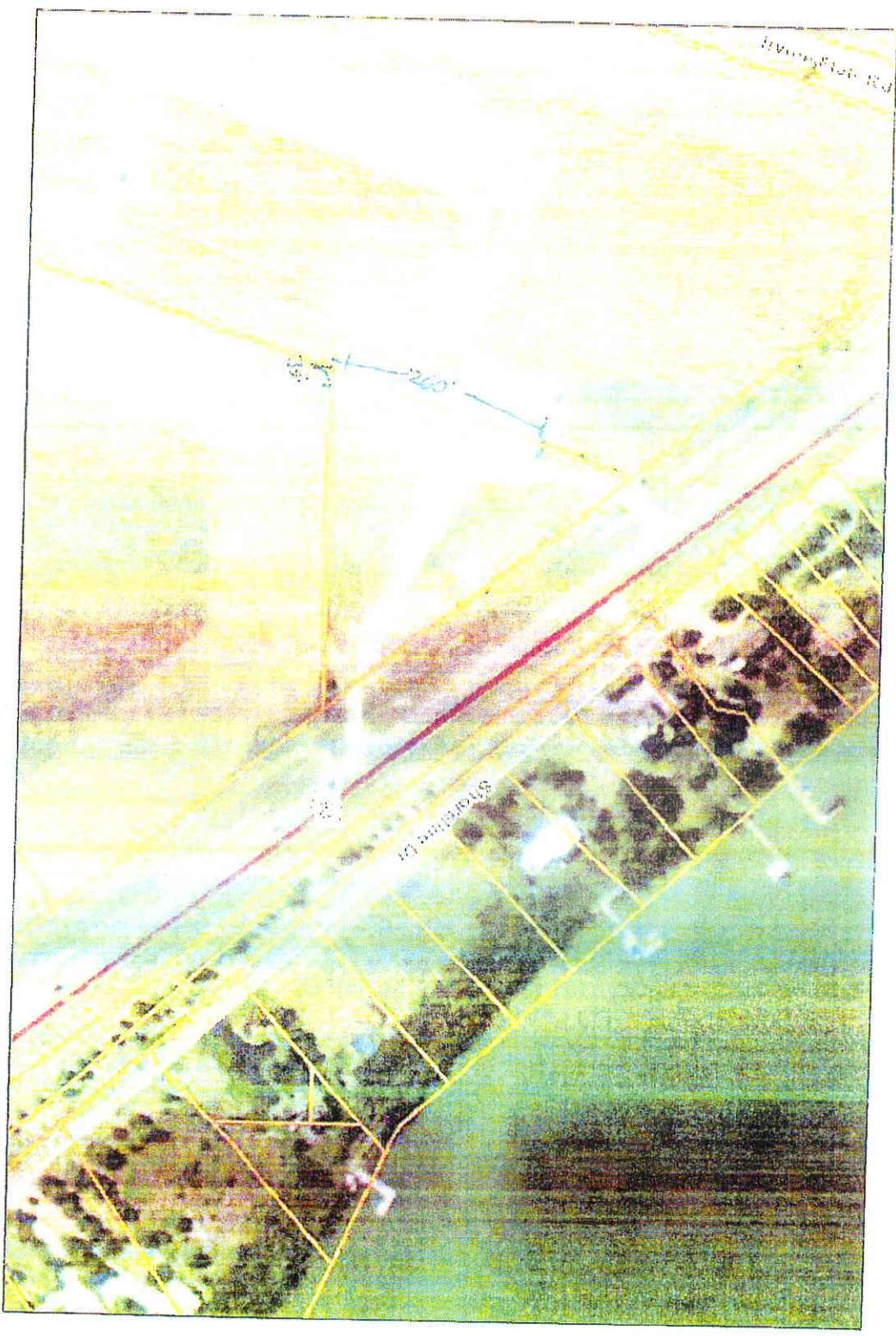
Sincerely,



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

a) side 1 location of Casma, building

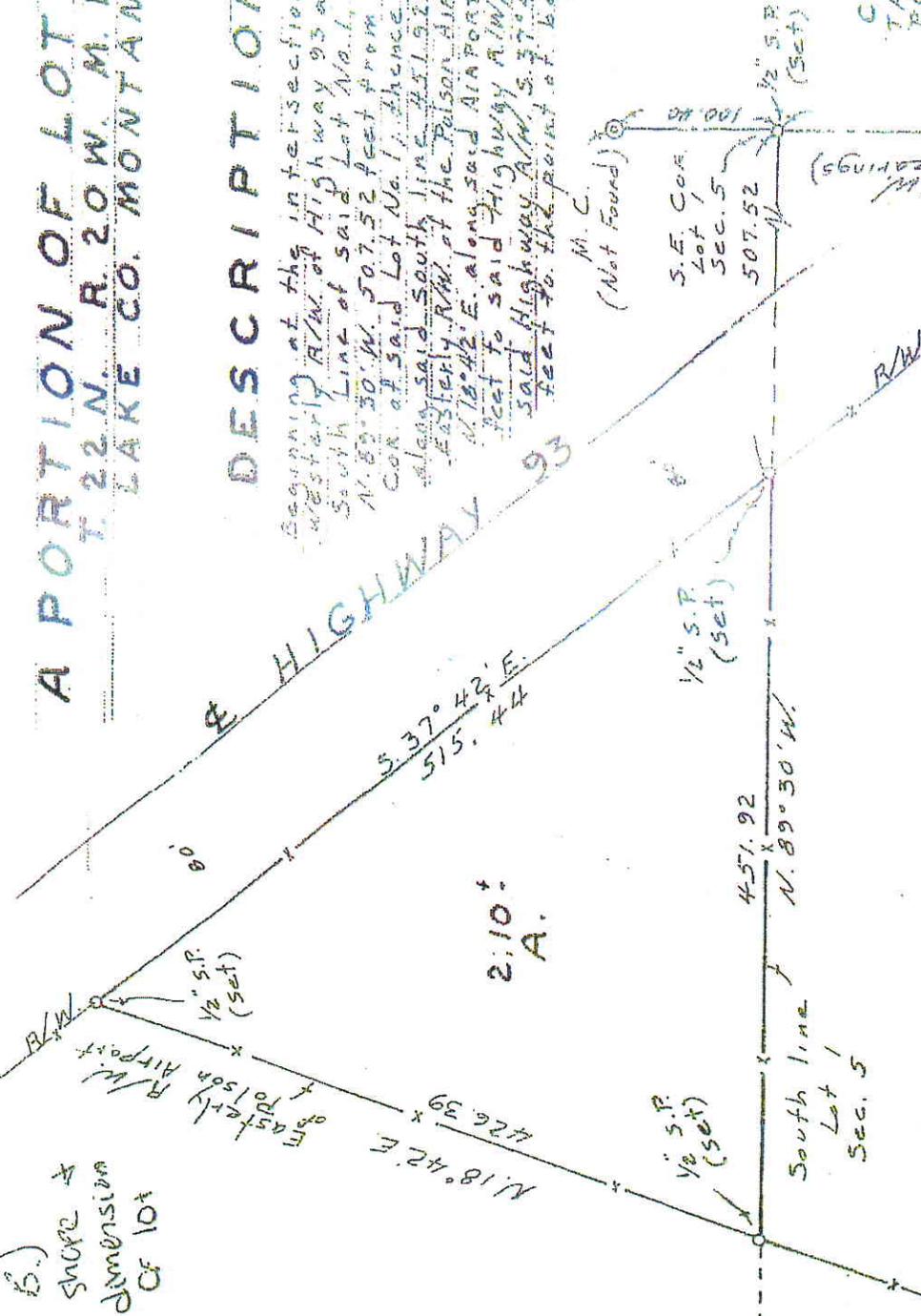
- a) surrounding land use
 - High
 - affluent
 - residential
-) topographic features
 - flat



**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
westerly R/W of Highway 93 and the
South line of said Lot No. 1, which bears
N. 89° 30' W. 507.52 feet from the S.E.
COR. of said Lot No. 1, thence N. 89° 30' W.
along said South line 451.92 feet to the
Easterly R/W. of the Polson 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
POLSON, MONTANA

REGISTERED LAND SURVEYOR

HARRY P. MEDLAND

BOR 663
POLSON, MONTANA



3/4" Pipe (Found)
Steel Pins along easterly R/W of Co. Rd. (Found)

SURVEYOR'S CERTIFICATION

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

Harry P. Medland

Montana R.L.S. No. 2229

B.) SHORE dimension of lot

2:10 A.

H-1182

177754

Recd Ex
Thomas C Browne ✓
to
Francis J Browne

STATE OF MONTANA }
County of Lake } ss
Filed on the 27 day of Nov
A. D. 1956 at 11:00 o'clock A. M.
HAZEL KINNICK
County Clerk and Recorder
By Samuel Cowman
Deputy

472877

Recorded at the request of and
When recorded mail to:

STATE OF MONTANA, COUNTY OF LAKE
Recorded At 11:50 clock A M SEP 19 2008
Microfilm 472877 RUTH E. HODGES Recorder
Fees \$ 14.00 By [Signature] Deputy

GERAL Q. KAYE AND BEVERLY E. KAYE
12005 Fuerte Dr.
El Cajon, CA 92020

Escrow No. 124082R - AK

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 H-1182

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.

65

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 11th day of September, 2006.

[Handwritten Signature]

BRENT L. OLSON

STATE OF California)

COUNTY OF San Diego)

: SS.

On this 12th 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.

[Handwritten Signature]

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



Scale 1 inch = 400 feet

Section 5 Township 22 N Range 20 W



County Road,
Dec. 27, 1904,
12572.

This map includes general information only.
Refer to platbooks of survey and subdivision
maps for exact information and area.

Tract Number Owner

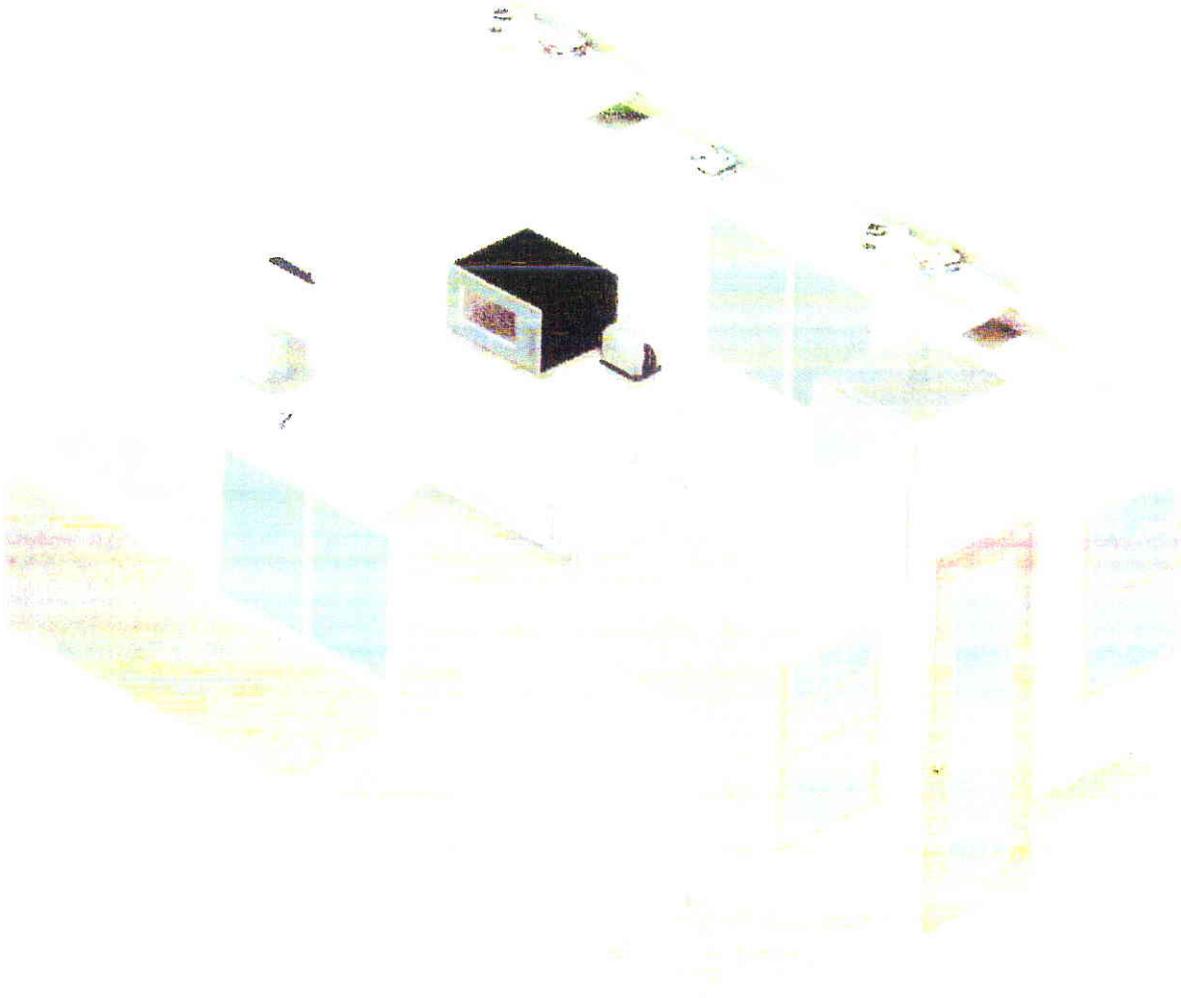
1	JOHN C JR AND KATHLEEN HEGLIE	PO BOX 444 POLSON, MT 59680
2	JOHN C JR AND KATHLEEN HEGLIE	PO BOX 444 POLSON, MT 59680
3	CITY OF POLSON	112 1ST AVE EAST POLSON, MT 59860
4	TRIBAL	PO BOX 278 PABLO, MT 59855
5	RANALD L MCDONALD	540 SHORELINE DRIVE POLSON, MT 59860
6	CB & JOANN MCNEIL	PO BOX 486 POLSON, MT 59860
7	CHARLES B & JOANN P MCNEIL	PO BOX 486 POLSON, MT 59860
8	BIERGO FAMILY TRUST	9001 NW 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	
11	SUSAN- 313 MONTANA LANDING POLSON, MT 59660	TODD- 636 SHORELINE DR POLSON, MT 59860
12	DONALD D JR & LYNN M GNOSE	113 MISSION BAY DR POLSON, MT 59860
13	WILLIAM E & MARAGRET KOBABEL	7910 WCR 5 LONGMONT, CO 80504-9472

This information was compiled using Montana Cadastre! (<http://svc.mt.gov/ms/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.

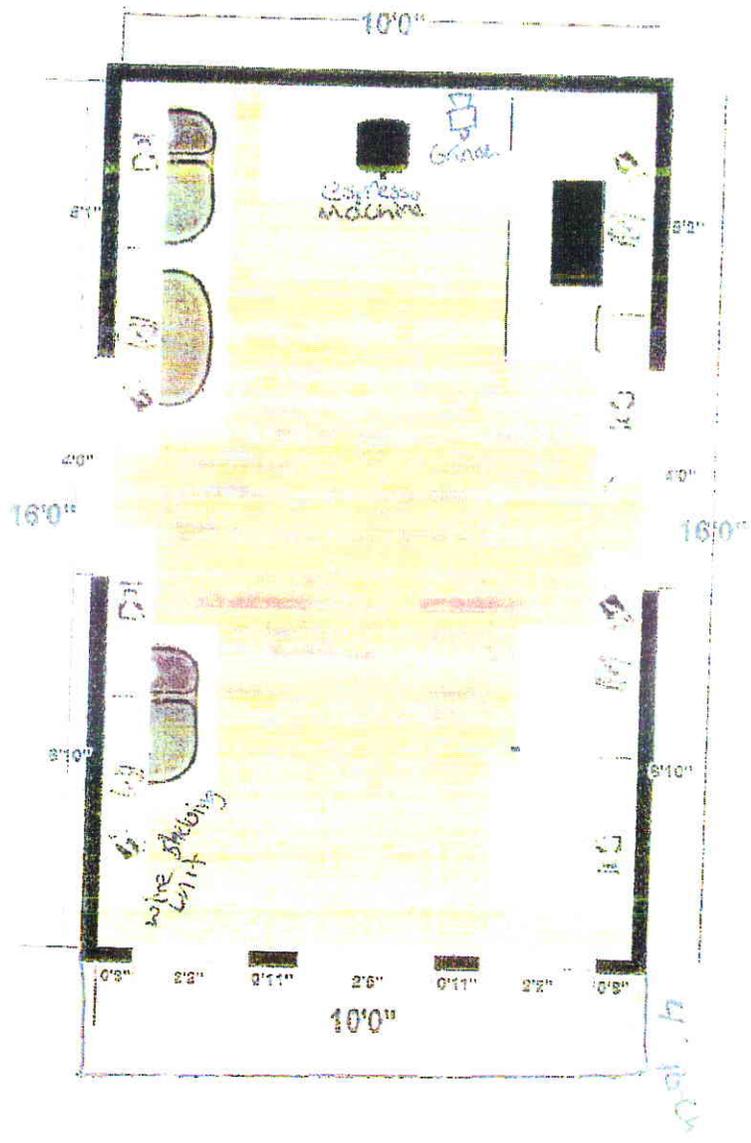
1ST FLOOR



1ST FLOOR



1ST FLOOR



CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Consent Agenda Item Number *15*
Meeting Date: October 19, 2015
Staff Contact: Kyle Roberts, City Planner
Email: cityplanner@cityofpolson.com Phone: 406-883-8213

AGENDA ITEM SUMMARY: Consideration of a SUP application proposed by Nate Modderman. The property is known as Lot 14C of Ridgewater, Phase 4 Commercial Subdivision, located in Section 11, T22N, R20W, P.M.M., Lake County, Montana.

BACKGROUND: Mr. Modderman would like to construct a four-unit multi-use building. It will have driveway access to Ridgewater Drive and Whitewater Place. The facility will connect to public water and sewer systems. The applicant has submitted an estimate that there might be 750 vehicle trips generated throughout the course of a 24 hour period (there is a 24 hour gym proposed as one of the major tenets.) The building is 12,674 square feet in size and there are 39 associated parking spaces. There is ample landscaping to meet with Appendix F (buffers between the facility and the street), and a monument sign is proposed for the east side of the property. The subject property is one acre in size.

STAFF RECOMMENDATION: The Planning Staff recommends to the City Commission to approve the SUP Request.

PLANNING BOARD RECOMMENDATION: The Planning Board made the motion to forward a positive recommendation on to the City Commissioners to approve the SUP request. There was one dissenting vote.

PUBLIC/PLANNING BOARD COMMENTS: A comment from a Planning Board member was that the turn off from Highway 93 into the Ridgewater subdivision was dangerous. There is no deceleration lane from the north. He voted against the project. Another comment from a Planning Board member was that there should perhaps be some areas within the Ridgewater subdivision that will allow for a school bus to pull out to drop children off near the pool facility and this new gymnastics academy. A Planning Board member asked if the Handicapped parking sites could be switched to accommodate a passenger-side wheelchair access as well as a driver-side access. This could be done by designating either spaces 7 and 15 or 4 and 14 as Handicapped. There was one comment from the public asking "at what point do we need a secondary *public* access from the Ridgewater development? There appears to be a threshold of vehicle traffic now that might warrant the emergency egress."

