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

COMMISSION CHAMBERS **March 23, 2015** **7:00 P.M.**

1. CALL TO ORDER
Mayor Knutson

2. PLEDGE OF ALLEGIANCE
Mayor Knutson

3. APPROVAL OF PROPOSED AGENDA
Mayor Knutson

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

5. CONSENT AGENDA

a. Claims March 1-18, 2015
b. City Commission Meeting Minutes March 2, 2015
c. Gordon Zimmerman resignation from City County Planning Board

6. CITY MANAGER COMMENTS
City Manager Mark Shrives

NEW BUSINESS

7. APPROVE RESOLUTION OF ANNEXATION & ZONE CHANGE FOR POLSON YOUTH SOCCER ASSOCIATION, INC.
City Manager Mark Shrives, Contract Planner Erica Wirtala

8. APPROVE RESOLUTION TO AUTHORIZE THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
City Manager Mark Shrives & Lori Benner, Nittany Grantworks, City Engineer Shari Johnson

9. APPROVE RESOLUTION FOR MAYORS DAY FOR NATIONAL SERVICE RECOGNITION.
Mayor Knutson

10. APPROVE RESOLUTION PRELIMINARY ENGINEERING REPORT (PER) ADENDUM #1
City Manager Mark Shrives

11. APPROVE FIRST READING OF ORDINANCE TO ADOPT CHAPTER 3, ARTICLES 1. IN GENERAL, ARTICLE 2. WATER, ARTICLE 3. SEWER TO THE CITY OF POLSON BOOK OF ORDINANCES
City Manager Mark Shrives

12. RESORT TAX DISCUSSION
Mayor Knutson

13. WHOLLY SURROUNDED PROPERTY ANNEXATION DISCUSSION
City Manager Mark Shrives

14. RECESS
Mayor Knutson

EXECUTIVE SESSION
(PER MCA CODE 2-3-203)

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

16. RE-CONVENE

17. CITY MANAGER PERFORMANCE APPRAISAL REPORT
Mayor Knutson

18. ADJOURN
Mayor Knutson

For doc #s from 120013 to 120223

5a.

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	410200 Executive Services	4895 8x8, INC.	EXECUTIVE-MAYOR'S OF	29.02
1000 General All-Purpose Fund	410360 Municipal Court	3428 A. DOUG OLSON	COURT-CITY JUDGE CON	1,650.00
1000 General All-Purpose Fund	410360 Municipal Court	3068 WALMART COMMUNITY CREDIT	COURT-BREAKROOM SUPP	1.88
1000 General All-Purpose Fund	410360 Municipal Court	4880 ACCESS MONTANA	COURT-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410360 Municipal Court	000010 CENTURYLINK	COURT-SHARED TELEPHO	105.60
1000 General All-Purpose Fund	410360 Municipal Court	4895 8x8, INC.	COURT-TELEPHONE SERV	29.12
1000 General All-Purpose Fund	410360 Municipal Court	4895 8x8, INC.	COURT-SHARED TELEPHO	32.62
1000 General All-Purpose Fund	410360 Municipal Court	2074 VERIZON WIRELESS	COURT-J HART ANDROID	40.01
1000 General All-Purpose Fund	410360 Municipal Court	3025 FIRST BANKCARD	COURT-MONEY TRAY & C	27.16
1000 General All-Purpose Fund	410400 Administrative Services	4804 MARK SHRIVES	ADMN-MS TRAVEL MEALS	78.00
1000 General All-Purpose Fund	410400 Administrative Services	4895 8x8, INC.	ADMIN-EQUIPMENT PURC	205.72
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. UNIT 2 FU	24.97
1000 General All-Purpose Fund	410400 Administrative Services	4605 THIRD EYE TECHNOLOGIES,	ADMIN-CLEAN UP MALWA	37.50
1000 General All-Purpose Fund	410400 Administrative Services	4895 8x8, INC.	ADMINISTRATION-TELEP	71.83
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN-CITY MNGR CELL	30.00
1000 General All-Purpose Fund	410500 Financial Services	4880 ACCESS MONTANA	FINANCE-INTERNET SER	15.00
1000 General All-Purpose Fund	410500 Financial Services	4895 8x8, INC.	FINANCE-TELEPHONE SE	58.24
1000 General All-Purpose Fund	410500 Financial Services	000150 PETTY CASH FUND	FINANCE-MAIL BEER/WI	5.95
1000 General All-Purpose Fund	410500 Financial Services	4750 GOVERNMENT FINANCE	FINANCE-DOOLEY MEMBR	160.00
1000 General All-Purpose Fund	411100 Legal Services	4820 M RICHARD GEBHARDT	FACILITIES-CONTRCT C	2,000.00
1000 General All-Purpose Fund	411100 Legal Services	4850 MORIGEAU LAW PLLC	FACILITIES-CITY ATTY	2,000.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4895 8x8, INC.	FACILITIES-EQUIPMENT	406.92
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-WORK ON W	405.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-ADDT'L EM	10.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACILITIES-WEB HOSTI	22.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITIES-BULLS EYE	4.49
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	STREETS-FASTENERS	11.88
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITY-GROUND PLUG	4.49
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITY-GOO REMOVER	20.98
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACILITY-CARPET SLID	11.49
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000010 CENTURYLINK	FACILITIES-TELEPHONE	269.82
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000080 FLATHEAD NEWSPAPER GROUP	FACILITIES-PUBLIC HE	19.80
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-ANNUAL FI	57.50
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-RESTOCK F	18.41
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2888 MISSION VALLEY SECURITY	FACILITIES-INSPECT F	75.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4896 DAWN'S FLOWER DESIGNS	FACILITIES-SYMPTH FL	43.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000034 WESTERN BUILDING CENTER	FACILITIES-1X4 PINE	4.12
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000034 WESTERN BUILDING CENTER	FACILITIES-1X4 #2 PI	14.11
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4605 THIRD EYE TECHNOLOGIES,	FACILITIES-WORK ON S	75.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000044 REPUBLIC SERVICES #889	FACILITIES-WASTE DIS	52.17
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FINANCE-OFFICE SUPPL	15.38
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4895 8x8, INC.	FACILITIES-TELEPHONE	121.56
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4895 8x8, INC.	FACILITIES-UNASSIGNE	17.55
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000281 BISHOP INSURANCE SERVICE	FACILITIES-C PRITT N	40.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4375 SECRETARY OF STATE	FACILITIES-C PRITT N	25.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACILITIES-BREAK ROO	13.98
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2379 RELIABLE OFFICE SUPPLY	FACILITY-OFFICE SUPP	13.57
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2379 RELIABLE OFFICE SUPPLY	FACILITY-PAPER	83.98
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2379 RELIABLE OFFICE SUPPLY	FACILITY-SHIP/HNDL	1.48

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2379 RELIABLE OFFICE SUPPLY	FACILITY-ORDER DISCO	-50.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACILITIES-SHIP/HNDL	5.99
1000 General All-Purpose Fund	420140 Crime Control and	4900 MONTANA PUBLIC EMPLOYEES	POLICE-G.MILLER PERS	651.78
1000 General All-Purpose Fund	420140 Crime Control and	001107 VALLEY GLASS INC	POLICE-LIGHT PNL SHO	51.83
1000 General All-Purpose Fund	420140 Crime Control and	000023 GULL PRINTING	POLICE-BUSINESS CARD	49.95
1000 General All-Purpose Fund	420140 Crime Control and	000023 GULL PRINTING	POLICE-STATIONARY/CA	200.00
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-MISC OFFICE S	27.49
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-MARKER BOARD	87.46
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-MISC OFFICE S	17.99
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-MISC OFFICE S	17.99
1000 General All-Purpose Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-STREAMLIGHT H	299.98
1000 General All-Purpose Fund	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLICE-THERMAL PAPER	8.88
1000 General All-Purpose Fund	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLICE-OFFICE SUPPLI	21.60
1000 General All-Purpose Fund	420140 Crime Control and	3610 VINCENT RIVER, PH.D.,	POLICE-PRE-EMPLY SCR	660.00
1000 General All-Purpose Fund	420140 Crime Control and	4894 INNOVATIVE CONTRACTING	POLICE-EVIDENCE REMO	6,665.00
1000 General All-Purpose Fund	420140 Crime Control and	4894 INNOVATIVE CONTRACTING	POLICE-1% CGR	-66.65
1000 General All-Purpose Fund	420140 Crime Control and	4425 DEPARTMENT OF REVENUE	POLICE-1% CGR REMODE	66.65
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-VARIETY PRODU	81.79
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE- VARIETY PROD	13.28
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-KEYS	10.50
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-TOTE STORAGE	59.98
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-LOCK	19.99
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLICE-KEYS	9.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-INTERNET SERV	15.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-SATELITE @ 10	19.32
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLICE-SATELITE @ 10	28.97
1000 General All-Purpose Fund	420140 Crime Control and	000046 BEACON TIRE CENTER	POLICE-4 TIRE ROTATE	24.00
1000 General All-Purpose Fund	420140 Crime Control and	000046 BEACON TIRE CENTER	POLICE-FRONT BEARING	730.00
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-SHARED TELEPH	57.86
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLICE-TELEPHONE SER	258.35
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLICE-FIRE EXTNG AN	29.43
1000 General All-Purpose Fund	420140 Crime Control and	2888 MISSION VALLEY SECURITY	POLICE-VEH FIRE EXT	112.91
1000 General All-Purpose Fund	420140 Crime Control and	4743 WEX BANK	POLICE-FUEL 2/1-28/1	1,950.82
1000 General All-Purpose Fund	420140 Crime Control and	4605 THIRD EYE TECHNOLOGIES,	POLICE-SYSTM RECOV C	105.00
1000 General All-Purpose Fund	420140 Crime Control and	000044 REPUBLIC SERVICES #889	POLICE-SHARED WASTE	47.82
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-GEL INK REFIL	3.99
1000 General All-Purpose Fund	420140 Crime Control and	3614 THE CAR WASH/GROGAN'S	POLICE-VEH WASH 2/1-	49.64
1000 General All-Purpose Fund	420140 Crime Control and	000185 SUPER 1 FOODS	POLICE-K-9 SUPPLIES	32.99
1000 General All-Purpose Fund	420140 Crime Control and	000185 SUPER 1 FOODS	POLICE-K-9 SUPPLIES	32.99
1000 General All-Purpose Fund	420140 Crime Control and	4895 8x8, INC.	POLICE-SHARED TELEPH	32.61
1000 General All-Purpose Fund	420140 Crime Control and	4895 8x8, INC.	POLICE-TELEPHONE SER	278.88
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-I PHONES	259.90
1000 General All-Purpose Fund	420140 Crime Control and	000545 POLSON ANIMAL CLINIC	POLICE-K-9 EXAM & VA	122.70
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLICE-BUSINESS CARD	9.99
1000 General All-Purpose Fund	420140 Crime Control and	2379 RELIABLE OFFICE SUPPLY	POLICE-VARIETY OFFIC	16.14
1000 General All-Purpose Fund	420140 Crime Control and	000150 PETTY CASH FUND	POLICE-MISC PURCHASE	87.13
1000 General All-Purpose Fund	420146 Police Municipal Services	2888 MISSION VALLEY SECURITY	STREETS-ANNUAL FIRE	164.99
1000 General All-Purpose Fund	420146 Police Municipal Services	2888 MISSION VALLEY SECURITY	STREETS-RESTOCK 1ST	65.80
1000 General All-Purpose Fund	420400 Fire Protection and	3025 FIRST BANKCARD	FIRE-PB TRAVEL LODGI	151.80
1000 General All-Purpose Fund	420400 Fire Protection and	3025 FIRST BANKCARD	FIRE-JO TRAVEL LODGI	130.40
1000 General All-Purpose Fund	420400 Fire Protection and	3528 THE COVE DELI & PIZZA	FIRE-ICE RESCUE TRAI	151.65
1000 General All-Purpose Fund	420400 Fire Protection and	3616 PHYSIO-CONTROL INC	FIRE-BATTERY REPLCMN	321.00

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-9V BATTERY	14.99
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-9V BATTERY	14.99
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-VARIETY PRODUCT	30.46
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	000010 CENTURYLINK	FIRE-TELEPHONE SERVI	89.97
1000 General All-Purpose Fund	420400 Fire Protection and	2888 MISSION VALLEY SECURITY	FIRE-EXTING ANNUAL I	168.15
1000 General All-Purpose Fund	420400 Fire Protection and	2888 MISSION VALLEY SECURITY	FIRE-PERKINS VEH EXT	25.04
1000 General All-Purpose Fund	420400 Fire Protection and	000034 WESTERN BUILDING CENTER	FIRE-GLOVES FOR ICE	33.96
1000 General All-Purpose Fund	420400 Fire Protection and	4743 WEX BANK	FIRE-FUEL 2/1-28/201	106.11
1000 General All-Purpose Fund	420400 Fire Protection and	2074 VERIZON WIRELESS	FIRE-CELL PHONE SERV	50.98
1000 General All-Purpose Fund	420400 Fire Protection and	000259 PETER BISHOP	FIRE-PB TRAVEL MEALS	170.00
1000 General All-Purpose Fund	420400 Fire Protection and	4533 KEVIN STRAUB	FIRE-KS TRAVEL MEALS	170.00
1000 General All-Purpose Fund	420400 Fire Protection and	3665 JODI O'SULLIVAN	FIRE-JO TRAVEL MEALS	170.00
1000 General All-Purpose Fund	420400 Fire Protection and	3614 THE CAR WASH/GROGAN'S	FIRE-VEH WASH 2/1-28	5.13
1000 General All-Purpose Fund	420400 Fire Protection and	4895 8x8, INC.	FIRE-TELEPHONE SERVI	29.02
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-COOKING OIL	20.86
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-FOOD	8.99
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-WATER	1.98
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-ASST CLEANING P	26.91
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-FOOD	17.97
1000 General All-Purpose Fund	420400 Fire Protection and	4336 QUAD L AWARDS	FIRE-5 PLAQUES	75.00
1000 General All-Purpose Fund	420400 Fire Protection and	4148 MUNICIPAL EMERGENCY	FIRE-FOR PACK ON ENG	505.98
1000 General All-Purpose Fund	420400 Fire Protection and	4840 JOHNSON SERVICE AND	FIRE-SNOW PLOW NOV 1	210.00
1000 General All-Purpose Fund	420400 Fire Protection and	000011 MISSION VALLEY POWER	FIRE-705 1ST ST E FI	11.00
1000 General All-Purpose Fund	420400 Fire Protection and	4148 MUNICIPAL EMERGENCY	FIRE-TEMPLE STRAP AS	453.95
1000 General All-Purpose Fund	420400 Fire Protection and	000150 PETTY CASH FUND	FIRE-MISC PURCHASE	2.68
1000 General All-Purpose Fund	420400 Fire Protection and	4148 MUNICIPAL EMERGENCY	FIRE-GAUGE LINE TUBI	304.00
1000 General All-Purpose Fund	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-CONTRCT SER	1,705.00
1000 General All-Purpose Fund	420540 Land Use	3025 FIRST BANKCARD	PLANNING-CALCULATOR	12.95
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-RIDGEWATER	492.80
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-STRATEGY MT	185.66
1000 General All-Purpose Fund	420540 Land Use	4458 SHARI A. JOHNSON, PE	PLANNING-PROV OF SVC	46.42
1000 General All-Purpose Fund	420540 Land Use	4880 ACCESS MONTANA	PLANNING-INTERNET SE	15.00
1000 General All-Purpose Fund	420540 Land Use	4895 8x8, INC.	PLANNING-TELEPHONE S	34.72
1000 General All-Purpose Fund	430240 Road and Street	2464 SHOP SPECIALTIES, LLC	STREETS-VENT OFF HEA	124.05
1000 General All-Purpose Fund	430240 Road and Street	4825 IBS, INC	STREETS-CUT WHL/GRIN	157.81
1000 General All-Purpose Fund	430240 Road and Street	4825 IBS, INC	STREETS-CREDIT PROD	-45.77
1000 General All-Purpose Fund	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-PAINT	25.00
1000 General All-Purpose Fund	430240 Road and Street	4880 ACCESS MONTANA	STREETS-SATELITE @ 1	19.31
1000 General All-Purpose Fund	430240 Road and Street	4880 ACCESS MONTANA	STREETS-SATELITE @ 1	28.96
1000 General All-Purpose Fund	430240 Road and Street	000010 CENTURYLINK	STREETS-TELEPHONE SE	93.81
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-PRODUCT RETU	-6.54
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-WOOD , TAPE	101.16
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-SINKER NAILS	11.49
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-CIRCUIT TEST	5.19
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-FIR SELECT	8.28
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-VARIETY BLDI	162.95
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-BOLTS	12.51
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-SCREWS & WAS	28.55
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-PACKAGE WRAP	34.99
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-ASST BLDG PR	409.08
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-STAR DRIVE B	9.80

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	37.83
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	144.85
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	21.49
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-PRODUCT RETU	-21.49
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	21.99
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	79.40
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-PRODUCT RETU	-6.58
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	19.74
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	3.74
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	27.70
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STREETS-GARAGE REMOD	24.74
1000 General All-Purpose Fund	430240 Road and Street	000044 REPUBLIC SERVICES #889	STREETS-SHARED WASTE	47.81
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STREETS-CELL PHONE S	118.31
1000 General All-Purpose Fund	430240 Road and Street	001041 RODY CONSTRUCTION	STREETS-1 DOOR	725.00
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-FASTENERS	5.00
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-STUDDED POSTS	44.94
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-TRASH CAN	25.99
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-2 CYCLE OIL	9.16
1000 General All-Purpose Fund	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-BAL OF INVOICE	7.00
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 SERV	19.31
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PARKS-SATELITE SERV	28.96
1000 General All-Purpose Fund	460430 Parks	000010 CENTURYLINK	PARKS-TELEPHONE SERV	32.36
1000 General All-Purpose Fund	460430 Parks	2888 MISSION VALLEY SECURITY	PARKS-ANNUAL FIRE EX	97.45
1000 General All-Purpose Fund	460430 Parks	2888 MISSION VALLEY SECURITY	PARKS-RESTOCK 1ST AI	31.17
1000 General All-Purpose Fund	460430 Parks	4743 WEX BANK	PARKS-FUEL 2/1-28/15	44.73
1000 General All-Purpose Fund	460430 Parks	000044 REPUBLIC SERVICES #889	PARKS-WASTE DISPOSAL	54.45
1000 General All-Purpose Fund	460430 Parks	4895 8x8, INC.	PARKS-TELEPHONE SERV	58.04
1000 General All-Purpose Fund	460430 Parks	2074 VERIZON WIRELESS	PARKS-CELL PHONE SER	170.39
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-SACAJAWEA WALK	27.87
1000 General All-Purpose Fund	460430 Parks	000011 MISSION VALLEY POWER	PARKS-J CAMPBELL 22N	11.00
			Total for Fund:	31,048.01
2020 Police Municipal Services	420140 Crime Control and	4086 MONTANA ASSOCIATION OF	POLICE-DUES NASH,COT	180.00
2020 Police Municipal Services	420140 Crime Control and	2074 VERIZON WIRELESS	POLICE-AIRCARDS & NO	520.53
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-2 NIKON COOLP	391.98
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-2 NIKON COOLP	391.98
2020 Police Municipal Services	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-AEGIS PADLOCK	478.00
2020 Police Municipal Services	420140 Crime Control and	000150 PETTY CASH FUND	POLICE-DEPT MOTOR VE	44.00
			Total for Fund:	2,006.49
2219 Parks Donations	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS - SNS AB SPRAY	3.88
2219 Parks Donations	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS-4 TOTE BOXES	35.88
2219 Parks Donations	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS-MISC SUPPLIES	18.45
2219 Parks Donations	460430 Parks	3068 WALMART COMMUNITY CREDIT	PARKS-6 LATCH TOTES	89.82
2219 Parks Donations	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-ASST BLDG SUPP	174.79
2219 Parks Donations	460430 Parks	4825 IBS, INC	PARKS-VARIETY PARTS	265.38
			Total for Fund:	588.20

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2222 Park Donations -	460430 Parks	2234 ACE HARDWARE/ TREMPER'S	PARKS-FASTENERS, BOE	14.87
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-BOETTCHER PARK	51.68
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-BOETTCHER PARK	10.80
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-BOETTCHER PARK	10.80
2222 Park Donations -	460430 Parks	000034 WESTERN BUILDING CENTER	PARKS-ASST BLDG SUPP	272.76
			Total for Fund:	360.91
2394 Building Code Enforcement	420500 Protective Inspections	2234 ACE HARDWARE/ TREMPER'S	BUILDING-ANCHOR	7.49
2394 Building Code Enforcement	420500 Protective Inspections	2234 ACE HARDWARE/ TREMPER'S	BUILDING-INFRARED TH	34.99
2394 Building Code Enforcement	420500 Protective Inspections	4880 ACCESS MONTANA	BUILDING-INTERNET SE	15.00
2394 Building Code Enforcement	420500 Protective Inspections	000010 CENTURYLINK	BUILDING-CREDIT	-10.03
2394 Building Code Enforcement	420500 Protective Inspections	2888 MISSION VALLEY SECURITY	BUILDING-ANNUAL FIRE	5.75
2394 Building Code Enforcement	420500 Protective Inspections	4743 WEX BANK	BUILDING-FUEL 2/1-28	35.36
2394 Building Code Enforcement	420500 Protective Inspections	4895 8x8, INC.	BUILDING-TELEPHONE S	29.02
			Total for Fund:	117.58
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PARKS-SPORTS COMPLX	11.00
2395 Tree Fund	480150 Tree Conservation	4901 JENNISON TREE &	STREETS-TREE REMOVAL	1,000.00
			Total for Fund:	1,011.00
2402 Light Maintenance	430263 Street Lighting	4458 SHARI A. JOHNSON, PE	FACILITIES-LED LIGHT	70.40
2402 Light Maintenance	430263 Street Lighting	000011 MISSION VALLEY POWER	FACILITIES-N END MAI	215.64
			Total for Fund:	286.04
2720 Police Donations	420140 Crime Control and	4896 DAWN'S FLOWER DESIGNS	POLICE-SYMPTHY FLWRS	53.00
2720 Police Donations	420140 Crime Control and	000150 PETTY CASH FUND	POICE-HOLIDAY DINNER	25.08
			Total for Fund:	78.08
2730 K-9 Donation Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-K9 VELCRO ID	14.99
			Total for Fund:	14.99
2810 Police Training Fund	420140 Crime Control and	4670 RICK SCHOENING	POLICE-RS TRAVEL MEA	23.00
2810 Police Training Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLICE-WN TRAVEL LOD	150.71
2810 Police Training Fund	420140 Crime Control and	4670 RICK SCHOENING	POLICE-MILEAGE REIMB	39.87
			Total for Fund:	213.58
2820 Gas Apportionment Tax	430240 Road and Street	4355 TITAN MACHINERY	STREETS-FILTER	107.61
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-MISC PURCHAS	22.98
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-FASTENER PRO	9.70
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-MITER SAW	199.99
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-MITER SAW RE	-199.99
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-ICE TREK GRI	1,279.68
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-ICE TREK GRI	-319.91
2820 Gas Apportionment Tax	430240 Road and Street	4849 JOHN DEERE FINANCIAL	STREETS-MITER SAW	179.99
2820 Gas Apportionment Tax	430240 Road and Street	4049 D & D CUSTOMS AND	STREETS-ALUMINUM SIG	40.00

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-VARIETY PROD	76.93
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-CABL STRAP,	7.03
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-FASTENERS	3.00
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-12" COMPND M	199.99
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-SPRAY PAINTE	411.18
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-PAINT, GRACO	26.96
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-STIHL SCREW,	28.96
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-PRUNING SEAL	8.49
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-PRUNING SEAL	8.49
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STREETS-HALLWAY RUNN	11.99
2820 Gas Apportionment Tax	430240 Road and Street	4872 ENNIS PAINT, INC	STREETS-WHT STRP PAI	2,164.00
2820 Gas Apportionment Tax	430240 Road and Street	4872 ENNIS PAINT, INC	STREETS-MISSION BAY	757.40
2820 Gas Apportionment Tax	430240 Road and Street	4743 WEX BANK	STREETS-FUEL 2/1-28/	429.70
			Total for Fund:	5,454.17
2943 RCDI/Growth Policy	420540 Land Use	4835 SANDS SURVEYING, INC	PLANNING-GROWTH POLI	1,250.00
			Total for Fund:	1,250.00
5010 Golf Fund	103010 Cash Drawer	000150 PETTY CASH FUND	GOLF REST-STARTUP CA	750.00
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GOLF MAINT-VARIETY P	151.89
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GOLF MAINT-VARIETY P	536.25
5010 Golf Fund	460446 Golf Course -	000093 TRIPLE W. EQUIPMENT INC	GOLF MAINT-VARIETY P	406.73
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GOLF MAINT-STEERING	39.00
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-VARIETY P	121.62
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-VARIETY P	60.61
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-FENCE REB	44.78
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-FOGGER, T	21.48
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-KRAZY GLU	2.99
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-VARIETY P	34.06
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-VARIETY P	20.76
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-AAA BATTE	8.99
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GOLF MAINT-IN/OUT TE	21.99
5010 Golf Fund	460446 Golf Course -	000046 BEACON TIRE CENTER	GOLF MAINT-TUBES INS	21.00
5010 Golf Fund	460446 Golf Course -	000010 CENTURYLINK	GOLF MAINT-TELEPHONE	150.51
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	49.07
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	93.80
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GOLF MAINT-COURSE RE	56.82
5010 Golf Fund	460446 Golf Course -	4872 ENNIS PAINT, INC	GOLF MAINT-30 GAL PA	312.00
5010 Golf Fund	460446 Golf Course -	2888 MISSION VALLEY SECURITY	GOLF MAINT-ANNUAL FI	115.00
5010 Golf Fund	460446 Golf Course -	2888 MISSION VALLEY SECURITY	GOLF MAINT-SERV FIRE	65.00
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	18.68
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-PAYMENT C	-0.06
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GOLF MAINT-LAUNDRY	15.62
5010 Golf Fund	460446 Golf Course -	000044 REPUBLIC SERVICES #889	GOLF MAINT-WASTE DIS	54.45
5010 Golf Fund	460447 Golf Course - Pro Shop	4375 SECRETARY OF STATE	GOLF PRO-REG NAME W/	20.00
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	000316 WALLACES GOLF SHOP	GOLF PRO-FACEBOOK AD	35.58

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460447 Golf Course - Pro Shop	000316 WALLACES GOLF SHOP	GOLF PRO-DEGREASER S	236.35
5010 Golf Fund	460447 Golf Course - Pro Shop	000316 WALLACES GOLF SHOP	GOLF PRO-COMPTR SUPP	67.88
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO SHOP-TELEPH	178.07
5010 Golf Fund	460447 Golf Course - Pro Shop	000644 CITY OF POLSON WATER	GOLF PRO SHOP-WATER	37.17
5010 Golf Fund	460447 Golf Course - Pro Shop	2888 MISSION VALLEY SECURITY	GOLF PRO-FIRE EXTNG	28.75
5010 Golf Fund	460447 Golf Course - Pro Shop	000044 REPUBLIC SERVICES #889	GOLF PRO-WASTE DISPO	35.83
5010 Golf Fund	460447 Golf Course - Pro Shop	4026 PACIFIC NORTHWEST SECTION	GOLF PRO-ADVRTS ANNU	500.00
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GOLF PRO-TELEPHONE S	22.95
5010 Golf Fund	460447 Golf Course - Pro Shop	3595 DEX MEDIA WEST	GOLF PRO-ADVERTISEME	174.00
5010 Golf Fund	460447 Golf Course - Pro Shop	4895 8x8, INC.	GOLF PRO-TELEPHONE S	87.06
5010 Golf Fund	460447 Golf Course - Pro Shop	3025 FIRST BANKCARD	GOLF PRO-CTC ADVERTI	40.00
5010 Golf Fund	460447 Golf Course - Pro Shop	3025 FIRST BANKCARD	GOLF PRO-MICROSOFT R	99.99
5010 Golf Fund	460447 Golf Course - Pro Shop	000011 MISSION VALLEY POWER	GOLF PRO-DOWNSTAIRS	122.98
5010 Golf Fund	460450 Golf Course Restaurant	4375 SECRETARY OF STATE	GOLF REST-REG NAME W	20.00
5010 Golf Fund	460450 Golf Course Restaurant	4754 PEPSI-COLA BOTTLING OF	GOLF REST-ASST BEVER	427.30
5010 Golf Fund	460450 Golf Course Restaurant	3447 SUMMIT BEVERAGE	GOLF REST-ASST BEER	155.95
5010 Golf Fund	460450 Golf Course Restaurant	3427 ZIP BEVERAGE	GOLF REST-ASST BUD B	102.94
5010 Golf Fund	460450 Golf Course Restaurant	4754 PEPSI-COLA BOTTLING OF	GOLF REST-ASST BEVER	228.70
5010 Golf Fund	460450 Golf Course Restaurant	4754 PEPSI-COLA BOTTLING OF	GOLF REST-CREDIT RET	-41.85
5010 Golf Fund	460460 G. C. Restaurant O & M	000010 CENTURYLINK	GOLF RESTAURANT-TELE	120.77
5010 Golf Fund	460460 G. C. Restaurant O & M	000644 CITY OF POLSON WATER	GOLF REST-WATER	37.17
5010 Golf Fund	460460 G. C. Restaurant O & M	000080 FLATHEAD NEWSPAPER GROUP	GOLF REST-ALL BEV LI	29.70
5010 Golf Fund	460460 G. C. Restaurant O & M	2888 MISSION VALLEY SECURITY	GOLF REST-FIRE EXT A	51.75
5010 Golf Fund	460460 G. C. Restaurant O & M	2888 MISSION VALLEY SECURITY	GOLF REST-RESTOCK 1S	82.93
			Total for Fund:	16,073.44
5210 Water Fund	214600 Retainage Payable	3612 SANDRY CONSTRUCTION CO.	WATER-RELEASE RETAIN	20,000.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-USPS FEE	26.98
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-PROJECTOR CEIL	14.99
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATER-PROJECTOR SCRE	55.00
5210 Water Fund	430500 Water Utilities	3068 WALMART COMMUNITY CREDIT	WATER-DVD & SLEEVES	13.47
5210 Water Fund	430500 Water Utilities	3068 WALMART COMMUNITY CREDIT	WATER-HP INK CARTRID	36.97
5210 Water Fund	430500 Water Utilities	3068 WALMART COMMUNITY CREDIT	WATER-PAPER TOWELS	17.94
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	430500 Water Utilities	4880 ACCESS MONTANA	WATER-SATELITE @ 715	49.16
5210 Water Fund	430500 Water Utilities	4895 8x8, INC.	WATER-TELEPHONE SERV	49.77
5210 Water Fund	430530 Source of Supply and	000080 FLATHEAD NEWSPAPER GROUP	WATER-INV TO BID	79.20
5210 Water Fund	430530 Source of Supply and	000011 MISSION VALLEY POWER	WATER-715 7TH AVE W	153.12
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATER-CHLORINE, COLI	96.00
5210 Water Fund	430550 Transmission and	4458 SHARI A. JOHNSON, PE	WATER-TSEP DOWNTOWN	2,393.60
5210 Water Fund	430550 Transmission and	4458 SHARI A. JOHNSON, PE	WATER-TSEP DOWNTOWN	2,970.73
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY PRODUC	33.96
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-GRAB HOOKS	7.79
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-EAR PLG, CUT W	7.45
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-1" GLV PLUGS	4.58
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY PRODUC	33.95
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-ANTI-SEIZE, PL	15.65
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-KNOB & DOOR LO	-8.48
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FASTENERS	1.50
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FASTENERS	24.16