SUGGESTED MOTION: *I MAKE A MOTION TO APPROVE THE SPECIAL USE PERMIT REQUEST FOR A FOUR UNIT, MULTI-USE BUILDING ON BEHALF OF NATE MODDERMAN ALONG WITH THE CONDITIONS OF APPROVAL AS DESCRIBED IN THE STAFF REPORT ATTACHED.*

ATTACHMENTS: Staff Report (prepared by Erica Wirtala, Contract Planner)
Special Use Permit #15-08 Application Package (prepared by Paul Bishop and Rob Smith, PE, A 2 Z Engineering)

**Staff Report for the
Polson City/County Planning Board (CCPB)
City Council Chambers, Tuesday, October 13th, 2015 @ 6:00 p.m.
Special Use Permit on the proposed Whitewater II Building**

GENERAL INFORMATION:

Applicant: Nate Modderman
439 Grand Avenue
Suite 229
Bigfork, MT 59911

Technical Assistance: Paul Bishop
Polson, MT 59860

A 2 Z Engineering PLLC
138 Center Street, Ste A.
Kalispell, MT 59901
(406) 755-7888

Applicant Number: SUP15-08
Application Type: Special Use Permit for new development in HCZD
Date Received Application: 09/08/2015
Date of Site Review: 09/10/2015

APPLICABLE REGULATIONS:

- Polson Development Code, PDC,
- Polson Growth Policy, PGP
- HCZD: Highway Commercial Zoning District
- Montana Dept of Environmental Quality (MFE Standards, Stormwater)
- Polson Building Code

PUBLIC NOTICE: See Ad Sheet 10.N
Lake County Leader: September 24, 2015
Notices for mailing: September 21, 2015
Staff Report for pickup: October 5, 2015

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

PROPERTY DESCRIPTION:

The property is Lot 15C of the commercial subdivision Ridgewater, Phase 4, located in Polson's Highway Commercial Zoning District (HCZD). The 1.00 acre parcel is located in portions of the SE ¼ NW ¼ SW ¼ NE ¼ of Sec. 11 T22N R20W, P.M.M., Lake Co., and it is within the Polson city limits. The property is

located on the west side of Hwy 93 and south of Hwy 35. The property currently is undeveloped. The site had previously been used as an old shooting range and lumber mill. It is not farmed and is not agricultural land. The property is accessed from Hwy 93, then on to Ridgewater Drive and turning onto Whitewater Place.

PROPOSAL:

Mr. Nate Modderman, with assistance from Paul Bishop, A 2 Z Engineering & DVG Architects, are requesting the CCPB review and recommendation of approval for a Special Use Permit for their **Whitewater II Building**, a one-story building located within the HCZD, as designated and delineated on the plans submitted. It is located on a 1.0 acre parcel known as Lot 14C of Phase 4, of the Ridgewater commercial subdivision. It is anticipated that the Whitewater II Building will be utilized by a variety of businesses that would be beneficial to the community. It is proposed that a 24 hour gym would be the largest tenant and would occupy 6,000 square feet of the building, a gymnastics academy would occupy 3,778 square feet, a small financial business would have 658 square feet and a coffee shop with an associated drive-through window would occupy 738 square feet. The total square footage of the entire building would be 12,674 feet. The building will be open Monday through Saturday from 6 am to 10 pm. There may be times when staff/professionals/cleaning crews may need to access the buildings outside of these designated timeframes, but that use would be irregular and sporadic.

The property is zoned HCZD and is the suitable zoning district for the proposed use. Per the PDC, Chapter X, HCZD: A Special Use Permit approval is required on all new developments in HCZD.

This proposal does not meet the a Large-Scale Development, section the PDC, Chapter XXI, Definitions, Large-Scale Developments because it will not produce more than 1000 vehicle trips per day. A multi-use building such as this, (four units) has the potential to generate approximately 750 vehicle trips per day. Please refer to the ITE Trip Generation Manual information provided as an addendum to the application materials by Rob Smith, PE, A to Z Engineering. This calculation may be a bit on the high side, and also important to note that these trips are spread out throughout a 24-hour period. Peak operating times between the four businesses are vastly different.

REVIEW PROCESS:

The Planning Board shall conduct a public hearing on this request and make a recommendation to the City Commission. Once the public hearing is closed, the Board will need to 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 City-County Planning Board makes a recommendation to approve, deny or conditionally approve the SUP to the appropriate governing body, which in this case is the Polson City Commission. The City Commission is the permit issuing authority for all Special Use Permits within the City Limits.

If the Planning Board finds that the project conforms to the standards of the Polson Development Code for the Highway Commercial Zoning District, they shall recommend approval of the Special Use Permit with Conditions. (PDC, Chapter II, Div. 2, L. Special Use Permit Procedure)

If the Special Use Permit is denied, the CCPB and/or City Commission shall specify the codes, standards or regulations that the applicants have not met. (PDC, Chapter II, Div. 2, L., 2. d.)

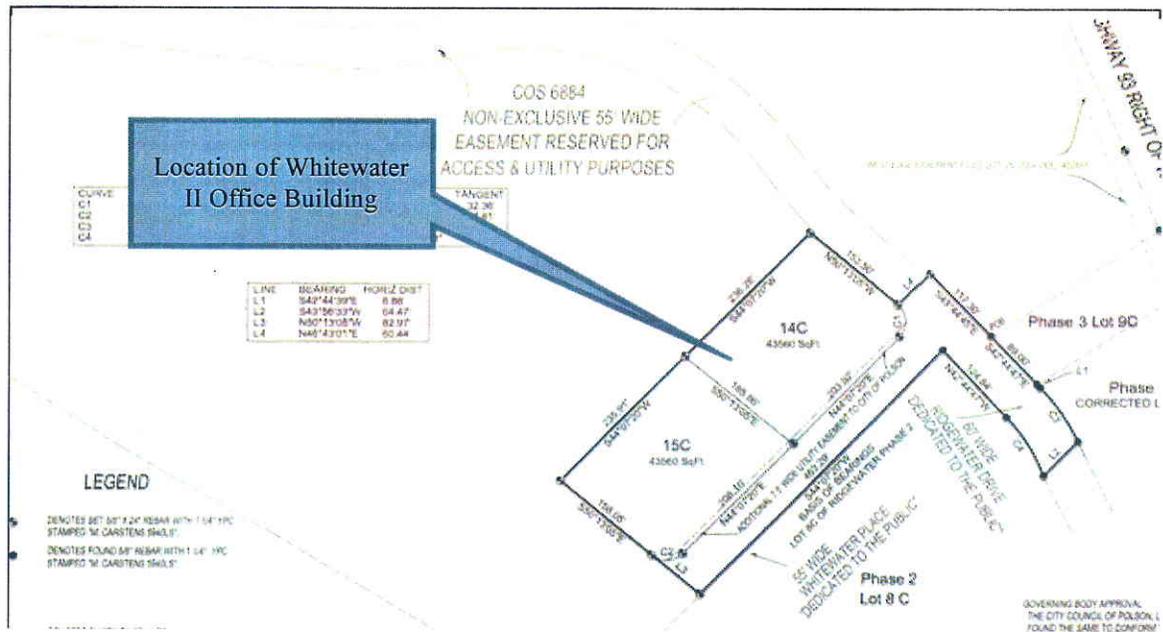
Consideration of a Special Use Permit application may be tabled for no more than 35 days. (Per PDC, Chapter II, Div. 2, L., 2. E.)

ANALYSIS:

The applicants are proposing to design and construct a single-story four-unit office building to the specifications and standards in the Polson Development Code.

The applicants had a Site Review meeting on September 10, 2015 where planning, building, water/sewer, streets, park and fire staff were present to review and comment on the proposal.

Existing views of the lake will not be impacted with this development and this development is not a lakeshore development for mandated view consideration.



The HCZD provides a place for commercial uses that rely on easy automobile access. The subject site is a location that provides convenient access and circulation from Highway 93 that includes turn lanes and a traffic signal. A Traffic Impact Study (TIS) was completed for the Ridgewater Subdivision Preliminary Plat in 2005 and at that time the TIS recommended traffic signal and intersection improvements to the highway approach at Ridgewater. All of those improvements were completed by the developer, the MDOT, and development east of the intersection. The proposed building is in compliance with the recommendations of the TIS which anticipated commercial lots. The location appears to be a good fit for a multi-use building as it is within walking distance of the new KRMC health center, hotel, swim center and other new installations in the immediate vicinity.



Parking was reviewed by staff. The applicant has shown a parking estimate on page 9 of their application package, noting that they are providing 39 spaces contained within the subject property. Each use in the building has a required number of parking spaces as designated by PDC. As noted within the applicant's matrix, they are 5 spaces short of the required number of parking spaces. One of the mitigating efforts that the developer has proposed in place of the shortfall is that he is providing an access to the adjoining parking lot, which is providing a secondary access for emergency vehicles. This also allows for spill-over parking into the adjoining lot should there ever be a need. Additionally, the drive-through lane that is shown for the coffee shop window can accommodate "stacking" of up to four-five vehicles. With these two mitigating efforts on the

developer's part, it is the opinion of the planning staff that parking is adequate and can meet the needs of the building and their occupants.

The Polson Development Code allows 80% lot coverage. On an acre-sized lot (43,560 square feet), the allowable lot coverage would be 34,848 square feet. The applicant is proposing to build on 27,460 square feet. The applicant has met the requirement with 7,388 square feet surplus or 63% of the lot is covered with an impervious surface.

The applicants provided a detailed landscape plan that complies with the buffer requirements of Appendix F of the PDC. The required buffer along Whitewater Place is 12-feet which the applicants meet. The landscape plan shows a mix of trees, shrubs, and ground covers which meet the intent of the regulations. Landscaping at the intersection of Whitewater Place/Ridgewater Drive roadways must meet the "clear vision triangle" standards to ensure safe ingress and egress.

At the City's Site Review meeting held on September 10, 2015, it was determined that there is adequate sewer and water capacity for the project. The Sewer Superintendent was going to check what size of water connection is needed. 1" connections are currently in place but that might not be sufficient for fire sprinkler flows. The Ridgewater developer has completed a number of infrastructure improvements for this project and has bonded for the completion of the remainder of outstanding work. There is no street improvements associated with this project. The Fire Chief reviewed the plans and finds that the access and suppression measures meet his Department's needs. The Parks Department Director reviewed that plans and finds that they are adequate. The addition of a bike rack would be ideal and the developer concurred. Although not at this meeting, the City Engineer has had a chance to preliminarily look the plans over and will have another opportunity at the Building Permit stage. Her comments have been incorporated into this staff report. All parties involved liked the shared accesses to the neighboring Whitewater building parking lot.

FINDINGS OF FACTS:

Primary Review Criteria

Effect on Local Services:

1. The development will connect to the municipal water and sewer systems. The owners pay the cost of connecting and extending services. The lot developers or future owners will pay regular water and sewer charges.
2. The development will receive law enforcement services from the Polson Police Department and fire protection services from the Polson Fire Department. Any increased costs in City services will be covered by increased tax revenues from the improved property.

3. The owners may be required to bond for costs involved with water and sewer extensions as specified by the Building Inspector and/or Water-Sewer and/or Road Superintendents.
4. A multi-use building may generate 750 vehicle trips per day. (See attached estimate by Rob Smith, PE, A to Z Engineering.)

Effect on the Natural Environment:

1. The owners are responsible for managing post development runoff on-site and releasing it at pre-development rates. As applicable erosion control measures shall be installed such as hay bales or silt fences prior any groundbreaking.
2. Stormwater management, drainage and grading plans have already been submitted, reviewed and approved by the City Engineer and the Water/Sewer Superintendent prior to construction. She did note that the City is not responsible for asphalt settling on private property. They are required to provide a vegetative swale with boulders and bushes to help prevent discharge point erosion.
3. As the development will affect vegetation and soils through grading of the site, the applicant shall abide by the Landscape plan submitted with the application and prepared by A 2 Z Engineering and Delaney's Landscape Center.
4. The owners are responsible for weed control and shall prevent the proliferation of weed growth within the development and on areas disturbed by construction per the Parks Department.

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 within the road right-of-ways at the applicants' expense.
2. Legal and physical access is provided by the Whitewater Place and Ridgewater Drive public roadways.

Conformance to Adopted Growth Policy:

The development conforms to the Growth Policy adopted by the City of Polson, 2006.

Staff Recommendations on this Special Use Permit:

After review of the applications materials, site plans, site review discussion, the Planning staff finds this application meets the requirements of the PDC and recommends approval of the Special Use Permit with the following Conditions.

These Conditions, along with any other Conditions that the Board may wish to amend, add or edit, must be met to be in compliance with the approval of this Special Use Permit and to receive a Certificate of Occupancy.

1. This SUP permit is valid for the construction of the four unit Whitewater II building in accordance with the plans on file with the Polson Building & Planning Department, except as modified by these Conditions.
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3. Applicants shall apply for and receive building permits from the City of Polson prior to the start of construction. Permits shall be on site prior to ground breaking.
4. Erosion control measures such as, hay bales or silt fences shall be installed prior to ground disturbance to prevent any water runoff or debris, of any type, from entering any road or neighboring properties. The applicant is being required to provide a vegetative swale with boulders and bushes to help prevent discharge point erosion.
5. The City shall be notified 48 hours in advance of any construction of the components to the Storm Drainage approval letter. Compliance tests will be made available to the City Engineer.
6. Applicants' drainage and stormwater runoff management plans shall be reviewed and approved by the City Engineer and completed on-site, before a Certificate of Occupancy is issued. The applicant shall contact MDEQ and if required, obtain a SWIPP permit.
7. The applicant shall develop the parking lot with one ingress/egress location onto Whitewater Place and one exit location from the coffee shop drive-thru onto Ridgewater Drive. The applicants shall construct the parking lot and site layout as shown on the Site Plan by A 2 Z Engineering. The construction profiles, designs, and drainages shall be reviewed and approved by the City Engineer, Road Superintendent, Fire Chief and Building Inspector before groundbreaking.
8. Clear vision triangles shall exist at the curve of Ridgewater Drive and intersections of all ingresses and egresses. These triangles shall be defined

by lines extending 15' from the intersection of the right-of-way lines. No visual obstruction more than 30 inches in height above grade shall be permitted. Trees may be permitted where all branches are pruned to a height of at least 8 feet above grade. Prior to occupancy, the Applicant shall place a restrictive covenant upon the property which will effectuate the provisions of this condition of approval. Such restriction shall be reviewed by the City Attorney.

9. The applicants shall work directly with the Fire Chief and adhere to Fire Code regulations and requirements. The building shall have a temporary address sign posted at a visible location before construction is underway.
10. During construction, lighting, dust, noise, odors and nuisances shall be kept to a minimum as much as possible. Preventive actions by the developer shall be on-going during development.
11. Applicable headlight screens, landscape berms and buffers, shall meet the requirements and standards of the PDC, Appendix F-1 and F.2., and as provided in the Landscape Plan submitted with the application by A 2 Z Engineering.
12. The applicant shall contact the City Water and Sewer department if any extension/connects, or upgrades of services are required. The applicant shall notify the City and pay appropriate fees for hook-ups before a building permit is issued. Should cuts into the City roads be necessary, performance bonds shall be posted prior to work commencing and state/local permits in hand.
13. Impact Fees and/or Capital Improvement Fees if applicable, and any other fees to-be-determined, shall be paid when determined and requested before the building permit is issued.
14. Fence and signage shall be reviewed and approved by a separate permit application.
15. It is recommended that a bike rack be installed in front of the building.
16. LP gas tank, mechanical, plumbing, and electrical permits are separate applications/fees.
17. The lighting on the building and any lighting provided in the parking area shall have shielding installed around the light source so as to contain the light to the confines of the property boundaries. It is recommended that the applicant consider putting light sources on timers during off-peak hours to further reduce light pollution.

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 BOARD IS ENCOURAGED TO VISIT THE SITE AND BECOME ACQUAINTED WITH THE PROPOSAL. THE BOARD IS ENCOURAGED TO CALL THE PLANNING STAFF @ 883-8214 FOR ANY QUESTIONS OR CLARIFICATIONS.**

**Staff Report for the
Polson City/County Planning Board (CCPB)
City Council Chambers, Tuesday, October 13th, 2015 @ 6:00 p.m.
Special Use Permit on the proposed Whitewater II Building**

GENERAL INFORMATION:

Applicant: Nate Modderman
439 Grand Avenue
Suite 229
Bigfork, MT 59911

Technical Assistance: Paul Bishop
Polson, MT 59860

A 2 Z Engineering PLLC
138 Center Street, Ste A.
Kalispell, MT 59901
(406) 755-7888

Applicant Number: SUP15-08
Application Type: Special Use Permit for new development in HCZD
Date Received Application: 09/08/2015
Date of Site Review: 09/10/2015

APPLICABLE REGULATIONS:

- Polson Development Code, PDC,
- Polson Growth Policy, PGP
- HCZD: Highway Commercial Zoning District
- Montana Dept of Environmental Quality (MFE Standards, Stormwater)
- Polson Building Code

PUBLIC NOTICE: See Ad Sheet 10.N

Lake County Leader: September 24, 2015
Notices for mailing: September 21, 2015
Staff Report for pickup: October 5, 2015

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

PROPERTY DESCRIPTION:

The property is Lot 15C of the commercial subdivision Ridgewater, Phase 4, located in Polson's Highway Commercial Zoning District (HCZD). The 1.00 acre parcel is located in portions of the SE ¼ NW ¼ SW ¼ NE ¼ of Sec. 11 T22N R20W, P.M.M., Lake Co., and it is within the Polson city limits. The property is

located on the west side of Hwy 93 and south of Hwy 35. The property currently is undeveloped. The site had previously been used as an old shooting range and lumber mill. It is not farmed and is not agricultural land. The property is accessed from Hwy 93, then on to Ridgewater Drive and turning onto Whitewater Place.

PROPOSAL:

Mr. Nate Modderman, with assistance from Paul Bishop, A 2 Z Engineering & DVG Architects, are requesting the CCPB review and recommendation of approval for a Special Use Permit for their **Whitewater II Building**, a one-story building located within the HCZD, as designated and delineated on the plans submitted. It is located on a 1.0 acre parcel known as Lot 14C of Phase 4, of the Ridgewater commercial subdivision. It is anticipated that the Whitewater II Building will be utilized by a variety of businesses that would be beneficial to the community. It is proposed that a 24 hour gym would be the largest tenant and would occupy 6,000 square feet of the building, a gymnastics academy would occupy 3,778 square feet, a small financial business would have 658 square feet and a coffee shop with an associated drive-through window would occupy 738 square feet. The total square footage of the entire building would be 12,674 feet. The building will be open Monday through Saturday from 6 am to 10 pm. There may be times when staff/professionals/cleaning crews may need to access the buildings outside of these designated timeframes, but that use would be irregular and sporadic.

The property is zoned HCZD and is the suitable zoning district for the proposed use. Per the PDC, Chapter X, HCZD: A Special Use Permit approval is required on all new developments in HCZD.

This proposal does not meet the a Large-Scale Development, section the PDC, Chapter XXI, Definitions, Large-Scale Developments because it will not produce more than 1000 vehicle trips per day. A multi-use building such as this, (four units) has the potential to generate approximately 750 vehicle trips per day. Please refer to the ITE Trip Generation Manual information provided as an addendum to the application materials by Rob Smith, PE, A to Z Engineering. This calculation may be a bit on the high side, and also important to note that these trips are spread out throughout a 24-hour period. Peak operating times between the four businesses are vastly different.

REVIEW PROCESS:

The Planning Board shall conduct a public hearing on this request and make a recommendation to the City Commission. Once the public hearing is closed, the Board will need to 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 City-County Planning Board makes a recommendation to approve, deny or conditionally approve the SUP to the appropriate governing body, which in this case is the Polson City Commission. The City Commission is the permit issuing authority for all Special Use Permits within the City Limits.

If the Planning Board finds that the project conforms to the standards of the Polson Development Code for the Highway Commercial Zoning District, they shall recommend approval of the Special Use Permit with Conditions. (PDC, Chapter II, Div. 2, L. Special Use Permit Procedure)

If the Special Use Permit is denied, the CCPB and/or City Commission shall specify the codes, standards or regulations that the applicants have not met. (PDC, Chapter II, Div. 2, L., 2. d.)

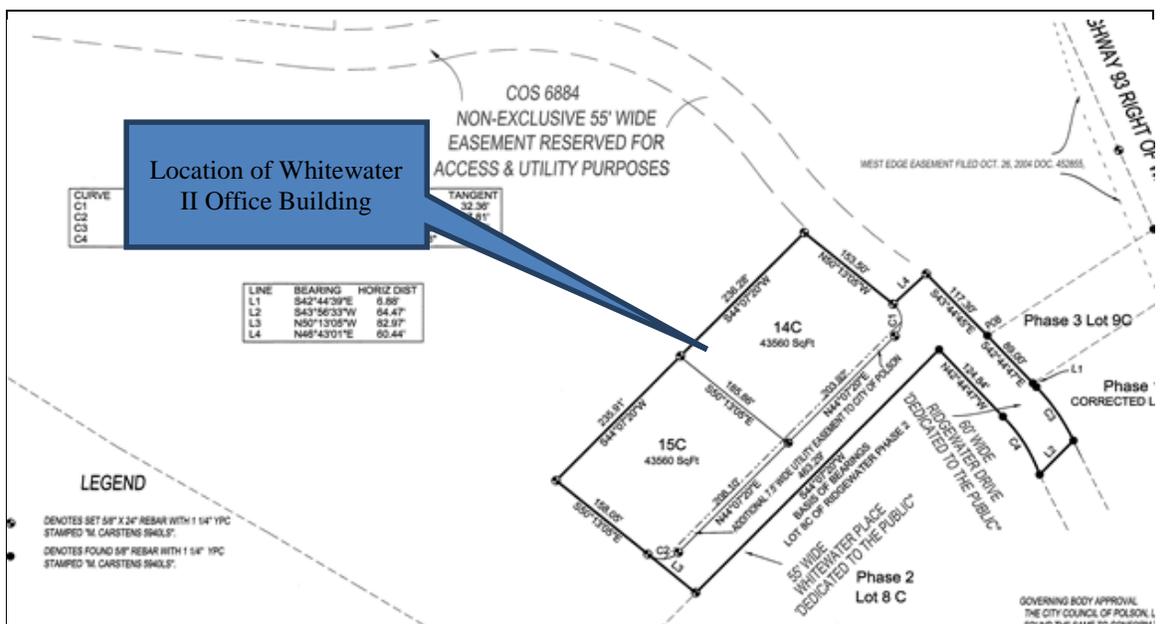
Consideration of a Special Use Permit application may be tabled for no more than 35 days. (Per PDC, Chapter II, Div. 2, L., 2. E.)

ANALYSIS:

The applicants are proposing to design and construct a single-story four-unit office building to the specifications and standards in the Polson Development Code.

The applicants had a Site Review meeting on September 10, 2015 where planning, building, water/sewer, streets, park and fire staff were present to review and comment on the proposal.

Existing views of the lake will not be impacted with this development and this development is not a lakeshore development for mandated view consideration.



The HCZD provides a place for commercial uses that rely on easy automobile access. The subject site is a location that provides convenient access and circulation from Highway 93 that includes turn lanes and a traffic signal. A Traffic Impact Study (TIS) was completed for the Ridgewater Subdivision Preliminary Plat in 2005 and at that time the TIS recommended traffic signal and intersection improvements to the highway approach at Ridgewater. All of those improvements were completed by the developer, the MDOT, and development east of the intersection. The proposed building is in compliance with the recommendations of the TIS which anticipated commercial lots. The location appears to be a good fit for a multi-use building as it is within walking distance of the new KRMC health center, hotel, swim center and other new installations in the immediate vicinity.



Parking was reviewed by staff. The applicant has shown a parking estimate on page 9 of their application package, noting that they are providing 39 spaces contained within the subject property. Each use in the building has a required number of parking spaces as designated by PDC. As noted within the applicant's matrix, they are 5 spaces short of the required number of parking spaces. One of the mitigating efforts that the developer has proposed in place of the shortfall is that he is providing an access to the adjoining parking lot, which is providing a secondary access for emergency vehicles. This also allows for spill-over parking into the adjoining lot should there ever be a need. Additionally, the drive-through lane that is shown for the coffee shop window can accommodate "stacking" of up to four-five vehicles. With these two mitigating efforts on the developer's part, it is the opinion of the planning staff that parking is adequate and can meet the needs of the building and their occupants.

The Polson Development Code allows 80% lot coverage. On an acre-sized lot (43,560 square feet), the allowable lot coverage would be 34,848 square feet. The applicant is proposing to build on 27,460 square feet. The applicant has met the requirement with 7,388 square feet surplus or 63% of the lot is covered with an impervious surface.

The applicants provided a detailed landscape plan that complies with the buffer requirements of Appendix F of the PDC. The required buffer along Whitewater Place is 12-feet which the applicants meet. The landscape plan shows a mix of trees, shrubs, and ground covers which meet the intent of the regulations. Landscaping at the intersection of Whitewater Place/Ridgewater Drive roadways must meet the "clear vision triangle" standards to ensure safe ingress and egress.

At the City's Site Review meeting held on September 10, 2015, it was determined that there is adequate sewer and water capacity for the project. The Sewer Superintendent was going to check what size of water connection is needed. 1" connections are currently in place but that might not be sufficient for fire sprinkler flows. The Ridgewater developer has completed a number of infrastructure improvements for this project and has bonded for the completion of the remainder of outstanding work. There is no street improvements associated with this project. The Fire Chief reviewed the plans and finds that the access and suppression measures meet his Department's needs. The Parks Department Director reviewed that plans and finds that they are adequate. The addition of a bike rack would be ideal and the developer concurred. Although not at this meeting, the City Engineer has had a chance to preliminarily look the plans over and will have another opportunity at the Building Permit stage. Her comments have been incorporated into this staff report. All parties involved liked the shared accesses to the neighboring Whitewater building parking lot.

FINDINGS OF FACTS:

Primary Review Criteria

Effect on Local Services:

1. The development will connect to the municipal water and sewer systems. The owners pay the cost of connecting and extending services. The lot developers or future owners will pay regular water and sewer charges.
2. The development will receive law enforcement services from the Polson Police Department and fire protection services from the Polson Fire Department. Any increased costs in City services will be covered by increased tax revenues from the improved property.
3. The owners may be required to bond for costs involved with water and sewer extensions as specified by the Building Inspector and/or Water-Sewer and/or Road Superintendents.
4. A multi-use building may generate 750 vehicle trips per day. (See attached estimate by Rob Smith, PE, A to Z Engineering.)

Effect on the Natural Environment:

1. The owners are responsible for managing post development runoff on-site and releasing it at pre-development rates. As applicable erosion control measures shall be installed such as hay bales or silt fences prior any groundbreaking.
2. Stormwater management, drainage and grading plans have already been submitted, reviewed and approved by the City Engineer and the Water/Sewer Superintendent prior to construction. She did note that the City is not responsible for asphalt settling on private property. They are required to provide a vegetative swale with boulders and bushes to help prevent discharge point erosion.
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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.

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1. Public utilities are near the property and will be extended within the road right-of-ways at the applicants' expense.
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Conformance to Adopted Growth Policy:

The development conforms to the Growth Policy adopted by the City of Polson, 2006.

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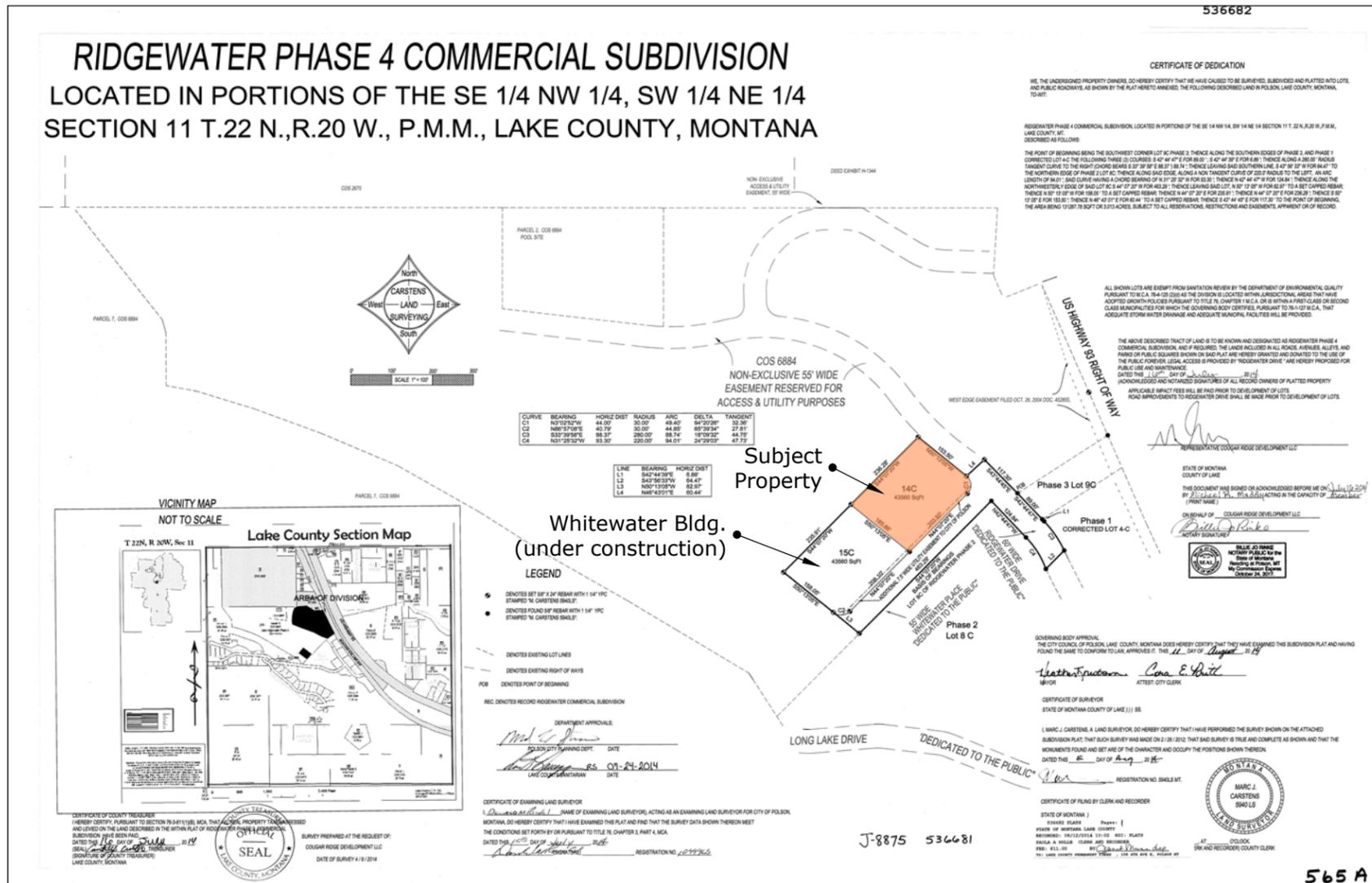
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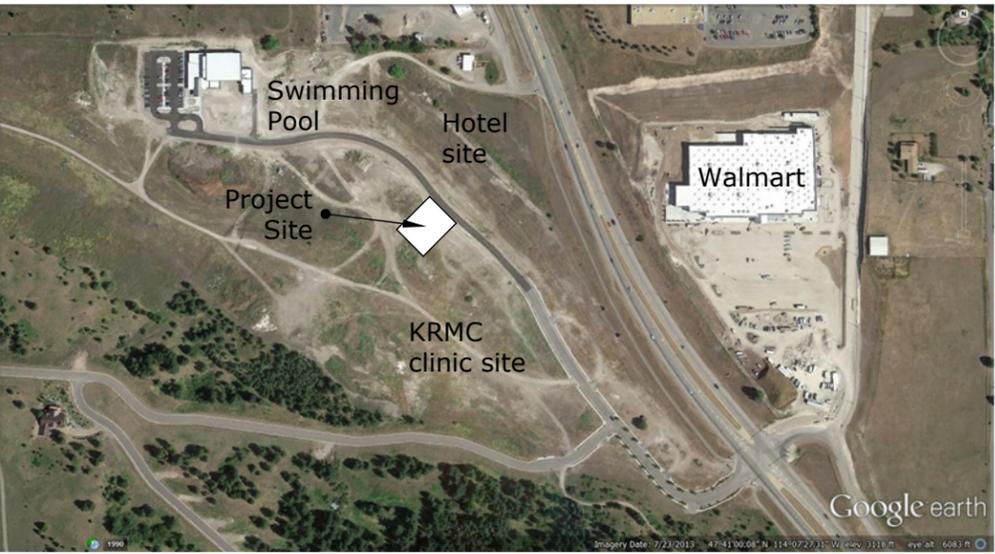
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Ridgewater Plat / Location Map



Site Context Aerial Photo

Special Use Permit Application Packet

Project: **101 Whitewater Building** (new construction)

Owner: Nate Modderman

Location: Lot 14C; Ridgewater Phase 4, Polson, MT

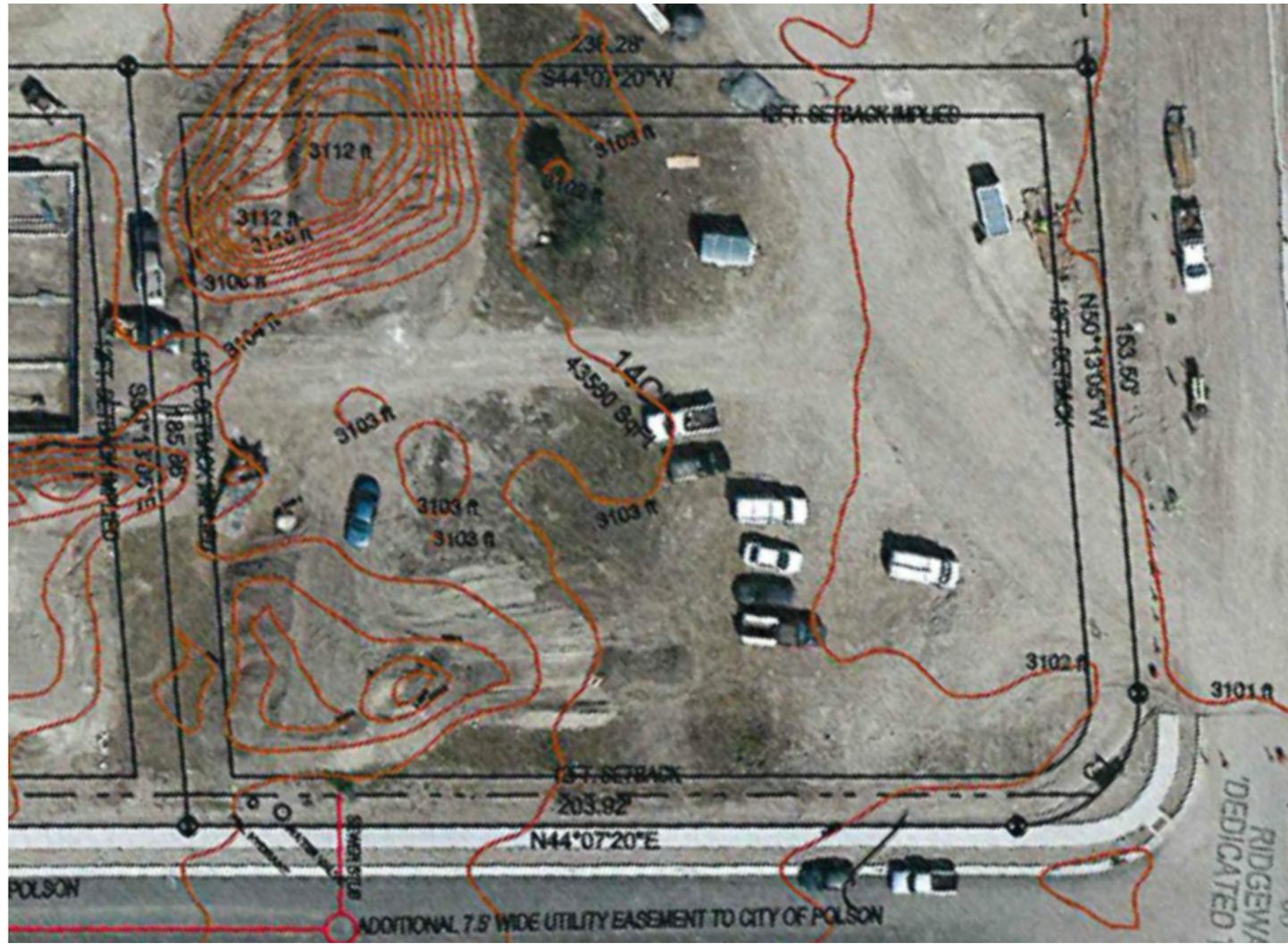
Zoning: HCZD Highway Commercial Zoning District

Plans by: Drawings prepared by Paul Bishop, Polson MT

Note: Owner also has adjacent property (lot 15 C) referred to as the "Whitewater Building" under construction under a previously granted Special Use Permit.

- CONTENTS**
- 1 Project information
 - 2 Site survey
 - 3 Site plan
 - 4 Schematic floor plan
 - 5 North & South Building Elevations
 - 6 East & West Building Elevations
 - 7 Exterior views of building
 - 8 Exterior views of building
 - 9 Parking plan
 - 10 Impervious surface plan
 - 11 Emergency services plan

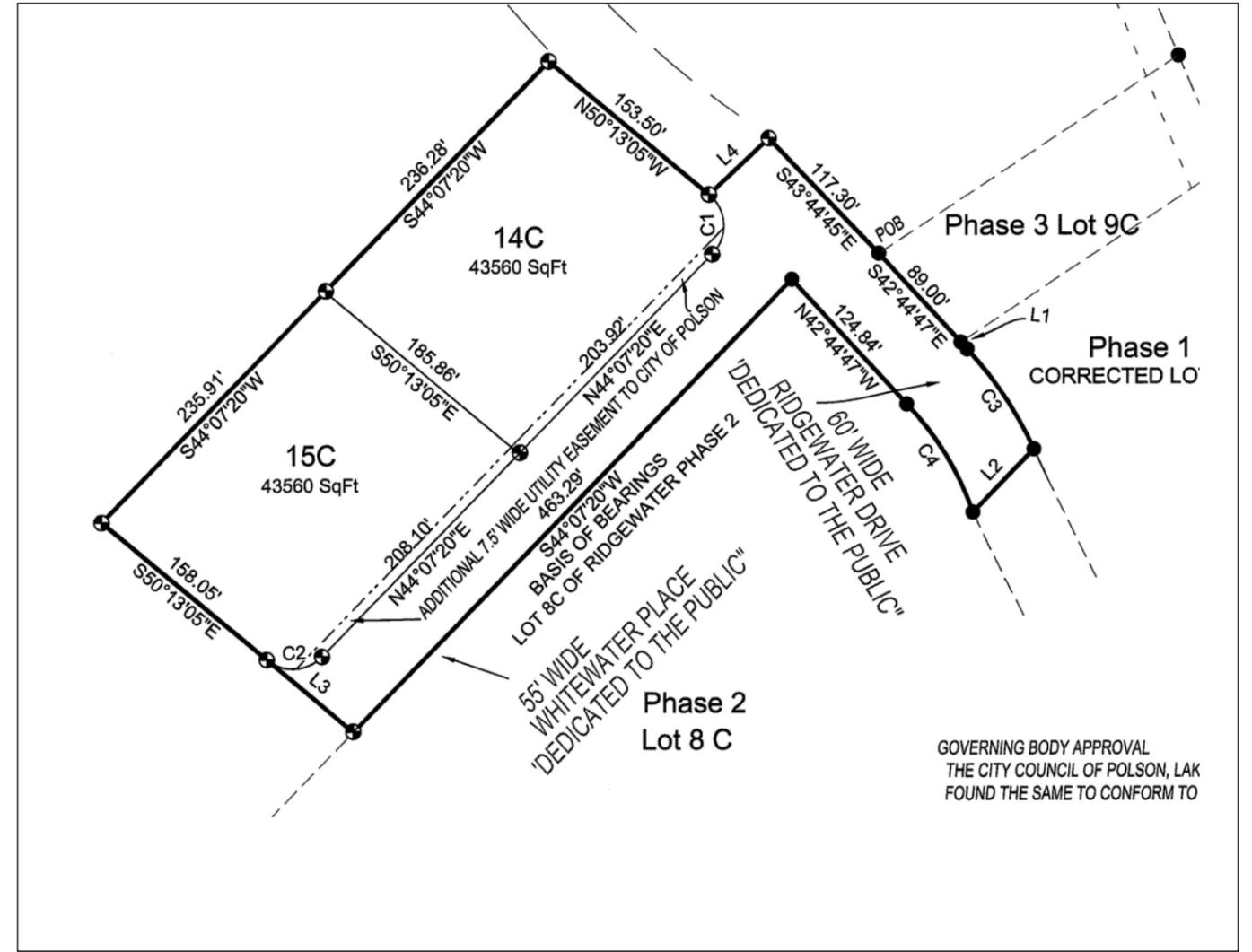
- ATTACHMENTS**
- Stormwater management plan
 - Landscaping plan