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-DRILL BIT	20.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY PRODUC	31.97
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-PVC PIPE	43.56
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY PRODUC	80.49
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-DRILL BIT	21.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-HALGN WRKLIGHT	31.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-FASTENERS	14.96
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-VARIETY PRODUC	186.46
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-GALV LRG INCRE	8.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-PROGRM THERMOS	24.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATER-AA BATTERY	8.99
5210 Water Fund	430550 Transmission and	000010 CENTURYLINK	WATER--TELEPHONE SER	213.16
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-SHOP PROJECT S	46.98
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-SHOP PROJECT	20.14
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	WATER-SHOP PROJECT	22.05
5210 Water Fund	430550 Transmission and	4743 WEX BANK	WATER-FUEL 2/1-28/15	96.84
5210 Water Fund	430550 Transmission and	2007 UTILITIES UNDERGROUND	WATER-UTILITY LOCATE	12.56
5210 Water Fund	430550 Transmission and	000044 REPUBLIC SERVICES #889	WATER-SHARED WASTE D	27.23
5210 Water Fund	430550 Transmission and	3614 THE CAR WASH/GROGAN'S	WATER-VEH WASH 2/1-2	7.81
5210 Water Fund	430550 Transmission and	2074 VERIZON WIRELESS	WATER-CELL PHONE SER	321.65
5210 Water Fund	430550 Transmission and	000098 MANGELS MACHINE WORKS	WATER-STEEL FOR SEVE	56.00
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATER-HD30 MOTOR OIL	14.95
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATER-WINDSHIELD WAS	1.07
5210 Water Fund	430550 Transmission and	000150 PETTY CASH FUND	WATER-MAIL BID PKTS	22.65
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATER-BILLING RESERV	315.00
5210 Water Fund	430570 Customer Accounting and	4507 MT WATERWORKS, LLC	WATER-METER PITS & L	2,820.87
5210 Water Fund	430570 Customer Accounting and	3025 FIRST BANKCARD	WATER-CODE 42 CRASHP	14.98
5210 Water Fund	430570 Customer Accounting and	2888 MISSION VALLEY SECURITY	WATER-ANNUAL FIRE EX	199.86
5210 Water Fund	430570 Customer Accounting and	2888 MISSION VALLEY SECURITY	WATER-RESTOCK 1ST AI	9.56
5210 Water Fund	430570 Customer Accounting and	000282 QUILL CORPORATION	WATER-HP INK CARTRID	39.98
			Total for Fund:	30,870.18
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-USPS FEE	26.97
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-PROJECTOR CEIL	15.00
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWER-PROJECTOR SCRE	54.99
5310 Sewer Fund	430600 Sewer Utilities	3068 WALMART COMMUNITY CREDIT	SEWER-DVD & SLEEVES	13.47
5310 Sewer Fund	430600 Sewer Utilities	3068 WALMART COMMUNITY CREDIT	SEWER-HP INK CARTRID	36.97
5310 Sewer Fund	430600 Sewer Utilities	3068 WALMART COMMUNITY CREDIT	SEWER-PAPER TOWELS	17.94
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	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWER-SATELITE @ 715	49.16
5310 Sewer Fund	430630 Collection and	4159 REXEL INC, d/b/a PLATT	SEWER-SPLICER & TAPE	88.53
5310 Sewer Fund	430630 Collection and	000693 MONTANA RAIL LINK, INC.	SEWER-INTRCPTR SEWER	100.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	4756 J&M TRANSPORTATION	SEWER-COURIER SERVIC	28.00
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWER-DRILL BIT	11.38
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWER-WIRE, GRND CON	132.28
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-TELEPHONE SERV	105.23
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWER-TELEPHONE SERV	241.91

For doc #s from 120013 to 120223

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-WEST SHORE	137.60
5310 Sewer Fund	430630 Collection and	4743 WEX BANK	SEWER-FUEL 2/1-28/15	668.54
5310 Sewer Fund	430630 Collection and	2007 UTILITIES UNDERGROUND	SEWER-UTILITY LOCATE	12.56
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-AMMONIA,n-HEXA	187.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWER-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	3614 THE CAR WASH/GROGAN'S	SEWER-VEH WASH 2/1-2	7.82
5310 Sewer Fund	430630 Collection and	2074 VERIZON WIRELESS	SEWER-CELL PHONE SER	321.64
5310 Sewer Fund	430630 Collection and	4895 8x8, INC.	SEWER-TELEPHONE SERV	49.77
5310 Sewer Fund	430630 Collection and	3411 WESTERN STATES EQUIPMENT	SEWER-INSTALL CAM LO	6,592.21
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWER-HD 30 MOTOR OI	14.95
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWER-WINDSHIELD WAS	1.06
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWER-715 7TH AVE W	153.12
5310 Sewer Fund	430640 Treatment and Disposal	2183 DOWL HKM ENGINEERING	SEWER-ENGINEERING 1/	26,511.79
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-MS TRAVEL LODG	81.32
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-AW TRAVEL LUGG	25.00
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-BP TRAVEL LUGG	25.00
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-AIRPORT PARKIN	32.00
5310 Sewer Fund	430640 Treatment and Disposal	4458 SHARI A. JOHNSON, PE	SEWER-ENGINEER SVCS	1,267.20
5310 Sewer Fund	430640 Treatment and Disposal	4458 SHARI A. JOHNSON, PE	SEWER-ENGINEER SVCS	1,021.19
5310 Sewer Fund	430640 Treatment and Disposal	4821 NITTANY GRANTWORKS	SEWER-CDBG GRANT PRO	1,170.00
5310 Sewer Fund	430640 Treatment and Disposal	000044 REPUBLIC SERVICES #889	SEWER-SHARED WASTE D	27.22
5310 Sewer Fund	430640 Treatment and Disposal	4821 NITTANY GRANTWORKS	SEWER-BAL OF INVOICE	413.00
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-AIRPORT PARKIN	32.00
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-BP LUGGAGE FEE	25.00
5310 Sewer Fund	430640 Treatment and Disposal	3025 FIRST BANKCARD	SEWER-AW LUGGAGE FEE	25.00
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWER-BILLING RESERV	315.00
5310 Sewer Fund	430670 Customer Accounting and	4507 MT WATERWORKS, LLC	SEWER-METER PITS & L	2,820.87
5310 Sewer Fund	430670 Customer Accounting and	3025 FIRST BANKCARD	SEWER-CODE 42 CRASHP	14.97
5310 Sewer Fund	430670 Customer Accounting and	2888 MISSION VALLEY SECURITY	SEWER-ANNUAL FIRE EX	199.85
5310 Sewer Fund	430670 Customer Accounting and	2888 MISSION VALLEY SECURITY	SEWER-RESTOCK 1ST AI	9.55
5310 Sewer Fund	430670 Customer Accounting and	000282 QUILL CORPORATION	SEWER-HP INK CARTRID	39.98
			Total for Fund:	43,403.01

Total: 132,775.68

Fund/Account	Amount
1000 General All-Purpose Fund	
101000	$31,048.01
2020 Police Municipal Services Levy	
101000	$2,006.49
2219 Parks Donations	
101000	$588.20
2222 Park Donations - Restricted	
101000	$360.91
2394 Building Code Enforcement	
101000	$117.58
2395 Tree Fund	
101000	$1,011.00
2402 Light Maintenance District #20	
101000	$286.04
2720 Police Donations	
101000	$78.08
2730 K-9 Donation Fund	
101000	$14.99
2810 Police Training Fund	
101000	$213.58
2820 Gas Apportionment Tax Fund	
101000	$5,454.17
2943 RCDI/Growth Policy	
101000	$1,250.00
5010 Golf Fund	
101000	$16,073.44
5210 Water Fund	
101000	$30,870.18
5310 Sewer Fund	
101000	$43,403.01
Total:	$132,775.68

5b.

CITY OF POLSON
CITY COMMISSION MEETING

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

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

ABSENT: Commissioners Southerland & Turner

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

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

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

CONSENT AGENDA: (6:53) a. Claims February 13-26, 2015, b. City Commission Public Hearing Minutes February 18, 2015 c. City Commission Meeting Minutes February 18, 2015, d. Wlamart Time Extension Request e. City of Polson Golf Course New Beer/Wine Liquor License f. Corporate Structure Change Safeway Store Liquor License No. 15-999-3831-303. Commissioner Morrison motion to approve the Consent Agenda. Commissioner Siler second. City Commission discussion: Commissioner Campbell commented that he would abstain from voting because his wife works for Safeway. Public comment: none **VOTE: 4 ayes, 1 abstain Motion carried**

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

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

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

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

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

AWARD DOWNTOWN WATER LOOPING PROJECT.(21:20) City Manager Shrives presented this agenda item. The bids were opened on Thursday, February 26th at 3:00 p.m. in the Commission Chambers at City Hall. There were 6 bids. LHC is the lowest bidder but will need to have the proper check completed before being formally awarded the bid. Commissioner Campbell asked if all of the bidders were from Montana. City Manager Shrives replied one was out of Idaho. **Commissioner Siler motion to award the bid for the Downtown Watermain Looping Project to the apparent low bidder, L.H.C., Inc. in an amount of $737,795.38, pending final approval of funding agencies and completion of reference checks and to authorize the City Manager to execute all necessary contracts. Commissioner Erickson second.** Commission discussion: none Public comment: none **VOTE Unanimous Motion carried**

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

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

be sent to State Legislature. Commissioner Erickson second. Commission discussion: none Public comment:
Ric Smith thanked the Commission for drafting the letter. Mr. Smith suggested adding a line to thank the Legislatures for their time and to possibly send the Mayor or City Manager to speak before the Legislature in support of the Water Compact on behalf of the City of Polson. **Dennis Duty** commented that he agreed with Ric Smith's comments. Mr. Duty commented that someone should be there to testify before Legislature. **Paul London** commented that he supported the Compact. It will take the uncertainty out. **Diane Speer** commented that she does not support the Water Compact. Diane commented that it is about more than water delivery, but there will be an economic impact as well. Montana State law and Federal law prohibit it. Diane further commented that the City Commission should remain neutral. **Ken McAplin** commented that he is in support of the Water Compact and he also agrees that there needs to be a representative to testify before the Legislature in support of the Compact. **Elsa Duford** commented that she has not been in favor of the Compact from the beginning. Elsa stated that there has been too much conflicting information given out. The City should remain neutral, it is better to not do something in haste on behalf of the City of Polson citizens. **Jack Horner** commented that he appreciated the support. Mr. Horner lives in western Ronan. There is a few that believe in property rights. **Rick LaPiana** commented that he is totally in favor of the Compact. **Andrew Speer** commented that irrigation is a wonderful thing but that this Compact goes against the State of Montana Constitution. The Montana Constitution addresses the water rights in four paragraphs. Mr. Speer commented that in order to pass this Compact the State of Montana Constitution would need to be amended. The State Constitution is what we need to be supporting.
Commissioner Morrison commented that stronger language may need to be added to the letter. Commissioner Morrison supports Ric Smith's idea. Mayor Knutson then re-read the letter following all of the public comment. Commissioner Siler commented that he liked the idea of adding the thank you language into the letter. Then Commissioner Siler asked if City Manager Shrives would go to the Legislature to represent the City of Polson. City Manager Shrives answered he would go to testify before the Legislature. Mayor Knutson agreed to add the thank you to the Legislature and local Representative to the letter. Mayor Knutson then asked for a revised motion as mentioned and submit the letter. **Commissioner Campbell motion to revise the motion to add the thank you to the letter and to submit to the Legislature upon approval. Commissioner Erickson second. VOTE: Unanimous Motion carried**

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

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

ADJOURN: 8:03 p.m.

_____

Heather Knutson, Mayor

ATTEST:

_____

Cora E. Pritt, City Clerk

5c

From: Zimmerman, Gordon [mailto:gz@commbank.net]
Sent: Friday, March 13, 2015 9:27 AM
To: Beth Smith
Cc: 'City Clerk'; Heather Knutson
Subject: RE: notification

Good Morning:

It is with great regret that I submit my resignation from my City of Polson appointments. With the sale of Community Bank, I have accepted a position as President/CEO of Citizens Bank in Corvallis, OR. My wife and I will be moving at the end of this month. While we will miss Polson dearly, we will continue to visit often. We know the City is in great hands with the exceptional Commission, and outstanding Mayor, and the significant number of highly dedicated employees that serve our community.

I have been honored to be of service to the City, and encourage you all to continue searching out residents who will dedicate their time without personal agenda's or bias. The "Silent Majority" need to be constantly reminded that their beautiful community did not happen by accident. It requires ongoing care and protection, and without such dedication, will slowly sink back towards the vocal minority with their destructive agenda.

Thank you all for your dedication and service.

Best regards,

Gordon Zimmerman
President
Community Bank
Division of Glacier Bank
Ph: 406-676-4600
Fax: 406-676-4602
gz@commbank.net

City of Polson
City Commission Agenda Item Summary

Agenda Item Number: 7
Applicant Number: #15-02
Meeting Date: 3/23/2015
Staff contact: Erica Wirtala, AICP, Acting City of Polson Planner
Erica@sandssurveying.com

AGENDA ITEM SUMMARY: Consideration of an Annexation Request and Initial Zoning proposed by the Polson Youth Soccer Association. The 20-acre property is adjacent to current city limits and has access to city streets and services. The Polson Youth Soccer Board is proposing to develop 8.5 acres of the property for the construction and use of four competition soccer fields, associated parking lots and driveways and a concession/restroom facility. This property is known as Tract B of COS 7010 in Section 11, T22N, R20W, P.M.M., Lake County.

BACKGROUND: The Polson Youth Soccer Board has proposed to annex the twenty acre parcel so that they can best utilize City services to their facility. They held an introductory meeting with a presentation of their plans on 1/6/2015 with City staff. There was an additional meeting with the City Commissioners and a follow-up meeting with City staff in March. Discussion was based on finding the most appropriate zoning designation for the property. Currently the property is zoned MRZD, but that does not allow private recreational facilities, so allowing the property to come into the City under the HCZD as their Initial Zoning resolves the issue. As per zoning requirements, an SUP application has been submitted and is currently in the review process. See attached staff report for analysis of conditions.

FINANCIAL CONSIDERATIONS: No known costs to the City

STAFF RECOMMENDATION: The Planning Staff recommends to the City Commission to approve the Annexation and Initial Zoning Request.

PUBLIC COMMENT: There was no public or written comment on the proposal at the time of writing this summary.

SUGGESTED MOTION: "_____ make a motion to approve the Annexation and Initial Zoning request on behalf of the Polson Youth Soccer Association for the twenty acre parcel as described above to be designated with the HCZD as per the staff report, the Findings of Fact and the substantial compliance of the twelve criteria for zone amendments."

ATTACHMENTS: Planning Staff Report prepared by Erica Wirtala-City of Polson planner and the Annexation and Initial Zoning application package as well as the proposed Resolution with Exhibit A attached.

Return to:

City Clerk
City of Polson
106 First Street East
Polson, MT 59860

CITY OF POLSON
RESOLUTION NUMBER _____

A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE CITY OF POLSON, MONTANA, TO ANNEX WITHIN THE BOUNDARIES OF THE CITY, WITH CONDITIONS, CERTAIN TRACTS AND PARCELS OF LAND DESCRIBED HEREINAFTER.

LEGAL DESCRIPTION: Those certain tracts of real property known as:

Tract B of COS 7010 in Section 11, T22n, R20W, P.M.M., Lake County

As shown on Exhibit A attached hereto and made a part hereof.

WHEREAS, POLSON YOUTH SOCCER ASSOCIATION, INC., as the owner of the above described 20 acre parcel, has filed a petition with the City Clerk requesting annexation of such properties into the corporate boundaries of the City of Polson; the Polson City Commission has considered this petition for annexation pursuant to the statutory annexation by petition method set forth in Title 7 Chapter 2 Part 46 Section 4601 (3) (a) (ii) Montana Code Annotated (MCA), and

WHEREAS, the herein described property is proposed for immediate development as a youth soccer facility and will require sewer and water services for its facility; that the petitioners understand that they will be responsible for costs associated with such interior and exterior infrastructure that may be necessary to support such future development; and

WHEREAS, all development of these properties is subject to the rules, regulation and requirements of the City, including the provision of Services Plan of the City of Polson; and

WHEREAS, it was determined that the City is able to provide services for fire and police to the property; FURTHER that said services will commence upon the effective date of the annexation: and

WHEREAS, the parcel described herein is currently zoned County MDZD but in conformance with the adjacent commercial development and the letter and intent of the zoning ordinance, the City HCZD is more appropriate and compatible with the use proposed; FURTHER, this parcel is situated adjacent to City Commission Voting Ward No. II, and it is the intention of the Commission to add this parcel to said Ward;

WHEREAS, the petitioners have executed waivers of protest, for themselves, their heirs and assigns, to the imposition of special improvement districts for water, sewer, and streets for a term not to exceed 25 years, if the same becomes necessary;

WHEREAS, the petition for annexation was duly heard by the City Commission upon notice on the March 23, 2015; the Commission, having fully heard the testimony and reviewed the materials submitted by the City Planning staff in support of such Petition, finds that the annexation of these properties is deemed to be in the best interest of the City of Polson, the inhabitants thereof and for the future use of the land described herein. FURTHER, such property is within the urban growth boundary that the boundaries of the City of Polson and the extension of such boundary is within the scope of the Polson Growth Plan;

NOW, THEREFORE, BE IT RESOLVED, that the corporate limits of the City of Polson be and are extended to incorporate and annex the tract of land herein described; and

BE IT FURTHER RESOLVED, that Commission finds that the property meets the criteria of the Services Plan of the City of Polson, the extension of City services, and the Polson Growth Policy;

BE IT FURTHER RESOLVED, that the property is hereby zoned HCZD;

FURTHER the parcel is assigned to City Commission Voting Ward No.II; and

BE IT FURTHER RESOLVED that the minutes of City Commission of the City of Polson, Montana, incorporate this resolution; and

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Commission hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Commission hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of

the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s). block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Commission; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file this resolution with the Clerk and Recorder of Lake County. This annexation shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder.

PASSED AND ADOPTED this 23rd day of March, 2015.

CITY OF POLSON

_____
Heather Knutson, Mayor

Attest:

_____
Mark Shrives, City Manager

_____
Cora E. Pritt, City Clerk

STATE OF MONTANA)
:ss.
County of Lake)

On this _____ day of _____, 2015, before me the undersigned Notary Public for the State of Montana, personally appeared **Heather Knutson**, known to me to be the Mayor of the City of Polson and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

_____
Notary Public for the State of Montana

_____
Printed Name of Notary
Residing at Polson, Montana
My commission expires: ___/___/20____

535019 DEED Pages: 2
STATE OF MONTANA L COUNTY
RECORDED: 05/05/201 3:27 KOI: DEED
PAULA A HOLLE CLERK AND RECORDER
FEE: $14.00 BY: Wanda R Rost, Dep
TO: ,

Return To:
Polson Youth Soccer Assoc.
PO Box 1337
Polson, MT 59860

Exhibit A

WARRANTY DEED

THIS INDENTURE is made the 5th day of May, 2014, by and between, **LAKEVIEW CEMETERY DISTRICT**, of 2000 Hillcrest Drive, Polson, Montana 59860, **Grantor, and POLSON YOUTH SOCCER ASSOCIATION, INC., a Montana non-profit corporation**, of P.O. Box 1337, Polson, Montana 59860, **Grantee.**

W I T N E S S E T H:

That the said Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, lawful money of the United States of America to Grantor in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey and confirm unto the said Grantee, and to Grantee's heirs, successors and assigns forever, all that certain lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Montana, and particularly described as follows:

A tract of land in the NW1/4 of Section 11, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, further shown and described as being Tract B on Certificate of Survey No. 7010, on file in the office of the Clerk and Recorder of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, agreements, covenants, conditions and rights of way apparent or of record, Lake County, Montana.

FURTHER SUBJECT TO a lack of right of access to the land. A right of access to the land is not established of record.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issues and profits thereof, and also all the right, title, interest and right of homestead property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in or to the said premises, and every part and

535019

parcel thereof, with the appurtenances. **TO HAVE AND TO HOLD**, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, and to Grantee's heirs, successors and assigns forever.

And the said Grantor and Grantor's successors and assigns, does hereby covenant that Grantor will forever **WARRANT AND DEFEND** all right, title and interest in and to the said premises, and the quiet and peaceable possession thereof unto the said Grantee, and to Grantee's heirs, successors and assigns, against the acts and deeds of the said Grantor and all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year above first written.

LAKEVIEW CEMETERY DISTRICT

BY: Vicki L Riebe
VICKI L. RIEBE
President

STATE OF MONTANA)
:SS.
County of Lake)

On this 5th day of May, 2014, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared, **VICKI L. RIEBE,** known to me to be the President of **LAKEVIEW CEMETERY DISTRICT** that executed the within instrument and acknowledged to me that she executed the same, for and on behalf, and as the act and deed of said Company.

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

BETH A. ROWLEY NOTARIAL SEAL STATE OF MONTANA

BETH A. ROWLEY
NOTARY PUBLIC for the
State of Montana
Residing at Polson, MT
My Commission Expires
June 14, 2017.

Beth A Rowley
Notary Public for the State of Montana

Printed Name of Notary
Residing at:
My commission expires:

(SEAL)

DEC 22 2014

ANNEXATION FEE: $100 pd
RESOLUTION #938 – 10/17/07

NOTICE OF WITHDRAWAL FROM POLSON RURAL FIRE DISTRICT, AND PETITION FOR ANNEXATION

To: Polson Rural Fire District, and
City Manager and City Commission of Polson

WITNESSETH:

1. Petitioner(s) Polson Youth Soccer Association, Inc. are owners of the following described tract of land located outside the exterior boundaries of the city of Polson: (describe or attach copy of deed showing legal description)
Please see attached deed and title report.
(A complete and accurate legal description is mandatory for consideration of the petition; tax statements or certificate of survey is insufficient.)

2. Petitioner(s) have mailed or otherwise caused to be delivered a copy of this Notice and Petition to the Polson Rural Fire District in compliance with Section 7-33-2127, M.C.A., advising the District of Petitioner's intent to annex the above-described real property, such notice and annexation to cause the within real property to be detracted from the District.

3. Your Petitioner(s) enter this Petition pursuant to the provisions of Section 7-2-4601, M.C.A., and by their signatures hereupon certify that:

____ Petitioner(s) are more than 50% of the resident electors owning real property in the area to be annexed; or,

X Petitioner(s) are the owner or owners of 50% of the real property in the area to be annexed, and

X that any bonded indebtedness encumbering the property in favor of the Polson Rural Fire District has been paid in full, and the receipt therefor is attached hereto. (will be paid)

WHEREFORE Petitioner(s) pray that the governing body of the city of Polson adopt such resolution as is necessary to provide that the subject real property be annexed and embraced within the corporate limits of the City of Polson.

DATED THIS 22 day of DECEMBER, 20 14.

LM [signature], PRESIDENT
(Property Owner/Petitioner)

(Property Owner/Petitioner)

ATTEST: [signature]
City Clerk

Voting Ward 2 Zoning MRZD
(Subject to later zoning ordinance revisions.)

STATE OF MONTANA)
: ss.
County of Lake)

On this 22nd day of December, 20 14 before me a Notary Public for the State of Montana, personally appeared Link Moderie and _____, known to me to be the persons whose names are subscribed within instrument and acknowledged to me that they executed the same.

Revised 7/2010

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

ANN L. MODERIE
NOTARY PUBLIC for the
State of Montana
Residing at Polson, Montana
My Commission Expires
August 23, 2017

Notary Public for the State of Montana
Residing at Polson, Montana
My commission expires: 8/23/17

REVIEWED BY CITY OFFICIALS: _____
(Water/Sewer Superintendent)

_____ (Planning Official)

_____ (Building Inspector)

_____ (City Manager)

Approved as to form.
Office of the City Attorney

TO BE PRESENTED TO CITY COMMISSION BY: _____

DEC 22 2014
BY

Staff Report
Polson City Commission Meeting
7:00 pm, Monday, March 23, 2015
City Hall Chambers
Annexation and Request for Initial Zoning
from the
Polson Youth Soccer Association
Tract B of COS 7010 in Section 11, T22n, R20W, P.M.M., Lake County

GENERAL INFORMATION:

Applicant:	Polson Youth Soccer Association
Applicant Number:	#15-02
Application Type:	Annexation and Initial Zoning Request
Date Received:	12/22/2014
Date of Site Visit:	1/6/2015

APPLICABLE REGULATIONS:
- Polson Development Code
- Polson Growth Policy,
- MDZD: Medium Density Zoning District
- MT Dept of Environmental Health (DEQ)
- Polson Public Works standards

PUBLIC NOTICE:
Lake County Leader:
Notices for mailing:
Staff Reports delivered: 3/3/2015

WRITTEN COMMENTS: None received at this time.

DEPARTMENT COMMENTS: A general presentation meeting/site review meeting was held on 1/6/2015 and the city of Polson's Road, Park, Fire and Sewer departments all were represented as well as several representatives of the Polson Youth Soccer Association. The City Attorney, Manager and planning staff were also in attendance. The main focus of the discussion was that the property is located in the County and would need to be annexed into the City of Polson.

A second meeting was held on 2/26/15 with Mark Shrives, Rich Gebhardt, Erica Wirtala, Tony Porrazzo from the Water and Sewer Department, Joslyn Shackleford as the technical representative for the Polson Youth Soccer Association as well as a CCPB member. Mike Maddy as an advocate for the project was in attendance as well as many members of the Polson Youth Soccer Board, including their president, Link Moderie. The purpose of this meeting was to flush out some details of the project such as access, parking, fire district, irrigation, zoning, and the timing of future applications (SUP).

PROPERTY DESCRIPTION: The property is located on the east side of Polson, south of US Highway 93 outside of the Polson city limits. It is adjacent to city limits on its south side (Mission Valley Aquatic Center).