SITE SURVEY

NTS

Survey imagery and topography by Carstens Surveying



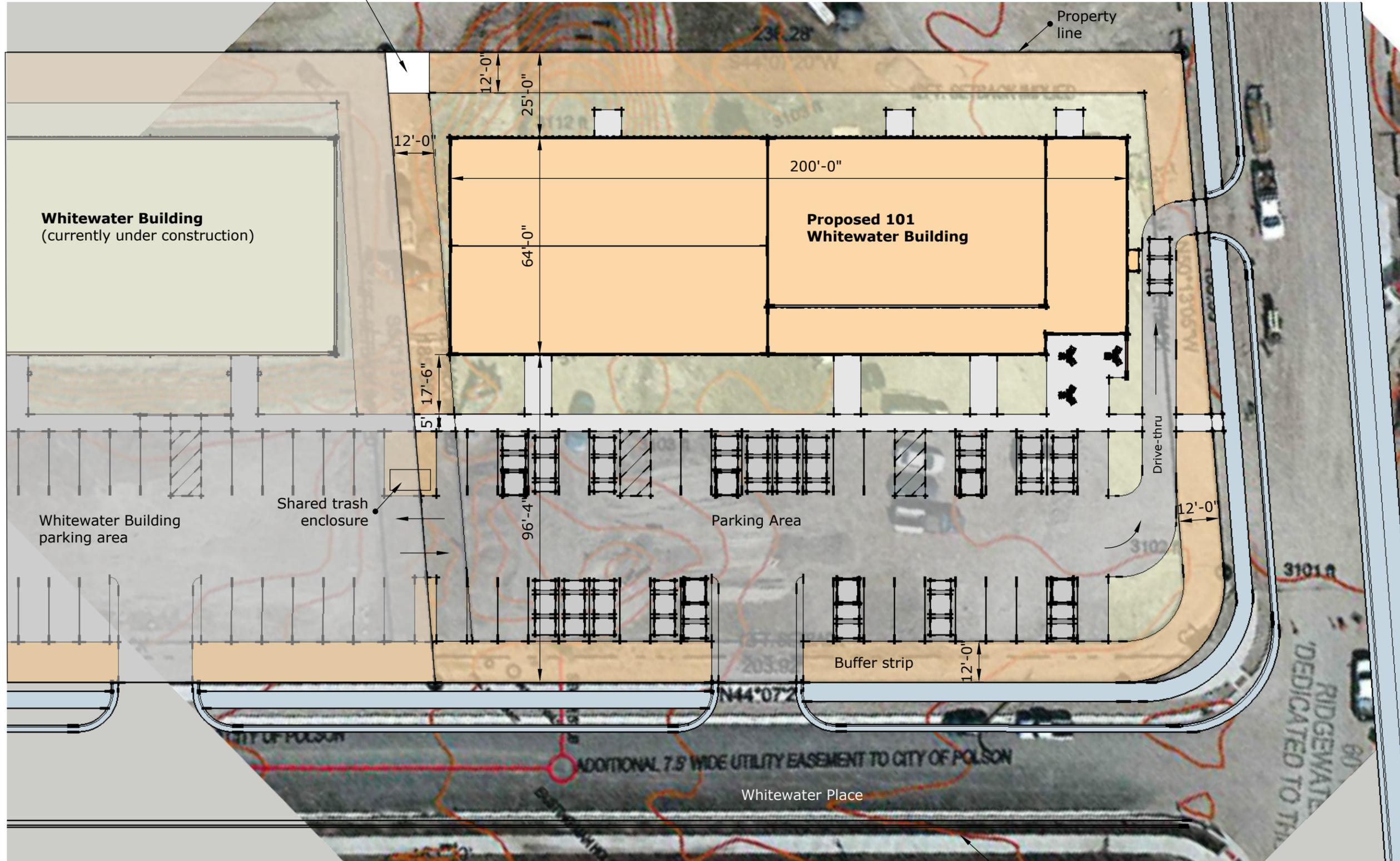
SITE PLAT MAP

NTS

by Carstens Surveying

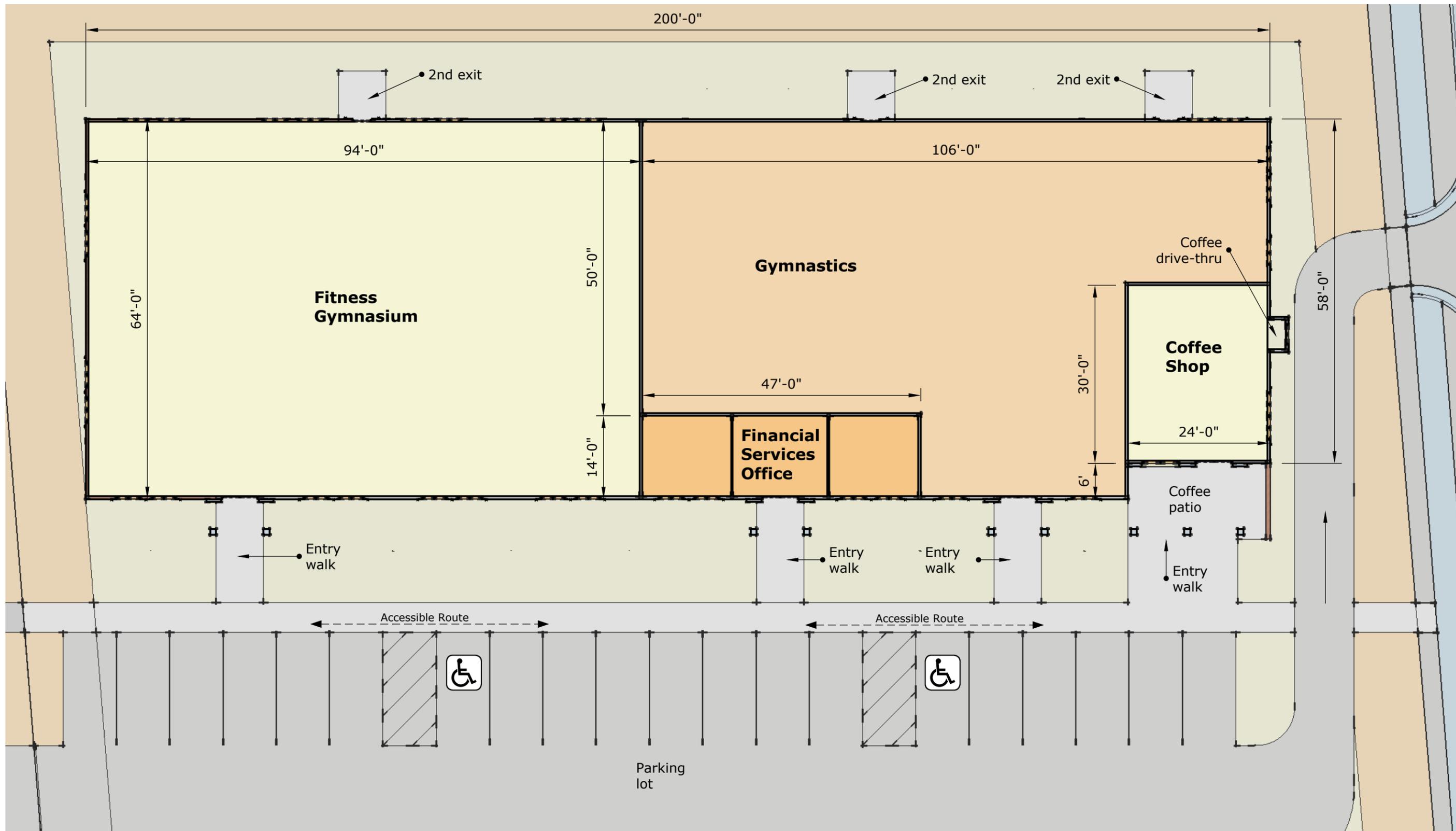
GOVERNING BODY APPROVAL
THE CITY COUNCIL OF POLSON, LAKE
FOUND THE SAME TO CONFORM TO

Note: 100 sq.ft. of the site is to remain undisturbed during construction



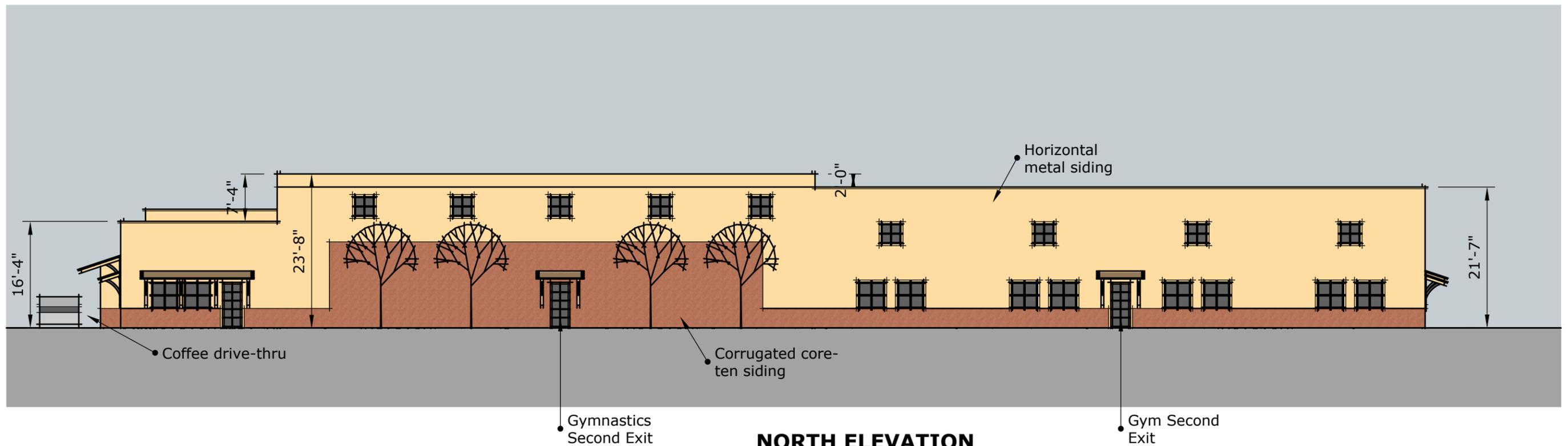
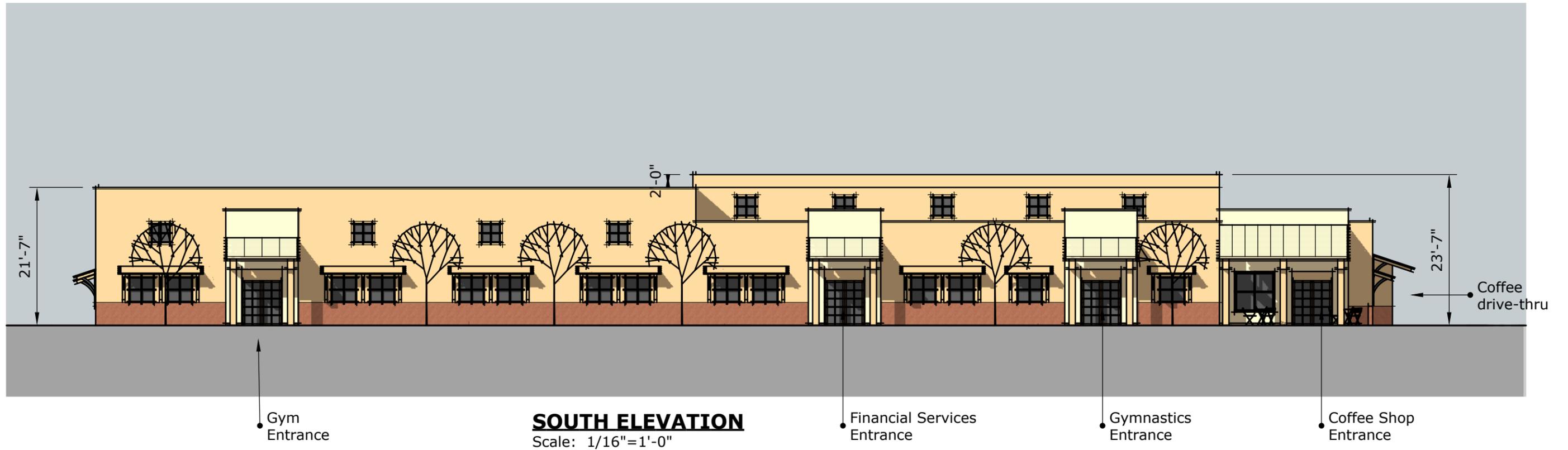
 **SITE PLAN**
Scale: 1"=30'-0"

Base mapping
by Carstens



SCHEMATIC FLOOR PLAN
 Scale: 1/16" = 1'-0"

NOTE:
 Final internal space configurations
 are currently being developed for
 each designated space.



Allowable building height = 30' (OK)



● Parking Area

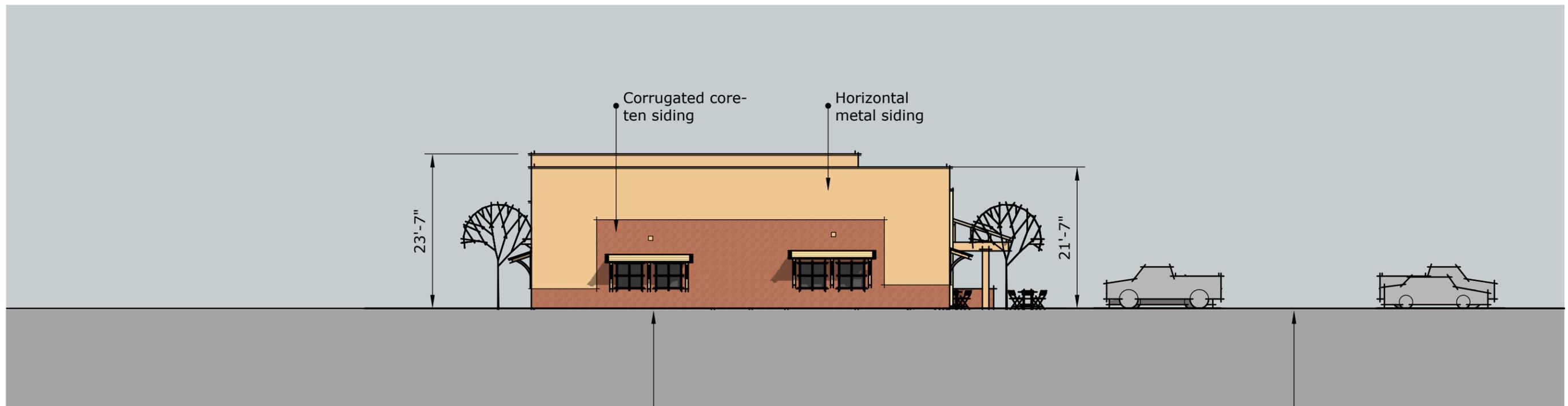
● Coffee patio

● Coffee drive-thru

EAST ELEVATION

Scale: 1/16"=1'-0"

Allowable building height = 30' (OK)



● Corrugated core-ten siding

● Horizontal metal siding

23'-7"

21'-7"

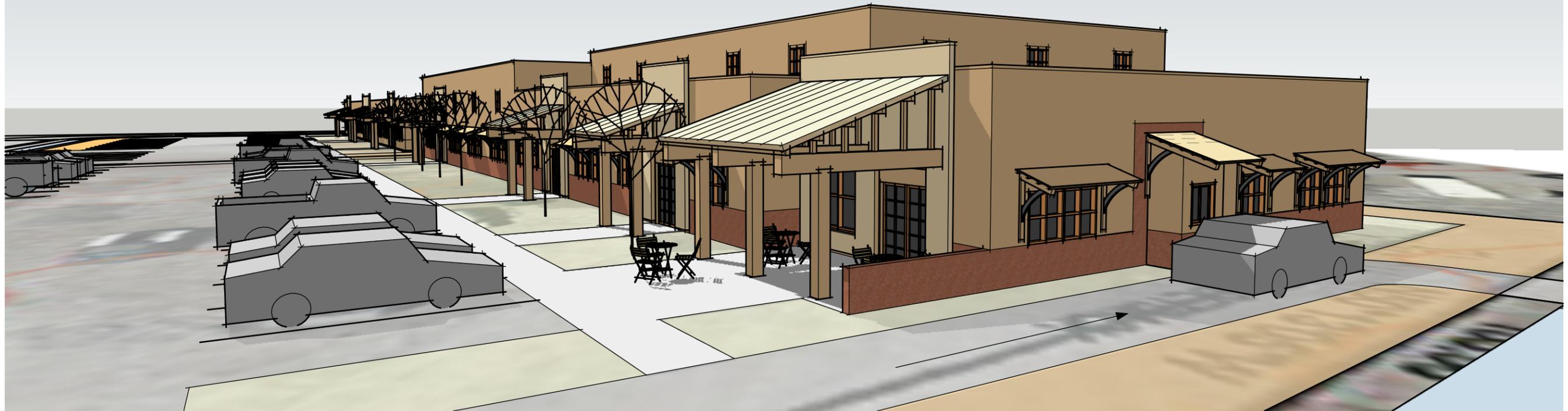
● Side yard area

WEST ELEVATION

Scale: 1/16"=1'-0"

● Parking Area

East View



West View

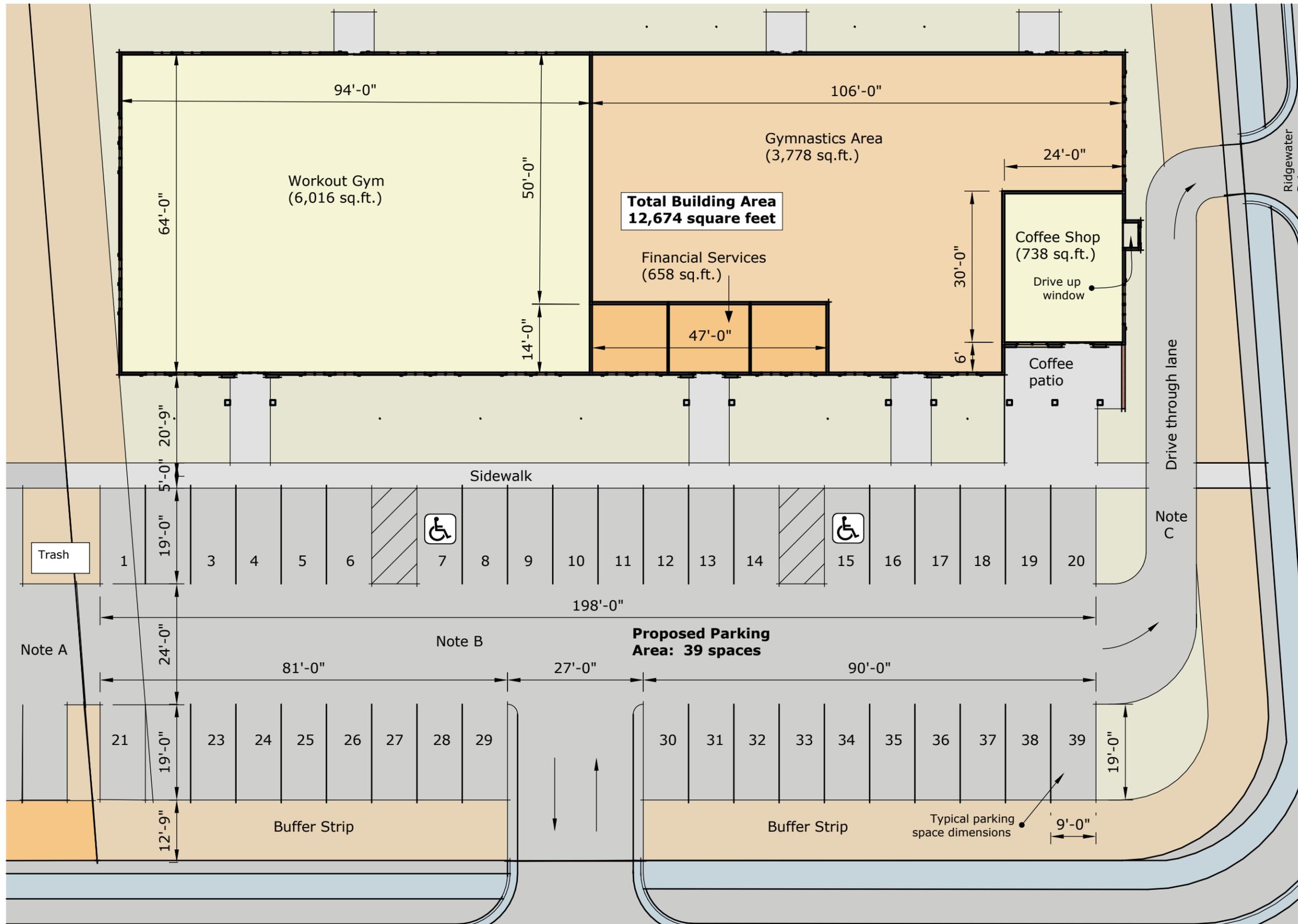


West View



North View





Note A: Connect proposed 101 Whitewater Place parking area to Whitewater Building parking area per previous SUP agreement.

Note B: See stormwater management plan for parking area drainage.

Note C: One way traffic flow for drive-through window coffee shop.

Whitewater Place

PARKING PLAN
Scale: 1"=20'-0"

PARKING CALCULATIONS

Building Space Description	Area GSF	Required Spaces	Parking calculation	Spaces Req.	Rounded Number
Coffee Shop	738	15 spaces per 1,000 sq.ft.	= 720 / 1,000 X 15	10.80	11
Professional Offices	658	3 spaces per 1,000 sq.ft.	= 658 / 1,000 X 3	1.97	2
Workout Gym	6,016	3 spaces per 1,000 sq.ft.	= 6,016 / 1,000 X 3	18.05	18
Gymnastics	5,262	3 spaces per 1,000 sq.ft.	= 5262 / 1,000 X 3	13.04	13

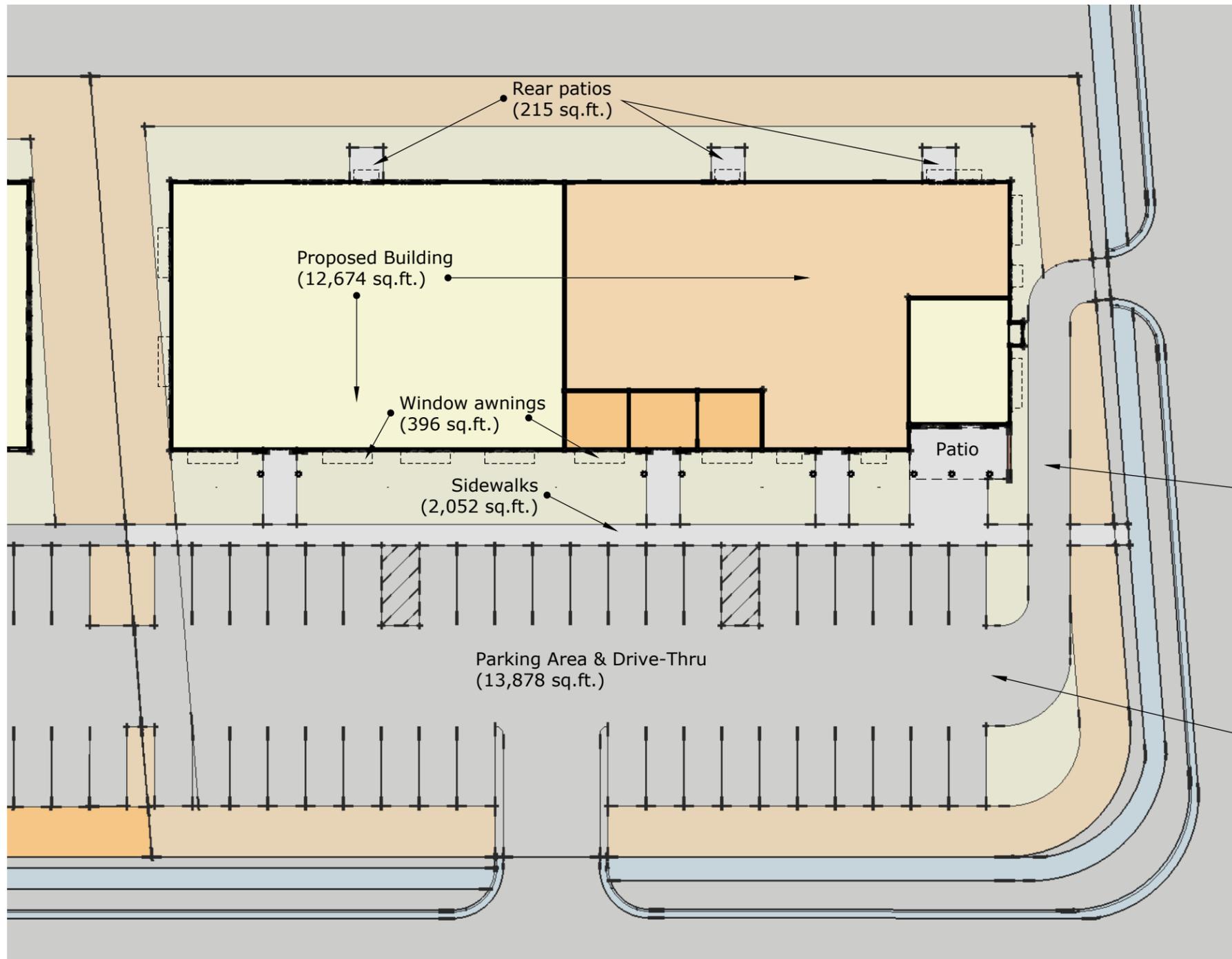
Programmed area	12,674 sq.ft.	Total parking spaces required	44
		Proposed parking spaces	39
		Spaces requested to delete	5
		% reduction requested	11%

Parking Space Reduction:

The Owner is requesting a reduction in the number of required parking spaces. The following mitigating circumstances are offered for consideration.

1. The Coffee Shop has a particularly high parking requirement compared to the actual use patterns (primarily drive through and pick up service).
2. The gymnastics and workout gym have primary use hours that do not coincide with the normal 8 to 5 business day. Any overflow parking can be accommodated after hours at the adjacent Whitewater Building parking area which is 100% day time use.
3. The gymnastics program has a lot of drop-off and pick-up traffic, with very little on-site parking need.
4. The gymnastics program and the workout gym have large spaces with comparatively small numbers of people at any given time.

Summary: The Owner asks that the parking requirement of 44 spaces be reduced by 5 spaces.



IMPERVIOUS SURFACE CALCULATIONS:

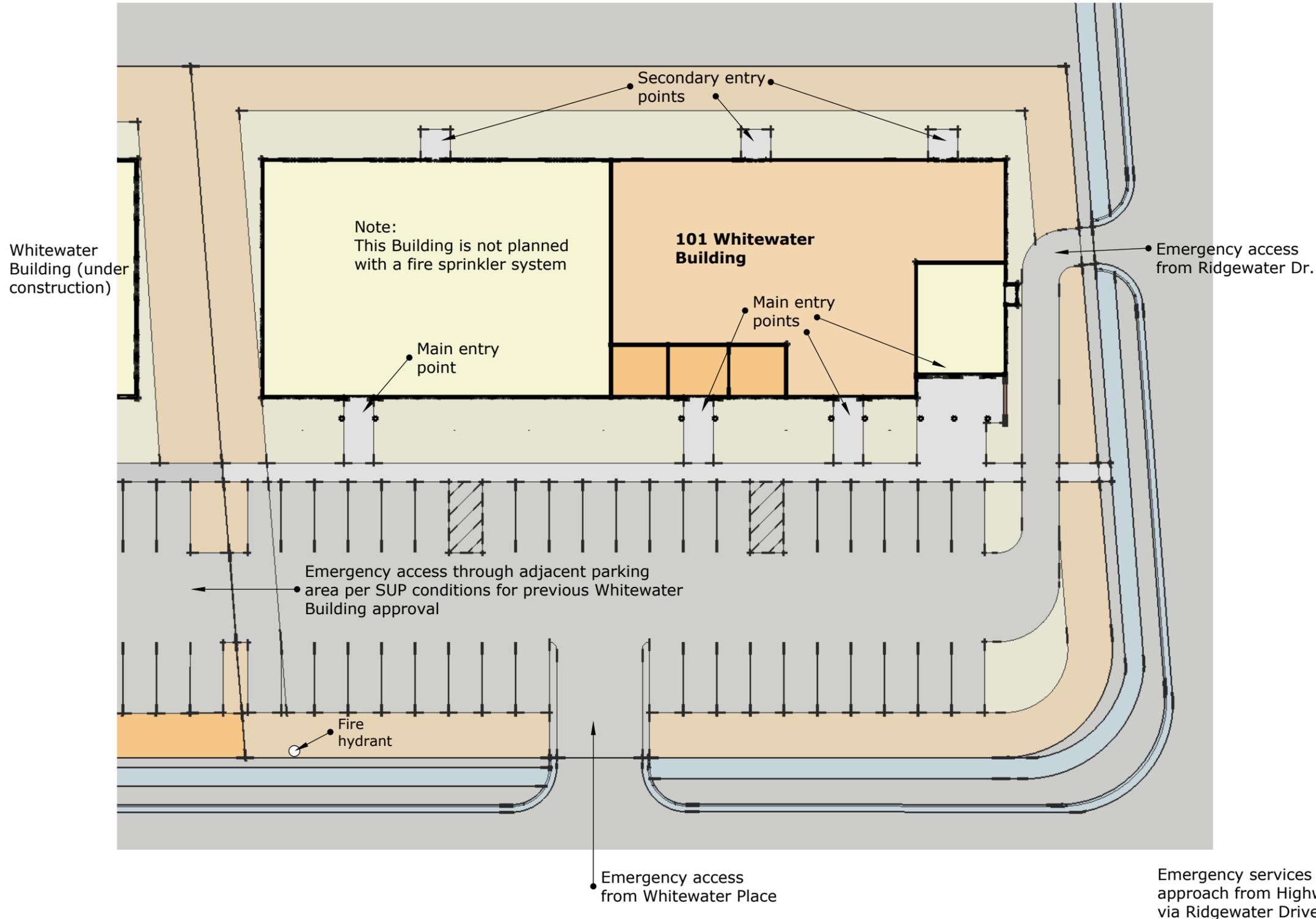
- 43,560** sq.ft. Total site area
- 12,674 sq.ft. Proposed building footprint
- 13,878 sq.ft. Parking area and drive-thru lane
- 2,052 sq.ft. Sidewalks and coffee patio
- 215 sq.ft. Rear patio areas
- 396 sq.ft. Window awnings
- 29,215** sq.ft. Total impervious surface

$29,215 / 43,560 = 67\%$ impervious surface coverage

Allowable impervious surface = **80% (OK)**

Note:
For the purposes of the impervious surface calculations the subject property has been considered "flat ground" (slope between 0% to 8%). See site survey by Carstens.

 **IMPERVIOUS SURFACE PLAN**
Scale: 1"=30'-0"



EMERGENCY SERVICES PLAN

Fire Department

Fire hydrants are available to the site as shown. Distance to Polson Fire Department Station #1 is 2.8 miles. Response time is approx. 5 minutes.

This building is not proposed to be served by an internal fire sprinkler system. It is designed to meet all applicable building and fire codes.

Police

The distance to the Polson Police Department offices is 2.8 miles. Response time is approx. 5 minutes.

Ambulance

The site is served by Polson/Ronan Ambulance Services and is approx. 3.6 miles from the St. Joseph Hospital emergency room.

General site security and access

The site and building will be accessible, well lit and generally safe and secure. No safety concerns are anticipated from the proposed building uses.

The adjacent Whitewater Building project was previously approved with a condition that the parking areas for the Whitewater Building and the proposed 101 Whitewater Building be linked, as shown.

Emergency services approach from Highway 93 via Ridgewater Drive



EMERGENCY SERVICES PLAN

Scale: 1"=30'-0"



September 2015

Modderman Project Stormwater Mitigation Report

For submission to:

City of Polson & the Montana Department of Environmental Quality

Report prepared by:

A2Z Engineering, PLLC.
138 East Center Street, Suite A
Kalispell, MT 59901
(406) 755-7888
A2Z-Engineering.com

Stormwater Report – DEQ8

Under the Administrative Rules of Montana (ARM) section 17.36.310 the State provides regulations for subdivision stormwater drainage mitigation. The following report is based upon the requirements in the Montana Department of Environmental Quality's (DEQ) Circular DEQ8 MONTANA STANDARDS FOR SUBDIVISION STORMWATER DRAINAGE, 2002 Edition, specifically section 1.1 ENGINEERING REPORT.

Special Project Note: The intent of this project is to take an undeveloped 1 acre tract in a new commercial subdivision and install a four-unit structure with associated parking lot.

1.1.1 - General Information

A. Identification of the subdivision

The subject parcel is labeled as Tract 14C of the Ridgewater Phase 4 Commercial Subdivision in Section 11, Township 22 North, Range 20 West. The tract is a 1.000 acre parcel created by platting in Polson, MT.

B. Name and mailing address of the owner

The subject property is owned by:

Nate Modderman
410 Sherman Lane
Bigfork, MT 59911

1.1.2 - Extent of the storm drainage, including

The methodology for computation of peak flow rates will be the rational method, which is permitted by DEQ8 section 2.1 for areas of less than 200 acres. The rational method consists of the equation $Q = K \times C \times I \times A$ where:

Q = peak flow rate in cubic feet per second
K = frequency correction factor,
 being 1.00 for 2-yr and 10-yr storm frequencies
 being 1.25 for the 100-yr storm frequency
C = runoff coefficient,
 being 0.9 for roofs, asphalt, sidewalks
 being 0.3 for native state surfaces
 being 0.1 for lawns and landscaped areas
I = rainfall intensity in inches per hour
A = area of study in acres

The methodology for computation of runoff volumes will be a modification of the rational method. The volume computation equation is $V = C \times D \times A$ where:

V = runoff volume in cubic feet
C = runoff coefficient,
 being 0.9 for roofs, asphalt, sidewalks
 being 0.3 for native state surfaces
 being 0.1 for lawns and landscaped areas
D = rainfall depth in feet
A = area of study in square feet

Concerning the rainfall intensity I, a computation of time of concentration (T_c) must be performed. With this value, the DEQ8 document provides 2-yr storm intensity rates in Appendix A based upon the one-hour storm event. This report chooses to utilize the Kalispell rainfall values.

Concerning the rainfall depth D, the 2-yr one-hour event is shown in DEQ8 Appendix A for Kalispell to have a depth of 0.48 inches.

A. Delineation of drainage areas within the subdivision, estimates of peak flows generated within these drainage areas, and estimates of flow volumes, if detention ponds or other storage facilities are included in the design,

The pre-project and post-project drainage areas are generally defined as the area within the property line of the project, being 1.00 acres. The areas surrounding this project site are either developed lots, curbed streets or undeveloped lots that drain away from the project site. Therefore, no off-site drainage calculations are necessary.

Post-project the site will also be protected by surrounding streets and development.

Area 1 - Around Building

This area is the lawn / landscaping surrounding the building on all sides except the front. The area measures 9,000 square feet and will have a "C" value of 0.1. The time of concentration is very short because of the narrow dimensions, so it is assumed to be 5 minutes.

Peak runoff flowrate can be calculated as:

$$Q = C \times I \times A = 0.1 \times 2.06 \text{ in/hr} \times 0.207 \text{ acres} = 0.0012 \text{ cfs}$$

Volume of runoff can be calculated as:

$$V = C \times D \times A = 0.1 \times 0.04 \text{ ft} \times 9,000 \text{ sq ft} = 36 \text{ cu ft}$$

This area will be allowed to drain off the site in an uncontrolled fashion for two reasons. First, it is a very small flow spread over a long distance. Second, the very narrow dimensions of the drainage area make it very difficult to collect the flow.

Area 2 - Building Roof

This area is the roof of the building. The area measures 200 ft x 64 ft = 12,800 square feet and will have a "C" value of 0.9. The time of concentration is very short because of the high rate of imperviousness, so it is assumed to be 5 minutes.

Peak runoff flowrate can be calculated as:

$$Q = C \times I \times A = 0.9 \times 2.06 \text{ in/hr} \times 0.2938 \text{ acres} = 0.545 \text{ cfs}$$

Volume of runoff can be calculated as:

$$V = C \times D \times A = 0.9 \times 0.04 \text{ ft} \times 12,800 \text{ sq ft} = 820.8 \text{ cu ft}$$

This area will be collected by roof drains and directed to a stormwater mitigation facility.

Area 3 - In Front of the Building

This area is a combination of sidewalk, lawn / landscaping, and parking lot. It includes 7,100 square feet of lawn / landscaping at "C" = 0.1 and 14,660 square feet of sidewalk / pavement at "C" = 0.9. Combining these, the "C" value becomes:

$$\text{Combined "C"} = (0.1 \times 7,100) + (0.9 \times 14,660) / 21,760 = 0.63897 = 0.64$$

The time of concentration is very short because of the large amount of impervious surfacing, so it is assumed to be 5 minutes.

Peak runoff flowrate can be calculated as:

$$Q = C \times I \times A = 0.64 \times 2.06 \text{ in/hr} \times 0.500 \text{ acres} = 0.659 \text{ cfs}$$

Volume of runoff can be calculated as:

$$V = C \times D \times A = 0.64 \times 0.04 \text{ ft} \times 21,760 \text{ sq ft} = 557.1 \text{ cu ft}$$

This area will be collected by roof drains and directed to a stormwater mitigation facility.

B. Delineation of drainage areas outside the subdivision that flow through the subdivision, and estimates of peak flows generated within these drainage areas,

The pre-project and post-project drainage areas are generally defined as the area within the property line of the project, being 1.00 acres. The areas surrounding this project site are either developed lots, curbed streets or undeveloped lots that drain away from the project site. Therefore, no off-site drainage calculations are necessary.

C. For flows that originate outside the subdivision, provisions for passing these flows through the subdivision without flooding home sites or drain field sites (at a recurrence interval of 100 years), and without overtopping of roadways (at a recurrence interval of 10 years),

Post-project the site will be protected by street on the southeast side and development on the southwest side. This will essentially remove any off-site areas that drain through the project.

The owner of the 1 acre tract has no control over areas outside the lot that may drain onto the roadway. That responsibility belongs to the developer of the larger subdivision.

No off-site flows will be allowed to enter the site and endanger the proposed structure. On-site grading will preclude this possibility.

D. For flows that originate within the subdivision, provisions for detaining or retaining these flows, so that the peak flow (e.g. from the 2-year, 1-hour event) that leaves the subdivision after development does not exceed the peak flow before development,

Pre-Project Flows Leaving the Site

Ignoring the pre-project off-site flows, the runoff generated on the 1.0 acre tract in the native condition is as follows:

Peak Flowrate $Q = C \times I \times A$, where:

"C" is 0.3 because of the natural, native state of the site

"Tc" is calculated for sheet flow, 230 ft long, 2% slope, 0.15 "n" value to be 30 minutes.

"I" at 30 minutes is 0.82 in/hr

"A" is 1.0 acres

Peak Flowrate $Q = C \times I \times A = 0.3 \times 0.82 \text{ in/hr} \times 1.0 \text{ acres} = 0.246 \text{ cfs}$

Total Volume Runoff $V = C \times D \times A$, where:

"C" is 0.3 because of the natural, native state of the site

"D" is 0.48 inches over 1 hour, or 0.04 feet

"A" is 1.0 acres

Total Volume Runoff $V = C \times D \times A = 0.3 \times 0.04 \text{ ft} \times 43,560 \text{ sq ft} = 522.7 \text{ cu ft}$

Post-Project Flows Leaving the Site

The flows from Area 1 will leave the site naturally, and they were found to be 0.0012 cfs at 5 minutes and 36 cu ft over an hour. This is only $(0.0012 / 0.246) = 0.5\%$ of the pre-project flowrate, so it is negligible and will not be further discussed.