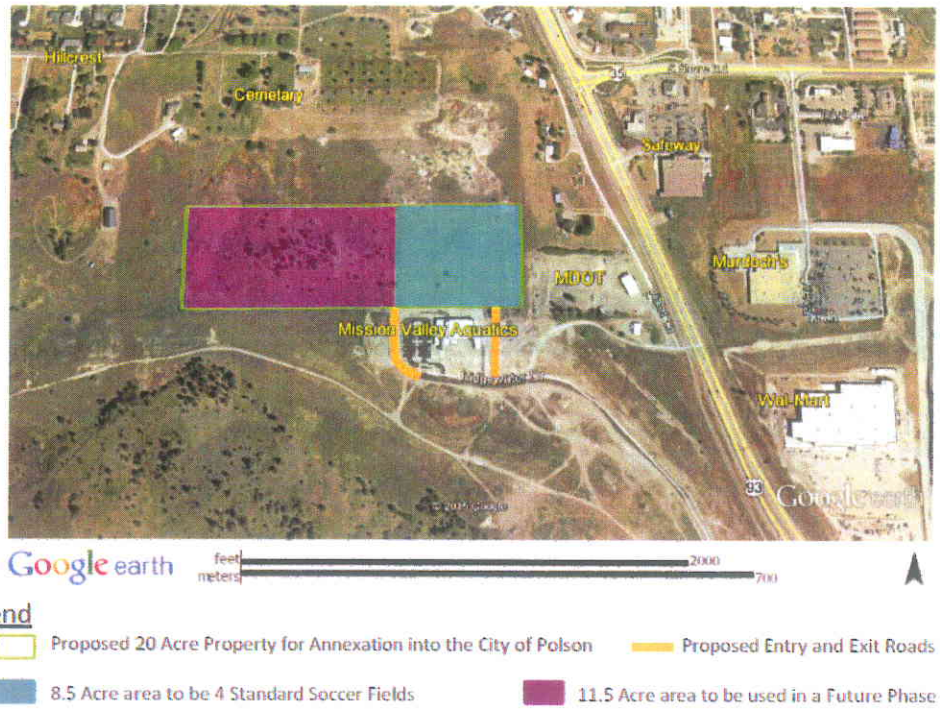
VICINITY MAP:

Polson Youth Soccer Complex – Vicinity Map #1

Legend

Proposed 20 Acre Property for Annexation into the City of Polson

Polson Youth Soccer Complex – Vicinity Map #2



Legend

Proposed 20 Acre Property for Annexation into the City of Polson

Proposed Entry and Exit Roads

8.5 Acre area to be 4 Standard Soccer Fields

11.5 Acre area to be used in a Future Phase

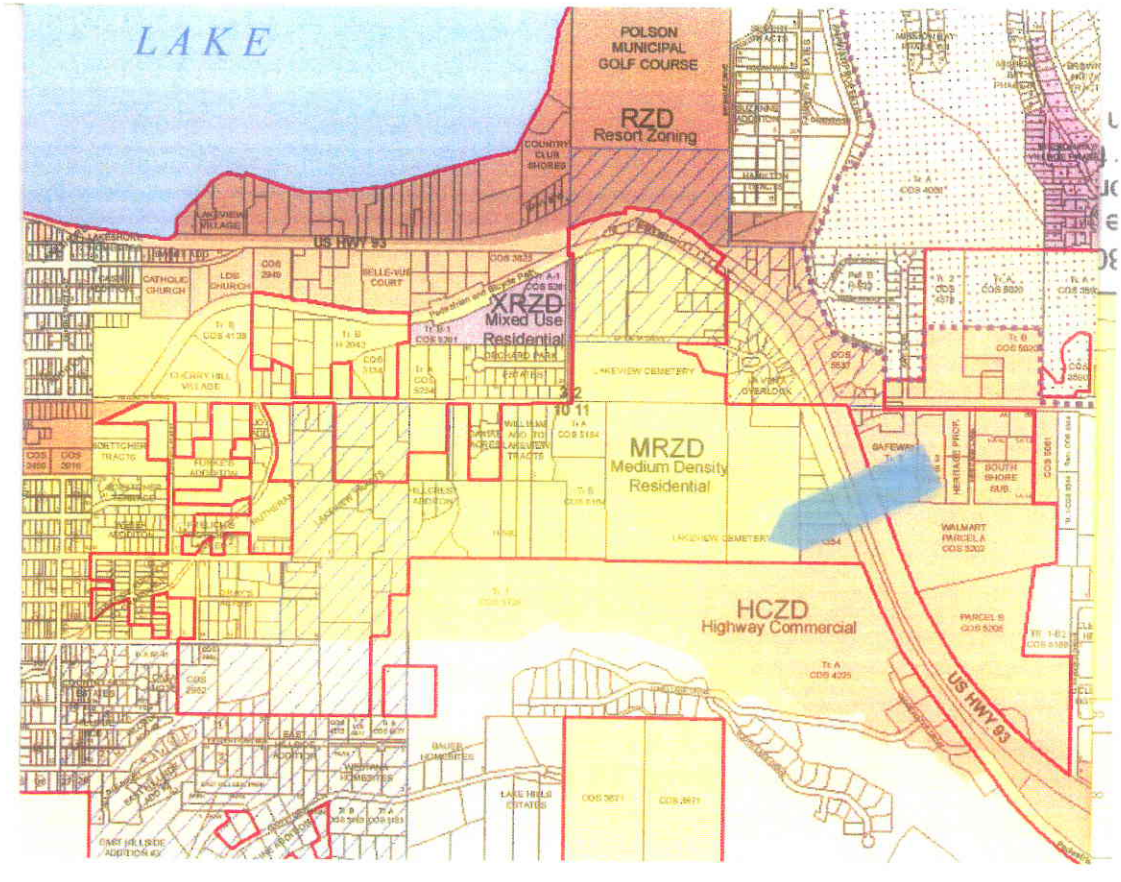
PROPOSAL: The applicant requests permission from the City Commission to annex the above-referenced 20-acre property into the city limits. The property is currently adjacent to the city limits boundary. The property owner, the Polson Youth Soccer Association, intends to put 8.5 acres into immediate use by creating 4 competition soccer fields with an associated viewing areas, concession stand, restroom, tot-soccer/warm up area, parking lot and rv/bus parking. The remaining 11.5 acres will be set aside for future development. Along with the request for annexation is a request for initial zoning. Currently the property is zoned MRZD, and as the property is brought into the city limits, to insure that the proposed project (recreational soccer fields) is compliant with zoning, the Polson Youth Soccer Association is asking that the property be rezoned to the Highway Commercial Zoning District (HCZD).

EXISTING LAND USE AND ZONING:
The property is currently zoned MDZD, which is a medium density residential district, but for the reasons noted above, the applicant is requesting the property to be rezoned to the Highway Commercial Zoning District which will allow the soccer field facility to develop under the HCZD's Special Use Permit (SUP) review. An application for an SUP for this project is anticipated to arrive in the near future. The property is currently vacant. It is directly adjacent to the

Mission Valley Aquatic Center (to the south), the cemetery land to the north and the MDOT site on its eastern boundary. The Polson Development Code does not call out a minimum lot size in the HCZD. Parking standards in Appendix E do apply to this proposal and specific conditions to parking will be addressed within the SUP.

PROPOSED ZONING:
Many projects request a zone change when they petition to annex; the property as it comes into the City should be considered a blank slate. In this instance, to meet the zoning requirements for this project, the applicants are requesting consideration of the HCZD for this property. The site is adjacent to existing HCZD, so it is an extension of an existing zoning district and not spot zoning.

Adjacent Land Uses and Zoning:



General Land Use Character: Currently the site is vacant. It is gently rolling, generally flat. There are no physical constraints to its proposed use as a soccer facility.

Utilities and Public Services: The applicant proposes to construct and run a concession stand/restroom facility near the point of entry to the soccer fields. This will require the extension of sewer, water and electrical services. This was reviewed by the sewer and water department and found that under the City Plan for Services, the services could be provided. The applicant would have to meet the city standards for design and installation, working with the city personnel. Roads and parking lots will also have to be designed and installed according to city specifications. A building permit will be necessary for construction of the concession/restroom facility. Soccer fields by their nature are seasonal. Typically a soccer season is spring and fall, with clinics, camps and perhaps tournaments held during the summer months. There is a flurry of activity during the week after school until dark, and then most all of Saturday is games with a rotation of teams coming or going every hour or so. In some instances, there may be games on Sunday as well. There is no field lighting or sound system proposed for this project.

Annexation Evaluation:

Compliance with the Growth Policy: In Chapter 9 of the Polson Growth Policy, Goal #3 states: "With the inevitable growth that will occur in Polson, encourage growth of year-round residents in order to sustain and support community services and infrastructure such as schools, healthcare facilities and local businesses." The Objective for this Goal is to develop a broad economic base to attract and retain young working families. And the corresponding Implementation Strategy is to maintain and enhance relationships with the Polson Chamber of Commerce and other economic development groups to promote Polson as a good place to live and attract businesses that advance the goals and objects of the Polson Growth Policy. It appears as though the proposal for the soccer field complex is a good fit with these above-noted Goals, Policy and Objectives.

It also falls into line with Goal #19: "Identify appropriate land for future use a park and recreational areas." The Objective states to "Consider development of Salish Point, the railyard property, the Polson fairgrounds and other under-utilized areas for recreational purposes." This thought is continued by item 19(a)(ii): "To solicit neighborhood involvement in the preparation of park improvement planning and programming."
Furthermore, Goal #20 states: "Expand and enhance existing recreational areas" 20(a)(i): "Develop plans for expansion of the existing Sports Complex recreational area, the addition of storage and restroom facilities at various parks within the city and the construction of a community center with an indoor swimming pool facility. Finally, found under Goal 21(a)(ii) "Work with various entities to jointly fund, develop and maintain parks and recreation facilities." All of the above-noted Goals, Policies, Objectives and Implementation Strategies are met with the proposed annexation request for four soccer fields with a restroom/concession stand.

Municipal Services: City sewer and water services would be extended to the restroom/concession stand. The site would be accessed via two driveway extensions from Ridgewater Drive to the property line. (One for entry, one for exit). The driveway and associated parking facilities would be gravel until the Soccer Association has the funds for paving. As this is a seasonal use (spring, summer and fall), no snowplowing of the site will be necessary. The site will be reviewed by the City Engineer for stormwater runoff, but as there is little impervious surfacing proposed, and the topography is favorable to keeping runoff on-site, this is not anticipated to be problematic. Electrical service would be provided by Mission Valley Power and would be extended underground in an utility easement to the site. A meter would be installed on the concession/restroom facility.

During peak use, such as a weekend tournament where all four fields are being utilized simultaneously, there might be an estimated 300 vehicles, assorted buses and rv's in the parking areas. At the end of each game cycle, there will be a large exodus of players and parents, and an incoming group of new players for the next game. As there are clearly defined entrance and exit locations, and this volume of traffic would be at off-peak times (most likely weekends and after-school hours), this does not appear to be an undue hardship on the roads and surrounding businesses. A Traffic Impact Study was recently completed as part of the Ridgewater development, and although this lot is not within the boundaries of the subdivision, it is utilizing the main thoroughfare for its access. There is a newly-installed traffic light to maintain flow out onto the highway, and for emergency egress purposes only, there is an access on Violet Lane that is utilized at this time solely for MDOT.

Distance from current city limits: The property is adjacent to the Mission Valley Aquatic facility, so it directly abuts current city limits.

Cost of Services: As noted in the above discussion on Municipal Services, there will be little impact on the City as a result of this proposal. There are no public roadway dedications, so there are no associated maintenance costs for snowplowing or road repair. The Soccer Association will be required to finance the service lines bringing public water and sewer services to the proposed building site from the main extensions being placed in Ridgewater Drive. There will be a hook-up and impact fees to connect to services, and a meter will be installed to measure water and sewer utilized, for which they will be billed. The Polson Youth Soccer Association may be required to bond for any damages that might be incurred to Ridgewater Drive during the installation of those service lines if the construction has been completed on Ridgewater Drive and the service lines are installed from within a completed roadway.

The site will now be served by the City of Polson's Fire and Police Departments. The property will be withdrawn from the rural fire district. There is a letter from the Polson Rural Fire District stating that there are no liens remaining on the subject property and they have no financial obligations to fulfill before leaving the district. As the use for the property will be seasonal, and the only structure will be the concession/restroom facility, it will place minimal demands upon the Polson Fire Department. It has been suggested to the Polson Youth Soccer Association that they install a gate at the driveway entrance (directly at Ridgewater Drive) to discourage visitors to the soccer fields in the off-season and/or during off hours. This will significantly reduce the likelihood of vandalism to the concession/restroom facility and to the fields themselves. It will still be possible for pedestrians to access the site, but it will be a deterrent to those in vehicles. Again, this use is seasonal and by its nature, fairly vandal-resistant. If, during the course of typical use of the fields, there is an injury that requires medical attention, there is St. Joseph's hospital Emergency Room that is just a few miles away. During large tournaments, it is likely that there might be an ambulance at the field or on "standby". Police and fire vehicles are dispatched from City Hall and are within a few miles of the facility.

Zoning Evaluation:

The statutory basis for reviewing a change in the zoning is set forth by 76-2-303, M.C.A. Findings of Fact for the zone change request are discussed relative to the itemized criteria set forth in 76-2-304 M.C.A.

1. Does the requested zone comply with the Polson Growth Policy?

The Polson Growth Policy does not have a future land use map included in its current form (2006). The Growth Policy is undergoing an update at this time and may in the future have such a map designating areas for growth and areas for conservation, but at the time of this report, no such land use map exists. Stated previously in this report are several goals, policies and objectives from the existing Polson Growth Policy that speak in favor of the annexation request and the zone change.

2. Will the requested zone have an effect on motorized and non-motorized transportation systems?

Yes, there will be impacts from the proposed zone change on transportation systems, however, due to the nature of the facility, the effects will be minimal. Games, practices, tournaments and clinics will all generate various amounts of vehicular traffic, but as the use is seasonal in nature (late spring, intermittently summer and early fall), and the traffic is anticipated to be during non-peak hours, it will not place an undue burden on the existing infrastructure or existing traffic volumes. The greatest impacts would be after an especially large tournament or game and traffic is exiting the property. As the traffic is controlled at the facility by separate ingress/egress locations, that will facilitate a more rapid depletion of

volume. The newly installed traffic light at the intersection of Ridgewater Drive and Highway 93 will allow controlled traffic flow out onto the highway. If each field were in use, each containing two teams with 15 players apiece, there is the potential for 120 total players. If each player brings two cars each (parents, grandparents, self-transportation, etc), that would be a total of 240 vehicles in the parking lot at one time. Account for a few officials, concession stand workers and miscellaneous viewers, there may be up to 300 vehicles. There appears to be a generous amount of parking area set aside, along with additional land available for overflow parking in extreme circumstances to accommodate this traffic load. As Highway 93 has recently undergone a significant upgrade in this area, an influx of 300 vehicles over an hours' time is not excessive.

The subject property is not located within the boundaries of the Ridgewater subdivision, however, it lies directly adjacent. It is anticipated that the sidewalks from Ridgewater will connect to the driveways of the soccer complex, allowing the patrons from the other facilities in Ridgewater access. There is also a bike path adjacent to the Highway that can get bikers and pedestrians to the site.

3. Will the requested zone secure safety from fire, panic and other dangers?

Adequate access and public facilities are available to the site in the case of an emergency. This has been reviewed by the Polson Fire Chief for hydrants and access. There are no features related to the property which would compromise the safety of the public. All municipal services including police, fire, water, sewer and electrical services are available to the area.

4. Will the requested zone promote the public health, safety and general welfare of the public?

The requested zoning classification will promote the health and general welfare of the Polson public by the process in which all uses are reviewed by SUP as a requirement of the HCZD zone.

5. Will the requested zone provide for adequate light and air?

Setbacks, height and lot coverage standards for development occurring on this site are established in the Polson Development Code to insure adequate light and air is provided.

6. Will the requested zone promote compatible urban growth?

The requested Highway Commercial zoning district allows the property to blend into the surrounding uses. For example, the Mission Valley Aquatic Center is located directly adjacent. The Red Lion hotel is being constructed that will also provide housing for teams/players that travel from out of town to play.

7. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

All public services and facilities are noted above are currently available to the subject property.

8. Does the requested zone give consideration to the particular suitability of the property for particular uses?

As the subject property is located directly adjacent to the existing HCZD boundary, this is an extension of that said zone. The property is located in the immediate vicinity of Highway 93 and many of the goals and ideals stated in the HCZD are met with this zoning request.

9. Does the requested zone give reasonable consideration to the character of the district?

As the soccer fields will be directly adjacent to the Mission Valley Aquatic Center, the uses are very similar. To be able to locate soccer fields so close to the shopping, restaurants, hotels and other amenities available to guests in downtown Polson, this is a good fit.

10. Will the requested zone avoid undue concentration of people?

There will be an increase in the number of people that come to the site, however, as they will be utilizing the site during the late spring, intermittently over the summer months and early fall, typically after school hours and on weekends, it does not appear that this will be an undue concentration of people as a result of this zone change.

11. Will the proposed zone conserve the value of buildings?

Value of the buildings in the area will be conserved because the annexation will allow the current owner access to municipal services and develop a vacant piece of property to its fullest potential, thereby increasing the value of surrounding buildings/properties.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

This recreational type of development should be encouraged in areas where services and facilities are available. In this case, services are located in the vicinity of the subject property and easily extended. The proposed zoning is consistent with the Polson Growth Policy's goals, policies and objectives. The proposed zoning is consistent with the Polson Development Code.

RECOMMENDATION:

Based upon the above analysis, input from the City staff and departments, it is recommended that the Polson City Commission adopt Staff Report #15-02 as findings of fact and make a motion to adopt Resolution _____that the above-noted property be allowed to annex into the city limits of Polson with the initial zoning of Highway Commercial Zoning Designation.

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.

CITY OF POLSON
CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 8 (Motion) Resolution to authorize Submission of a Community Development Block Grant Application in support of the Wastewater Project

Meeting Date: March 23, 2015

Staff Contact: Tony Porrazzo/Mark Shrives/Lori Benner

AGENDA ITEM SUMMARY: This is a request for the City Commission to pass the attached resolution to authorize submission of a Community Development Block Grant Application in support of the Wastewater Project.

BACKGROUND: The City Commission has previously been informed about this project and made a decision on April 14, 2014 to move forward with the project.

ANALYSIS: This resolution will allow the City to move forward with this grant application to assist in funding the project.

FINANCIAL CONSIDERATIONS: Obtaining grants will assist the City in reducing the overall project costs to the rate payer

STAFF RECOMMENDATION Approve attached resolution.

SUGGESTED MOTION: ***I move to approve resolution authorizing submission of a Community Development Block Grant Application in support of the City's upcoming Wastewater Project***

ATTACHMENTS: Resolution

CITY OF POLSON RESOLUTION NO 2015-_____
Authorization to Submit CDBG application

WHEREAS, the City of Polson is applying to the Montana Department of Commerce for financial assistance from the Community Development Block Grant Program (CDBG) to improve the wastewater treatment system;

WHEREAS, the City of Polson has the legal jurisdiction and authority to construct, finance, operate, and maintain the wastewater treatment system;

That the City of Polson agrees to comply with all applicable parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations, and all State laws and regulations and the requirements described in the CDBG Application Guidelines and those that will be described in the CDBG Project Administration Manual;

That the City of Polson commits to provide the amount of matching funds as proposed in the CDBG application; and

That Mark Shrives, City Manager, is authorized to submit this application to the Montana Department of Commerce, on behalf of City of Polson, to act on its behalf and to provide such additional information as may be required.

Signed: _____

Name: _____

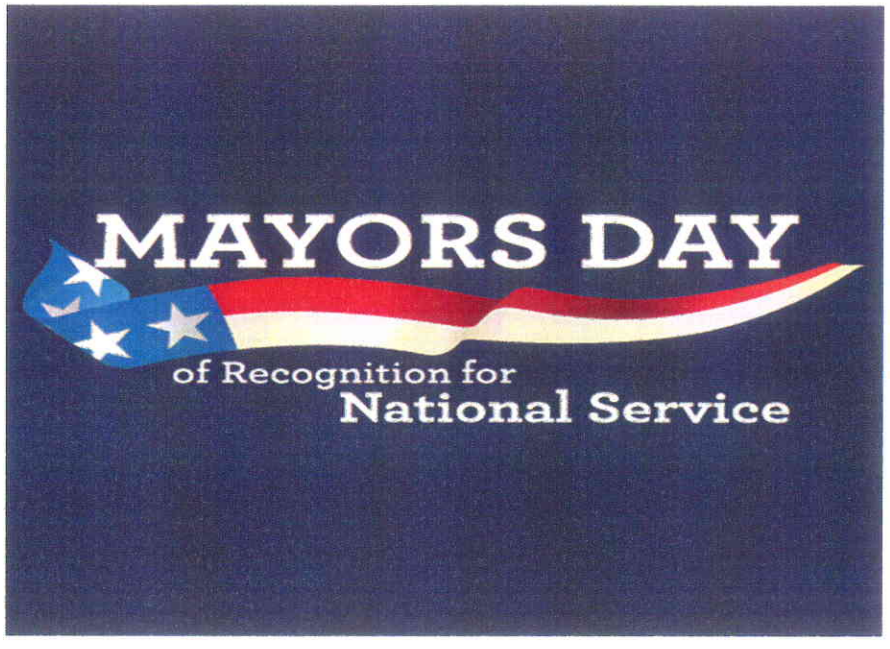
Title: _____

Date: _____

Attested: _____

Local Government's Federal Tax ID Number: 81-6001301

Local Government's DUNS Number: 00-324-7954



CITY OF POLSON RESOLUTION NO.

MAYORS DAY PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors and municipalities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national and local service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century, supporting veterans and military families, providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants and local organizations increase the impact of the entities they serve with, both through their direct service and by recruiting and managing additional volunteers; and

WHEREAS, national and local service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 7, 2015.

THEREFORE, BE IT RESOLVED that I, *Heather Knutson* Mayor of *Polson*, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national and local service in our city; to thank those who serve; and to find ways to give back to their communities.

_____

Heather Knutson
City of Polson Mayor

ATTEST:

_____

Cora E. Pritt, City Clerk

CITY OF POLSON
CITY COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 10 (Motion) Resolution No. _____, A Resolution of acceptance of Addendum #1 to the 2014 Wastewater Preliminary Engineering Report for Wastewater System Improvements

Meeting Date: March 23, 2015
Staff Contact: Mark Shrives/Tony Porrazzo

AGENDA ITEM SUMMARY: This is a request for the City Commission to pass a resolution accepting Addendum #1 to the 2014 Wastewater Preliminary Engineering Report for Wastewater System Improvements which was accepted by the City Commission on April 21, 2014.

BACKGROUND: The City Commission has previously been informed about this project and made a decision on April 14, 2014 to move forward with the project, choosing the Membrane Bioreactor (MBR) System as the preferred alternative.

1. On July 7th, 2014, the City Commission held a public hearing to discuss a rate increase to fund a new wastewater treatment facility. At this meeting the community was represented by over 120 residents asking the Commission to further consider the wastewater treatment alternatives in order to keep the rates at a reasonable level.

2. On August 14, 2014 the City hosted a meeting with representatives from EPA and CSKT to discuss the status and pending changes to the water quality criteria for discharges into the Flathead River within the reservation. With the hope of gaining clarity in relation to the pending numeric nutrient criteria and TMDL criteria. No such clarity was really achieved. Neither the EPA nor the Tribe could give any indication as to their intentions to implement similar numeric nutrient criteria as EPA has required the State of Montana to develop. Thus, the urgency to design for such low limits appeared significantly reduced.

3. As a result of the public hearing and the discussions with EPA and CSKT, at the City's November 17th, 2014 meeting, the City Council decided to revise their previously selected preferred wastewater alternative and move towards the design of an SBR treatment facility without filtration. See appendices for meeting minutes and correspondence.

4. The predominant distinction in the design effluent limits was related to the ability of the process to achieve nutrient limits comparable to systems incorporating tertiary filtration and/or chemical addition. When required, this can be achieved with tertiary treatment processes following traditional activated sludge processes or via membrane bioreactor facilities where the filtration is an integral component of the overall biological wastewater treatment process. On account of the change in the understanding of if and when such low limits might be required, the immediate need for the tertiary filtration component appeared quite unlikely. Thus, modification of the design criteria has allowed for revision of the selected alternative to omit the effluent filtration component from the proposed project.

ANALYSIS: With the selection of the SBR System and to provide the correct information to be included with the City's CDBG grant application, it is necessary to adopt addendum #1 to the PER, which now reflects the City's choice of the SBR system

FINANCIAL CONSIDERATIONS: Obtaining grants will assist the City in reducing the overall project costs to the rate payer

STAFF RECOMMENDATION Pass Resolution as presented

SUGGESTED MOTION: I move to approve the resolution accepting Addendum #1 to the Wastewater Preliminary Engineering Report dated April 2014.

ATTACHMENTS:

Resolution
Addendum #1 to Preliminary Engineering Report

RESOLUTION NO. 2015 -_____
RESOLUTION OF ACCEPTANCE OF ADDENDUM #1 TO THE 2014 WASTEWATER PRELIMINARY ENGINEERING REPORT FOR WASTEWATER SYSTEM IMPROVEMENTS

WHEREAS, the City of Polson possesses the necessary legal, financial, institutional, and managerial resources to construct, operate, and maintain the City's sewage collection and treatment systems and improvements; and

WHEREAS, the 2014 Preliminary Engineering Report for Wastewater System Improvements recommends improvements including minor collection system improvements and full replacement of the wastewater treatment system with a mechanical treatment facility; and

WHEREAS, as a result of a public hearings and discussions with EPA and CSKT, at the City's November 17th, 2014 meeting, the City Commission decided to revise their previously selected preferred wastewater alternative and move towards the design of an SBR treatment facility without filtration.

NOW, THEREFORE, BE IT RESOLVED that the Polson City Council hereby indicates its concurrence with the proposed Addendum #1 to the 2014 Preliminary Engineering Report recommending changes/updates to the original report and the City Commission's intent to construct, operate, and maintain such proposed improvements in accordance with State and Federal requirements.

PASSED AND APPROVED this _____ day of _____, 2015.

_____
Heather Knutson
Mayor of the City of Polson

ATTESTED:

_____ (SEAL)
Cora E. Pritt
City Clerk
City of Polson

STATE OF MONTANA)
: ss.
County of Lake)
Cora E. Pritt, City Clerk of the City of Polson, Montana hereby certifies that the foregoing Resolution No. _____ was read, passed and approved by the City Council of the City of Polson, Montana, at a regular meeting thereof held on the _____ day of _____, 2015.

_____

(SEAL) City of Polson
SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2015.

_____
Notary Public for the State of Montana
(Printed Name) _____
(NOTARIAL SEAL) Residing in Polson, Montana
My Commission expires _____

City of Polson, MT
Wastewater Preliminary Engineering Report

Addendum #1

Prepared by:

DOWL

2090 Stadium Drive
Bozeman, MT 59715

March, 2015

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TABLE OF CONTENTS

Page

1.0 INTRODUCTION 1

2.0 PER AMENDMENTS BY CHAPTER 3

2.1 Amendments to Chapter 8 – Wastewater Treatment Alternatives Analysis 3

2.1.1 General 3

2.1.2 Biological Treatment Alternative Descriptions and Site Layout 3

2.1.3 Cost Summary – Wastewater Treatment Alternatives 7

2.1.4 Wastewater Treatment Alternatives Qualitative Ranking 8

2.1.5 Wastewater Treatment Alternative Selection 8

2.2 Amendments to Chapter 9 - Detailed Description of Recommended Collection System Priorities & Preferred Wastewater Treatment System Alternative 9

2.2.1 Preferred Alternative Description & Schematic Layout 9

2.2.2 Project Schedule 9

2.2.4 Sustainability, Impacts to Other Facilities, Environmental Impacts 12

2.2.5 Operational Requirements 12

2.2.8 Cost Summary of Selected Alternatives 12

2.3 Amendments to Chapter 10 - Recommendation and Implementation 13

2.3.1 Proposed Project Funding Sources and Budget 13

2.4 Section 10.3 – Projected Resultant User Rates 15

2.5 Implementation 17

2.6 Public Participation 17

List of Tables

Table 8-8A Summary of Alternative Life Cycle Costs 7

Table 8-9A Wastewater Treatment Alternatives Summary 8

Table 9-2A Estimated Preferred Alternative Costs 13
Table 10-3A Proposed Funding Sources 14
Table 10-4A Proposed Project Budget 15
Table 10-5A Summary of Resultant User Rates 16

List of Figures

Figure 8-2A SBR Process Flow Diagram 5
Figure 8-3A SBR Conceptual Site Plan 6
Figure 9-3A Project Implementation Schedule 11

List of Appendices

Appendix A City Meeting Minutes
Appendix B – EPA Correspondence
Appendix C – Newspaper Articles

1.0 INTRODUCTION

The following is an addendum to the *City of Polson Wastewater Preliminary Engineering Report; April 2014 (PER)*. This addendum provides modifications to the April 2014 report and shall replace or supplement the referenced sections of the PER. The primary purpose of the addendum is to revise the selected wastewater treatment alternative from a Membrane Bioreactor (MBR) wastewater treatment facility to a Sequencing Batch Reactor (SBR) wastewater treatment facility.

1. On July 7th, 2014, the City Commission held a public hearing to discuss a rate increase to fund a new wastewater treatment facility. At this meeting the community was represented by over 120 residents asking the Commission to further consider the wastewater treatment alternatives in order to keep the rates at a reasonable level.

2. On August 14, 2014 the City hosted a meeting with representatives from EPA and CSKT to discuss the status and pending changes to the water quality criteria for discharges into the Flathead River within the reservation. With the hope of gaining clarity in relation to the pending numeric nutrient criteria and TMDL criteria. No such clarity was really achieved. Neither the EPA nor the Tribe could give any indication as to their intentions to implement similar numeric nutrient criteria as EPA has required the State of Montana to develop. Thus, the urgency to design for such low limits appeared significantly reduced.

3. As a result of the public hearing and the discussions with EPA and CSKT, at the City's November 17th, 2014 meeting, the City Council decided to revise their previously selected preferred wastewater alternative and move towards the design of an SBR treatment facility without filtration. See appendices for meeting minutes and correspondence.

4. The predominant distinction in the design effluent limits was related to the ability of the process to achieve nutrient limits comparable to systems incorporating tertiary filtration and/or chemical addition. When required, this can be achieved with tertiary treatment processes following traditional activated sludge processes or via membrane bioreactor facilities where the filtration is an integral component of the overall biological wastewater treatment process. On account of the change in the understanding of if and

when such low limits might be required, the immediate need for the tertiary filtration component appeared quite unlikely. Thus, modification of the design criteria has allowed for revision of the selected alternative to omit the effluent filtration component from the proposed project.

2.0 PER AMENDMENTS BY CHAPTER

2.1 AMENDMENTS TO CHAPTER 8 – WASTEWATER TREATMENT ALTERNATIVES ANALYSIS

2.1.1 General

The two options carried forward from the Chapter 7 – "Wastewater Treatment System Improvements - Alternatives Screening" included the membrane bioreactor (MBR) and the sequencing batch reactor (SBR) with effluent filtration. Under the assumption the effluent water quality criteria could warrant filtration within a relatively short period of time (5 years) the City opted to only compare apples and apples which included effluent (tertiary) filtration via either the MBR or the SBR with tertiary filtration.

As described in this amendment, on account of significant resistance from the community and the impression from EPA that the lower nutrient/effluent limits were not nearly as imminent as believed, the short-term need for tertiary filtration appeared to be an excessive design criterion. Thus, the alternative evaluation must then include the SBR without the effluent filtration process.

The alternatives evaluation provided in the PER remains valid except the discussion of the pros and cons of the tertiary filtration component (post filtration versus MBR) is less relevant. The comparisons become more of an apples to oranges comparison when the SBR option is compared to SBR with effluent filtration or to MBR. However, the discussion in the PER addresses the alternative comparison and specifically distinguishes the impact of adding the tertiary filtration step to the SBR option for each of the various evaluation categories.

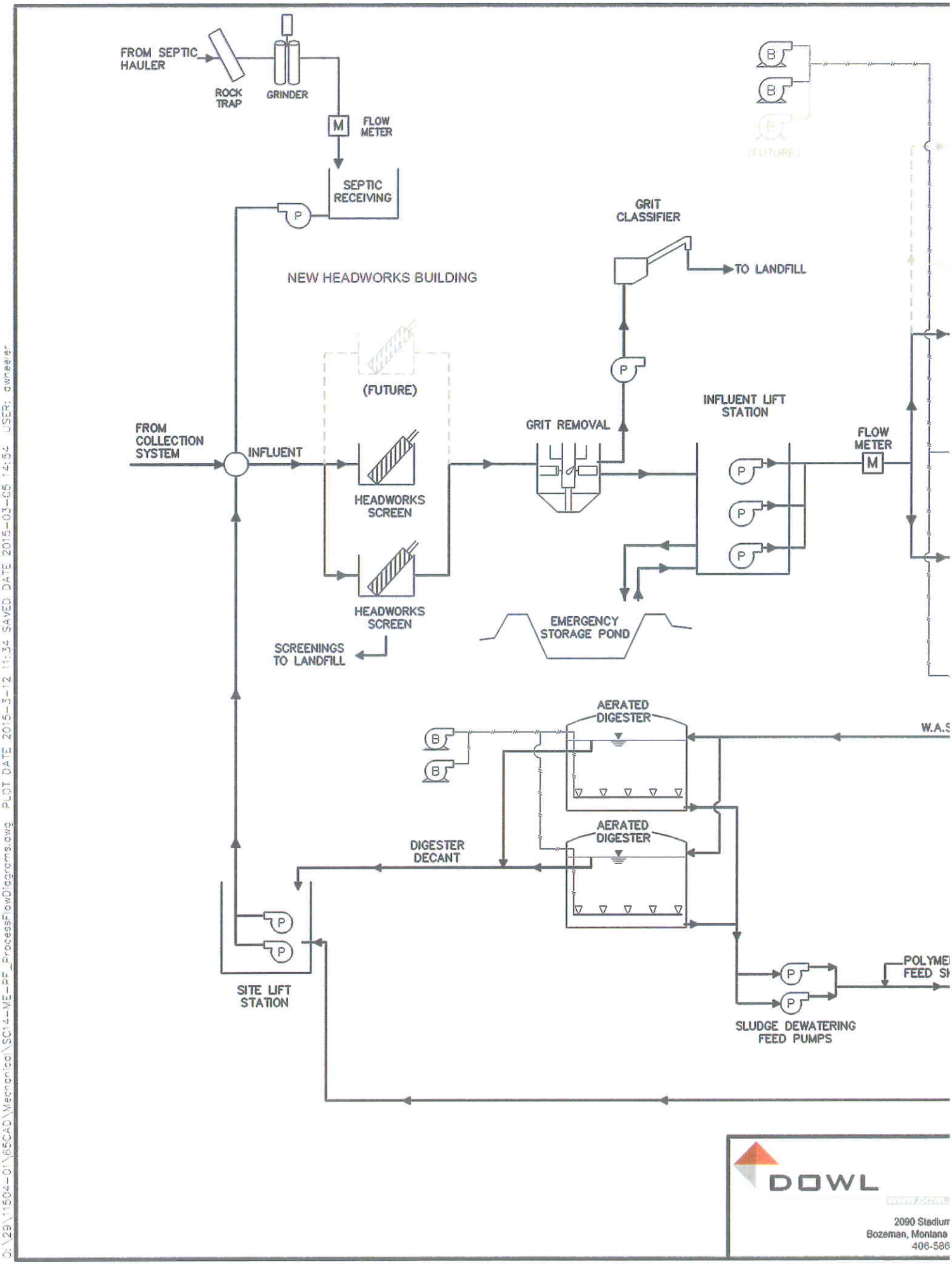
2.1.2 Biological Treatment Alternative Descriptions and Site Layout

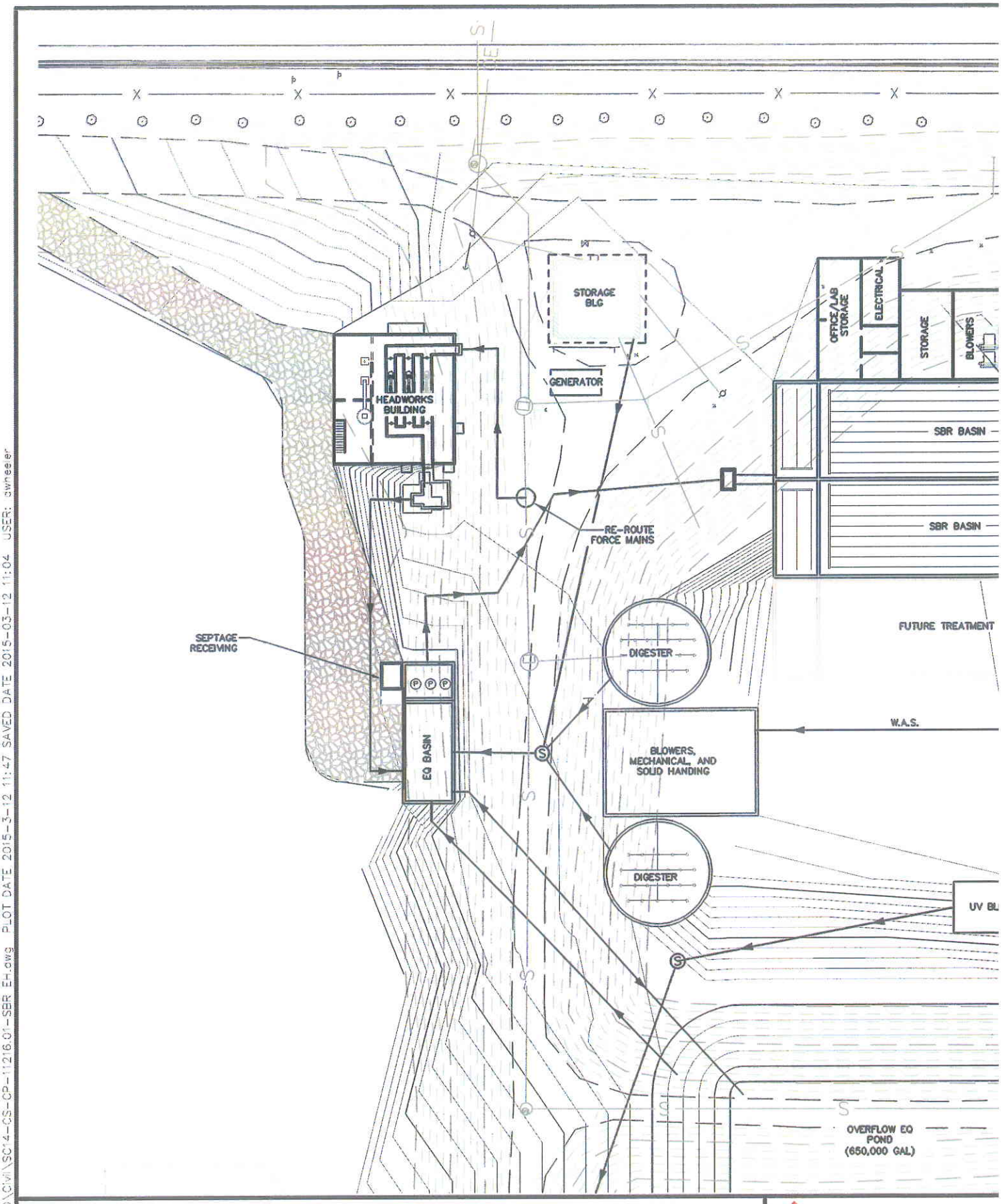
The process flow diagram is partly revised for the SBR as part of this addendum. In evaluation of alternatives including the MBR option, the headworks screening could have no flow bypass that might allow debris to reach the membranes. This constraint combined with the propensity of storm flows to cause the collection system lift stations to pump continuously at very high rates led to conceptual provision of equalization <u>before</u> the screening equipment. With selection of the SBR versus MBR and upon evaluation of lift station flow data collected for the full year from November 2014 to November 2015, the proposed configuration of the preliminary treatment processes includes the equalization basin <u>after</u> the preliminary treatment (i.e. screens and grit removal).

With the SBR, two fine screens and manual bar screen bypass can be utilized where this is not an option with MBR. So though the screens are of very high capacity to account for simultaneous discharge of all the lift stations, two screens at 50% can be used in conjunction with the manual bar screen bypass. The manual bypass would only see flow in the event of screen maintenance or a screen malfunction that would result in overflow of a control gate of any flow excess a single screen could not handle. While the larger screens cost more, only two are required, and the benefits of screened wastewater entering the equalization basin versus raw wastewater full of debris are significant from a maintenance stand point. The costs are ultimately very comparable at the PER evaluation level. Thus, no revisions are included to the estimated costs of these options.

With the revised headworks and equalization approach described above, it should not be necessary to reroute the force mains, and flow can be diverted downstream of where the existing force mains all discharge to a common structure and exit in a single gravity flow pipe.

See the figures below for the revised process flow and site layout drawings.


FROM SEPTIC HAULER
ROCK TRAP
GRINDER
FLOW METER
SEPTIC RECEIVING
NEW HEADWORKS BUILDING
GRIT CLASSIFIER
TO LANDFILL
(FUTURE)
FROM COLLECTION SYSTEM
INFLUENT
HEADWORKS SCREEN
HEADWORKS SCREEN
SCREENINGS TO LANDFILL
GRIT REMOVAL
INFLUENT LIFT STATION
FLOW METER
EMERGENCY STORAGE POND
AERATED DIGESTER
AERATED DIGESTER
DIGESTER DECANT
SITE LIFT STATION
SLUDGE DEWATERING FEED PUMPS
DOWL



50 0 50

SCALE IN FEET

DOWL

2090 Stadium
Bozeman, Montana
406-586

Q:\28\11216.01\CAD\Civil\SC14-CS-CP-11216.01-SBR EH.dwg PLOT DATE 2015-3-12 11:47 SAVED DATE 2015-03-12 11:04 USER: dwheeler

2.1.3 Cost Summary – Wastewater Treatment Alternatives

The estimated costs of the three options are included in the summary table below. All options include the common infrastructure of the headworks, equalization basin, solids handling and UV disinfection. Detailed estimates of all options are included in the appendices of the PER.

Table 8-8A Summary of Alternative Life Cycle Costs

		Treatment - Options		
		Sequence Batch Reactor (SBR)	Sequence Batch Reactor (w/ Filtration)	Membrane Bioreactor
Capital Cost - Headworks		$3,304,800	$3,304,800	$3,304,800
Capital Cost - Solids Handling		$3,206,400	$3,206,400	$3,206,400
Capital Cost - Biological Process		$7,477,200	$7,477,200	$12,403,200
Capital Cost - Filtration		$0	$1,564,820	$0
Capital Cost - UV Disinfection		$807,640	$807,640	$417,600
Capital Costs - Total =		**$14,796,040**	**$16,360,860**	**$19,332,000**
O&M Cost - Headworks		$54,776	$54,776	$54,776
O&M Cost - Solids Handling		$78,385	$78,385	$78,385
O&M Costs - Biological Process		$197,675	$197,675	$292,110
O&M Costs - Filtration		$0	$67,367	$0
O&M Costs - UV Disinfection		$9,774	$9,774	$8,274
Annual O&M Cost =		**$340,610**	**$407,977**	**$433,544**
[1]20-Year Salvage/Book Value-HW		$408,402	$408,402	$408,402
[1]20-Year Salvage/Book Value-SH		$354,330	$354,330	$354,330
[1]20-Year Salvage/Book Value-Bio		$1,192,671	$1,192,671	$1,650,776
[1]20-Year Salvage/Book Value-Filt.		$0	$191,856	$0
[1]20-Year Salvage/Book Value-UV Disinfection		$62,340	$62,340	$0
[1]20-Year Salvage/Book Value - Total =		**$2,017,743**	**$2,209,599**	**$2,413,508**
Present Worth of Salvage Value (6%) =		**$629,142**	**$688,963**	**$752,543**
[2]Annual O&M Present Worth (6%) =		**$4,569,915**	**$5,473,774**	**$5,816,802**
Total Present Worth Cost =		**$18,740,000**	**$21,150,000**	**$24,400,000**

[1] Based upon straight-line depreciation and ultimate salvage value of $0.00 at end of respective useful life. See Appendices for detail of salvage/book value calculations.

[2] PV of Annual O&M = Ordinary Annuity Changing At Constant Ratio. PVF = $[1-(1+x)^n/(1+i)^n]/(i-x)$; i = Interest/Discount Rate; x = Inflation Rate; n = Number of Periods; Inflation = 2%; Interest = 6%

2.1.4 Wastewater Treatment Alternatives Qualitative Ranking

The qualitative ranking table below is expanded to include the SBR option without the effluent filtration component. The SBR without filtration ranks slightly higher generally on account of a lower level of complexity related to not having the tertiary filtration system.

Table 8-9A Wastewater Treatment Alternatives Summary

Criterion	Criterion Weight	SBR		SBR w/ Filtration		MBR	
		Score	Points	Score	Points	Score	Points
Treatment Process Performance, Stability	20	3.5	14.0	4.0	16.0	5.0	20.0
Regulatory Issues (current/future)	20	4.0	16.0	4.5	18.0	5.0	20.0
Overall Facility Footprint & Rqrd. Unit Processes	20	4.0	16.0	3.5	14.0	5.0	20.0
Mechanical Complexity (Equipment, Instrumentation)	15	5.0	15.0	4.5	13.5	4.0	12.0
Operations & Maintenance/(Operator Attention/Skill)	15	4.5	13.5	4.0	12.0	5.0	15.0
Construction Phasing Opportunity	10	4.0	8.0	3.0	6.0	4.0	8.0
Total Score	**100**		**82.5**		**79.5**		**95.0**

2.1.5 Wastewater Treatment Alternative Selection

As noted, despite the difference in cost, the City initially selected the MBR option. With the revised regulatory outlook and public resistance to the substantial difference in estimated capital and life-cycle cost, the more expensive process did not appear as justifiable for the foreseeable future. Construction of the SBR with the risk of having to add filtration maybe 15-20 years out instead of 5 – 10 years out, appears to be a very sound approach. Thus, the City has opted to pursue the SBR option with provisions to incorporate subsequent filtration processes if and when this is warranted.

2.2 Amendments to Chapter 9 - Detailed Description of Recommended Collection System Priorities & Preferred Wastewater Treatment System Alternative

2.2.1 Preferred Alternative Description & Schematic Layout

The SBR water resource recovery facility will incorporate the following components as illustrated in Figures 8-2A and 8-3A:

- Construction of a headworks screening and grit removal facility.
- Construction of an equalization basin, influent sewer lift station and emergency storage pond.
- Construction of the SBR and post equalization basins.
- Construction of a facility for administration, laboratory facilities, electrical equipment, blowers, and chemical storage building.
- Construction of aerobic digesters.
- Construction of the associated solids handling and dewatering equipment building.
- Incorporation of a UV disinfection system downstream of the SBR Basin.
- Reclamation of the existing wastewater lagoon treatment facility.

2.2.2 Project Schedule

The project schedule is primarily driven by the City's current discharge permit requirement to implement disinfection by July 2017, this milestone will most likely need to be extended for 6-month to allow adequate time for construction. Figure 9-3A identifies the estimated project schedule.

1. Submit TSEP and DNRC Grant Applications (May 2014)
2. Submit SRF Loan Application (April 2015)
3. Begin Preliminary Design of the WWTP (Spring 2015)
4. Complete Equipment Procurement Process (Spring 2015)
5. Submit for CDGB Grant & SRF Loan (May 2015)
6. Submit Design Plans and Specs to DEQ for WWTP (Feb 2016)
7. Advertise for Bids for Construction WWTP (April 2016)
8. Begin Construction on New WWTP (June 2016)
9. Complete Construction on WWTP (December 2017)

10. Begin Use of New Facilities (Jan 2018)
11. Reclaim Existing Lagoons (Spring/Summer 2018)

FIGURE 9-3A PROJECT IMPLEMENTATION SCHEDULE

Polson Water Resource Recovery Facility - Design & Construction

ID	Task Name	Duration	Start	Finish	Predecessors
1					
2					
3	**Polson WRRF - Design & Construction**	**970 days**	**Mon 4/21/14**	**Thu 1/4/18**	
4	Submit Funding Applications	10 days	Mon 4/21/14	Fri 5/2/14	
5	**Design & Reg. Review**	**295 days**	**Mon 2/2/15**	**Fri 3/18/16**	
6	Equipment Selection/Procurement	75 days	Mon 2/2/15	Fri 5/15/15	
7	Complete Final Design	180 days	Mon 5/18/15	Fri 1/22/16	6
8	Regulatory Review	40 days	Mon 1/25/16	Fri 3/18/16	7
9	**Bidding/Construction/Startup**	**470 days**	**Mon 3/21/16**	**Thu 1/4/18**	**5**
10	Bidding/Award/NTP	50 days	Mon 3/21/16	Fri 5/27/16	
11	Construction	400 days	Mon 5/30/16	Thu 12/7/17	10
12	Startup/Commissioning	20 days	Fri 12/8/17	Thu 1/4/18	11
13	**Compliance Deadlines**	**132 days**	**Sat 7/1/17**	**Mon 1/1/18**	
14	Compliance Milestone - #1 (Disinfection Constructed)	1 day	Sat 7/1/17	Sat 7/1/17	
15	Compliance Milestone - #2 (E.Coli Compliance)	1 day	Mon 1/1/18	Mon 1/1/18	

Project: Proj_Schedule_PER_Ame
Date: Wed 3/11/15

Task	External Tasks	Manual Task	Finish-only
Split	External Milestone	Duration-only	Deadline
Milestone	Inactive Task	Manual Summary Rollup	Progress
Summary	Inactive Milestone	Manual Summary	
Project Summary	Inactive Summary	Start-only	

Page 1

The project design will require competitive pre-procurement/selection of the SBR equipment as well as a separate pre-procurement/selection for the headworks screen and grit removal system.

2.2.4 Sustainability, Impacts to Other Facilities, Environmental Impacts

The change to the SBR has very little effect upon the categories discussed in this section of the PER.

2.2.5 Operational Requirements

The operator certification level required for the SBR wastewater treatment facility in Montana is a Level 2 operator certification. The facility will actually be designed as an enhanced biological nutrient removal facility such that a Level 1 operator's certification will be required.

The operation and maintenance of a mechanical wastewater treatment facility will be a substantial increase when compared to the existing lagoon system. Facility components requiring periodic maintenance will include the headworks screens, grit removal system, disposal of collected debris from the headworks facility, equalization basin, lift station pumps, regular monitoring/testing of the mixed liquor suspended solids, pH, and dissolved oxygen in the biological process tanks, operation, observation, maintenance and replacement of the air diffusers in the basins (if applicable), operation and maintenance of the WAS and post equalization basin pumping systems, operation of the disinfection system, operation of the biosolids dewatering system, sludge/cake disposal, and increased sampling, monitoring and reporting efforts.

2.2.8 Cost Summary of Selected Alternatives

The following table is a breakdown of the estimated costs of constructing a SBR water resource recovery facility. Detailed cost estimates are provided in the appendices of the PER.

Table 9-2A Estimated Preferred Alternative Costs

Item	Estimated Costs	O&M Increase
Headworks, EQ System & Overflow Pond	$ 3,304,800	$ 54,776
SBR Treatment System	$ 7,477,200	$ 197,675
Effluent Filtration	$ -	$ -
Solids Handling	$ 3,206,400	$ 78,385
UV Disinfection	$ 807,640	$ 9,774
Total Project Cost (Est.) =	**$ 14,796,040**	**$ 340,610**

The project costs includes appropriate levels of contingency given the complexity of the project, the time frame until bidding and construction, and the level of detail included in the estimates. The operations and maintenance costs account labor, administration, energy, insurance, annual repairs and maintenance, and all cost categories typical of the budgeting categories for other mechanical wastewater treatment plants in Montana. Short-lived assets are also considered in the O&M for the extensive amount of equipment included in the mechanical treatment facilities.

2.3 AMENDMENTS TO CHAPTER 10 - RECOMMENDATION AND IMPLEMENTATION

2.3.1 Proposed Project Funding Sources and Budget

The proposed funding sources and alternative levels of grant funding for this project are shown in the following tables. One note is the City's intent to forward fund all or a portion of the loan reserve with their current reserve account. Thus, no additional loan reserve is reflected in the overall project budget.

Table 10-3A Proposed Funding Sources

Source	Type of Funds	Amount	Status of Commitment	Loan Rates and Terms
Local Funds	Rates	$1,250,000	*Committed*	N/A
DNRC	Grant	$125,000	***Application submitted May 2014. Funding awarded by 2015 legislature.***	N/A
TSEP	Grant	$750,000	***Application submitted May 2014. Funding awarded by 2015 legislature.***	N/A
CDBG	Grant	$450,000	***Submitting Application in Spring 2015***	N/A
SRF	Loan	$12,221,000	***Application submitted March 2015***	20-year at 2.5%

Table 10-4A Proposed Project Budget

Administrative/Financial Costs	SOURCE					TOTAL
	Local	RRGL GRANT	TSEP GRANT	CDBG Grant	SRF LOAN	
Personnel Costs			$5,000	$5,000	$10,000	$20,000
Office Costs		$500	$500	$1,000	$10,000	$12,000
Professional Services		$5,000	$10,000	$15,000	$40,000	$70,000
Legal Costs			$2,500	$4,500	$25,000	$32,000
Audit Fees		$2,500	$5,000	$2,500	$20,000	$30,000
Travel & Training			$5,000	$5,000	$20,000	$30,000
Loan Fees					$30,000	$30,000
Loan Reserves						$0
Interim Interest					$0	$0
Bond Cost		$2,000	$5,000		$15,640	$22,640
TOTAL ADMINISTRATIVE/FINANCIAL COSTS	**$0**	**$10,000**	**$33,000**	**$33,000**	**$170,640**	**$246,640**
ACTIVITY COSTS:						
Land Acquisition		$0	$0	$0	$0	$0
Preliminary Engineering					$0	$0
Final Engineering/Arch. Design	$850,000	$10,000	$10,000	$10,000	$451,374	$1,331,374
Construction Inspection		$45,000	$410,000	$200,000	$233,026	$888,026
Construction	$400,000	$50,000	$247,000	$147,000	$9,878,390	$10,722,390
Contingency		$10,000	$50,000	$60,000	$1,487,610	$1,607,610
TOTAL ACTIVITY COSTS	**$1,250,000**	**$115,000**	**$717,000**	**$417,000**	**$12,050,400**	**$14,549,400**
TOTAL PROJECT COSTS	**$1,250,000**	**$125,000**	**$750,000**	**$450,000**	**$12,221,040**	**$14,796,040**

The "Local" contribution would provide for funding of design services and part of the equipment procurement.

2.4 SECTION 10.3 – PROJECTED RESULTANT USER RATES

Based upon the best funding scenario presented below with Local, TSEP, DNRC, CDBG, and the balance in SRF loan funds, the resulting user rate upon completion of the project would be approximately $68 and nearly 300% of the City's target rate for wastewater only. The combined water and sewer rate will be approximately $90 and 153% of the City's combined water and sewer target rate.

Table 10-5A Summary of Resultant User Rates

3/11/2015

	Funding Scenarios			Comments
	SRF Loan/Local	TSEP/RRGL/SRF /Local	TSEP/DNRC/CDBG/SRF/Local	
Total Project Costs	$ 14,796,040	$ 14,796,040	$ 14,796,040	
Grant Share				
TSEP		$ 750,000	$ 750,000	
DNRC (RRGL)		$ 125,000	$ 125,000	
CDBG	$ -	$ -	$ 450,000	
Other				
Other				
Local Contribution	$ 1,250,000	$ 1,250,000	$ 1,250,000	
Total Cost to Be Financed (loan)	$ 13,546,040	$ 12,671,040	$ 12,221,040	
Grant Percentage	0.00%	5.91%	8.96%	
Loan Conditions				
Annual Rate	2.50%	2.50%	2.50%	
Term	20	20	20	
Coverage Requirement	10%	10%	10%	
Reserve Requirement	0%	0%	0%	Reserve Funded by City
Reserve Amount	$ -	$ -	$ -	Reserve Funded by City
Interim Interest Applicable	no	no	no	
[1]Interim Interest	$ -	$ -	$ -	
Amount to Be Borrowed (w/ Reserve & Int.)	$ 13,546,040	$ 12,671,040	$ 12,221,040	
Total Project Costs w/ Finance Charges	$ 14,796,040	$ 14,796,040	$ 14,796,040	
Debt Service w/out Coverage	($861,370)	($805,730)	($777,116)	
Coverage Requirement	10%	10%	10%	
Debt Service With Coverage	$ (947,507)	$ (886,304)	$ (854,827)	
Reserve Account Balance Requirement	$ (473,754)	$ (443,152)	$ (427,414)	6 Months of Debt Servic
Total Annual Cost				
Monthly Debt Service	$ 78,959	$ 73,859	$ 71,236	
Total Monthly O&M Increase	$ 28,384	$ 28,384	$ 28,384	
Total Monthly Increase	**$ 107,343**	**$ 102,243**	**$ 99,620**	
Total Number of EDU's	2547	2547	2547	
Est. Ave. Monthly Increase Per EDU	**$ 42.14**	**$ 40.14**	**$ 39.11**	
Current Ave. User Expense	$ 28.75	$ 28.75	$ 28.75	See Note 2
Projected Ave. User Rate	**$ 70.89**	**$ 68.89**	**$ 67.86**	
Target Rate (Sewer Only)	$ 23.12	$ 23.12	$ 23.12	
Amount Above Target Rate	$ 47.77	$ 45.77	$ 44.74	
% Of Target Rate	307%	298%	294%	
Projected Sewer User Rate	$ 70.89	$ 68.89	$ 67.86	
Current Water Rate	$ 22.30	$ 22.30	$ 22.30	
Projected Combined User Rate	**$ 93.19**	**$ 91.19**	**$ 90.16**	
Target Rate (Wtr & WW)	$ 59.08	$ 59.08	$ 59.08	
Amount Above Target Rate	$ 34.11	$ 32.11	$ 31.08	
% Of Target Rate	158%	154%	153%	

1. Interim Interest (INTERCAP); Assumes 50% of loan amount carried for 6 months at 2% annual interest rate

2. Represenative of current budget/costs. Rates increased recently in anticipation of project. Rate increase now in place is part of the "Est. Ave. Monthly Increase Per EDU noted above.

2.5 IMPLEMENTATION

Implementation of this project as proposed will require consistent progress starting well ahead of notification of the grant awards in order to meet the City's AOC requirements. Thus, preliminary design efforts will need to commence following the equipment procurement process in the first quarter of 2015. Initial emptying of the existing Cell #1 began in the summer of 2014; the lagoon is still holding water and further investigation of the soil conditions must be postponed until dewatering has been completed.

2.6 PUBLIC PARTICIPATION

Problems associated with the wastewater system have been discussed at council meetings numerous times over the years. Meetings specifically addressing the wastewater system included the following:

- March 18, 2013: City Council presentation by City engineer and initiation of RFP for procurement of engineer for wastewater system improvements.
- March 17, 2014: City Council presentation by City Engineer, DOWL HKM and Nittany Grant Works on status of wastewater system, proposed improvements and estimated costs.
- April 7, 2014: Public meeting for presentation of the Preliminary Engineering Report and alternatives for improvements.
- April 14, 2014: Additional council/public meeting for final selection of preferred alternative.
- April 21, 2014: Adoption of the PER, Environmental Assessment, and resolutions to submit grant applications.
- July 7, 2014 Public Hearing – Wastewater Project Review & Update & Water/Sewer Rate Change.
- September 3, 2014 Public Hearing – Water and Wastewater Rate Increase Hearing
- November 3, 2014 Commission meeting – Wastewater Project Review & Update
- November 17, 2014 Commission meeting, Council permit city staff to move towards the design of an SBR wastewater treatment facility.

Copies of the minutes and presentation slides and newspaper articles are included in the appendices of the PER.

APPENDIX A CITY MEETING MINUTES

CITY OF POLSON
COMMISSION MEETING

Commission Chambers November 3, 2014 7:00 p.m.

ATTENDANCE: Mayor Heather Knutson, City Commissioners: John Campbell, Todd Erickson, Dan Morrison, Ken Siler, Jill Southerland, City Manager Mark Shrives, City Attorney Rich Gebhardt, and City Clerk Cora Pritt.

ABSENT: Commissioner Stephen Turner

Others present (that voluntarily signed in): Elsa Duford, Kevin Johnson DOWL/HKM, Shari Johnson City Enginner, Lisa Kinyon, Rick LaPiana, City Water/Sewer Superintendent Tony Porrazzo, Andrew Speer, and Diane Speer

CALL TO ORDER - Mayor Knutson called the meeting to order. The pledge of allegiance was recited. Roll call was taken.