Totaling the flows from Area 2 and Area 3 finds:

Total Peak Flows = 0.545 cfs + 0.659 cfs = 1.204 cfs

Total Runoff Volume = 820.8 cu ft + 557.1 cu ft = 1,377.9 cu ft

This is a significant increase from the pre-project values of 0.246 cfs & 522.7 cu ft.

Stormwater Capture, Storage and Infiltration

Stormwater falling on the parking lot is directed to inlet grates. These inlets pass the stormwater through a sump and oil separator tube and into a perforated infiltration chamber. This chamber holds the runoff until it infiltrates into the natural alluvial soils which lay below the project site.

Likewise, roof runoff is directed to the infiltration system through a system of underground piping.

The volume available to store runoff is created by an 85 foot long perforated 48" diameter corrugated metal pipe. This pipe is surrounded by a 5 ft deep and 5 ft wide bed of clean rock. This rock is wrapped entirely in a non-woven geo-fabric to keep the fines in the soil from being washed into the matrix.

Calculating the volume provided:

$$\text{Volume in CMP} = \pi \times \text{radius}^2 = 3.14 \times (2 \text{ ft})^2 = 12.566 \text{ cu ft / linear ft}$$

$$\begin{aligned} \text{Volume in Rock} &= [(\text{rock x-section}) - (\text{CMP x-section})] \times 30\% \text{ voids} \\ &= [(5 \text{ ft} \times 5 \text{ ft}) - (3.14 \times ((2 \text{ ft})^2))] \times 0.3 = 3.73 \text{ cu ft / linear ft} \end{aligned}$$

$$\text{Volume} = 12.566 \text{ cu ft} + 3.73 \text{ cu ft} = 16.296 \text{ cu ft / linear ft}$$

$$\text{Total Volume in 85 Linear Feet} = 85 \text{ ft} \times 16.296 \text{ cu ft/linear ft} = 1,385 \text{ cu ft}$$

This volume exceeds the calculated runoff value of the 2-year 1-hour storm, being 1,377.9 cu ft.

E. Where storm drainage is intended to be discharged into the ground, locations of nearby (within 200 feet) wells and drain fields that may be impacted, or a statement that there are no wells or drain fields nearby.

There are no known groundwater wells or drain fields within 200 feet of any of the stormwater infiltration features

Water Quality Issues

Under the Administrative Rules of Montana (ARM) section 17.36.310 (6):

Storm water that reaches state surface waters must be treated prior to discharge if the reviewing authority determines that untreated storm water is likely to degrade the receiving waters.

(a) minimum treatment of storm water consists of removal of settleable solids and floatable material. The reviewing authority may require more extensive treatment if deemed necessary to protect state waters from degradation;

(b) plans for the treatment facility must be approved by the reviewing authority.

The storm mitigation measures proposed for the subject parcel meet these requirements as follows:

- Runoff collected on the parking lot area passes through an inlet grate into a structure with an 18 inch deep sump that provides for separation of grits and gravels. The inlet also utilizes a downward facing 90 degree bend to screen off oils and other floatables. Finally stormwater is infiltrated into the soils rather than being discharged directly to surface waters.
- Runoff from non-collected areas travels through lawn / turf, which provides biological filtration

Stormwater System Operations and Maintenance

Operations and maintenance of the system for the subject parcel is rather simple and doesn't require special skills.

- Schedule
 - Twice per year (i.e. Spring and Fall)
 - After any rainfall event of more than ½" in 24 hours
- Inspection Items
 - Building Roof Runoff Piping Systems
 - Inspect for any breakage and use hose & water to check for free flow
 - Locations
 - Roof drainage piping from building
 - Corrective actions
 - Repair breakage
 - Hire plumber to correct pipe blockages
 - Lawn Areas
 - Inspect for excess vegetation, debris, excess erosion and blockages
 - Locations
 - Whole property
 - Corrective Actions
 - Mow to control vegetation
 - Remove trash
 - Fill, compact, seed & mulch eroding soils
 - Excavate, seed & mulch ditches that fill with soils
 - Storm Inlets, Storage and Piping
 - Inspect grate for debris
 - Inspect inlet bottom for sediment in excess of 6 inches depth
 - Inspect stormwater piping for debris / sediment
 - Locations
 - At grate inlets in parking lot
 - Corrective Actions
 - Remove trash / organic debris
 - Remove grit and/or sediment in sumps
 - Hire plumber to correct pipe blockages
- Unexpected Circumstances
 - If owner / maintenance personnel encounter difficulty that is not addressed here, they are encouraged to contact the design engineer (A2Z Engineering, 406.755.7888) or any other State registered professional civil engineer.



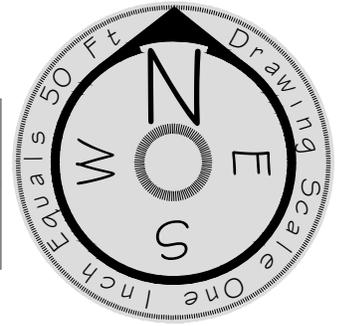
Appendix

Post-Project Drainage Patterns Exhibit
FEMA Firmette
USDA USGS Soils Report
Soils Test Pits Map, Photos & Logs

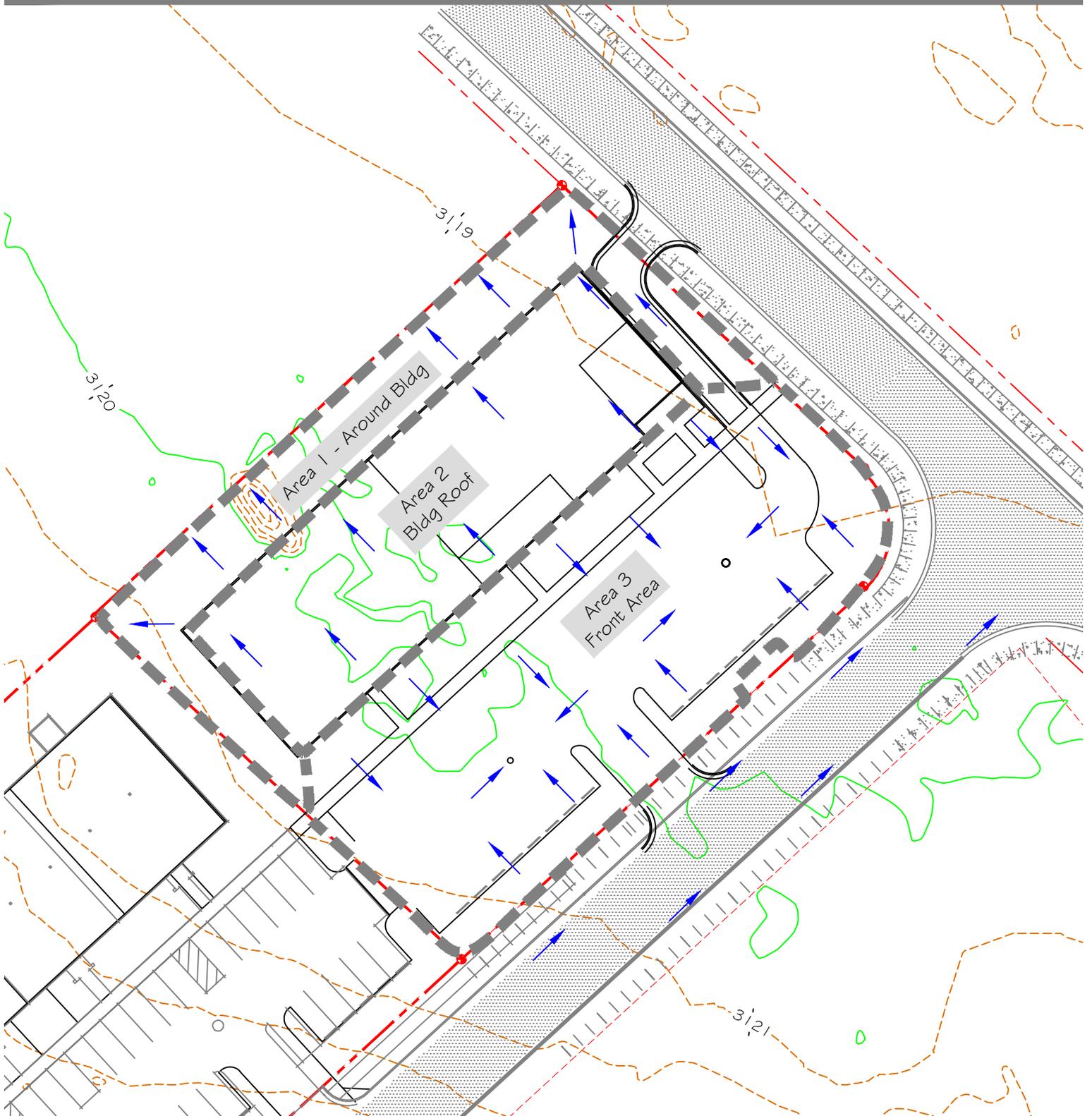




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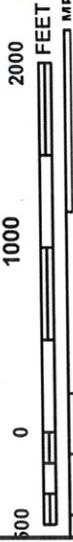


Project Modderman Project	Date Sept 2015
Subject Post-Project Drainage Flows	Page No. 1 of 1





MAP SCALE 1" = 1000'



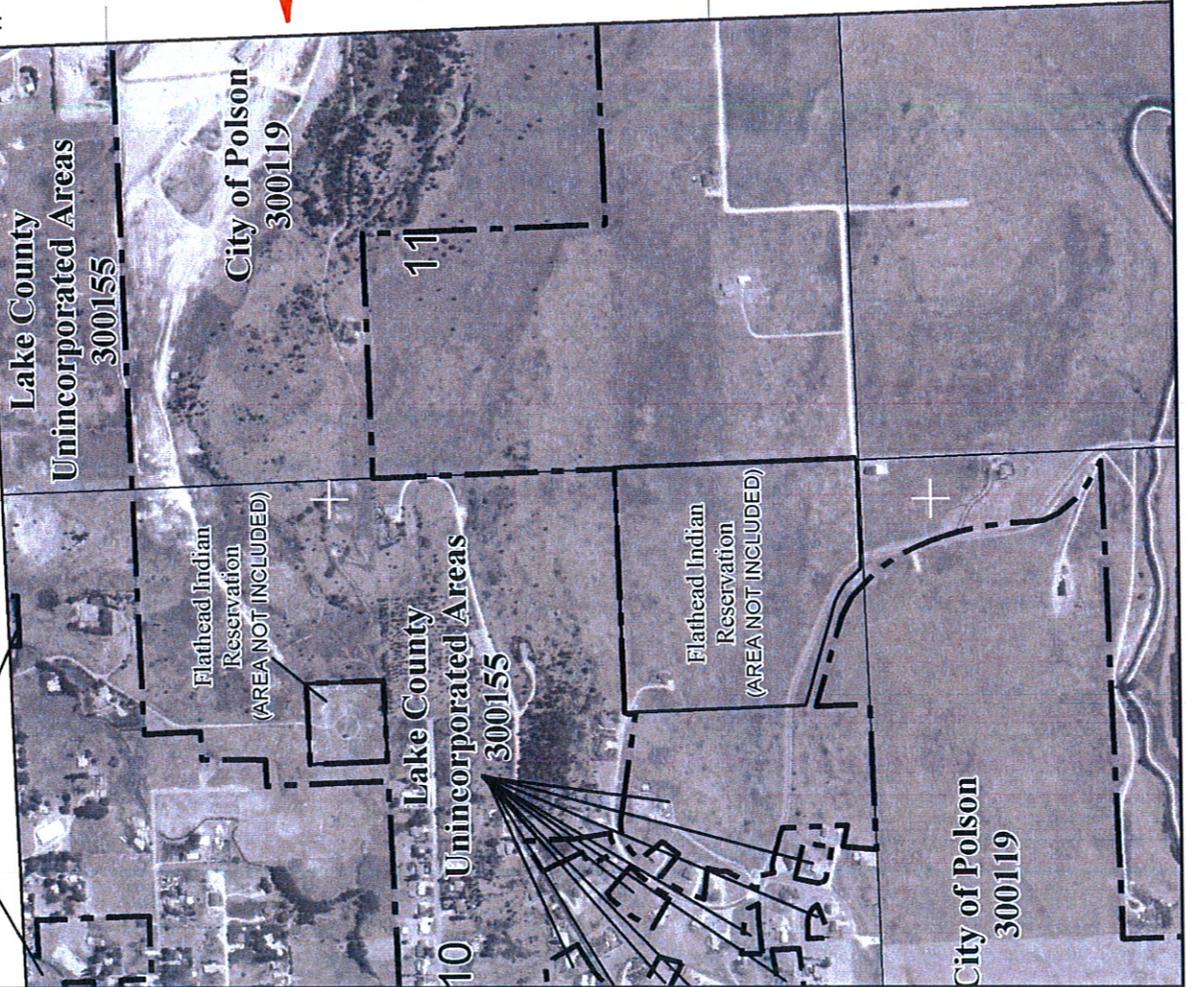
METERS

City of Polson
300119

7.15^{e-000}mE

114° 07' 30"

47° 41' 15"



392000 M

391000 M

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0545C

FIRM

FLOOD INSURANCE RATE MAP
LAKE COUNTY,
MONTANA
AND INCORPORATED AREAS

PANEL 545 OF 1275
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE COUNTY	300155	0545	C
POLSON, CITY OF	300119	0545	C

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
30047C0545C
MAP REVISED
FEBRUARY 6, 2013

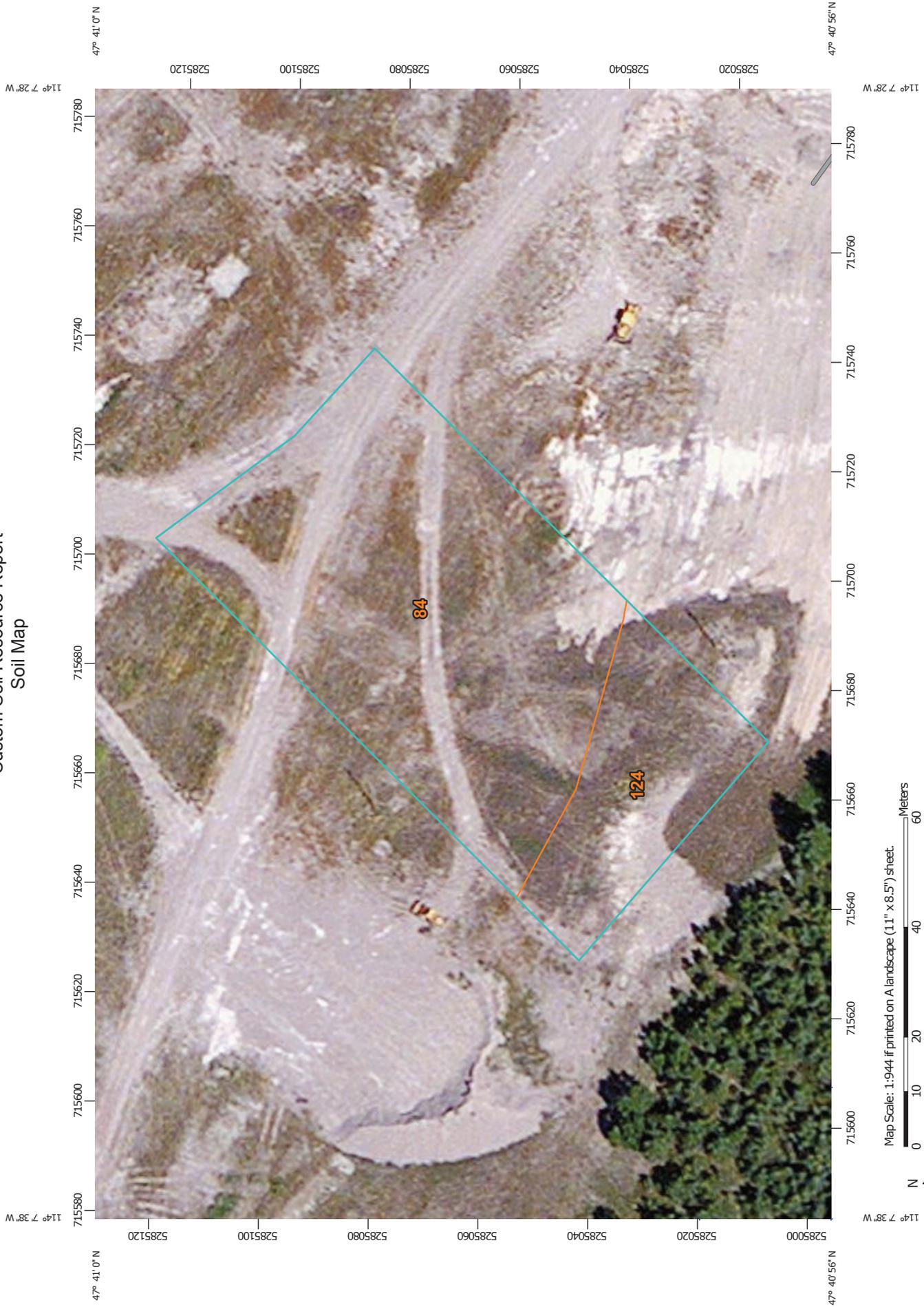
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Custom Soil Resource Report for Lake County Area, Montana



Custom Soil Resource Report Soil Map



Map Scale: 1:944 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84



Map Unit Legend

Lake County Area, Montana (MT629)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
84	Kerl loam, 2 to 4 percent slopes	1.0	76.5%
124	Niarada gravelly loam, cool, 30 to 60 percent slopes	0.3	23.5%
Totals for Area of Interest		1.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Lake County Area, Montana

84—Kerl loam, 2 to 4 percent slopes

Map Unit Setting

National map unit symbol: 4w7d
Elevation: 2,400 to 4,900 feet
Mean annual precipitation: 14 to 19 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 90 to 135 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Kerl and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kerl

Setting

Landform: Alluvial fans, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Glaciofluvial deposits

Typical profile

A - 0 to 7 inches: loam
Bw - 7 to 20 inches: gravelly loam
Bk - 20 to 60 inches: gravelly loam

Properties and qualities

Slope: 2 to 4 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: High (about 10.8 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: Silty (si) 15-19" p.z. (R044XW184MT)

Minor Components

Polson

Percent of map unit: 4 percent
Landform: Alluvial fans, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear

Belton

Percent of map unit: 4 percent
Landform: Alluvial fans, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear

Gird

Percent of map unit: 4 percent
Landform: Alluvial fans, stream terraces
Down-slope shape: Linear
Across-slope shape: Linear

Niarada

Percent of map unit: 3 percent
Landform: Stream terraces, alluvial fans
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: Silty (si) 15-19" p.z. (R044XW184MT)

124—Niarada gravelly loam, cool, 30 to 60 percent slopes

Map Unit Setting

National map unit symbol: 4vwr
Elevation: 2,700 to 6,000 feet
Mean annual precipitation: 14 to 22 inches
Mean annual air temperature: 39 to 45 degrees F
Frost-free period: 90 to 120 days
Farmland classification: Not prime farmland

Map Unit Composition

Niarada and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Niarada

Setting

Landform: Moraines
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Glacial till

Typical profile

Ap - 0 to 7 inches: gravelly loam
A - 7 to 14 inches: very gravelly loam
Bw - 14 to 18 inches: very gravelly loam
Bk - 18 to 60 inches: very gravelly loam

Properties and qualities

Slope: 30 to 60 percent
Depth to restrictive feature: More than 80 inches

Custom Soil Resource Report

Natural drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum in profile: 35 percent

Salinity, maximum in profile: Nonsaline (0.0 to 2.0 mmhos/cm)

Available water storage in profile: Low (about 5.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 7e

Hydrologic Soil Group: B

Ecological site: Silty-cool (sicool) 15-19" p.z. (R044XW185MT)

Minor Components

Hogsby

Percent of map unit: 5 percent

Landform: Moraines

Down-slope shape: Linear

Across-slope shape: Linear

Ecological site: Shallow (sw) 15-19" p.z. (R044XW146MT)

Flott

Percent of map unit: 5 percent

Landform: Moraines

Down-slope shape: Linear

Across-slope shape: Linear

Walstead

Percent of map unit: 3 percent

Landform: Moraines

Down-slope shape: Linear

Across-slope shape: Linear

Rock outcrop

Percent of map unit: 2 percent



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Phone: (406) 755-7888 • Fax: (406) 755-7880 • www.a2z-engineering.com



(Above) Soils Typical of Test Pits - Typical Test Pit (Below)





TEST PIT FIELD LOG

Project: Modderman Project
Location: Ridgewater 4
Date: May 5, 2019
Excavator/Operator: Johnson Excavation
Hole No.: 1
Weather: Partly Cloudy
Logged By: Robert Smith

Groundwater: Required information – Groundwater present? Depth? Seasonal table? Mottling?
No groundwater

Limiting Layer: Required information – Is bedrock, impervious layer or seasonally high groundwater present?
No impervious layers

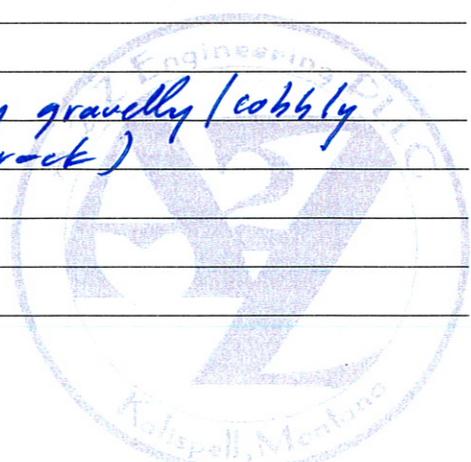
Soil Horizons: Required Information – Layer thickness (inches), texture, structure, consistence, color, color variation, % stoniness, plasticity, organics, etc.