APPROVAL OF PROPOSED AGENDA- Commissioner Southerland motion to approve the proposed agenda. Commissioner Erickson second. Commission Discussion: none Public Comment: none. **VOTE: Unanimous Motion carried**

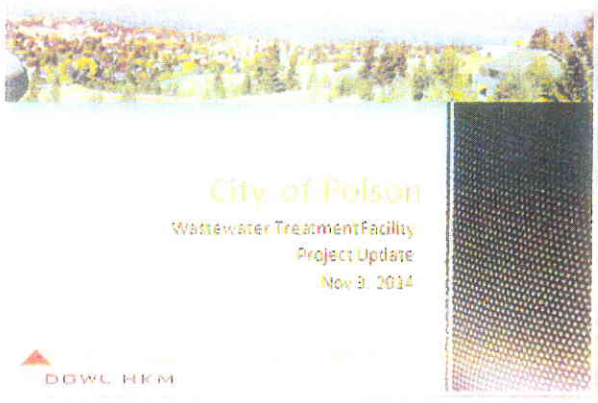
APPROVAL OF CITY COMMISSION MEETING MINUTES OCTOBER 20, 2014-Commissioner Southerland motion to approve City Commission Meeting Minutes October 20, 2014. Commissioner Campbell second. City Commission discussion: none Public Comment: none. **VOTE: Unanimous Motion carried**

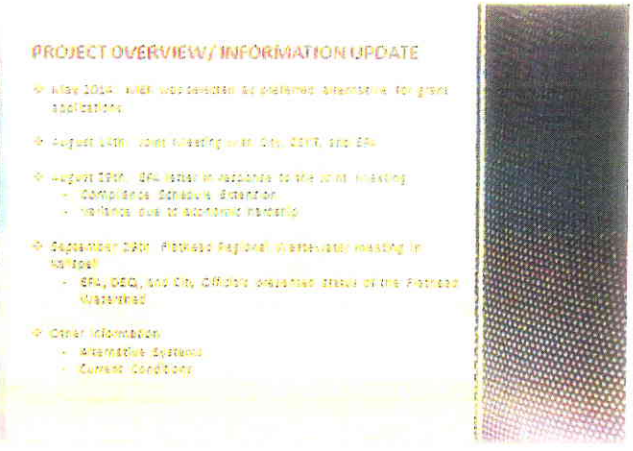
APPROVAL OF CITY COMMISSION SPECIAL MEETING MINUTES OCTOBER 27, 2014-Commissioner Erickson motion to approve City Commission Special Meeting Minutes October 27, 2014. Commissioner Southerland second. City Commission discussion: none Public Comment: none. **VOTE:** 5 ayes **Commissioner Morrison abstained Motion carried**

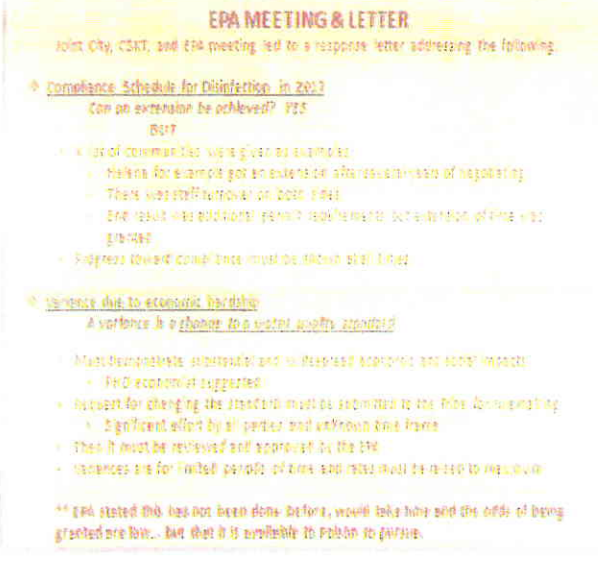
CONSENT AGENDA-Claims October 16-30, 2014 Commissioner Campbell motion to approve the Consent Agenda. Commissioner Siler second. Commission Discussion: none Public comment: none **VOTE: Unanimous Motion carried**

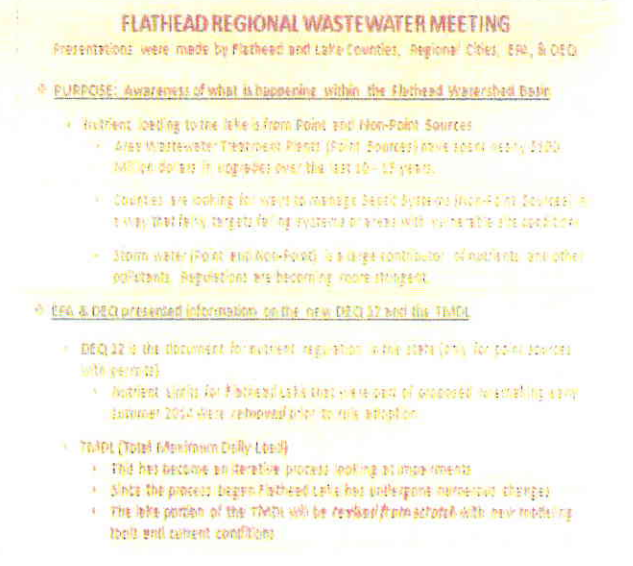
CITY MANAGER COMMENTS-City Manager Shrives commented that Chapters 1 & 2, that were discussed at the workshop, have been updated and posted on the City website. The email set up for this project is: **www.codification@cityofpolson.com** and the email has been posted on the website as well. The first reading of the Ordinance will be on November 17th. The Public Hearing held by the Lake County Commissioners regarding the City County Planning Board will be November 12th at 10:30 a.m. This will be the hearing for the County Resolution of Intent to disband the City County Planning Board. The issues with Access Montana have been resolved. What came out of this discussion with them is the need for an Excavation Ordinance, which will have a first reading on November 17th also. In conclusion, November 4, 2014 City Hall will be closed.

WASTE WATER PRESENTATION – City Manager Shrives invited City Engineer Shari Johnson and DOWL/HKM Engineer Kevin Johnson to present an update on the Waste Water Treatment project. The following is the power point presentation that was given:









ALTERNATIVE SYSTEMS

Further information was gathered on alternative systems

- Results: Other cities and/or businesses have a proprietary treatment process that may be available in Polson for less cost
  - DEQ Review fell under the transfer rule regulations. No alternative system review was required
    - The technology involved was the same as a Biolac system
    - The Biolac system uses aerated treatment ponds & clarifiers
      - Dike walls would need to be reconfigured and lined
      - Concrete clarifiers follow aerated treatment
  - Polson 2014 FER evaluated the Biolac system option and it was eliminated
    - Good treatment results achievable, but
      - Operations similar to lagoon system
      - Challenging maintenance requirements
      - Limited longevity of lined lagoons compared to other alternatives providing better treatment

CURRENT CONDITIONS

A refresher/update on conditions of the Polson Wastewater Lagoons

- CAPACITY
  - System has 3-5 million dead/dead gallons left in hydraulic capacity
    - But, hydraulic capacity cannot be fully utilized if regulations aren't being met
- COMPLIANCE
  - Lagoons have been out of compliance since January 2014
    - Flow = 5 times BOD5 = 4 times TSS = 4 times
- MAINTENANCE
  - Aeration system lines are floating again and cannot provide proper air & mixing
  - Efforts are underway to slit the lines and anchor
    - Pipes may separate at joints if overstressed
  - Compliance violations likely without proper aeration

WHAT DOES IT ALL MEAN ?

CITY ENGINEER'S PERSPECTIVE

- EPA meeting and letter
  - An open dialogue was achieved, but no new tools were gained
- Regulations: DEQ 12 and TMDL
  - The future stringency of regulations are less certain than they were
- Alternative and Other Treatment Technologies
  - Yes, they are out there, but most are for smaller system flows. Spending money on them would be at risk since they are not well proven for larger municipal systems.
  - The FER already addressed the DEQ accepted conventional technologies
    - SBR and MBR are still the best viable technologies for Polson
- Current Conditions
  - We are running out of borrowed time
  - Current & future violations may lead to serious fines

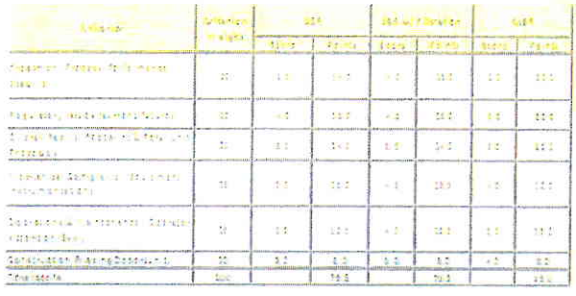
WHAT DOES IT ALL MEAN ?

CITY ENGINEER'S PERSPECTIVE

- Engineer's Recommendation
  - Time is critical for moving forward with upgrading the Wastewater Treatment Plant due to capacity, deterioration, and compliance
  - *If cost was not a factor*, MBR is still the best technology to meet Polson's goals
  - Given cost is always a factor and the future stringency of regulations is less certain, the SBR option without Filtration could be reconsidered.

Summary from previous presentations

	Conventional Activated Sludge	SBR w/ Filtration	MBR
Capital Cost	$14.8 Million	$16.2 Million	$18.8 Million
Annual O&M	$540,000	$430,000	$450,000
Rate Comparison	Less $14.08/mo	Less $8.00/mo	—
Criterion Ranking out of 100	75.3	79.1	81



DOWL HKM

DOWL HKM

Project Schedule (Short Term)

- Equipment Procurement
  - Develop RFP for Equipment Procurement – Jan – March 2015
  - Headworks Screens and Grit Removal Systems
  - Membrane Bioreactor Manufacturer/System
  - Aggressive/Optimistic Schedule

DOWL HKM

Project Schedule (Short Term)

- Empty Existing Lagoon Cell #1 – July '14 – Mar '15
  - Drain Cell 1 – In Process
  - Equipment & Sludge Removal – Feb – March '15
  - Complete Additional Geotechnical Investigation – April '15

DOWL HKM

Project Schedule (Long Term)

Initiate Design WWTP: April 2015

- Manuf Submittals – April - May 2015

- Preliminary Design
  - Preliminary Drawing Development – June – Oct '15
    - Site/Civil, Process Mechanical, Concept Architectural
- Final Design
  - Nov '15 – Mar '16
    - Structural, Building Mechanical, Electrical, Instrumentation & Controls
- Regulatory Review
  - April – May '16

DOWL HKM

Project Schedule (Long Term)

Bid WWTP

- Advertise for Bids – June '16
- Award/Contracts – July '16

- Construct WWTP – 18 months (min)
  - Notice to Proceed – General Contractor – Aug/Sept 2016
  - Notice to Proceed – "Fabrication & Delivery of Equipment"
  - Completion of Construction – Jan 2018
  - Full Compliance – April 2018

Compliance Schedule – July 2017

- Completion of Construction (UV System) – July 1, 2017
- Compliance with Final Permit Limits – Jan 1, 2018

DOWL HKM

DISCUSSION/ QUESTIONS

DOWL HKM

City Manager Shrives reminded Commission that something needs to be started with this project. Mayor Knutson thanked Shari and Kevin for all of their work and for the valuable presentation. During the time when the project was first presented to present, there has been a meeting with the EPA(Environmental Protection Agency) and a clearer expectation about what is needed. Mayor Knutson explained that with the information that was given this evening, there needs to be time to absorb it all. City Manager Shrives commented that there needs to be some decision made that gives a definite direction. The presentation will be emailed to the Commission for their review and posted to the City website. Mayor Knutson commented that there will be a decision given during the November 17th Commission meeting.

THE APPOINTMENT OF MS. LISA KINYON, CITIZEN AT LARGE TO THE POLSON REDEVELOPMENT AGENCY-1 YEAR TERM, TO FULFILL A VACANCY DUE TO A VOLUNTEER RESIGNATION-This agenda item was presented by PRA President Ken Avison. The PRA is pleased to have the opportunity to put forth Lisa Kinyon as a new member of the PRA. Mr. Avison has had the opportunity to serve on several boards with Lisa. Lisa has a business downtown within the TIF District. Mayor Knutson clarified there were two applications for the position. The PRA recommendation is Lisa Kinyon. **Commissioner Sontherland motion to approve the appointment of Ms. Lisa Kinyon to the Polson Redevelopment Agency. Commission Morrison second.** Commission Discussion: none Public Comment: none. VOTE: **Unanimous Motion carried**

APPROVE CONTRACT WITH McCRUMB CONSTRUCTION FOR NEW LIGHTS ON WALKING PATH IN SACAJAWEA PARK-City Manager Mark Shrives presented this agenda item. The City recently completed the City Dock and Pier Path project. There was funding available and there was a discussion about possibly putting lights along the path in Sacajawea Park and finishing up in Riverside. There is a section of three (3) lights that were not part of the original project. The area is in front of the Salish Building which was not part of the City's project that could be funded with the TIF dollars. BenErika LLC is going to donate the funds to finish the three lights in front of their building. They are donating $10,600.00 and then there are other Park donations that will be used to put the lights in place. This is being done as a separate part of this project. It was not part of the TIF project. This contract is for those three lights. The rest of the lights were done as a Change Order. This is an add on contract that needs Commission approval. Commissioner Erickson asked if it would be the same lights. City Manager Shrives answered it will be the same lights it's just that these lights will be installed with donated money. Commissioner Campbell commented that this is a good idea. Mayor Knutson asked for a motion to approve. **Commissioner Campbell motion to approve the contract with McCrumb**

Construction for new lights on the walking path in Sacajawea Park. Commissioner Ericksen second. Commission Discussion: none Public Comment: none. VOTE: Unanimous Motion carried

DISCUSS GOLF COURSE RESTAURANT LIQUOR LICENSE-City Manager Mark Shrives commented that this item was going to be discussed during the recent workshop. Golf Director Roger Wallace, Golf Board President Dave Cottington, and Golf Maintenance Superintendent Pat Nowlen have been invited to address the Commission about this item. It is not as time sensitive as the Waste Water project but it is a time sensitive matter. City Attorney Rich Gebhardt has also been asked to address this matter and get the discussion started. City Manager Shrives commented that he would be asking for a decision during the November 17th City Commission meeting. **Rich Gebhardt**, "Madame Mayor I think you are aware that we've had a couple of lawsuits over the past, over the management of the operation of the All Beverage license. The way that we're attempting to manage it, and we've attempted in the past to manage it, was by not having an employee manager of the All Beverage license. Our Golf Pro was on contract for the management of it. Previously it was a little bit like that but it was more toward the end that the Department of Revenue, Liquor Control Division would not approve it. So, based upon my conversations with the person from the Department of Revenue this spring, they were willing to go ahead and let us have no actual employee of the City manage the operation through the summer. What we're looking at is I got a question from this person that said, "why do you have an All Beverage liquor license in the first place?" I couldn't answer that question because I wasn't around when it was purchased. I think it has something to do with the fact that there would have been gambling associated with it at that time. We can accomplish the same thing out at the golf course and allowing for alcoholic beverages with a Wine/Beer license. We don't have to have the same management criteria it doesn't have to be managed like the All Beverage license. The cost is nominal to us because we have the right to have it as a municipality running our own golf course. So, I guess, whether it is surplus property to you is your question to be answered, and then what you do with it when you declare it surplus property and can we continue to operate the golf course and provide alcohol beverages to the restaurant and to the premises without having an All Beverage. My recommendation is that you move away from competition from downtown with All Beverage licenses and you provide service to the people that patronize you golf course and you see if you can recoup some of your investment by selling." City Manager Shrives, "I will ask Roger and Dave and Pat, to speak." **Roger Wallace**, "I feel like we've been here before maybe. I'm just going to give a little history and what's been discussed with the Golf Board. What my recommendation would be. First of all, last time I was here and we talked about this there was some confusion both here with where the funds came from. Let's be clear, everything that we're talking about tonight is Golf Fund. It has no, no effect at all on General Fund. As a matter of fact, the Golf Fund sends about $30,000.00 a year to the General Fund. So, lets me clear, whatever we talk about, whatever decision you make as a Golf Fund issue and not a General Fund issue. Back in 2004 or 2005 we paid $55,000.00 for that license. At the time there was Gaming. At that time it was a pretty good buy for us to be honest. We did well. Today, with no Gaming and through the research I've done, I was asked by the previous City Manager to make a proposal to purchase it. I had access to all the liquor license sells in Montana over the last five years. So looking at those and talking with bankers up and down the valley, some of whose banks owned licenses at the time, those licenses were worth, with no gaming, about $10,000.00 in counties our size. For $12,000.00 it was a little too painful for Council to accept that and I had a hunch that was going to be the case. So, $10-12,000.00 is what that license was worth with no gaming, last year. With food and beverage being a part of the new hotel coming in. Food and beverage rumored franchise food and beverage, that license is going to be integral to somebodies business model. In an open bid process who knows, my hunch would be somewhere in between the $12 that we know it was worth last year and the $55,000.00 that we paid for it. That would be my guess. Currently about 1/3 of our total alcohol sales are hard alcohol. We do roughly $75,000.00 in alcohol sales. The two years that the I have operated that license and I know what the deposits have been and from last year to this year it has been either $23,500.00 or $25,000.00 in the hard alcohol sales. So, almost exactly it's 32.6% has been the hard alcohol sales. Clearly there will be an effect on gross sales. I doubt it will be as large as

that. $25,000.00. It might be $10,000.00 issue but there probably will be some loss in gross sales. My experience is when we operated under Beer/Wine license prior, 2000 and before, that when you tell somebody we don't have a gin and tonic, they want to know what kind of beer you have. So, some will decide not to but most will decide to have a beer or a glass of wine. During the life of that license, I don't have the numbers in front of me, but it would be safe to say it has cost the Golf Fund in excess of $100,000.00 whether it has been actual losses for the restaurant or moving from vendor to vendor to vendor. Anybody with food and beverage experience, going from vendor to vendor, one vendor leaves, the next vendor comes in and says the guy before was an idiot. I need this, this, this, and this. We're buying equipment and the lessor. At any rate, it has cost us more money than we can afford long term to continue to lose to accomplish our capital needs as well. The All Beverage license is very restrictive and some of the homework that we didn't do when we purchased it, you cannot sublet an All Beverage license. You can a Beer/Wine. So, in our experience trying to get contracts, essentially through the Department of Revenue, they will let us structure a contract that gave the leassee about 50% of those liquor sales that's essentially that person is flushing 25% of their gross sales down the toilet but they're still expected to incur 100% of the operational cost. So, Dan you would know what that might look like in your business. It's not a rosy picture. So, the benefit, if you did decide to sell is you can sublet it. It gets you out of the payroll liability. It gets you out of the liquor liability. If we choose to go down the road with an All Beverage license, the City of Polson is always, always, always in the food and beverage business. No choice. You are in it. Also, it is kind of, I've been in retail all my life. One of the important rules in retail is that, and I think I've covered this before, identify your buying mistakes. Everybody make buying mistakes. We made a buying mistake. Identify your buying mistakes, get out from under them, and turn that capital into something that makes you money instead of continuing to lose you money. We are continuing to lose money with this license at a much less extent today than we did three, four, five, six, seven years ago but none the less it's upside down annually. So my recommendation, personally, is to sell it and know that when you do sell it you cannot tie a location to sales contract. You cannot require that it stays at the golf course. You can't, like in my proposal I said, "Look I will buy it for $12,000.00 if I'm done in ten years, I'll sell it back to you for $12,000.00." That can't be part of a contract. I guess for me it is a little bit of short term pain possibly versus the long term gain. Even if there is some short term pain, there's a multitude of things we could do with $20-30,000.00 that that liquor license would generate. I'm sure Pat would be able to speak a little bit better to that than I would be so. So at any rate, clearly you are not going to make a decision tonight. Time is a little bit of essence in that we have a business model to consider for next year. If you decide to sell it, we have to liquidate inventory, and possibly go out and see if somebody wants to advertise for a leasee or something like that and we get going probably April. It is a time consuming process to go through that. The sooner the better the decision is made for us." Commissioner Campbell, "How do you put something like that up for sale?" Roger Wallace, "We advertise for bid. We purchased it in a bid process. I'm assuming we would put it out for bid again." City Manager Shrives, "We'd put it out for bid potentially set a minimum acceptable price and then we do sealed bids. I haven't thought threw all that process but as I was thinking the best way to do it would be bids. We'd set a minimum price that we'd be willing to accept and then take sealed bids kind of like we do contracts." Commissioner Campbell, "How long did you get to run that with gambling?" Roger Wallace, "We ran that business under gambling for eight years, nine seasons, no six years." Commissioner Campbell, "Probably got their money back out of it too." Roger Wallace, We didn't. People in generality, people that gamble typically don't want to be seen gambling. So, that upstairs room was light, it was well lite. People would stick their 25 cents or 75 cents change they got from their cheeseburger in the machine. Every now and then somebody would tip us over for a couple of grand and just ruin the summer. We were on a profit sharing deal with the City and it was 50/50. I think the most we ever made from a gaming standpoint was $250-300.00. It was a non-issue from a revenue standpoint." City Manager Shrives, 'Last time we talked, it kind of came back that it was unclear where the Golf Board stood, so I've asked the Golf Board to weigh in." **David Cottington**, "The Golf Board has discussed this probably, I don't know, half a dozen times at various meetings with Roger. We have never really made a formal recommendation. I think I can confidently say that our recommendation

would be to sell it. We're going to hear some grumbling, or somebody is going to hear it, probably Roger. The few people that want a hard drink but like he said they will just buy a beer and that will be the end of it for the first couple of months of the golf season. We've talked about everything that Roger has explained to us in the same way. We had a discussion around this time last year. We said we should sell it. We had a discussion about it being an asset and I asked Roger this morning about what the percentage of hard liquor sales was and it was more than I thought it would be, but if half of that comes back in beer sales then it's probably no big deal. We are aware of all of the points that Roger made and that would be our recommendation." Commissioner Campbell, "Is it possible that we sell this, take that money to put toward the new cart shed?" City Manager Shrives, "That would be something that I would let Roger and Pat figure out. I suppose it could be used toward a lot of things. Before Pat says anything, it's kind of interesting, I talked to Cameron today. I stopped by the Pro Shop and was talking to him for a little bit . I said so you gotten any big push back on the fact that there is not refunds for the golf passes this next year? He said initially there was a couple of people but then when they talked about the fact that there had been $8-10,000.00 in refunds last year and that $8-10,000.00 and I think there's a misunderstanding as to where that money goes. Well, that money goes to potentially to buy another mower. It goes to maintenance, so when Cameron explained that he said that everybody went, "Oh. Okay. I understand now." So, we made that change, there hasn't been a whole lot of push back. So I just thought that was interesting. The liquor license maybe is in that same vein, I don't know." **Pat Nowlen**, "I just need you to know that I do support the sale of the liquor license. I see it as a piece of equipment that we bought, we used for a while, and then it broke down when the gaming left. If we took the opportunity to get rid of it, to get out from underneath it, we can operate the restaurant the way that we need to, we have the ability to get a portion of that money back and spend it on probably maintenance. Get out from maintaining this piece of equipment that's been broken for a long time." City Manager Shrives, "We're here for discussion, questions." Rich Gebhardt, "One thing. What you would do is make a motion to declare it surplus property and instruct the staff to go ahead and sell it. They would place the lowest acceptable bid and then you can determine how the sale will be conducted. You don't necessarily have to do it sealed. You could do it open if you thought you could get more money that way. That would be the Manager's determination." Mayor Knutson, "We are not the only municipal golf course out there. Are we the only ones that have this issue or do we know of any others and how they're working? Are they just flying under the radar? How are they managing this whole thing?" Roger Wallace, "There's really only, in western Montana, there's really only two other truly municipally owned and operated golf courses, Bill Roberts in Helena and I can't remember the name of the golf course in Great Falls. Both of them operate under Municipal Beer/Wine license. I believe we're the only municipality in Montana to have all All Beverage license." **Rick LaPiana**, "I'm going to give you a little bit of history about the liquor license. When I was on the Golf Board that was one of the things that Roger brought up, and I was on the Golf Board 2006 and 2007, was to get rid of the liquor license because of the problems of operating that bar with outside help and to keep the inventory safe. If the liquor room is still in the same spot downstairs, it's an accident waiting to happen. Why it hasn't happened I can't tell you. We wanted to in 2006 and 2007 to sell it. Roger was right, the City Council looked at $50,000.00 and said, "Oh my God we can't take the hit". Well, we've taken the hit. You gotta get rid of it. I've told Mark already I know of two people that are ready to bid on it, that want to use it locally." Mayor Knutson, "Well we certainly have a unified front from the Golf Course. I've heard, I guess, informally from people that there's going to be some flare ups of course if this does go through. My inclination, I wanted to hear from all of you to get your perspectives as the leaders out there. I wanted to have the pulse on our golfers, our customers. I think that we want to make sure that we are providing a good service but we also have to make sure that we are doing things legally and within the right perimeters as well. So, I appreciate all of the perspectives that were shared tonight. There is definitely talk and it may be a short term pain. I would fully expect that." Roger Wallace, "When you consider what effect on the corporate groups or outside groups that come to us, we really are just replacing revenue from that day. Make no mistake that it's a good day for us, but a Saturday, end of August or July 1st to the first week of August, we're going to make the same money just being open on regular business day that Saturday as we are hosting that event.

There is some P.R. to be gained, absolutely. But from a pure business money in, money out standpoint bottom line for that day it really doesn't have an effect." **Elsa Duford**, "I have golfed a long time ago so I am not going to argue the golf thing, but I wanted to bring to your attention is this article in the *Flathead Beacon*. It' about Whitefish and it sounds like they would be delighted to get a liquor license for the price you mentioned tonight. It's quite a long article and it talks about how much it costs them to buy a liquor license on the open market. These figures are just astounding to me. It said in July a beer/wine license sold in Kalispell for $500,000.00 according to the State Department of Revenue statistics. The cheapest Cabaret license sold in recent years went for $100,000.00 All Beverage license went for $585,000.00 in April which could be considered a bargain compared to the 2007 price of $950,000.00. I mean this is just up the road. I would like you to read this article. It's kind of long but it's about a woman who wanted to try and open a business in Kalispell." Mayor Knutson, "I saw that article. It's also on line so you could google it." Elsa Duford, "It's the October 15th issue of the *Flathead Beacon*. That's all I wanted was to bring this article to your attention. Thank you."

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA-there was no public comment given.

Mayor Knutson asked for a motion to adjourn. Commissioner Erickson motioned to adjourn. Commissioner Southerland second. Vote: Unanimous Motion carried

ADJOURN 8:38 p.m.

_____
Mayor Knutson

ATTEST:

_____
Cora E. Pritt, City Clerk

CITY OF POLSON
CITY COMMISSION MEETING

Commission Chambers November 17, 2014 7:00 p.m.

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

ABSENT: Commissioners Erickson, Turner

Others Present (that voluntarily signed in): Rob Dotson, Elsa Duford, Dennis Duty, City Streets Superintendent Terry Gembala, Rick LaPiana, Paul London, Bonnie Manicke, City Water/Sewer Superintendent Tony Porrazzo, Andrew Speer, Diane Speer, City Asst. Police Chief John Stevens

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

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

APPROVAL OF CITY COMMISSION MEETING MINUTES NOVEMBER 3, 2014.- Commissioner Southerland motion to approve City Commission Meeting Minutes November 3, 2014. Commissioner Morrison second. City Commission discussion: none Public comment: none. **VOTE: Unanimous Motion Carried**

CONSENT AGENDA: (a) Claims November 1-14, 2014, (b) Appoint Ardrene Sarracino as Ex-Officio to the Local Government Review Commission, (c) Cash Reconciliation for October 2013, (d) Cash Reconciliation for November 2013. City Manager Shrives read the following duties of the Ex-Officio: The ex officio, nonvoting member is appointed by the local governing body (7-3-177, MCA). The ex officio member of the commission must be an elected or appointed local government official or employee. Whoever becomes ex officio can be of considerable assistance to the commission in accomplishing its purpose. He or she may assist the commission as a liaison person in communicating with the local government as a source of expert knowledge on the general organization of the local government unit. They may also aid in coordinating technical assistance and staff support provided (if available) from the local government. The ex officio member of the commission can be especially helpful early on in developing a budget to carry out the commission's plans, as well as with organizing the commission to accomplish its main purpose.

At the first meeting of the study commission, the study commission may elect a temporary presiding officer, who will serve until a permanent presiding officer is selected.

Commissioner Southerland motion to approve the Consent Agenda. Commissioner Campbell second. City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

CITY MANAGER COMMENTS; City Manager Shrives gave the following comments:

City Fire Department received a $2,000.00 grant from the B.P.O.Elks for training/fire prevention

Polson Chamber of Commerce City Employee of the Year: Alan Booth

K-9 Officer Llop was retired. The new K-9 Officer, yellow Labrador Retriever Brody, found 2 lb. of Marijuana through the postal system.

Recommending that City Commission cancel the December 1, 2014 meeting. There could be a meeting scheduled for December 8, 2014 if something has to be dealt with. The next regularly scheduled meeting will be December 15, 2014.

***Note-Mayor Knutson polled the present City Commissioners. The consensus was unanimous to cancel the December 1, 2014 City Commission meeting.**

PUBLIC HEARING-BUDGET AMENDMENT FISCAL YEAR 2013-14. Mayor Knutson opened the Public Hearing at 7:10 p.m. City Finance Officer Cindy Dooley presented the information on the portion of the budget that is to be amended. As part of closing out Fiscal Year 2014, the budget is reviewed and any funds that have exceeded the appropriation. There were ten (10) funds that exceeded the appropriation. Those funds are identified as "Exhibit A" on the Resolution. The excess came from unexpected revenue the City received or the expenses were more than anticipated. Total appreciation increase is $19,747.00. There is a total of $58,610.00 in increased revenues to offset appropriations in funds 2219, 2221, 2390, 2703, 2810, and 2876. There were no questions or comments from the Commission. No public comment. Public Hearing closed 7:12 p.m.

APPROVE RESOLUTION TO APPROPRIATE MONEY AND PROVIDE FOR THE PAYMENT OF DEBTS AND EXPENSES FOR THE CITY OF POLSON INFISCAL YEAR 2013-2014 AS DETAILED ON EXHIBIT A OF THE RESOLUTION. Finance Officer Cindy Dooley presented this agenda item. Mayor Knutson asked for a motion to approve the Resolution. **Commissioner Southerland motion to approve Resolution No. 2014-___ to appropriate money and provide for the payment of debts and expenses for the City of Polson in fiscal year 2013-2014 as detailed on Exhibit A of the resolution. Commissioner Morrison second.** Commission discussion: none Public comment: none. **VOTE: Unanimous Motion carried**

APPROVAL OF PLEDGED SECURITIES FOR PURCHASE OF $1,000,000.00 CERTIFICATE OF DEPOSIT AT FIRST CITIZENS BANK, POLSON, MONTANA-agenda item presented by Finance Officer Cindy Dooley. The City had a Certificate of Deposit (CD) mature October 22, 2014. The City placed an investment of public funds bid to local banks; First Citizens Bank, Glacier Bank, Eagle Bank, Community Bank, First Interstate Bank, Valley Bank, and Whitefish Credit Union with a bid closing date on November 13, 2014 at 4:00 p.m. The City received three (3) return quotes. First Citizens Bank was the highest at .8%. What the Commission will have to approve is the collateral that goes with the CD. According to the Montana Code, at least 50% of the deposit has some type of pledge security. The list of securities that First Citizens Bank presented does meet the criteria for the types of securities that can be used for pledge collateral. **Commissioner Campbell motion to approve the list of pledged securities presented for the investment of public funds in a certificate of deposit at First Citizens Bank in the amount of $1,000,000.00 on November 18, 2014. Commissioner Southerland second.** Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE A TWO-YEAR EXTENSION AGREEMENT ON BEHALF OF THE ROBIN AND DANIELLE DOTSON 2-LOT SUBDIVISION-contracted Planner Erica Wirtala presented this agenda item. This is a Final Plat Extension Agreement for a 2-lot subdivision located on the south side of Rung

Lane and west of First Street East. Lot 4 of Skyline Homesites. The property currently contains two houses and various out buildings. In 2009 the City Council approved the Preliminary Plat. There were 25 Conditions of Approval. The majority of the Conditions were regulatory. Condition #3 addressed the length of time the Preliminary Plat was valid. The Preliminary Plat was approved in September 2009. In November 2011 Mr. Dotson requested a two year extension. Mr. Dotson has commented that he is working to get his paperwork in order to come before the Commission for his Final. This time extension is a safeguard. Staff is recommending approval of this time extension request. **Commissioner Campbell motion to approve a two-year Extension Agreement on behalf of the Robin and Danielle Dotson for their 2-Lot Dotson Subdivision, SC09-01. The new expiration date for this preliminary plat will be November 17, 2016. Commissioner Siler second.** City Commission discussion: none Public comment: none **VOTE: Unanimous Motion carried**

APPROVE THE FIRST READING OF ORDINANCE TO AMEND THE CITY OF POLSON BUILDING CODES.-Building Official David Simons Jr. presented this agenda item. This is the first reading of an ordinance that would amend the City of Polson building codes to match the codes brought in by the State of Montana. On October 23, 2014 that State approved the 2014 National Electrical Code as the new Electrical Code and on November 4, 2014 the State adopted the Building, Residential, Mechanical, Plumbing, and Fire Codes to the 2012 version. According to the Montana Labor and Industry we are required to adopt and follow the codes and fees that the State adopts. The City has 90 days from that date to begin enforcing the new codes. This information will begin being published and distributed to the public and conduct another meeting in December. This meeting will be a meet & greet like the meeting in September. Then enforcement will begin January 1, 2015. Not any huge changes. One of the bigger changes is the energy code. There are new requirements for insulation values on new projects. Mayor Knutson asked where some of the locations were that David had posted information about the changes. David replied he had posted information at Western Building Center in Ronan, MT. Lowes, in Kalispell, Building Centers in Missoula, Ace Hardware in Polson, Platt Electrical Supply House. Mayor Knutson suggested adding Valley Glass as well. Also, it will be posted on the front door at City Hall. Commissioner Campbell asked how many days before an ordinance takes effect. City Manager Shrives answered the second reading will be on December 15, 2014 so the Ordinance would go into effect January 15, 2015. Commissioner Southerland requested that there be a posting on the City website too. **Commissioner Southerland motion that the City Commission adopt the First Reading of the Ordinance to Amend the City of Polson Building Codes. Commissioner Campbell second.** City Commission discussion: none. Public Comment: Elsa Duford, "Building Codes aren't my thing. It just seems like, from what I understand of this, and it was brought up before, like a home owner couldn't do anything around their home unless they get a building permit if they want to fix something, it requires a building permit. If you don't get a building permit you could be subject to fines and penalties. Is that the way this is working?" Mayor Knuston, "Well I don't think it's just fixing something but there are significant changes adding garages." David Simons Jr, "As far as repair and maintenance of a building no. Repair and maintenance doesn't fall under the Building Code. If you were to say you wanted to put an addition onto your house, say a new kitchen. Those kind of things would, but when you are doing repair and maintenance of a home, no. A homeowner can do work on their own home. They don't have to have a licensed professional if it's a home that they live in. If you own a home that's a rental home, that would require that kind of work, again an addition, remodel, those kind of things but repair and maintenance, no. No ma'am there's no requirement at all." Elsa Duford, "Okay. That was my question. Thank you very much." **VOTE: Unanimous Motion carried**

APPROVE THE FIRST READING OF THE ORDINANCE ADOPTING ARTICLES 1, 2, 3, AND 4 OF THE CITY OF POLSON BOOK OF ORDINANCES-City Manager Mark Shrives presenting. The Ordinance Title should say an Ordinance to Adopt Chapter 1, Article 1 and Chapter 2, Articles 1, 2, and 3. This is the first reading of the Ordinance. Commissioner Southerland and Mayor Knutson questioned Sec.202.050-meeting agenda notice. The 96 hours is nice to shoot for but give the 72 hours.

Commissioner Campbell commented that for regular meetings the 72 hour notice is sufficient. Mayor Knutson then asked if this Ordinance would take effect 30 days after the second reading. City Manager Shrives replied yes, it will take effect 30 days after the second reading. Mayor Knutson also questioned the start time of 6:00 p.m. Commissioner Campbell commented that he read that the meeting start time could be between 6:00 – 7:00 p.m. City Manager Shrives commented that it was left open, that maybe the start time would be 6:30p.m. Mayor Knutson commented on Section 202.080 that commenters would give their address. Mayor Knutson recalled that the workshop discussion comment was that someone could give their ward if they did not want to give their address. Mayor Knutson then commented on Section 202.090 regarding a tie vote. If a Commissioner has a conflict of interest then goes ahead and votes, this clearly weighs to whatever the conflict of interest may or may not be. Commissioner Campbell commented that the sentence was to be removed. City Manager Shrives commented that he would follow up with the City Attorney. Mayor Knutson then commented on Section 202.103 Action Minutes. Mayor Knutson commented that the minutes should remain as they are currently recorded until the City has the ability to post the audio of the meeting to the City website. Commissioner Campbell commented that the wording was changed for complete minutes. Mayor Knutson answered that that was the compromise that was reached. If an agenda item is to be complete, then it will be noted. City Manager commented that the first reading should be passed with the changes indicated. The second reading will have those changes made to the Ordinance. **Commissioner Southerland motion to approve the first reading of the Ordinance adopting Chapter 1, Article 1 and Chapter 2, Articles 1, 2, and 3 of the City of Polson Book of Ordinances with revisions. Commissioner Morrison second.** City Commission discussion: none Public comment: **Bonnie Manicke,** "I have a comment on Section 202.130 which is the recording of the meetings and the minutes. Electronic recordings shall constitute the official record of the Commission meeting. My comment is that technology is rapidly changing. The Commission should consider the advances in technology. Currently the CD, the minutes are recorded on the CD disc and will the information on the CD be accessible in the future. The Commission should consider narrative minutes not exactly verbatim but some type of narrative minutes with context of the proceedings and also to include the public comment. I do have a comment also on the time of the meetings. 6:00 p.m. is generally considered the normal dinner hour. The time of 7:00 p.m. seems to be a realistic time. About six years ago the meeting time was changed from 7:30 to 7:00. So, I would like the Commission to consider those two items. Thank you." **Elsa Duford**, "I would like to also say that I am not for Action Minutes. This was explained at the last MMIA (Montana Municipal Interlocal Authority) workshop that I attended in 2011. The reason people wanted Action Minutes was they gave different reasons but the reason the presenters said was that verbatim minutes can be like evidence if somebody wants to come after the City. Anything you say from the Commission could be considered evidence. I think this just absolutely stifles the public in being able to be informed as to what happened at the various meetings. It's also a history of what is happening in your town to have the verbatim minutes. I think the Clerk's in the past and the present can do verbatim minutes very easily or at least a narrative of the minutes. So, if you are considering Action Minutes, I will be very strongly opposed to it. Thank you. Also, the meeting where you discussed this, these articles, at that workshop, it was almost impossible to hear what you were saying because you were sitting around a table. All of the sound was going towards you and you didn't have any microphones on the table. So what you were discussing up there was nearly impossible to understand what was happening. I'm wondering if that, all those articles you are talking about are available for the public to have copies of. There's just so many pages on the website that I'm not going to unload all of those and print them out. So, we're not informed. You have an uninformed public on this." Mayor Knutson, "They are on line right now I believe. They are available on line to you right now. As we continue to go through the process they will continue to be on line as well." Elsa Duford, "But it is just too much. My computer will probably run out of time before I could get all that done on it. So, if we wanted to have a copy like you guys have copies you are working on, what would it cost the person who wanted to have a complete copy of that set? How many pages are we talking about?" Mayor Knuston, "I honestly don't know." City Manager Shrives, "Whatever the per charge copy is and however many pages there are. Each one is different. What do we charge for copies?" City Clerk Cora

Pritt, "30 cents." City Manager Shrives, "30 cents a copy. So 30 cents a page times however many pages." Elsa Duford, "Single pages? Double sided?" City Clerk Cora Pritt, "Single pages." Elsa Duford, "So basically unless you can afford to buy the copies you really aren't going to be informed. Is that right?" Mayor Knutson, "I think you could get a CD of them as well." City Manager Shrives, "You could read it here at the City as well. There's a copy available at the City." Mayor Knuston, "How much does it cost for a CD? $5.00?" City Clerk Cora Pritt, "They can provide a CD and we could copy it." Mayor Knutson, "That would be a great option. So if you could provide a jump drive or a CD yourself, you could bring it in and we could transfer the information for you right on that. Then you could plug that into your own computer and see them. They'll pop right up." Elsa Duford, "Yeah. I know it. I mean I could do that also but I'm just talking about the printed copies. So it is easier to read from a printed copy than to stare at the TV screen. So, that's my comment. Thank you." Seeing no other comment on Agenda Item No. 11 the vote was taken. **VOTE: Unanimous Motion carried**

WASTE WATER INFRASTRUCTURE DECISION-City Manager Shrives presented this agenda item. City Manager Shrives, "I don't have a whole lot of information to provide you. We've gone through, actually it works out nicely, we have our City Engineer's presentation from the last meeting. Basically, I am just turning to you to say we need to get this project started. With that we need a decision as far as which type of infrastructure you want us to move forward with as far as design. As you may remember there's a process we need to go through once we identify the type of facility we are going to build. We need to go out and procure the equipment, which there's different type of equipment and then we would design to that equipment. There's several processes we need to go through. As was presented by Kevin and Shari at our last meeting, we're already about six to eight months into our cycle that we thought we would be designing. We haven't gotten there yet. We're just asking what you would like us to design." Mayor Knutson, "Thanks to the team for the information that has been provided to us. The presentation at the previous meeting, two weeks ago, was very valuable information. I think we will have some discussion first before we have a vote. I think that might be more efficient for us. John, would you like to kick things off." Commissioner Campbell, " Up until two weeks ago, at the last meeting, folks seemed really on the MBR, the most expensive technology we could come up with. Our justification for that basically was to get the most nutrient removal we could get because of upcoming regulations. Shari had reported to us, many times, on her involvement in the total maximum daily load committee that she has been serving on, and the stringent regulations that will be coming down the line in the next 10 or 20 years dealing with nutrients; nitrogen phosphates and so forth. Then two weeks ago she came in and gave us a report that those regulations basically have been halted. The process has started over again. The reality of us having to meet those extreme nutrient removal regulations are less. It doesn't look like we are going to have to meet those in the same time frame she was talking about before. Even before we were looking at regulations that hadn't been developed yet. Now that the process is starting over again, who knows? Why design for something that might not even get us in the 20 year lifespan of this treatment plant. The SBR Plant does basically the same treatment process without the nutrient removal if we need to go with the nutrient removal, we also have the SBR plant with filtration. I think from what I got out of the last presentation is that the best way that we could spend our money, it would be a savings of about 4 million dollars in capital improvements would be to go with the SBR plant without filtration. In the process of designing that plant, keep in mind that possibly 10 or 15 years down the road, if these regulations do hit us, maybe we will need that filtration. If so, design the plant, save the land, and keep that design in mind that possibly the filtration will be needed and work that into your initial design. Save us a lot of money, save us about $14.00 or $15.00 bucks a month on our bills and still produce a very high quality wastewater. Keep in mind, you don't need to drink this stuff. You just need to make really good wastewater for this river. Operational costs were less. It was a lot of news that hit us two weeks ago and my feeling when I came out of that was I didn't see how we could justify spending the extra 4 million dollars just to get something that we want, not something that we need. Any other ideas?" Commissioner

Southerland, "What guarantee do we have that the agencies aren't going to keep changing their minds?" Commissioner Campbell, "I don't think either way you have any guarantees. The numbers that she was throwing at us before were never actually real numbers. They were numbers that she was projecting would come down later on. Now putting that off, this process that she was working with and the committee, it's a process that's been going on well over 20 years. To stop that and start over again, I can't imagine it's going to happen real quickly." Mayor Knutson, "I think there are no certainties. That's the hard part about the whole thing." Commissioner Campbell, "It's a Federal agency. Every four years you get an election, you get a different President that has different ideas on environmental. It goes back and forth between left and right." Commissioner Southerland, "If we had to add the filtration, I don't recall what that cost would be." Mayor Knutson, "It was about 2 million I think." Commissioner Campbell, "We have it here." City Manager Shrives, "The SBR with filtration is 16.3 million." Commissioner Campbell, "That adds about 1.6. If you could put that off for about 10 years." Commissioner Southerland, "Put that off and then maybe it will be 3 million by the time you get there in 10 years. Without the filtration, the SBR would meet the needs for the affluent that need to clear up." Commissioner Campbell, "That's my understanding. The thing we were going to gain out of the MBR, other than the SBR without filtration, would have been nutrient removal. Is that true Tony?" Water/Sewer Superintendent Tony Porrazzo, "Yes." Mayor Knutson, "Well they presented the three options as options that would work for us. I guess I fall back on that as well. They presented that as an option that would work." Commissioner Siler, "If we go with the SBR can it be upgraded to the MBR in the future?" Mayor Knutson, "We could add filtration to it." Commissioner Campbell, "In order to get the same affluent, you would add filtration to it." Commissioner Siler, "So the SBR with filtration is doing the same thing that the MBR is?" Commissioner Campbell, "Not quite." City Manager Shrives, "It's pretty close but it doesn't do everything." Commissioner Campbell, "It will get you to the same place that you need to be I think." Commissioner Siler, "I agree with John. I think the picture has changed. Most of the people I have talked to wanted us to go with the best but they were also the affluent people in the town. I've had one person that I will call affluent, that said that we don't need it right now. We should try and work towards the best. They would sure consider what's going to happen. It looks like the whole picture has changed with the EPA." Commissioner Campbell, "I think if we did do this SBR, keep in mind the whole time that to have the engineer work into the design, save the piece of land we will need if filtration is needed in the future. Design your piping so that the property isn't on the opposite side of your discharge. Keep in mind that save that piece of property. Build your SBR in a way that if you need filtration you would have that piece of ground to add into your current design and not have to change." Commissioner Siler, "Would we have to do anything to it?" Commissioner Campbell, "I think your engineer would just, practically do that anyway if we chose that design with the possibility of filtration in the future, he would design it that way." Mayor Knutson, "I think that's a great idea." Commissioner Southerland, "I think several of the folks that I talked to had that same kind of idea that Ken said, you know, let's get the best because this is a huge thing that we have to do and not be tacking things on in the future. Which we would have to replace the membranes and that's a possibility. But, you know, after hearing that report it does kind of change things." Mayor Knutson, "It does give you a little pause doesn't it? Because we are uncertain and going with the MBR, if cost was not a factor, certainly we would all go with the MBR on that. I think if we can get, with reasonable certainty, which I guess that is how I would describe Shari's comments to us, the other day was with reasonable certainty that this should fulfill our needs for several years. She said somewhere between five to seven years before they would even be able to provide new nutrient levels for us." Commissioner Southerland, "Did Shari feel pretty comfortable with this SBR?" Mayor Knutson, "She did. When she was presenting, my feeling from her was she opening it up as an option because she truly felt that it was an option to consider again at this point. I feel potentially that the MBR would be overbuilding for us right now. Again, without really knowing what the future is going to be, we really won't know whether we made the right decision until well into the future unfortunately. I think that John, you made many of the points that I had as well. I feel like the SBR option provides us with the short term solution that we need. The medium term solution because we can ramp up in the long term solution on that as best as any of us can guess as what

that long term needs may be. I feel pretty comfortable going with that option at this point." Commissioner Campbell, "Do you think this will take care of our capacity problems no matter which we go. We will be designing a million gallon a day plant or bigger no matter which plant. We will be dealing with capacity. We will be dealing with in 2017, disinfection, we will take care of that. We will take care of the BOD's the guys are having trouble with. All those will be taken care of. The ultra-filtration on nutrients, if it's not a regulation, will most likely do better than we have to do." Commissioner Southerland, "John you're the expert here in this field much more than anyone of us. So you feel real comfortable with this SBR?" Commissioner Campbell, "I do. Up until two weeks ago, I was like everybody else. I had the same information all of us had. That we were going with that MBR. What Shari told us, I really can't justify the extra 4 million dollars just to get something we want not something we really need. This seems that this will do what we need it to do. It will take care of our growth. It will treat our wastewater excellent and if these regulations do come down it sounds to me like a great big if now, we have the option of adding filtration to this design. We don't eliminate any of our investment, we just add to it." Mayor Knutson, "Any other discussion? Tony, do you have anything to add?" Tony Porrazzo, "You have a tough decision to make. Just make it." Mayor Knutson, "Well said." **Commissioner Campbell motion that the City of Polson move toward design of an SBR sequence batch reactor wastewater treatment plant, without filtration with the thought of designing it with the capability of filtration in the future. Commissioner Southerland second.** Commission discussion: none Public Comment: **Bonnie Manicke**, " I would personally like to thank Commissioner Campbell for the detailed report that he gave tonight and also the expertise he shed on the wastewater project. I would also like to thank the Commission and the Mayor for reviewing that and perhaps saving all of us 4 million dollars. Thank you John." **Elsa Duford**, "I don't want to get up there. Is this going to make a considerable difference from what I understand you that maybe in the $15.00 raising your bill. Is that what you said?" Mayor Knutson, "$14.50 or roughly somewhere in there." Elsa Duford, "Does that mean that you are going to have to refigure the water rates that you have currently going now?" Commissioner Campbell, "We weren't done." Mayor Knutson, "That was an initial step that we took. We will address those as we continue to move forward." Elsa Duford, "Okay. Thank you." **VOTE: Unanimous Motion carried** Mayor Knutson, **"**I would again, thank everyone, thank you to the Commission, thank you again John. I think that was a very appropriate thank you from Bonnie and to our citizen's thank you for working with us on this and continuing to work through this. I am pleased with the way that the process has gone. Thank you."

CITY OF POLSON GOLF COURSE RESTAURANT LIQUOR LICENSE SALE-City Manager Mark Shrives presented this agenda item. City Manager Shrives, "I don't have a whole lot to say. We had a pretty thorough discussion at our last meeting. Again, it's available in the minutes. You were addressed by your City Attorney, our Golf Pro, and Current Restaurant Manager, you were addressed by Pat Nowlen, our Golf Maintenance Manager at the golf course and you were addressed by Dave Cottington, who is the Golf Board President. Again, this would be making a decision to put up for sale the City All Beverage license at the golf course. I will say that if you make a decision to move forward to sell the liquor license, then I would come back at the next meeting with a proposal of how we should do that and more detail on that, because at this point I haven't gotten in that detailed yet. That would be what I would bring back at our next meeting. **Commissioner Morrison, "I would like to make a motion to table this until the next meeting.** Stephen Turner is out of town. I really would like some time to comment on it. We're really not in a big hurry because it is only November. So, I would like to make a motion to table this. Give us a little more time until the next meeting in December. That would be good. **Commissioner Campbell second the motion.** City Manager Shrives, "Until December 15th?" Mayor Knutson, "Okay. I have a motion to table by Commissioner Morrison and a second by Commissioner Campbell. City Commission discussion: Commissioner Southerland, "That will leave enough time for getting all the steps together for a sale if that is what we are going to do prior to the season?" City Manager Shrives, "I think so. We will be able to at the same time, if we do opt to sell it, we get the Municipal Beer/Wine license. Basically it's a matter of knowing, for Roger, it's knowing what

he is doing from a marketing perspective and product and things like that." Mayor Knutson, "Any additional Commission discussion?" Public Comment: **Rick LaPiana**, "No comment but when is your renewal date on your license?" City Manager Shrives, "May." **Bonnie Manicke**, "I have a comment on the proposed sale of the liquor license. There's a lot of commercial activity going on in the Polson area, all the way from Big Arm to the east end. The new Red Lion Hotel, in Ridgewater, the restaurant there is undoubtedly looking for a liquor license and perhaps would pay quite a bit for it. I don't think that we should sell the license in a fire sale. We should try to get the maximum that we can for it. So I am throwing that out at this time." Mayor Knutson, "Do you have a recommended minimum bid?" Bonnie Manicke, "I don't think that we should do that. Working finances and doing bids and sealed bids and proposal on equipment, investment bids, I don't think that we should throw out something like that. I think that too many numbers have gone out already, which are very low ball numbers. Recently we got caught in two bid projects that got tabled to later. That information is out there. So what's somebody going to do, bid $2.50 less than what the proposed bid was? So I don't feel comfortable with that. I do know that we paid $55,000.00 for the liquor license. I know that there's been one that was sold probably a year or a year and a half ago for $90,000.00 and that liquor license went to Swanee's across the bridge. So that's probably about all that I really want to say at this point. Thank you." **Dale Gillespie**, "I actually own a bar in town. It's kind of a touch situation this license. So I thought I would give you a little bit of feed -back. I was looking at kind of doing a deal about three and a half years ago. My license, I was told I could justify a sale of $75,000.00. I don't think that's what the value of this license is, but I'm just saying that's what an attorney that I hired, and went to the State, the Commissioner, the Liquor Commissioner, or whatever they go through. There's enough justification for a $75,000.00 Again I need to put it in the minutes that I am saying that that might not be the value but I think the City needs to look at a couple of things. First of all you don't have to sell the license. Second of all, if there's one bidder and you are the only license for sale, you could hold them hostage. Which I don't think is a good thing for the City to do. Third of all, if you are too low I think there's a lot of people in this town that might object to you selling for too low. I actually went and talked to a couple of people that own licenses and I actually approached someone that may be interested in buying a license. It's surprising that almost all of us were pretty close to the same price. So I would recommend maybe you do some studies and ask some bar owners what they think the value of their license is and maybe, if you have an interested buyer when you negotiate, come up instead of just putting up like okay we're going to sell it and whoever bids we're going to take that bid. Do some negotiating. I was surprised and I just wanted to tell you that. I think if you could get a really fair price, I think this potential buyer I talked to was willing to give a fair price that I thought. People that I talked to that owned licenses thought it was a good price too."
VOTE: Unanimous Motion carried

PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA. Lee Manicke, "At your last meeting you made an appointment to the Polson Redevelopment Agency (PRA) for a one year appointment for a member. The minutes indicate that there were two applicants. Only one application showed up in the minutes. It wasn't disclosed who the other applicant was. I don't know if the Commissioners knew who that other applicant was. If they didn't know they should know. If they did know, the question comes up how they knew. Was it emails or telephone calls or information in their packet that wasn't on the website. The State Statute 7-15-4-234 says that the Mayor will make the appointment with the advice and the consent of the Commission. If the Commission didn't know who that other applicant was, they were not fully informed. They couldn't then make logical advice to the Mayor for the appointment. I don't know whether they knew about it or not. The public surely didn't know about it. The public are tax payers and the decisions made by the PRA effect tax payers not only within the Tax Increment District but in the City, the school district, and the County and even the State. The public should know that. They may want to have a say, pro or con, who that is or who the other person is and that opportunity wasn't afforded to them. One of the Commissioners on the PRA and others have been very vocal about the lack of volunteers that come up. Treating this person whoever

it was, really is inconsiderate and rude when not saying who they were and having them to have an opportunity to present themselves even with their application. It's no wonder people aren't applying if that's the way they are treated. I am not criticizing who was appointed. I'm fussing about the way that this was done. It wasn't followed procedure. A few meetings back Mr. Clavadetscher got up and held up Consider the Possibility Ordinance 591 and admonished you to read that. I hope you have, but don't just read it, follow it. That includes following the State Statutes and it wasn't done in this case in my opinion. I think you can do better. Think these things threw a little bit and follow the rules. See what they are. Let's not make these hasty decisions. Thank you." Mayor Knutson, "I apologize. I actually thought that I did announce the other candidate when we were here last time." Lee Manicke, "The minutes reflect that you did say there was a second candidate but it did not disclose who that candidate was. I don't know if you did or not, but that's how the minutes said." Mayor Knutson, "Okay and that's what I'm going to say. I did not catch that in the minutes that it wasn't included in there. I was pretty sure that I had indicated that." **Terry Gembala**, City of Polson Streets Superintendent, "We are into the second week of the leaf pick up for the City. It's been very helpful to help clean up some of the storm drains and that so, if the public could get the message out that there's only two Mondays left. We had one little hick-up and got that straightened out. It's been a great help to us because there's been a lot of leaves that we have not had to sweep up. That's just my comment that if you can get it out and let people know that if they put them out on the edge of the roadways, we will pick them up on Mondays."

Mayor Knutson asks for a Motion to Adjourn. Commissioner Siler motion to adjourn. Commissioner Campbell second. VOTE: Unanimous Motion carried.

ADJOURN: 8:15 p.m.

APPENDIX B – EPA CORRESPONDENCE

Additional information for September 3, 2014 City Commission Meeting

September 2, 2014

Mayor and Commissioners,

On Friday August 29, 2014, I received additional information that I wanted to provide you before tomorrow night's meeting. I have reached out to the project team for their input regarding the conversations we have recently engaged in with the EPA.

The first item is an email I received from Commissioner Siler. He will not be able to attend the meeting due to a trip he planned several months ago, but he did ask that this email be provided expressing his thoughts on the upcoming wastewater project. (Attachment 1)

The next item I would like to discuss and share with you is the correspondence recently sent and received from the EPA. For some background, On August 20, 2014, the City met with staff from the EPA and the CSKT. At the meeting we discussed the City's upcoming wastewater project and asked several questions regarding current and upcoming regulations and the potential economic hardship this projects poses on the citizens of Polson. At the meeting, it appeared there was no flexibility, but there were some questions that the City felt were left somewhat unanswered. On August 26, 2014 I sent a letter (Attachment 2) to Julie DalSoglio, who is the Director of the Montana Office of the EPA, and who was one of the EPA representatives at the meeting.

In an initial response to my letter, Ms. DalSoglio stated she would try to provide me a response prior to our September 3rd meeting. On Friday, August 29th she in fact did provide a response to my letter (Attachment 3). As I read through her letter, I was encouraged, but also concerned regarding her response. Let me expand on my concerns

1. The proposed resolution and rate increase on the agenda tomorrow night commits the City to change the rates and begin collecting more revenue. I do not see that this further commits the City to a schedule, project, or design. One of the key criticisms we heard at the first public meeting was the City has known this was coming so why didn't they put more money in the bank. This rate increase as proposed, $25.00, will begin to alleviate that problem. Additionally, with a $25.00 rate increase, we will meet combined water and sewer target rates as set by the grant and loan agencies and this may put us in line to receive loan forgiveness on the current downtown water looping project we are preparing to begin.

2. Nothing in the letter from EPA suggests the City won't have to deal with their current compliance issues and eventually meet the disinfection limit, short of a very complex variance that would also be temporary, and require the CSKT to modify a water quality standard in their current *"Antidegradation Policy"*, such a variance would require an alternative "highest attainable condition" or alternative discharge criteria. In regards to disinfection, this possibility does not correlate to any substantial changes in the possible physical solutions to the City's wastewater treatment system. It seems it would be rational to move ahead with part of the estimated rate increase.

Additional information for September 3, 2014 City Commission Meeting

3. I would suggest separating the two issues.
    a. Rate increase (half as proposed, with no second half adopted at this time) for the purpose of funding anticipated improvements of one kind or another.

    b. Take the time to decode the EPA letter and understand the compliance schedule extension request options.
        i. The letter from EPA indicates there is some opportunity for delay or extension in the schedule but the process is currently not clear and we will need to conduct a better evaluation along with the implications thereof.
        ii. Based upon the current timing and estimated time to complete the project, even the proposed project schedule may warrant a request for a limited extension in the compliance schedule to allow for completion of construction.
        iii. For greater time extensions, our review of the guidance provided by EPA implies justification for more time may be difficult to develop considering the City has already identified a compliance plan, and the main issue is procuring funding, which has limited bearing in the evaluation of compliance schedule modifications.
        iv. The City of Helena was listed in the EPA letter as an example of a community that had successfully negotiated for a time extension. Initial conversations with the City of Helena indicate that this process took multiple years and many iterations of draft regulations. There was turn-over of legal and public works staff during the process. One comment made by their attorney at that time was that negotiating with DEQ/EPA has often led to the addition of "new" parameters that hadn't been in their permits before. We will continue to follow up on the specifics of their experience.