Layer 1: 0" - 36" : Silt loam soil with round gravel

Layer 2: 36" - 72" : Gravelly tan clay-loam with round gravel

Layer 3: 72" - 108" : Very gravelly/cobbly loam (round rock)

Layer 4:





TEST PIT FIELD LOG

Project: MORRISON PROJECT
Location: RIDGEWAY 4
Date: MAY 5 2014
Excavator/Operator: JOHNSON EXCAVATION
Hole No.: 2
Weather: PARTLY CLOUDY
Logged By: R. SMITH

Groundwater: Required information – Groundwater present? Depth? Seasonal table? Mottling?
NO GROUNDWATER

Limiting Layer: Required information – Is bedrock, impervious layer or seasonally high groundwater present?
NO LIMITING LAYERS

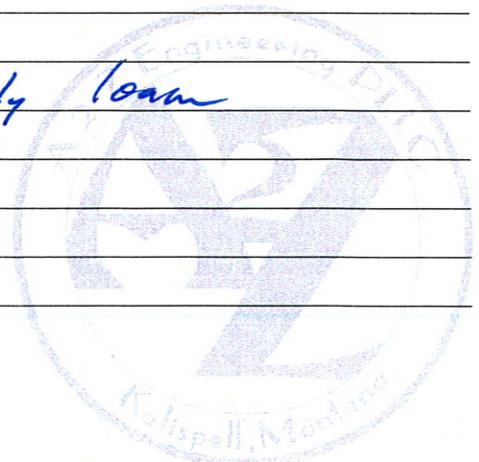
Soil Horizons: Required Information – Layer thickness (inches), texture, structure, consistence, color, color variation, % stoniness, plasticity, organics, etc.

Layer 1: 0" - 36" : Gravelly silt-loam, round rock

Layer 2: 36" - 96" : Tan Gravelly clay-loam round rock

Layer 3: 96" - 108" : Cobbley loam round cobbles

Layer 4:





TEST PIT FIELD LOG

Project: Madisonman Project
Location: Ridgewood 4
Date: MAY 5 2014
Excavator/Operator: JOHNSON EXCAVATION
Hole No.: 2
Weather: PARTLY CLOUDY
Logged By: ROBERT SMITH

Groundwater: Required information – Groundwater present? Depth? Seasonal table? Mottling?
NO GROUNDWATER

Limiting Layer: Required information – Is bedrock, impervious layer or seasonally high groundwater present?
NO LIMITING LAYERS

Soil Horizons: Required Information – Layer thickness (inches), texture, structure, consistence, color, color variation, % stoniness, plasticity, organics, etc.

Layer 1: 0" - 24" Gravelly silt-loam
round rock

Layer 2: 24" - 108" Cobble tan clay loam
round & angular rock

Layer 3:

Layer 4:



101 Whitewater Building

SUPPLEMENTAL INFORMATION

a. Traffic flow and control

Auto traffic approaches the site via Ridgewater Drive from the Highway 93 “Walmart” intersection. No special traffic considerations are anticipated to be created by the proposed project. It is the project developer’s understanding that an overall traffic control plan has been previously submitted to the City of Polson by the Ridgewater developer.

b. Access to and circulation within the property

Traffic into and out of the main parking area will be via Whitewater Place. Coffee Shop drive-through patrons will utilize a single lane one-way drive which exits onto Ridgewater Drive. The proposed parking area is linked to the adjacent “Whitewater Building” parking to provide emergency, and convenience, access. The connection is a condition of the previous approval for the Whitewater Building Special Use Permit.

c. Off-street parking and loading

Off-street parking is provided in one lot. The developer is requesting a reduction in required parking spaces which reflects the use and use patterns of the proposed tenants. No special loading needs are anticipated and thus no loading facilities are provided.

d. Refuse and service areas

A central trash enclosure / pickup area is provided.

e. Utilities

Sewer and water are provided to the site by the City of Polson municipal systems. Underground electrical power is provided to the site by Mission Valley Power.

f. Screening and buffering

Buffer strips are provided for all sides of the property. No fencing is anticipated.

g. Signs, yards, and other open spaces

Signage will be provided on the building façade. Yards and open spaces are provided on all side of the proposed building.

h. Height, bulk, and location of structures

The proposed building height is well below the allowable height of 30 feet. The building bulk is minimized by a varied height parapet and added architectural features like entry canopies, window awnings, and material changes. The building is intended to be a sister facility to the neighboring “Whitewater Building” currently under construction.

i. Location of proposed open space uses

The proposed design provides open space at all sides of the building. Open space uses will be limited to landscaped areas and simple outdoor areas for the building tenants.

j. Hours and manner of operation

Coffee shop will operate from 7AM to 7PM

The gymnastics program will be open from 9AM to 8PM

The workout gym will be open 24 hours

The financial services will be open from 8AM to 5PM

k. Noise, light, dust, odors, fumes and vibration

No unusual noise, light, dust, odors, fumes and vibration are anticipated to be created by this project.

Outdoor lighting will be selected which does not create glare for the neighboring residential areas.

CITY OF POLSON

CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 16 (Motion) Approve Task Order #4 for Dowl HKM Engineering
Meeting Date: October 19, 2015
Staff Contact: Mark Shrives/Tony Porrazzo

AGENDA ITEM SUMMARY: This agenda item requests City Commission approval of Task Order #4 for Dowl HKM Engineering in support of the Wastewater Treatment Project.

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

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

ANALYSIS: The attached Task Order (encl. 1) provides an outline of services to be provided during this phase of the project.

FINANCIAL CONSIDERATIONS: Task Order #4 is in the amount of \$2,243,000

STAFF RECOMMENDATION Approve Dowl HKM Task Order #4

SUGGESTED MOTION: I move to approve Dowl HKM Engineering Task Order #4 in the amount of \$2,243,000.

ATTACHMENTS:

Encl. 1 – Dowl HKM Engineering Task Order #4



October 1, 2015

Mr. Tony Porrazzo
Water & Sewer Superintendent
City of Polson
106 First Street East
Polson, MT 59860

Subject: Water Resource Recovery Facility – Task Order 4 –Final Design, Bidding,
Construction Administration, Startup

Dear Mr. Porrazzo:

Please find enclosed the draft task order for final design, bidding, construction administration and post construction services for the water resource recovery facility. The current task order #3 includes completion of the SBR equipment manufacturer. With the headworks equipment already procured and a significant portion of the treatment facility not affected by the final SBR selection, we are ready to proceed with final design, and need to start as soon as possible.

The scope of work is detailed in the task order but it also references the Draft Pre-Design Report we reviewed in July at length in regards to overall facility and current basis of the final design. A few noted changes are identified such as elimination of the influent lift station.

A copy of the current overall project budget is attached for reference. Our estimated engineering services included in this Task Order are notably less than estimated in the current overall project budget. Based simply on a percentage of construction cost the estimated engineering and construction administration services were \$2,471,000. Our estimate included in the Task Order is approximately \$2,028,000 before we account for adding the instrumentation and controls (SCADA) services into our design contract. This cost is sometimes part of the construction phase services, and various “integrators” bid as part of the construction contractors bid. However, we recommend these professional design and programming services be part of our design team to maintain the same instrumentation, controls and programming and integration team in place through design, construction and startup of the facility. This approach transfers the cost of this critical part of the project from the construction line item to the engineering services line item, while providing a more efficient and lower risk delivery method for this part of the treatment facility. At the City’s option, annual service agreements can then be completed with the same system integrator though not required for the proposed non-proprietary instrumentation and control design, and other integrators would be readily able to work on the system thereafter. Thus, with this addition, the task order total is approximately \$2,243,000. The proposed sub-consultant for this work is In Control, Inc. We have completed multiple projects in this manner with In Control and have a high degree of confidence in their work and our working relationship.

Other sub-consultants included in the design include Ritter Engineering for the electrical design. Ritter Engineering has provided electrical engineering design services for water and wastewater systems and for DOWL for over 20 years. For the heating and ventilation design, we will utilize Consulting Design Solutions (CDS). CDS has been on the same team with DOWL and Ritter Engineering for multiple water and wastewater projects. For the architectural services, we have engaged DSArchitects. Similarly, DSA has been part of the team for recent treatment facility projects.

Our assumptions for estimated construction contract time and the level of support during startup and post startup are stated within the respective sections. We have also attached a detailed summary of the hours and costs for reference. Please let us know what questions you have about the scope of services or the estimated costs.

We look forward to moving ahead into the final design and intend to maintain an active and collaborative dialog with City staff in the design of the details of the facility.

Sincerely,
DOWL

A handwritten signature in black ink, appearing to read "Kevin R. Johnson". The signature is fluid and cursive, written in a professional style.

Kevin R. Johnson, P.E.
Project Manager

Attachment(s): As stated

cc: File

Task Order

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

1. Specific Project Data

- A. Title: Water Resource Recovery Facility – Final Design, Bidding, Construction and Startup Services
- B. Description: This Task Order shall include the following general tasks as further detailed under Part 2 below:

2. Services of Engineer

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

This project includes construction of a new mechanical wastewater treatment facility to replace the City's existing four-cell, aerated lagoon system. Raw wastewater will be re-routed from the lagoon influent main to a new preliminary treatment system (i.e. headworks) for removal of debris and grit. From the headworks, wastewater will continue by gravity flow to a new sequencing batch reactor (SBR) for biological treatment. The treated wastewater will exit the SBR and flow into a post-equalization basin prior to entering a new ultraviolet disinfection system and ultimate discharge to the Flathead River.

Settled solids from the SBR basins will be pumped to two (2) aerobic digesters for stabilization and pathogen reduction. The solids accumulated in the digesters will be pumped periodically to solids dewatering facilities. Dewatered sludge will be disposed at the landfill or land applied if solids meet the applicable requirements.

The facility will include three buildings. The "Headworks Building" will include a process mechanical room for the mechanical screens and grit classifier, electrical room, and a basement will house the grit system pumps, a storage area, and provisions for future septage receiving equipment.

A second "Control Building" will be connected to the aerobic digesters. The building will include an upper level to house a laboratory, bathroom, office, electrical/control room, HVAC room, blower room for the biological process and aerobic digester blowers and a room for chemical feed storage tanks. The building will also include a lower floor to house solids transfer pumps and recirculation pumps used for mixing the digesters unless other mixers are incorporated. Solids dewatering equipment and an enclosure/garage for dewatered solids (i.e. cake) storage will also be required and may be located on the upper or lower floors of the building.

A third "UV Building" will be required for the UV disinfection system and housing of utility water pump system to provide pressurized, non-potable water.

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The full detail of the design scope is provided in the draft “*City of Polson, MT Water Resource Recovery Facility, Pre-Design Report*” dated July 9, 2015. The document is considered a draft as it does not take into account the final style/manufacturer for the SBR treatment equipment. Further, the influent lift station included in the conceptual design has been deleted from the conceptual design in favor of constructing the SBR tanks deeper to allow gravity flow through the headworks and into the SBR basins, without further pumping

The City has pre-selected Huber Technology, Inc. to provide the screening and grit removal equipment for the headworks facility. Further, pre-selection of the Sequencing Batch Reactor (SBR) will be completed in Sept/Oct of 2015. Thus, some modification to the overall site, process mechanical, and structural designs will be required to accommodate the final SBR selection. It is generally anticipated this scope of work and estimated fee is sufficient to address the changes from the conceptual design for whatever specific SBR system is selected.

Existing Lagoon(s) Reclamation:

The existing lagoon reclamation cannot commence until the new treatment facility is fully approved and commissioned. Then, subsequent transfer of water from cell 2 to 3 to 4 and discharge can proceed. Next, the lagoon dikes would be excavated/lowered to near the sludge layer and the existing piping and manhole structures removed and disposed by the contractor. The balance of earth would be moved into the Cell #5 area.

One to two feet of water may remain in Cell #4 requiring very slow release of the water or pumping to the front of the new treatment facility on account of higher sludge content toward the bottom of the pond.

The sludge in cells 2, 3 and 4 would be allowed to dry for a minimum of 2-4 months. The best approach is to get the sludge as dry as possible for any means of disposal to reduce the volume, minimize the vector (rodent/birds/flies) attraction potential, and attain a low pathogen level in the sludge material. Based upon the nutrient and metals content of the sludge, the maximum allowable volume of sludge would then be land applied to the approximate 10-12 acres of land available at the treatment site. The balance of the sludge would be stored for subsequent application in successive year or years, hauled to a land application site, or a combination of both of these options. It is expected a significant volume of the overall sludge material will need to be land applied at a site other than the City-owned property at the treatment facility site.

It is proposed to include the lagoon dike excavation, pipe and manhole removal, and the first application of sludge (sludge from Cell #1) to the available land at the treatment site into the prime contract for the treatment facility construction. To allow further drying, it is proposed to complete subsequent sludge application and/or hauling through a separate construction contract or contracts to enable the primary construction contract to be closed out.

Professional Service to be Provided by Engineer:

1. ***“PROJECT MANAGEMENT”*** - The project management phase includes management of the following scope, schedule and budget through the duration of the project to ensure conformance with these parameters. Project management includes the project planning, updating of the plan, coordination among disciplines, managing of resources and subconsultants, and accommodation of project change.

2. ***“PRELIMINARY DESIGN (75% complete)”*** - This phase shall consist of the following specific tasks:
 - a. **Geotechnical Investigation:** The geotechnical investigation will include mobilization of a boring rig on low bearing pressure tracks to enable access to the interior of the emptied lagoon Cell #1. The investigation will consist of 13 geotechnical borings to determine the soil characteristics within the treatment facility location to record soil, rock and groundwater conditions. Groundwater monitoring wells will be installed in selected locations to enable monitoring of the groundwater level, and this information will be made available to the bidding contractors. Materials will be sampled for laboratory testing and engineering analysis. The information obtained from the field exploration and laboratory-testing program will be used to evaluate the subsurface conditions at the site. Engineering analysis will then be performed in order to determine specific design criteria for the project. A geotechnical report will then be prepared for use in design of the facilities and published for use by bidding contractors.

 - b. Topographic survey is complete. Very limited additional survey is included to verify property ownership for use in the Site Title Opinion.

 - c. **DEQ Design Report:** Per DEQ request, a draft design report will be prepared and provided to DEQ for review before completion of this preliminary design phase. DEQ has reviewed the *“Wastewater Preliminary Engineering Report”*, the *“Specifications for Headworks Equipment Procurement”* and the *“Specifications for SBR Equipment Procurement”*. DEQ has requested the draft Design Report in their comment letters from review of these documents. Most of this information is already completed in the Draft Pre-Design Report dated July 9, 2015 but will be compiled as needed with the appropriate additional design information for purposes of the Design Report required as part of the project submittal to DEQ.

 - d. The preliminary design submittal will consist of developing 75% complete drawings and specifications of the proposed facility including process flow diagrams, process and instrumentation diagrams, site civil and yard piping, process mechanical, structural, architectural, ,HVAC, electrical, and instrumentation and control.

- e. Complete *preliminary site grading, earthwork, site civil* for the sewer collection, buried process piping and grading plans for treatment facility site and access roads.
- f. Complete *preliminary mechanical and piping design* to include the following:
 - i. Hydraulic Grade Line diagrams;
 - ii. Process Flow Diagrams (PFD's);
 - iii. Process and Instrumentation Diagrams (P&ID's);
 - iv. Design of interior process pumping and process piping for screen system, grit system, aeration piping and equipment, waste sludge pumps, scum pumps, UV disinfection equipment, utility water booster pump system, sludge transfer pumps, sludge dewatering system, and site lift station pumping systems;
 - 1. Process mechanical drawings will be completed in ACAD Plant 3D to allow interaction with the City via Autodesk Design Review software (freeware). Some portions (i.e. site lift station) may not warrant use of this software depending on the specific space constraints and/or need to interface with other systems (structural/HVAC).
- g. Complete *preliminary structural design* of the WRRF. The WRRF expansion is anticipated to be constructed of materials as described above under the unit process descriptions.
 - i. The structural design of the building shall be done in accordance with the 2009 edition of the International Building Code including referenced code and design standards such as ASCE 7-10, Minimum Design Loads for Buildings and Other Structures, AISC Steel Construction Manual, ACI 318-08, Building Code Requirements for Structural Concrete and Commentary, and ACI 350, Code Requirements for Environmental Engineering of Concrete Structures.
- h. Complete *preliminary architectural design* to include the following:
 - i. Develop Preliminary Code evaluation of the building, determining Occupancy, Type of Construction, Allowable Height and Area, Fire Resistive Construction requirements, Exiting requirements, Fire Suppression requirements and identify any other applicable 2009 IBC Code requirements;
 - ii. Develop a Preliminary Design for Floor Plan and Exterior Elevations and Building Sections;

- iii. Coordinate insulation Design R-Values for wall and roof structure based on desired/required energy efficiency Code requirements and also humidity/condensation issues for the interior space;
 - iv. Door and Window Schedules;
 - v. Roofing system details;
 - vi. Exterior Finish per Owner's selection;
 - vii. Interior finishes and painting schedule;
- i. Complete the *preliminary building mechanical design* to include the following:
- i. Coordinate insulation Design R-Values for wall and roof structure based on desired/required energy efficiency Code requirements and also humidity/condensation issues for the interior space;
 - ii. Building HVAC systems for the headworks building, process building and UV disinfection buildings;
 - a. Based on availability only electric only service for heat, assumption at this time is the buildings will be heated with electric heat. Investigation will include possible use of propane for heating and the corresponding heating costs for the City's consideration.
 - iii. Building plumbing systems including utility water, potable water and sanitary sewer service, sump pumps and floor/roof drains;
- j. Complete *preliminary electrical design* to include the following:
- i. Preliminary electrical load lists;
 - ii. One line wiring diagrams;
 - iii. Layout and selection of primary switchgear;
 - iv. Layout and selection of power conditioner, motor control cabinets, variable frequency drives and motor starters;
 - v. External and internal lighting disconnects, wiring diagrams and fixtures;
 - vi. Ventilation and cooling systems for the motor control center and blower room, as needed;

- vii. Drawings for electrical site plans, power, lighting, electrical one-lines, MCC, motor and panel schedules;
- k. Complete *preliminary instrumentation and control design* to include the following:
 - i. Preliminary Input/output (I/O) lists/tables;
 - ii. Control/SCADA panel drawings;
 - iii. Control system logic descriptions and control diagrams (on P&ID's);
 - iv. Procure and configure SCADA and computer software. This includes purchase of software and required licenses estimated at \$25,700.);
 - v. Programmable Logic Controller (PLC) program summaries (those not provided by equipment vendors);
 - vi. Operator Interface Terminal (OIT) program summaries for panels not provided by equipment suppliers;
 - vii. SCADA computer program and report summary.
- l. Develop Preliminary Set of Technical Specifications:
 - i. Table of contents for site work, concrete, masonry, metals, carpentry, thermal and moisture protection, doors and windows, finishes, equipment, process mechanical, building mechanical, electrical, instrumentation and control specifications. Specifications will be based upon the CSI standard specifications divisions 00 to 46;
- m. Prepare Preliminary drawings consisting of:
 - i. Cover page, sheet legend, survey control, design criteria & general notes sheets;
 - ii. Process flow diagram and hydraulic profile;
 - iii. Preliminary P&IDs;
 - iv. Partially completed valve and equipment schedules;
 - v. Yard piping plan and profiles;
 - vi. Process mechanical plan and sections;
 - vii. Structural foundation, slabs, basin arrangements, and wall and roof sections.