4. The City still has the current compliance issues and we will need to upgrade the facility, EPA extension or not. Based on the Commissions previous direction regarding moving forward with a mechanical treatment facility, the wastewater department began the first step needed to prepare for the mechanical facility, which was to begin draining Pond #1. The draining of Pond #1 is not an easy task or something that can be done quickly. Moving Pond #1 is causing a loading on Pond #2, which is elevating BOD. In the end it will return to a more normal BOD level, but not at the flip of a switch. It's temporary, but wreaks havoc on the system, which again has consequences as we work through yes, no or maybe regarding this project. As we move forward working through this latest information and confusion from EPA, we need to make a decision on what exactly our plans are. If we are going to do nothing, then we need to stop draining Pond #1, which was begun on Commission direction (i.e. build a mechanical plant).

Again, based on all of the information we currently have available to us, even with the new options that have been presented to us by the EPA, I still recommend an increase of $25.00 this year. I would not recommend any additional increase until we have an opportunity to sort through the new information from the EPA, Next year we will have additional information and will be able to bring a further refined recommendation regarding the need or not of any other rate increases.

Additional information for September 3, 2014 City Commission Meeting

Mark Shrives
City Manager
City of Polson

Attachment 1 – Email from Commissioner Ken Siler dated August 29, 2014
Attachment 2 - Letter to Julie DalSoglio (EPA) from Mark Shrives (City of Polson) dated August 26, 2014
Attachment 3 – Letter from Julie DalSoglio (EPA) to Mark Shrives (City of Polson) dated August 29, 2014

Mark Shrives

From:	Ken Siler <kensiler@gmail.com>
Sent:	Friday, August 29, 2014 4:23 PM
To:	Knutson Heather
Cc:	Shrives Mark
Subject:	CC Sept 3rd

Heather & Mark

I regret that I won't be able to attend the Sept. 3rd meeting. We booked a family reunion cruise to Alaska 8 months ago. I equally regret that our City Charter is so inflexible as to require us to be physically present to vote.

Most of the people I've talked with have indicated that a "No" vote would be irresponsible. We cannot leave the City vulnerable to more fines. As painful as it will be for many of the fixed income citizens we must move forward with more than another "Band-Aid" solution. Spending the $4 million to repair the lagoons would still require a rate hike, although lower, but it will only delay the inevitable true fix. Then that money would be wasted.

Another reason for a "Yes" vote is interest rates are at a historical low.

Alternative solutions, like "Land Use Irrigation" was considered but because of our short growing season, storage during the winter became a problem.

The ½ now ½ in one year makes the most sense to me. Stretching it out longer really raises the interest costs to high.

Ken Siler

Attachment 1

August 26, 2014

U.S. EPA Region 8
Attn: Julie DalSoglio
10 West 15th St.
Suite 3200
Helena, MT 59626

Dear Mrs. DalSolgio,

I have reviewed, with my staff, the information you provided to us in the edits to our meeting summary sent on August 20, 2014. It is our understanding, from your additional research, that we may request a time extension for the E-Coli Disinfection Compliance Order. Currently, the City of Polson must meet the Order by December 31, 2017, which corresponds with the end of our current NPDES permit cycle. The City is currently operating under a compliance order as defined by the Clean Water Act (CWA). Would this process then be an amendment to the compliance order or an amendment to the permit?

As you are aware, the primary compliance issue is financial hardship on the Polson ratepayers. The Hanlon memorandum seems to indicate that "time for compliance" (paragraph 8) is the significant evidentiary criteria for a permitted compliance schedule; not financial hardship. It further states that according to 40 CFR 122.47(a) (1), a permit cannot be granted "past the applicable statutory deadline under the CWA." Our reading indicates that the permit deadline (2017) is the statutory deadline for compliance.

We appreciate your efforts in trying to find an alternative to the deadline imposed by the EPA. To your knowledge, has there been a successful request for a schedule of compliance beyond the permit date? If so, we would like to be able to contact the permittee for information so that we do not "reinvent the wheel."

If you and your staff believe that a request from Polson to go beyond 2017 for compliance has a reasonable chance of success, we will move forward in expending the time and money to that effort.

It would be very helpful to the City if we were able to get an answer to the above by September 3, 2014 as that is the date of the rate hearing that potentially would create an extraordinary hardship on our ratepayers.

Best personal regards.

Mark W. Shrives
City Manager
City of Polson

Attachment 2
pg 1 of 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF
WATER

May 10, 2007

MEMORANDUM

SUBJECT: Compliance Schedules for Water Quality-Based Effluent Limitations in NPDES Permits

FROM: James A. Hanlon, Director
Office of Wastewater Management
/s/

TO: Alexis Strauss, Director
Water Division
EPA Region 9

Recently, in discussions with Region 9, questions have been raised concerning the use of compliance schedules in National Pollutant Discharge Elimination System (NPDES) permits consistent with the Clean Water Act (CWA) and its implementing regulations at 40 C.F.R. § 122.47. The use of compliance schedules in NPDES permits is also the subject of ongoing litigation in California. The purpose of this memo is to provide a framework for the review of permits consistent with the CWA and its implementing regulations.

When may a permitting authority include a compliance schedule in a permit for the purpose of achieving a water quality-based effluent limitation?

In *In The Matter of Star-Kist Caribe, Inc.*, 3 E.A.D. 172, 175, 177 (1990), the EPA Administrator interpreted section 301(b)(1)(C) of the CWA to mean that 1) after July 1, 1977, permits must require immediate compliance with (*i.e.*, may not contain compliance schedules for) effluent limitations based on water quality standards adopted before July 1, 1977, and 2) compliance schedules are allowed for effluent limitations based on standards adopted after that date only if the State has clearly indicated in its water quality standards or implementing regulations that it intends to allow them.

What principles are applicable to assessing whether a compliance schedule for achieving a water quality-based effluent limitation is consistent with the CWA and its implementing regulations?

1. "When appropriate," NPDES permits may include "a schedule of compliance leading to compliance with CWA and regulations . . . as soon as possible, but not later than the applicable statutory deadline under the CWA." 40 C.F.R. § 122.47(a)(1). Compliance schedules that are longer than one year in duration must set forth interim requirements and dates for their achievement. 40 C.F.R. § 122.47(a)(3).

2. Any compliance schedule contained in an NPDES permit must be an "enforceable sequence of actions or operations leading to compliance with a [water quality-based] effluent limitation ["WQBEL"]" as required by the definition of "schedule of compliance" in section 502(17) of the CWA. *See also* 40 C.F.R. § 122.2 (definition of schedule of compliance).

3. Any compliance schedule contained in an NPDES permit must include an enforceable final effluent limitation and a date for its achievement that is within the timeframe allowed by the applicable State or federal law provision authorizing compliance schedules as required by CWA sections 301(b)(1)(C); 502(17); the Administrator's decision in *Star-Kist Caribe, Inc.* 3 E.A.D. 172, 175, 177-178 (1990); and EPA regulations at 40 C.F.R. §§ 122.2, 122.44(d) and 122.44(d)(1)(vii)(A).

4. Any compliance schedule that extends past the expiration date of a permit must include the final effluent limitations in the permit in order to ensure enforceability of the compliance schedule as required by CWA section 502(17) and 40 C.F.R. § 122.2 (definition of schedule of compliance).

5. In order to grant a compliance schedule in an NPDES permit, the permitting authority has to make a reasonable finding, adequately supported by the administrative record, that the compliance schedule "will lead[ ] to compliance with an effluent limitation . . . " "to meet water quality standards" by the end of the compliance schedule as required by sections 301(b)(1)(C) and 502(17) of the CWA. *See also* 40 C.F.R. §§ 122.2, 122.44(d)(1)(vii)(A).

6. In order to grant a compliance schedule in an NPDES permit, the permitting authority has to make a reasonable finding, adequately supported by the administrative record and described in the fact sheet (40 C.F.R. § 124.8), that a compliance schedule is "appropriate" and that compliance with the final WQBEL is required "as soon as possible." *See* 40 C.F.R. §§ 122.47(a), 122.47(a)(1).

7. In order to grant a compliance schedule in an NPDES permit, the permitting authority has to make a reasonable finding, adequately supported by the administrative record, that the discharger cannot immediately comply with the WQBEL upon the effective date of the permit. 40 C.F.R. §§ 122.47, 122.47(a)(1).

8. Factors relevant to whether a compliance schedule in a specific permit is "appropriate" under 40 C.F.R. § 122.47(a) include: how much time the discharger has already had to meet the WQBEL(s) under prior permits; the extent to which the

discharger has made good faith efforts to comply with the WQBELs and other requirements in its prior permit(s); whether there is any need for modifications to treatment facilities, operations or measures to meet the WQBELs and if so, how long would it take to implement the modifications to treatment, operations or other measures; or whether the discharger would be expected to use the same treatment facilities, operations or other measures to meet the WQBEL as it would have used to meet the WQBEL in its prior permit.

9. Factors relevant to a conclusion that a particular compliance schedule requires compliance with the WQBEL "as soon as possible," as required by 40 C.F.R. § 122.47(a)(1) include: consideration of the steps needed to modify or install treatment facilities, operations or other measures and the time those steps would take. The permitting authority should not simply presume that a compliance schedule be based on the maximum time period allowed by a State's authorizing provision.

10. A compliance schedule based solely on time needed to develop a Total Maximum Daily Load is not appropriate, consistent with EPA's letter of October 23, 2006, to Celeste Cantu, Executive Director of the California State Water Resources Control Board, in which EPA disapproved a provision of the Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries for California.

11. A compliance schedule based solely on time needed to develop a Use Attainability Analysis is also not appropriate, consistent with EPA's letter of February 20, 2007, to Doyle Childers, Director Missouri Department of Natural Resources, nor is a compliance schedule based solely on time needed to develop a site specific criterion, for the same reasons as set forth in the October 23, 2006, (referenced in Paragraph 10) and February 20, 2007 letters.

If you have any questions, please contact me at (202) 564-0748 or have your staff contact Linda Boornazian at (202) 564-0221.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 West 15th Street, Suite 3200
HELENA, MT 59626-0096
Phone 866-457-2690
http://www.epa.gov/region08

Ref: 8MO

AUG 29 2014

Mark Shrives, Manager
City of Polson
106 1st Street E
Polson, Montana 59860

Re: City of Polson Permit Issues

Dear Mr. Shrives:

Thank you for your letter inquiring about the use of compliance schedules to address the City of Polson's violation of *E.coli* limits contained in the National Pollutant Discharge Elimination System ("NPDES") permit for the City's wastewater lagoons. Your letter raises several questions related to the following topics: 1) use of compliance schedules, especially beyond a single permit cycle; and 2) consideration of economic hardship in establishing permit limits. I will address each of these issues separately below.

As noted in your letter, the current permit includes a compliance schedule that allows the City to meet the *E. coli* permit limit by December 31, 2017. We understand that the City believes that additional time may be necessary to build a mechanical plant and to phase in a rate-increase to ease the burden on Polson ratepayers. Compliance schedules that extend beyond the permit term are allowable, and the City may submit a request to the EPA to extend the current compliance schedule. This change in the compliance schedule would be considered a major modification to the permit.

EPA takes the position that compliance schedules are an appropriate tool to use in situations, such as yours, where a discharger can meet a water quality criterion but needs additional time to complete the necessary upgrades, raise funds, or take other necessary steps to ensure it achieves compliance. If you conclude that a somewhat longer compliance schedule would allow the City to take the necessary steps to achieve compliance you would need to submit a permit modification request in accordance with EPA's regulations at 40 CFR § 124.5. The permit modification request should address the factors described in the Hanlon memo (copy enclosed). At the very least, the request would have to:

- Demonstrate that the permittee cannot *immediately* comply with new limit;
- Evaluate and justify "as soon as possible" and include enforceable sequence of events leading to compliance (interim milestones as needed); and
- Include a proposed date for achievement of the final effluent limitation.

Attachment 3
Pg 1 of 6

The use of compliance schedules to allow permittees to build the infrastructure necessary to meet NPDES permit limits has been used successfully in a number of different NPDES permits in Region 8. For example, Region 8 issued a NPDES permit containing a compliance schedule to the National Park Service, giving them the additional time necessary to install treatment to meet the ammonia limit in their permit for Mesa Verde National Park. Similarly, Region 8 states also have granted compliance schedules. For example, Montana Department of Environmental Quality ("DEQ') issued a NPDES permit to the City of Helena to allow it time to build additional plant capacity to achieve compliance with a total maximum daily load for nutrients in Lake Helena. Other examples can be found on the DEQ website at: http://deq.mt.gov/wqinfo/mpdes/majorpermits.mcpx.

Your letter also indicated that the when considering how to achieve compliance with the City's NPDES permit, the primary issue is "financial hardship on the Polson ratepayers." Economic hardship may be considered as part of the EPA's decision to extend a compliance schedule, but it is not typically a significant factor in such decisions. In seeking a permit modification, the City would need to explain the nature of the financial hardship and how it relates to the factors described in principles 8 and 9 of the Hanlon memo.

In addition, economic hardship is one of the six factors described in 40 CFR § 131.10(g)(6) pertaining to variances. Factor 6 allows for variances in situations where the applicant can demonstrate that "substantial and widespread economic and social impacts" are expected if the facility is required to meet the numeric criteria (in this case, *E.coli*). While this may be an option for the City to consider, it is important to note that variances differ from compliance schedules:

- Variances are a change to a water quality standard in situations where compliance with the actions and time needed to meet the water quality standard is uncertain.
- If the City wanted to seek a variance, the variance request must be first submitted to the Confederated Salish and Kootenai Tribes for rulemaking and adopted by the Tribe as a change to water quality standards.
- If approved by the Tribe, the variance submission must then be reviewed and approved by the EPA.
- The variance request must identify the highest attainable condition that the discharger will be expected to meet given economic considerations. However, this variance limit would likely still require some increase in wastewater rates beyond what is currently paid by ratepayers to pay for plant improvements or construction to meet the highest attainable condition.
- Variances represent a change to a water quality standard for a limited period of time, which allows for an alternative water quality based effluent limit that is incorporated into the permit.

In our experience, most well-designed lagoons and mechanical plants are able to meet their permit limits for *E. coli* and biological oxygen demand ("BOD"). Regardless of the option the City chooses to address these permit issues, we look forward to working with you to resolve them as soon as possible while remaining cognizant of the burden on your ratepayers. We hope this information provides additional details on the options available to you in deciding how to meet the required permit limits. Please let us

know if you have any additional questions or would like more clarification on a specific issue.

Sincerely,

Julie A. DalSoglio, Director
EPA Montana Office

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
WATER

May 10, 2007

MEMORANDUM

SUBJECT: Compliance Schedules for Water Quality-Based Effluent Limitations in NPDES Permits

FROM: James A. Hanlon, Director
Office of Wastewater Management
/s/

TO: Alexis Strauss, Director
Water Division
EPA Region 9

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If you have any questions, please contact me at (202) 564-0748 or have your staff contact Linda Boornazian at (202) 564-0221.

APPENDIX C – NEWSPAPER ARTICLES

Valley Journal
your homegrown newspaper

City commission looks at wastewater management project

Issue Date: 11/12/2014
Last Updated: 11/11/2014 4:54:30 PM | By Berl Tiskus

POLSON — Polson City Engineer Shari Johnson presented information on the wastewater management system at the Polson City Commissioner's Nov. 3 meeting. In May commissioners selected a membrane type of treatment system, according to their informational PowerPoint presentation.

In a phone interview later, Polson Mayor Heather Knutson said the commission wanted to find out if the project could be extended.

There are a couple of options for extension, Knutson said, but the City of Polson is not currently meeting EPA standards.

When the commission originally made the decision to go with a membrane system for the wastewater treatment system, they were operating on the information they had. Johnson presented additional information at the Nov. 3 meeting, according to Knutson, and the commission will vote on the issue at the Nov. 17 meeting.

City crews will be emptying the existing lagoon cell between now and March 2015, and equipment and sludge removal will commence in February 2015. Plans call for a complete geotechnical investigation to be completed by April 2015.

The short-term schedule for construction calls for equipment procurement by March 2015, including headworks screens grit removal systems and finding a membrane bioreactor manufacturer.

In the long term, the wastewater treatment project will initiate a design in April 2015. With a preliminary design completed between June and October 2015 and the final design approved sometime between November 2015 and March 2016.

Plans are to advertise for bids in June 2016, award contracts in July 2016 and then construction on the project, lasting for a minimum of 18 months, with the project completed in April 2018.

Commissioners appointed Lisa Kinyon to the Polson Redevelopment Agency.

In other business, the commissioner approved a proposal by McCrumb Construction and Marine Inc. to install three streetlights on the path from Sacajawea Park to Riverside Park.

Since there wasn't money in the budget for the lights, Erika and Ben Binger of BenErika LLC agreed to donate funds to the park lighting fund to complete the project. The three lights will go in front of the Salish building on the walkway.

The next commission meeting will be held Nov. 17 at 7 p.m. in council chambers.

Tags

Polson Polson city commission

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Valley Journal
your homegrown newspaper

Commission saves money, selects wastewater treatment system

Issue Date: 11/26/2014
Last Updated: 11/25/2014 8:31:03 PM | By Berl Tiskus

POLSON — Polson City Commissioners chose a sequenced batch reactor, priced at $14.3 million, instead of a membrane bioreactor with a price tag of $18.3 million for Polson's new wastewater treatment system at their Nov. 17 meeting. That means $14.83 less on each water bill for Polson consumers.

The change came about after Polson City Engineer Shari Johnson and DOWL/HKM Engineer Kevin Johnson made a presentation at the Nov. 3 meeting and brought new information to the commissioners.

Previously Shari had reported on stringent regulations probably coming from the Environmental Protection Agency to deal with nutrients. On Nov. 3, she said those regulations were halted, and the entire regulatory process had begun again.

Commissioner John Campbell said the commission's justification for the membrane bioreactor was to get the most nutrient removal.

"The reality of those extreme nutrient regulations is that we're not going to have to meet them as quickly," Campbell said. "Why design for something we don't need?"

The SBR system does the same treatment process without the nutrient removal, Campbell said, adding that SBR filtration could be added four or five years down the road if needed.

"My feeling when I came out of that meeting (Nov. 3) was that I didn't see how we could justify the extra $4 million just to get something we want, not something we need," Campbell said.

Commissioner Jill Southerland asked what guarantee the city has that agencies involved won't change their minds.

"There are no certainties," Polson Mayor Heather Knutson answered.

Southerland also asked how much adding SBR filtration would cost.

Knutson and Campbell said that would cost approximately $2 million.

Polson Water and Sewer Superintendent Tony Porrazzo referred to the fact that the city is five or six months into the time allotted for designing the wastewater treatment system, with nothing designed.

"You've got a tough decision to make. Make it," he said.

The commission unanimously voted on the SBR wastewater treatment plan.

In other business, commissioners discussed the possible sale of the golf course liquor license. Commissioner Dan Morrison moved to table the issue until the next meeting to give commissioners more time, and to allow Commissioners Todd Erickson and Stephen Turner, who were absent, a chance to vote.

The city paid $55,000 for the liquor license. The last full liquor license that changed hands in Polson went for $95,000.

The commissioners also approved first reading to amend the city of Polson's building codes, and to approve first reading of the adoption of chapter 1, article 1, and chapter 2, articles 1, 2 and 3 of the Polson book of ordinances, dealing with meetings, oaths of office, etc. The public may read these on the city's website at www.cityofpolson.com/pdf/agency

The next city commission meeting will be held Dec. 8 at 7 p.m. at Polson City Hall.

Tags

Polson Polson city commission

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CITY OF POLSON
COMMISSION AGENDA ITEM SUMMARY

Agenda Item Number: 11 (Motion) Adopt Chapter 3 Article 1, 2, and 3,
Meeting Date: March 23, 2015
Staff Contact: Mark Shrives.

AGENDA ITEM SUMMARY: This Agenda Item requests City Commission adoption of Chapter 3 Articles 1, 2 and 3 of the City of Polson Book of Ordinances. This will be the first reading of this Ordinance. The second reading will be April 6, 2015

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

ANALYSIS: Chapter 3 Articles 1, 2, and 3 discuss water and sewer codes, rules and regulations. City staff has also reviewed the additions and changes and have provided their input

FINANCIAL CONSIDERATIONS: None

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

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

ATTACHMENTS:

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

ORDINANCE Ord #_____

AN ORDINANCE TO ADOPT
CHAPTER 3, ARTICLES 1. IN GENERAL,
ARTICLE 2. WATER, ARTICLE 3. SEWER
TO THE CITY OF POLSON BOOK OF ORDINANCES

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

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

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

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

CHAPTER 3

ARTICLE 1. IN GENERAL

ARTICLE 2. WATER

ARTICLE 3. SEWER

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

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

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

Date:_____
First Reading: ____ayes ____nays ____abstentions

Date:_____
Second Reading: ____ayes ____nays ____abstentions

Effective Date: _____

_____
Mayor Heather Knutson

Attest:

_____
City Clerk Cora E. Pritt

Chapter 3. Utilities

ARTICLE 1. IN GENERAL
ARTICLE 2.- WATER
ARTICLE 3. SEWER
ARTICLE 4. STORMWATER
ARTICLE 5. UTILITY POLES
ARTICLE 6. PUBLIC WORKS STANDARDS
ARTICLE 7. INFRASTRUCTURE REBATE

ARTICLE 1. IN GENERAL- Reserved

ARTICLE 2. WATER

DIVISION 1. GENERALLY
DIVISION 2. PROTECTION OF WATER SUPPLY
DIVISION 3. WATER SERVICE UTILITY OPERATIONS
DIVISION 4. OUTDOOR WATER USE RESTRICTIONS

DIVISION 1. GENERALLY

Secs. 03.01.100-03.01.199. Reserved.

DIVISION 2. PROTECTION OF WATER SUPPLY

Sec. 03.02.200. Interfering with or polluting water supply prohibited.
Sec. 03.02.210. Private water wells prohibited.
Secs. 03.02.220-03.02.299. Reserved.

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

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

Sec. 03.02.210. Private water wells prohibited.

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

Secs. 03.02.220-03.02.299. Reserved.

DIVISION 3. WATER SERVICE UTILITY OPERATIONS

Subdivision I. - In General

Subdivision II. - Service Provided

Subdivision III. - Service Conditions

Subdivision IV. - Water System Rules and Regulations

Subdivision I. In General

Sec. 03.02.300. Provisions adopted; regulations a part of service contracts.
Sec. 03.02.301. Definitions.
Sec. 03.02.302. Purpose of provisions.
Sec. 03.02.303. Scope of provisions; revision conditions.
Sec. 03.02.304. Information available to public.
Sec. 03.02.305. Waiver of regulations; conditions.
Secs. 03.02.306-03.02.309. Reserved.

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

A. The rules and regulations set out in this division are made for the government of the waterworks system of the city.

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

Sec 03.02.301. Definitions.

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

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

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

2. "Meter" or "meters" mean the complete installation, including auxiliary devices and equipment, if any, used to measure the water supplied to a customer.

3. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to utility, unless otherwise defined in the service agreement.

4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.

5. "Service agreement" means the agreement or contract between utility and customer pursuant to which service is supplied and taken.

6. "Utility" means the City of Polson, Montana, and its water service division, engaged in the business of providing water and supplying water service to its customers on its system in the State of Montana.

7. "Water service" or "service" means the supplying of or availability at the point of delivery of water, and also the water delivered or used.

Sec. 03.02.302. Purpose of provisions.

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

Sec. 03.02.303. Scope of provisions; revision conditions.

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

Sec. 03.02.304. Information available to public.

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

Sec 03.02.305. Waiver of regulations; conditions.

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

Secs. 03.02.306-03.02.309. Reserved.

Subdivision II. Service Provided

Sec. 03.02.310. Service provided by utility; basis.
Sec. 03.02.311. Water service for customer's use only; violations.
Sec. 03.02.312. Customer to furnish easement, right-of-way and permits.
Sec. 03.02.313. Access to premises.
Sec. 03.02.314. Unauthorized tapping into system prohibited.
Sec. 03.02.315. Furnishing water to others prohibited; exception.
Sec. 03.02.316. Procedure for activating water lines.
Secs. 03.02.317-03.02.319. Reserved.

Sec. 03.02.310. Service provided by utility; basis.

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

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

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

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

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

Sec. 03.02.313. Access to premises.

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

Sec 03.02.314. Unauthorized tapping into system prohibited.

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

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

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

Sec. 03.02.316. Procedure for activating water lines.

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

Secs. 03.02.317-03.02.319. Reserved.

Subdivision III. Service Conditions

Sec. 03.02.320. General conditions for supplying service.
Sec. 03.02.321. Application; existing service; requirements.
Sec. 03.02.322. Service supplied to existing points of delivery only.
Sec. 03.02.323. Line extension costs borne by customer.
Sec. 03.02.324. Installation conditions; property owner's responsibilities; permit required.
Sec. 03.02.325. Protective devices.
Sec. 03.02.326. Fire lines.
Sec. 03.02.327. Service lines; inspection, connection and penalty for failure to comply.
Sec. 03.02.328. Same—Property owner responsibility.
Sec. 03.02.329. Meter—Required for new service; installation cost deposit required.
Sec. 03.02.330. Same—Location.
Sec. 03.02.331. Same—Required for expanded service when.
Sec. 03.02.332. Same—Utility responsibility; maintenance.
Sec. 03.02.333. Irrigation or other outdoor use; restrictions; prohibited in emergencies.
Sec. 03.02.334. Flat-rate service; billing procedures; penalties for delinquent payment.
Sec. 03.02.235. Metered service; billing; penalties for delinquent payment.
Sec. 03.02.336. Billing method for multiple delivery points or separate meters for single customer.
Sec. 03.02.337. Termination of service by customer.
Sec. 03.02.338. Maintenance; customer responsibility; wasting water prohibited.
Sec. 03.02.339. Continuity of service; liability limitations.
Sec. 03.02.340. Suspension of service for repairs and changes.
Sec. 03.02.341. Interruption of service; liability limitations.
Sec. 03.02.342. Authorized utility personnel required for maintenance.
Sec. 03.02.343. Violation of irrigation or sprinkling rules; penalty.
Sec. 03.02.344. Violation of division provisions; disconnection of service required when.
Sec. 03.02.345. Accidents or Injuries.
Secs. 03.02.346-03.02.350. Reserved.

Sec. 03.02.320. General conditions for supplying service.

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

Sec. 03.02.321. Application; existing service; requirements.

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

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

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

Sec. 03.02.323. Line extension costs borne by customer.

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

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

A. Except under special conditions approved by the utility, the property owner, at the property owner's expense, will be responsible for installing all water service lines, fire lines, back flow valves and all other necessary appurtenances or attachments from the curb box to the meter inside the served structure. All water services to any premises shall be installed by a plumber licensed and bonded in accordance with Montana state law and the Polson Municipal Code. Service lines must be so installed that the supply of water for each separate building, house or customer shall be controlled by a separate curb stop placed within or near the property line. The curb stop and box must be kept in a readily accessible condition by the owner of the premises.

B. An application for installation of water service to any premises must be signed by the property owner or the property owner's designated agent and must be made on a regular form furnished by the utility for that purpose. Prior to approval of such application, the utility will require the property owner to obtain a plumbing permit, and may require the property owner to establish credit or to furnish a deposit.

C. Upon completion of the application, receipt of the plumbing permit and payment of all charges related to the connection of water services, and full inspection by the utility, the utility will, in its discretion and at the property owner's expense, install the service, from the main to the curb stop.

Sec. 03.02.325. Protective devices.

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

Sec. 03.02.326. Fire lines.

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

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

A. The owner of any house, building or other property used for human occupancy, employment, or recreation, which is situated within the corporate city limits and abuts on any street, alley or right-of-way in which there is located a public water main of the city which the city determines is of sufficient capacity within 200 feet of the property line will, at the city's request and at the owner's expense, connect to the city water service for domestic purposes. The utility will be responsible for the connection from the water main to the curb box. The connection of the service lines between the main and the curb box will not be made by any other person, business or entity other than the utility unless given express permission by the utility.

B. Prior to backfill, the applicant will notify the utility when the service line is ready for inspection and connection to the curb box. The connection and testing will be made under the supervision of the city water/sewer department. The utility may elect not to connect the property owner to the utility's water service unless the inspection has been completed and the service line fully complies with all applicable federal, state, and city regulations.

C. Should the owner of any property described above fail to connect to the city's water service or in any way fail to comply with the provisions of this division, the water/sewer superintendent will provide the owner with notice of the requirement to do so. The notice will be sent to the owner by certified mail and give the owner 90 days to install the proper service lines. Should the owner fail to connect even after receiving proper notice, the utility may, at its discretion and at the owner's cost, lay the proper service lines from the main to the meter. The utility may charge the owner an additional five percent of the cost of installing the service for failure to connect within a timely manner.

Sec 03.02.328. Property owner responsibility.

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

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

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

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

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

Sec. 03.02.330. Same—Location.

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

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

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

Sec. 03.02.332. Same—Utility responsibility; maintenance.

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

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

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

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

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

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

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

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

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

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

Sec. 03.02.337. Termination of service by customer.

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

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

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

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

Sec. 03.02.339. Continuity of service; liability limitations.

A. The utility shall make reasonable effort to avoid interruption of service, and when such interruptions occur, shall reestablish service with reasonable diligence.

B. The utility shall not be liable to customer or others for failure or interruption of water service due to acts of God, governmental regulations, court orders, acts of the public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

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

A. When it is necessary for the utility to make repairs or to change its water collecting, storage, transmission or distribution system, meters or other property, utility may, without incurring any liability therefor, suspend service for such period as may be reasonably necessary, and in such manner as to minimize the inconvenience to customers.

B. A customer must never leave the premises with any faucets open or water turned on.

Sec. 03.02.341. Interruption of service; liability limitations.

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

Sec. 03.02.342. Authorized utility personnel required for maintenance.

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

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

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

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

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

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

Sec. 03.02.345. Accidents or Injuries.