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- viii. Architectural requirements, two renderings of the proposed facility; supporting codes and requirements
 - ix. Electrical site plans, building power plans, power distribution, one-line diagrams, load list, equipment and panel schedules;
 - x. Building mechanical systems (heating, cooling, building plumbing) plan, details and equipment schedules;
 - xi. Standard details for civil, process mechanical, building mechanical, structural, architectural, electrical, instrumentation and control disciplines.
- n. Develop and refine the construction cost estimate based upon the 75% complete design package.
- o. Prepare and distribute to the Owner, a Preliminary Design Package (75% complete) for review.
- p. Host and prepare minutes of a Preliminary Design Review meeting with the Owner and other affected entities.
- q. Engineer's services under the Preliminary Design Phase will be considered complete on the date when the required submittals have been delivered to Owner.
- r. Deliverables of this Phase will include:
- i. 75% Design Packages
 - ii. Preliminary Opinions of Probable Construction Costs
3. ***“FINAL DESIGN PHASE” (95% complete)*** - This phase will begin upon completion of the Preliminary Design Review with the Owner and will consist of refining, modifying and completing the design of the elements described in Preliminary Design Phase. Based upon the review comments, the general design tasks will include the following:
- a. Prepare ***final site grading, earthwork, site civil, and stormwater control plans*** for building site and access road to include:
 - i. Site layout and finished grade contours;
 - ii. Anticipated excavation and grading volumes;
 - iii. Exterior buried process piping plan and profiles;
 - iv. Stormwater runoff and control features;

- v. Reclamation and revegetation plans;
 - vi. Building access pads and entry ways;
 - vii. Signage;
 - viii. Access roadways and parking lot designs;
 - ix. Stormwater Management plans for construction activities.
- d. Prepare *final process mechanical and piping design drawings, details and specifications*;
- i. Final drawings and specifications for the process mechanical installations including pumps, valves, process/package equipment, instrumentation, equipment pads, support brackets and pipe stands;
 - ii. Miscellaneous special details as required in support or process mechanical systems.
- b. Prepare *final structural design drawings, details and specifications* to include:
- i. Structural foundation, wall and roof structure plans;
 - ii. Sections and detail drawings for the building foundations, walls, roof structures;
 - iii. Water process tanks and channel plans and sections;
 - iv. Walkways and stairways.
 - v. Miscellaneous structural details.
- c. Prepare *final architectural design drawings, details and specifications* to include:
- i. Building floor plans and related notes, legends;
 - ii. Building exterior elevations;
 - iii. Building and wall sections;
 - iv. Miscellaneous details of roofs and walls;
 - v. Door/Hardware, window schedules, cabinet/furniture schedules;
 - vi. and exterior/interior finish notes/schedules;

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- vii. Interior Elevations as needed;
 - viii. Provide Technical Specs for Architectural work sections, including CMU, mortar, roofing, flashing, insulation for walls and roof, flooring, doors/frames, windows, sealants, cabinetry and painting.
- d. Prepare *final building mechanical design drawings, details and specifications* to include the following:
- i. Final building mechanical heating and ventilation systems;
 - ii. Final building plumbing systems;
 - iii. Final equipment schedules and details.
- e. Prepare *final electrical design drawings, details and specifications* to include:
- i. Final electrical load lists;
 - ii. Final drawings and specifications for the building(s) electrical service including grounding;
 - iii. Final details of power feed requirements with power company (if required);
 - iv. Final selection of primary switchgear, disconnects, variable frequency drives, motor starters and arrangement in the motor control center;
 - v. Final one-line diagrams;
 - vi. Final power circuitry design to all equipment and devices;
 - vii. Final power circuitry design to all interior and exterior lighting.
- f. Prepare *final instrumentation and control design drawings, details and specifications* to include:
- i. Finalize the PFD's and P&ID's;
 - ii. Finalize the design and programming of a SCADA control and monitoring panel and Operator Interface Terminal (OIT). This OIT will include menus and access to all operator selected set points and controls for all the process equipment. Status indications, alarms, controls, alarm history, set point control and manual operation for all equipment (all equipment that is not provided with its own packaged control system) will be provided through this OIT;
 - iii. Final SCADA system design with a non-proprietary architecture to allow for multiple control system integrators and/or equipment vendors to service the equipment and/or make program modifications to the system;

- iv. Final drawings and specifications for the panel wiring diagrams, installations and cabinetry.
 - s. Develop Final Preliminary Set of Technical Specifications/Contract Documents:
 - i. Final specifications for Divisions 00 through 46 as applicable.
 - ii. Final quantities and methods of measurement and basis of payment descriptions.
 - h. Prepare a Final Project Design Report that summarizes the design requirements and features to address Circular DEQ-2 requirements.
 - i. Submit project plans to DEQ for review and approval.
 - j. Engineer's services under the Final Design Phase will be considered complete on the date when the required submittals have been delivered to Owner.
 - k. Deliverables of this Phase will include:
 - i. 95% Design Packages;
 - ii. Final Engineer Design Report; and
 - iii. Final Opinions of Probable Construction Costs
4. **“PERMITTING & EASEMENTS”** - This phase is associated with procurement of the necessary permits.
- a. Deliverables of this Phase will include completion of permit applications to the required agencies as follows;
 - i. DEQ Permit;
 - ii. Draft SWPP will be submitted for contractor’s use in preparing permit;
 - iii. Building permit – local or state;
 - iv. No other permits anticipated.
5. **“PREPARE BIDDING AND CONTRACT DOCUMENTS PHASE”** - This phase will begin upon completion of the Final Design Review with the Owner and will consist of refining, modifying and completing the design of the elements described in Final Design Phase. Based upon the review comments, the general design tasks will include the following:

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- a. Engineer will provide three (3) copies of this Preliminary Bidding Document for review by Owner and respective legal counsels. Once the reviews are completed and accepted, Engineer will then assemble a Final version of these Division 0 and 1 documents that will be utilized for the project.
- e. The Final Design submittal includes all materials needed to begin issuing packages for bidding. It will consist of the following:
 - i. 100% stamped and sealed original hardcopy drawings and specifications for civil, process mechanical, structural, architectural, HVAC, electrical, instrumentation and control disciplines;
 - ii. Specifications and drawings as PDF files on Compact Disks, labeled;
 - iii. All other deliverables as PDF files, on Compact Disks, labeled.
- f. Once the final design is complete and all comments and suggestions are addressed from the various reviews and DEQ approvals, Engineer will complete a reproducible original set of the final *Project Manual* and associated drawings to the Owner.
- g. Engineer's services under the Prepare Bidding and Contract Documents Phase will be considered complete on the date when the required submittals have been delivered to Owner.
- h. Deliverables of this Phase include:
 - a. Complete set of Bidding Documents including drawings, specifications, and bidding instructions.

6. *Exhibit A – Engineer’s Services; PART 3: BIDDING AND NEGOTIATION, Add the following:*

- a. A1.04.A.1.a DOWL utilizes a web-based plans exchanged “AEPlans” for distribution of bidding documents. We will provide the necessary newspaper adds to the Owner to provide the local and regional newspapers. All bid document procurement, bidder lists, and addenda will be handled through the AEPlans plans exchange. DOWL will not print and distribute plans to bidders. DOWL will respond to bidder questions and issue addenda, as necessary. The cost for this service is based upon the number of plan sheets, and is offset by the alternative cost of producing, checking, collecting/refunding deposits, and shipping of bid documents.

7. *Exhibit A - Engineer's Services; PART 4: CONSTRUCTION AND COMMISSIONING;*
Add the following:

- a. A1.05.B *Duration of Construction:* Add Part B.1: This contract assumes the construction contract time allowance for the project will be **548 calendar days (390 working days)**. Significant variations from this conceptual schedule could have a corresponding effect upon the duration of construction phase services. Construction services provided beyond the assumptions included herein will be renegotiated with the Owner.
- b. A1.05.B.2 The construction phase services assume a single construction contract will be awarded for completion of the overall project including construction of the new facility, abandonment of the existing treatment lagoons, lowering of the existing dikes, removal of existing treatment equipment and land application of the sludge from Cell #1 to the area owned by the City of Polson.
 - i. Subsequent removal of the sludge from cells 2, 3 and 4 may require a separate construction contract. Subsequent bidding phase and construction administration services for this sludge removal/disposal may require modification to this agreement.
- c. A1.05.13 *Inspections and Tests* – Add the following
DOWL will provide quality assurance testing of soils, concrete, mortar and grout. Contractor will be required to provide quality control testing in accordance with their selected means and methods.
- d. A1.05.C *SCADA/Programming*
 1. *Control Panel Checkout:* To verify compliance with design drawings, a representative will travel to the manufacturer facility and perform a control panel checkout on all control panels not provided by equipment suppliers. This will allow all punch list items found during this checkout to be resolved at the manufacturer's facility prior to shipment to the jobsite.
 2. *Field Service:* A service technician will perform the SCADA equipment/programming calibration, startup, tuning, and adjustment.
 3. *Operator training* will be provided in operation of the SCADA system and data trending and reporting programs.
- e. A1.06.A1.a *Startup/Commissioning Support:* To facilitate with facility startup and training, 100 hours of design engineer support is included in the post construction phase services. This includes an additional total of two (2) trips of two days on-site each trip.

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- f. A1.06.A1.b Operations Support: Following startup and intended for the first year of operation, an additional 100 hours of design engineer support is included in the Post-Construction Phase services. This estimate includes a total of five (5) trips each of two days on-site.

8. Exhibit D – Duties, Responsibilities, and Limitations of Authority of RPR; Add the following:

- a. Part D1.01 Resident Project Representative; Add Part A.1 as follows: This scope of work includes provision of one, full-time inspector for the duration of the construction project.

3. Owner's Responsibilities

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

- *No additional provisions noted.*

4. Tentative Work Plan Schedule and Times for Rendering Services

The following table presents the proposed schedule for completion of this Task Order No. 4 – Final Design & Construction.

<u>Phase/Task</u>	<u>Completion Date</u>
<u>Phase 1000 – Preliminary Design</u>	<u>Sept 1, 2015 – Feb 28, 2016</u>
<u>Phase 2000 – Final Design</u>	<u>March 1 – May 15, 2016</u>
<u>Phase 2000 – Permitting</u>	<u>May 16 – July 31, 2016</u>
<u>Phase 3000 – Bidding & Award</u>	<u>August 1 – Sept 30, 2016</u>
<u>Phase 4000 – Construction</u>	<u>Oct 1, 2016 – March 30, 2018</u>
<u>Phase 4000 – Construction – Lagoon Reclamation</u>	<u>Sept 1, 2018 – Oct 31, 2018</u>
<u>Phase 5000 – SCADA/Integration/Field Work</u>	<u>Oct 2017 – March 30, 2018</u>
<u>Phase 6000 – Inspection</u>	<u>Oct 1, 2016 – March 30, 2018</u>
<u>Phase 7000 – Post Construction, Startup</u>	<u>March 30 – April 30, 2018</u>

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A. Payments to Engineer

1) Owner shall pay Engineer for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Estimate of Compensation for Services</i>
Basic Services	Standard Hourly Rates	Task Order 4 – Final Design, Bidding, CA, Startup
		<i>Phase 1000 – Prelim Design</i> \$672,300
		<i>Phase 2000 – Final Design</i> \$393,000
		<i>Phase 3000 – Bidding</i> \$34,600
		<i>Phase 4000 – Construction Admin.</i> \$419,900
		<i>Phase 5000 – SCADA/Integration</i> \$215,700
		<i>Phase 6000 – Inspection</i> \$440,000
		<i>Phase 7000 – Post Construction, Startup</i> \$67,500
		<i>Total =</i> \$2,243,000

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

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

5. Pursuant to the Agreement, Exhibit C, Part C2.02.A.6, the hourly rate schedule has adjusted as of June of 2015. This task order deletes Appendix 1, and Appendix 2 of Exhibit C and replaces these with the attached Appendix 1B and Appendix 2B.
6. Terms and Conditions: Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

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The Effective Date of this Task Order is **October 19, 2015**.

OWNER:

ENGINEER:

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

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

DESIGNATED REPRESENTATIVE FOR
TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK
ORDER:

Name: Tony Porrazzo

Name: Kevin Johnson, P.E.

Title: Water & Sewer Superintendent

Title: Project Manager

Address: 106 First Street East
Polson, MT 59860

Address: 2090 Stadium Drive; Bozeman, MT
59715

E-Mail Address: wss@cityofpolson.com

E-Mail Address: krjohnson@dowl.com

Phone: 406-883-8215

Phone: 406-586-8834

Fax: 406-883-8238

Fax: 406-586-1730



Equipment, Materials, & Supplies

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

Travel, Mileage, & Miscellaneous

Per diem will be billed when travel is more than 50 miles from the office during a meal allowance period of three or more consecutive hours or involves an overnight stay. The three meal allowance periods are breakfast (midnight to 10 am), lunch (10 am – 3 pm) and dinner (3 pm to midnight).

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

Notes

1. DOWL's Professional Fee Services Fee Schedule is subject to adjustment each year or at the end of a contract period, whichever is appropriate. Should adjustments be anticipated or required, such adjustments will not affect existing contracts without prior agreement between Customer and DOWL.
2. Costs included in overhead rates for reasonable requests. Requests beyond those considered reasonable by the project manager billed at Cost + Agreed Upon Mark-up.
3. Specialized computer software or hardware necessary for a unique application for will be billed at a negotiated rate or unit cost.
4. Late charges will be assessed on the unpaid balance of all accounts not paid within 30 days of the billing date, at a rate of 1.0 percent per month (12% per year).



MONTANA FEE SCHEDULE

Personnel Billing Rates

Personnel are identified on our invoices by name and/or labor category.

Senior Manager I	\$195.00	Engineering Technician IV	\$110.00
Project Manager V	\$180.00	Engineering Technician III	\$85.00
Project Manager IV	\$165.00	Engineering Technician II	\$75.00
Project Manager III	\$130.00	Engineering Technician I	\$60.00
Engineer IX	\$210.00	Public Involvement Program Manager	\$125.00
Engineer VIII	\$185.00	Public Involvement Coordinator	\$110.00
Engineer VII	\$175.00	Public Involvement Planner	\$95.00
Engineer VI	\$160.00	Real Estate Services Manager	\$150.00
Engineer V	\$150.00	Right of Way Agent VI	\$185.00
Engineer IV	\$125.00	Right of Way Agent IV	\$150.00
Engineer III	\$105.00	Right of Way Agent III	\$125.00
Engineer II	\$90.00	Right of Way Agent II	\$110.00
Engineer I	\$85.00	Right of Way Agent I	\$95.00
Environmental Specialist VIII	\$195.00	Right of Way Assistant	\$85.00
Environmental Specialist VII	\$185.00	Professional Land Surveyor VI	\$130.00
Environmental Specialist VI	\$165.00	Professional Land Surveyor V	\$105.00
Environmental Specialist V	\$150.00	Professional Land Surveyor IV	\$100.00
Environmental Specialist IV	\$135.00	Professional Land Surveyor III	\$90.00
Environmental Specialist III	\$110.00	Professional Land Surveyor II	\$80.00
Environmental Specialist II	\$100.00	Crew Chief	\$95.00
Environmental Specialist I	\$90.00	Crew Surveyor	\$75.00
Biologist IV	\$125.00	Survey Technician II	\$85.00
Landscape Architect VII	\$180.00	Survey Technician I	\$60.00
Landscape Architect V	\$160.00	Administrative Manager	\$90.00
Landscape Architect IV	\$150.00	Document Production Supervisor	\$110.00
Landscape Architect III	\$120.00	Administrative Assistant	\$55.00
Landscape Architect II	\$105.00	Accounting Manager	\$140.00
Landscape Architect I	\$100.00	Accounting Technician	\$75.00
Landscape Planner	\$105.00	Corporate Development Manager	\$150.00
Planner X	\$250.00	Marketing & Administrative Manager	\$120.00
Planner VIII	\$195.00	Marketing Coordinator	\$80.00
Planner VII	\$180.00	Marketing Assistant	\$75.00
Planner V	\$160.00	Proposal Manager	\$110.00
Planner IV	\$145.00	Risk Manager	\$170.00
Planner III	\$125.00	Materials Supervisor	\$105.00
Planner II	\$105.00	Materials Manager	\$95.00
Planner I	\$80.00	Senior Materials Technician	\$75.00
Geologist IV	\$135.00	Lead Materials Technician	\$65.00
Geologist III	\$115.00	Materials Technician	\$60.00
Geologist II	\$110.00	Inspector - Supervisor	\$130.00
Cultural Resources Specialist IV	\$135.00	Inspector II	\$95.00
Archaeologist	\$85.00	Inspector I	\$90.00
Intern	\$50.00	Hyrdologist	\$110.00
Engineering Technician V	\$115.00		

City of Polson, MT
Water Resource Recovery Facility - Project Budget Form
8/3/2015

Line	Administrative/Financial Costs	SOURCE					TOTAL
		Local	RRGL GRANT	TSEP GRANT	CDBG Grant	SRF Loan 1	
1	Personnel Costs						\$10,000
2	Office Costs						\$8,000
3	Professional Services						\$26,712
4	Legal Costs	\$10,000		\$5,000			\$30,000
5	Audit Fees						\$10,000
6	Travel & Training			\$8,000			\$13,000
7	Loan Fees						\$0
8	Interim Interest						\$73,239
9	Bond Counsel & Related Costs						\$35,000
10						Subtotal =	\$205,951
11	Loan Debt Service Reserve	\$400,000					\$400,000
12	TOTAL ADMINISTRATIVE/FINANCIAL COSTS	\$410,000	\$0	\$13,000	\$0	\$182,951	\$605,951
13							
14	ACTIVITY COSTS:						
15	Land Acquisition		\$0	\$0			\$0
16	Preliminary Engineering						\$0
	Final Engineering/Arch. Design	\$350,000	\$50,000	\$350,000			\$1,235,707
	Final Engr./Construction - SCADA			\$0			\$0
17	Final Engineering/Arch. Design	\$350,000	\$50,000	\$350,000			\$1,235,707
18	Construction Inspection						\$1,235,707
	Construction - Equip. - Headworks	\$32,000	\$50,000	\$50,000			\$328,501
	Construction - Equip. - SBR	\$65,000	\$25,000	\$75,000			\$650,000
	Construction - Cell 1 Sludge Removal	\$100,000					\$100,000
	Construction - General Contractor	\$243,000		\$262,000		\$400,000	\$10,860,698
19	Construction - All	\$440,000	\$75,000	\$387,000	\$0	\$400,000	\$11,939,199
20	Contingency			\$0	\$0		\$1,790,880
21	TOTAL ACTIVITY COSTS	\$790,000	\$125,000	\$737,000	\$0	\$400,000	\$16,201,493
22	TOTAL PROJECT COSTS	\$1,200,000	\$125,000	\$750,000	\$0	\$400,000	\$16,807,444