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

Secs. . 03.02.346-03.02.349. Reserved.

Subdivision IV. Water System Rules and Regulations

Sec. 03.02.350. Rules and regulations adopted; part of contract with customer.
Sec. 03.02.351. Plumbers; rules and regulations.
Secs. 03.02.352-03.02.359. Reserved.

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

A. The following rules and regulations are made for the government of the waterworks system of the city.

B. These rules and regulations of the city, pertaining to its waterworks system are made a part of the contract with every individual, firm or corporation who takes water. The following rules and regulations are adopted by the city:

1. An application for the introduction of water service to any premises must be signed by the owner of the premises and must be made on the regular form furnished by the city for that purpose. When such an application has been granted, the city, at the property owner's expense, will tap the main and furnish corporation stop, clamp when necessary, and any other material used or labor furnished in connection with the tapping of the main. All expense of laying the service pipes from the mains to the property owner's premises must be borne by the property owner. Additionally, the property owner is responsible for the maintenance of all service lines including the pipe and all necessary fixtures and appurtenances as required, from the curb stop to the meter as well as all associated costs. The lines must be laid below the street grade and on the property owner's premises, at a depth not less than six feet and, designated by the city, to prevent freezing. A curb stop of approved pattern with a cast-iron curb box must be installed by the property owner at a point designated by the city. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun.

2. At some convenient point inside of the building and so located that it cannot freeze, a stop and waste stop must be placed, so that the water can be readily shut off from the building and the water pipes drained to prevent freezing.

3. Waste of water is prohibited, and consumers must keep their fixtures and service pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the city and if not repaired after reasonable notice is given, the water will be shut off by the city.

4. No plumber or other person will be allowed to make connection with any conduit, pipe or other fixture connecting therewith or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the city.

5. Service pipes shall be so arranged that the supply of each separate building, house or premises may be controlled by a separate curb stop, placed within or near the line of the street curb, under rules established by the city. This curb stop and box must be kept in repair and easily accessible by the owner of the premises.

6. Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the city, when notified to do so in writing, will shut off the water at the curb.

7. Shutoff notice; effect of shutoff on boilers

    a. Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies, their water supply may be shut off at any time.

    b. All persons having boilers on their premises, depending on connected pressure with the water mains, are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve must always be placed between the boiler and the city's mains to prevent draining the boiler.

8. Contractors, builders and owners are required to take out a permit for the use of water for building and other purposes in construction work, payable in advance at a rate set by the commission. Consumers are warned not to allow contractors to use their fixtures unless they produce a permit specifying the premises on which the water is to be used. Water will not be turned on at any new building until all water used during construction has been paid.

9. The city's officers or other authorized person shall have access at reasonable hours to enter any premises where water is used, for the purpose of making inspection or investigation.

10. For violation of any of these rules or for nonpayment of water usage, for either domestic, sprinkling or other purposes, the city has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of rules, the same shall not be turned on again until unpaid usage charges are paid, together with the cost incurred thereby.

11. Applicability of flat rate and meter rate rules.

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

C. Flat-rate service.

1. The flat-rate will cover the use of water for domestic use, lawn sprinkling, and any other purposes enumerated on the rate sheet covering flat-rate services. The city agrees to furnish water for certain specified uses for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from the city, or uses it for other purposes than those the customer is paying for, it is a violation of the consumer's contract and the consumer offending, after reasonable notice, may have the consumer's water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on water.

2. Flat-rate water charges are payable monthly in advance and payments should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of the month, the water will be shut off.

3. Every user of water coming under the use prescribed under meter rates shall furnish a meter at the user's own expense, and the meter rate for the first month shall be the rate for such use as estimated by the city clerk, and thereafter the rate shall be paid monthly in advance; and payment should be made at the city clerk's office on the first day of each month. If not paid before the 15th day of each month, the water will be shut off. The rate for each succeeding month after the first month shall be based upon the amount of water used during the preceding month.

4. Should any consumer on a flat-rate schedule wish to install additional fixtures or should such customer desire to apply the water to purposes not stated in the original application, written notice must be given the city prior to making such installation or change of use. Special extension permits are issued for any extension of pipes within a building. In case a consumer places new fixtures on the consumer's premises without securing an extension permit from the city, when such fixtures are discovered, a charge will be made for such extra fixtures at schedule rates for the full length of time such fixtures have been installed.

5. Should it be desired to discontinue the use of water for any special purpose, whether for bathtubs, closets, lawn sprinklers, hose connections, or other fixtures, the faucet must be removed, the branch pipe plugged, and notice given the city at the city clerk's office before any reduction of rates will be made.

Sec. 03.02.351. Plumbers; rules and regulations.

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

1. Inspection of the work. No person or firm, carrying on a plumbing business, shall without city permission interrupt water service or resist an inspection of the person's or firm's work, done upon the pipes or appurtenances of the city waterworks or its consumers.

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2. Application for permits. Any person or firm, carrying on a plumbing business, desirous of introducing water from the works to any premises, or of making any alterations, additions or extensions for consumers, shall first procure a permit from the city for such purpose, and for each and every opening, excavation or change required. All applications for permits must be made in writing, upon blanks furnished by the city, stating the full name of the owner of the property and the purpose for which the water is to be used.

3. Taps. No person, except the tapper employed by the city, shall, under any circumstances, tap the distribution pipes or insert pipes therein, or lay pipes in the streets.

4. Kind of material that may be used.

    a. All pipes placed in connection with the city waterworks, and the pattern of all water closets, hydrants, curb stops, and other appurtenances that are proposed to be used, shall be submitted to the inspection and subject to the approval of the water/sewer superintendent.

    b. The water pipe laid in trenches shall be laid not less than six feet below the surface of the ground, and in such a manner as to prevent rupture by settlement.

    c. All pipe and all stops and fixtures must be of sufficient strength to sustain a hydrostatic pressure of 300 pounds to the square inch.

    d. All work shall be done in the manner required by the city engineer and shall be subject to its inspection or approval; and no work underground shall be covered up until so inspected and approved.

5. Location of service pipe.

    a. Permits for attachments will not be granted when the service pipe passes over or through premises which at the time are, or may thereafter, become the property of persons other than the owner of the premises to be supplied by such attachments; and in case the building does not occupy the full width of the lot on which it is situated, the service pipe must either be laid under the building or in the lot clear of the building, and within three feet of the side wall thereof.

    b. No service pipe will be permitted to be laid in a sewer trench, or within 18 inches of such trench.

6. Curb stop and boxes. There shall be a curb stop and curb box attached to every supply pipe at the point where it enters the building, so as to admit the water being shut off in frosty weather, or in case of accident, and of the pipes being drained. The service pipe passing from the ground into every building shall be enclosed in a box of not less than eight inches, inside measurement, filled with sawdust or other suitable material to

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

7. Turning on and shutting off water. No plumber shall turn on the water at the curb stop, or allow any person in such plumber's employ to do so, except with the special permission of the water/sewer superintendent. When the work in any building has been completed and tested, it shall be the duty of the plumber or fitter to turn off the water.

8. No plumber or fitter to allow name to be used by others.

    a. No plumber or fitter shall allow the plumber's or fitter's name to be used by any person, directly or indirectly, either to obtain a permit or permits, or to do any work under the plumber's or fitter's bond.

    b. The license of any plumber violating any of the city's rules and regulations governing the introduction, supply and consumption of water, will be revoked or suspended, at the discretion of the city, and will not be renewed under any circumstances until the city has been reimbursed for all damages that it may have sustained on account of such violation.

Secs. 03.02.352—03.02.359. Reserved.

DIVISION 4. OUTDOOR WATER USE RESTRICTIONS

Sec. 03.02.400. Definitions.
Sec. 03.02.401. Application of restrictions.
Sec. 03.02.402. Authority to restrict outdoor use of water.
Sec. 03.02.403. Sprinkling systems; timing.
Sec. 03.02.404. Landscaping; seeding; sodding; planting.
Sec. 03.02.405. Notice required.
Sec. 03.02.406. Wasting water prohibited.
Sec. 03.02.407. Exception to maintain sanitation.
Secs. 3.02.408-3.02.499. Reserved.

Sec. 03.02.400. Definitions.

A. For the purposes of this division, the following terms, phrases, words, and their derivations shall have the meaning given herein.

    1. "Outdoor use" means the use of water, excepting water which has been used indoors and is being recycled for outdoor use, for:

        a. Sprinkling or irrigating gardens, lawns or other outdoor vegetation;
        b. Washing automobiles, trucks, or other mobile equipment except at places of business where such are washed on every business day either with attendants, with automatic equipment or by self-service;
        c. Washing sidewalks, driveways, outside building walls or other outdoor surfaces;
        d. Washing any business or industrial equipment machinery;

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

2. "Water" means water from the city's water service utility.

Sec. 03.02.401. Application of restrictions.

A. The provisions of this division or any restriction or prohibition in force pursuant thereto shall apply as follows:

1. To all persons using water both in and outside the city, and regardless of whether any person using water shall have a contract for water service with the city; or

2. To persons contracting for water service at a location who shall be responsible and strictly liable for all water use at that location.

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

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

Sec. 03.02.403. Sprinkling systems; timing.

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

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

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

Sec. 03.02.405. Notice required.

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

Sec. 03.02.406. Wasting water prohibited.

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

Sec. 03.02.407. Exception to maintain sanitation.

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

Sec. 08.02.1308. Enforcement.

A. Police officers to enforce. Every police officer of the city shall, in connection with the duties imposed by law, diligently enforce the provisions of this division.

B. Discontinuance of service. The city manager shall have the authority to enforce the provisions of this division by the discontinuance of water service in the event of violation hereof.

Secs. 3.02.408-3.02.499. Reserved.

ARTICLE 3. SEWER

DIVISION 1. GENERALLY
DIVISION 2. SEWER SERVICE RULES AND REGULATIONS
DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM
DIVISION 4. SEWER SERVICE OUTSIDE CITY
DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES

DIVISION 1. GENERALLY

Secs. 03.03.100—03.03.199. Reserved.
Secs. 03.03.100—03.03.199. Reserved.

DIVISION 2. SEWER SERVICE RULES AND REGULATIONS

Subdivision I. - In General

Subdivision II. - General Regulations

Subdivision III. - Service Provided

Subdivision IV. - Service Conditions

Subdivision I. In General

Sec. 03.03.200. Regulations adopted; applicability.
Sec. 03.03.201. Definitions.
Secs. 03.03.202—03.03.209. Reserved.

Sec. 03.03.200. Regulations adopted; applicability.

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

Sec. 03.03.201. Definitions.

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

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

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

2. "Point of delivery" means the point at which the utility's facilities connect physically to customer's facilities, the location of which shall be designated by or satisfactory to the utility, unless otherwise defined in the service agreement.

3 "Pit privy" means a pit that receives undiluted, non-water-carried toilet wastes and does not include licensed, individual mobile toilets;

4. "Residential dwelling unit" means any room or combination of rooms, including trailers and mobile homes, with facilities for cooking, designed for occupancy by one family.

5. "Service agreement" means the agreement or contract between the utility and customer pursuant to which service is supplied and taken.

6. "Sewer service" or "service" means the collection and treatment of waterborne wastes.

7. "Utility" means the City of Polson and its sewer service division, engaged in the business of providing sewage collection and treatment to its customers on its system in the state of Montana.

Secs. 03.03.202—03.03.209. Reserved.

Subdivision II. General Regulations

Sec. 03.03.210. Purpose of provisions.
Sec. 03.03.211. Applicability of provisions.
Sec. 03.03.212. Regulations available to the public.
Sec. 03.03.213. Waiver of regulations; conditions.
Secs. 03.03.214—03.03.219. Reserved.

Sec. 03.03.210. Purpose of provisions.

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

Sec. 03.03.211. Applicability of provisions.

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

Sec. 03.03.212. Regulations available to the public.

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

Sec. 03.03.213. Waiver of regulations; conditions.

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

Secs. 03.03.214—03.03.219. Reserved.

Subdivision III. Service Provided

Sec. 03.03.220. General service conditions.
Sec. 03.03.221. Easements, rights-of-way and permits furnished by customer.
Sec. 03.03.222. Sewer service for customer use only.
Sec. 03.03.223. Access to premises for inspection.
Sec. 03.03.224. Extension of service to other persons prohibited when.
Sec. 03.03.225. Connections to be made by authorized personnel.
Secs. 03.03.226-03.03.229. Reserved.

Sec. 03.03.220. General service conditions.

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

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

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

Sec. 03.03.222. Sewer service for customer use only.

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

Sec. 03.03.223. Access to premises for inspection.

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

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

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

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

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

Secs. 03.03.226-03.03.229. Reserved.

Subdivision IV. Service Conditions

Sec. 03.03.230. Basis for supply of service.
Sec. 03.03.231. Service provided only to existing collection points.
Sec. 03.03.232. Line-extension costs borne by customer.
Sec. 03.03.233. Application and other service conditions.
Sec. 03.03.234. Installation prerequisites and procedures.
Sec. 03.03.235. Elevation check and permit.
Sec. 03.03.236. Billing—For multiple delivery points or separate meters for single customers.
Sec. 03.03.237. Same—Meter service; penalty for delinquent payments.
Sec. 03.03.238. Same—Flat-rate service; penalty for delinquent payments.
Sec. 03.03.239. Continuity of service; liability limitations.
Sec. 03.03.240. Suspension of service for repairs and changes.
Sec. 03.03.241. Maintenance—Work performed by utility.
Sec. 03.03.242. Same—Authorized personnel required.
Sec. 03.03.243. Violation of regulations; nonpayment of sewer charges notice; penalty.
Secs. 03.03.244-03.03.249. Reserved.

Sec. 03.03.230. Basis for supply of service.

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

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

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

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

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

Sec. 03.03.233. Application and other service conditions.

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

Sec. 03.03.234. Installation prerequisites and procedures.

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

Sec.03.03.235. Elevation check and permit.

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

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

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

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

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

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

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

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

Sec. 03.03.239. Continuity of service; liability limitations.

A. The utility shall make reasonable effort to avoid interruptions of service, and when such interruptions occur, shall reestablish service with reasonable diligence.

B. The utility shall not be liable to customer or others for failure or interruption of sewer service due to acts of God, governmental regulations, court or commission orders, acts of the public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts or, without limitation by the foregoing, any other cause beyond the reasonable control of utility.

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

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

Sec. 03.03.241. Maintenance—Work performed by utility.

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

Sec. 03.03.242. Same—Authorized personnel required.

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

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

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

Secs. 03.03.244-03.03.249. Reserved.

DIVISION 3. WASTEWATER COLLECTION AND TREATMENT SYSTEM

Sec. 03.03.300. Purpose and policy.
Sec. 03.03.301. Definitions.
Sec. 03.03.302. Abbreviations.
Sec. 03.03.303. Discharge prohibitions.
Sec. 03.03.304. Wastewater dischargers.
Sec. 03.03.305. Permit required for connection or use.
Sec. 03.03.306. Sand and grease traps.
Sec. 03.03.307. Construction and materials standards.
Sec. 03.03.308. Use of old building sewers permitted when.
Sec. 03.03.309. Building sewer—Location.
Sec. 03.03.310. Same—Excavations.
Sec. 03.03.311. Same—Connection to system; specifications.
Sec. 03.03.312. Same—Inspection requirements.
Sec. 03.03.313. Connection to public sewer; when required.
Sec. 03.03.314. Private sewage disposal facilities—restrictions.
Sec. 03.03.315. Discharge of unpolluted waters to sanitary sewer prohibited unless approved.
Sec. 03.03.316. Connecting downspouts or drains to building sewers prohibited when.
Sec. 03.03.317. Special agreements for sewage treatment.
Sec. 03.03.318. National Categorical Pretreatment Standards.
Sec. 03.03.319. State requirements.
Sec. 03.03.320. Excessive discharge.
Sec. 03.03.321. Accidental discharges; notice to employees; control of slug discharges.
Sec. 03.03.322. Wastewater classification survey.
Sec. 03.03.323. Industrial discharge permit.
Sec. 03.03.324. Monitoring facilities.
Sec. 03.03.325. Sampling, analysis and inspection.
Sec. 03.03.326. Reporting and compliance requirements.
Sec. 03.03.327. Affirmative defenses.
Sec. 03.03.328. Upsets.
Sec. 03.03.329. Bypass.
Sec. 03.03.330. Suspension and revocation of permit.
Sec. 03.03.331. Nuisance; injunctive relief available; liability.
Sec. 03.03.332. Criminal penalties.
Sec. 03.03.333. Civil penalties.
Secs. 03.03.334—03.03.399. Reserved.

Sec. 03.03.300. Purpose and policy.

A. This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws.

B. The objectives of this division are:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

4. To provide for equitable distribution of the cost of the municipal wastewater system.

C. This division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 03.03.301. Definitions.

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

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, title 33, ch. 26, USC.

2. "Authorized representative of industrial user" means:
   a. A principal executive officer or an officer of at least the level of vice-president, if the industrial user is a corporation;
   b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
   c. A duly authorized representative of the individual designated in subsections a and b of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

3. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).

4. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other polluted waters in drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

5. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

6. "Bypass" means the diversion of waste streams from any portion of an industrial user's treatment facility directly to the POTW.

7. "Categorical standards" means National Categorical Pretreatment Standards or pretreatment standard.

8. "Combined sewer" means a sewer receiving both surface runoff and sewage.

9. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

10. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Montana.

11. "Engineer" means the city engineer, or the city engineer's authorized deputy, agent or representative.

12. "Estimated maximum daily discharge" means the greatest discharge into the sewerage system which it is estimated will occur in any one 24-hour day during the year.

13. "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

14. "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

15. "Holding tank waste" means any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

16. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 USC 1317), into the publicly owned treatment works (POTW).

17. "Industrial user" means any user that discharge wastewater other than domestic wastes from industrial or commercial processes.

18. "Industrial wastes" means the liquid wastes from industrial processes, as distinct from sanitary sewage.

19. "Interference" means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 085 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

20. "National Categorical Pretreatment Standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

21. "National Pollution Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to section 082 of the Act (33 USC 1342).

22. "National Prohibitive Discharge Standard" or "Prohibitive Discharge Standard" means any regulation developed under the authority of 307(b) of the Act and 08 CFR 083.5, as amended.

23. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

24. "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing section 307(c) (33 USC 1317), Categorical Pretreatment Standard, which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

25. "Pass-through" means a discharge which exits the POTW into waters of the state in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

26. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

27. "Pollutant" means any dredged spoil, solid waste, incinerator residue, wastewater, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive material, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.

28. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

29. "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.

30. "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 08 CFR 083.6(d).

31. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

32. "Publicly owned treatment works (POTW)" means a treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this division, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by permit, contract or agreement with the city, users of the city's POTW.

33. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the city.

34. "Sanitary sewer" means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

35. "Severe property damage" means substantial physical damage to property, or significant operational interference, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

36. "Sewer" means a pipe or conduit for carrying sewage.

37. "Significant industrial user." Except as provided in section 08.03.1130.C the term "significant industrial user" means:

    a. All industrial users subject to categorical pretreatment standards under 08 CFR 083.6 and 08 CFR chptr. I, subch. N; and
    b. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the engineer on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

38. "Slug discharges" means any non-routine discharge, episodic in nature, including but not limited to an accidental spill or a non-customary batch discharge.

39. "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

08. "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

41. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

42. "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

43. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated under the provisions of CWA 307(a) or other acts.

44. "Upset" means an incident, beyond the reasonable control of the industrial user, that causes the user to be in unintentional and temporary noncompliance with categorical pretreatment standards. Upsets do not include noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

45. "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

46. "Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such groundwater, surface water and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

47. "Wastewater contribution permit" shall have the meaning as set forth in section 08.03.1130.

48. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

49. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Sec. 03.03.302. Abbreviations.

The following abbreviations shall have the designated meanings:

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

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

Sec. 03.03.303. Discharge prohibitions.

A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standard or requirements. A user may not contribute the following substances to any POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 108 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 08 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which constitutes a fire or explosion hazard;

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities. Prohibited materials include but are not limited to: fats, oils, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, paint, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

3. Unless authorized by the superintendent, any wastewater having a pH less than 6.0 or greater than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

4. Any wastewater containing toxic pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act;

5. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or which create the presence of toxic gases, vapors or fumes within in the POTW in a quantity that may cause acute worker health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair;

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 085 and section 503 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

7. Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards;

8. Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions;

9. Any wastewater having a temperature that will cause the temperature of the wastewater plant influent to exceed 80 degrees centigrade (104 degrees Fahrenheit) or will inhibit biological activity of the wastewater treatment;

10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW;

11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed established limits;

12. Any septic tank pumpings or material taken from cesspools, privies or other sewage treatment systems, unless approved by the superintendent;

13. Any water or waste which may contain more than 25 parts per million, by weight, of fat, oil or grease;

14. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;

15. Any trucked or hauled pollutants, except as may be approved by the engineer and at discharge points as may be designated by the city.

B. When it is determined that a user is contributing to the POTW, any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, then the plant operator shall:

1. Advise the user of the impact of the contribution on the POTW; and

2. Develop effluent limitation for such user to correct the interference with the POTW.

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

Sec. 03.03.304. Wastewater dischargers.

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

Sec. 03.03.305. Permit required for connection or use.

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

Sec. 03.03.306. Sand and grease traps.

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

B. Records of maintenance and service for the sand and grease trap shall be made available to the city upon request by the sewer superintendent.

Sec. 03.03.307. Construction and materials standards.

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

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

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

Sec. 03.03.309. Building sewer—Location.

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

Sec. 03.03.310. Same—Excavations.

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

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

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

Sec. 03.03.312. Same—Inspection requirements.

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

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

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

Sec. 03.03.314. Private sewage disposal facilities—restrictions.

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

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

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

Sec. 038.03.316. Connecting downspouts or drains to building sewers prohibited when.

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

Sec. 03.03.317. Special agreements for sewage treatment.

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

Sec. 03.03.318. National Categorical Pretreatment Standards.

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

Sec. 03.03.319. State requirements.

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

Sec. 03.03.320. Excessive discharge.

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

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

A. Each user with the potential to contribute prohibited substances as outlined in section 08.03.930, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the sewer superintendent for review, and shall be approved by the sewer superintendent before construction of the facility. No user shall introduce industrial wastes into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Within five days following an accidental discharge, the user shall submit to the sewer superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any civil or criminal penalties or other liability which may be imposed by this division or other applicable law.

C. Each user shall permanently post on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Each user shall advise all employees who may cause or suffer such a dangerous discharge to occur of the emergency notification procedure.

D. The city may evaluate, at any time, whether each significant industrial user needs a plan to control slug discharges. If the city decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. A description of discharge practices, including non-routine batch discharges;

2. A description of stored chemicals;

3. Procedures for immediately notifying the POTW treatment plant of slug discharges, including any discharge that would violate a prohibition in section 08.03.930; and

4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training and the building of containment structures or equipment.

Sec. 03.03.322. Wastewater classification survey.

A. All industrial users shall complete and file with the engineer a wastewater classification survey containing the following information prior to discharging into the municipal wastewater system: name and facility address; type of services rendered and products produced; principal raw materials and catalysts used; plant operational characteristics; water use information; wastewater discharge information; wastewater quantities and constituents; wastewater pretreatment; a plot plan of sewers on the user's property showing sewer and pretreatment monitoring facility locations; details of systems to prevent and control the losses of materials through spills to the POTW; and non-discharge wastes and their disposal.

B. All industrial users obtaining a building permit for initial construction or for building expansion or remodel shall complete and submit the survey to the sewer superintendent for review prior to approval of said building or remodel permit.

C. All industrial users shall update the wastewater classification survey on file with the sewer superintendent whenever significant changes are made in the wastewater discharge. Significant changes include without limitation, an increase or decrease in wastewater volume, concentration of materials or substances or changes in types of wastes that will last for a period exceeding normal wastewater production variations. The sewer superintendent may request a new submittal of the wastewater classification survey as deemed necessary.

Sec. 03.03.323. Industrial discharge permit.

A. A significant industrial user shall obtain an industrial discharge permit renewable every three years at the initial cost of $100.00 and a renewal fee of $50.00 if the user:

1. Is subject to National Categorical Pretreatment Standards; or

2. Is determined by the engineer to have significant impact, either singly or in combination with other contributing industrial users, on the quality of the wastewater treatment plant's effluent, sludge, scum or residues, or such that interference with the treatment process or facilities would result.

B. Existing significant industrial users shall apply for a wastewater discharge permit within 60 days after the effective date of the ordinance codified in this division and proposed new significant industrial users shall apply at least 60 days prior to discharging into the wastewater utility. The application shall include a statement regarding whether or not applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or additional pretreatment is required to meet the standards.

C. The engineer may at any time, and in accordance with 08 CFR 083.8(f)(6), determine that an industrial user meeting the criteria of section 08.03.910.A.37 is not a significant industrial user if the user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

D. Industrial wastewater permits are subject to all provisions of this division and all other applicable reports, regulations, user charges and fees established by the city. Permits may contain, without limitation, the following:

1. A statement of duration;

2. A statement of nontransferability;

3. Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law;

4. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

5. Schedules for installation of pretreatment equipment to bring discharge into compliance with applicable regulations;

6. Requirements for installation and maintenance of inspection and sampling facilities;

7. Specifications for monitoring programs that include sampling locations; frequency of sampling; number, type and standards for tests; and reporting schedules;

8. Requirements for submission of technical reports, discharge reports and compliance progress report;

9. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city and affording city access thereto;

10. Requirements for notification of the city to the new introduction of wastewater constituents or any change in character of the wastewater constituents or average volume being introduced into the wastewater utility;

11. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines; and

12. Other conditions as deemed necessary by the engineer in order to enforce the provisions of this division.

E. The engineer shall issue industrial discharge permits for a specified time period not to exceed two years. The industrial user shall apply for permit reissuance at least 30 days prior to the expiration of the user's existing permit. The terms and conditions for the permit may be subject to modification by the engineer during the term of the permit if limitations or requirements are modified, if necessary to meet requirements of the city's NPDES discharge permit to accommodate new or increased contributions of wastewater or changes in the nature of the wastewater, or if there is other good cause. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. An applicant for a permit shall pay the prescribed fees.

G. A wastewater discharge permit may not be sold, traded, assigned, transferred or sublet. Any new significant industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises.

Sec. 03.03.324. Monitoring facilities.

A. All significant industrial users shall provide and operate, at their expense, monitoring equipment and facilities sufficient to allow inspection, sampling and flow measurements of the private sewer or internal drainage system.

B. The monitoring facility shall normally be situated outside of the building on the user's premises. If the industrial user's service line ties into an existing city manhole and such manhole allows for safe sampling and isolation of the industrial user's discharge, the sewer superintendent may allow said manhole to serve as the industrial user's monitoring facility.

C. Any significant industrial user or user discharging prohibited substances or specific pollutants into the POTW shall install a monitoring facility for each separate discharge. Each separate monitoring facility shall meet requirements set forth by the sewer superintendent with safe and independent access for city personnel at all times.

D. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The industrial user shall maintain and operate its own monitoring facility and all sampling and measuring equipment at all times in a safe and proper operating condition at the industrial user's expense.

E. Whether constructed on public or private property, the industrial user shall construct the sampling and monitoring equipment and facilities in accordance with monitoring requirements and all applicable local construction standards and specifications within 60 days following written notification by the sewer superintendent or before final building inspection approval.

F. All industrial users shall provide safe access to sampling and monitoring sites and pretreatment facilities at all times for authorized city personnel.

G. The city may inspect the facilities of any industrial user to determine whether the intent of this division and all applicable requirements are being met. Owners, employees or occupants of premises where wastewater is discharged shall allow city representatives or agents ready access at all reasonable times to all parts of the premises where wastewater is created or discharged, including industrial process areas, for the purpose of inspection, sampling, records examination and copying, or performance evaluation. Where an industrial user has security measures in force which require proper identification and clearance before entry into industrial user's premises, the industrial user shall make necessary arrangements with the security personnel so that upon presentation of suitable identification, personnel authorized by the city, the state, or United States Environmental Protection Agency will be permitted to enter without delay for the purpose of performing their specific responsibilities under this article.

Sec. 03.03.325. Sampling, analysis and inspection.

A. All industrial users shall obtain the sewer superintendent's approval for all sampling and measuring equipment prior to its installation or use. All measuring, test and analyses and all sampling that the industrial user is required to make shall be done at the user's own expense.

B. All industrial users shall make all measurements, tests, sampling and analyses required by this division in accordance with the techniques prescribed in 08 CFR 136 and amendments thereto. The sewer superintendent may direct an industrial user to deliver a split sample to a designated laboratory for analytical verification.

C. The sewer superintendent shall determine the frequency of sampling, measuring and analyses and include them as conditions of the user's industrial discharge permit. The engineer may impose mass limitations on industrial users that use flow equalization to meet applicable standards or requirements or in other cases where imposition of mass limitations are appropriate.

D. The city may place upon the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

E. Sampling and analysis may be performed by the city in lieu of the industrial user. Where the city itself collects all the information required for the report, the industrial user may be excused from submitting duplicate test data results.

F. The city may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by the industrial users, occasional and continuing noncompliance with pretreatment standards.

G. The city shall inspect and sample the effluent from each significant industrial user at least once a year.

Sec. 03.03.326. Reporting and compliance requirements.

A. All significant industrial users required to meet categorical pretreatment standards must submit the reports required in 08 CFR 083.12. All reports shall be based on sampling and analysis performed during the period covered by the report, and performed in accordance with the techniques described in 08 CFR part 136 and amendments thereto. All reports shall be signed by an authorized representative of the industrial user and certified by a qualified professional. All industrial users that have permits or that have the potential to discharge prohibited substances or specific pollutants that may cause a significant impact on the POTW shall submit to the sewer superintendent semiannual compliance reports at the times designated on the permit, and containing information and data as required by the permit, including but not limited to the following:

1. The name and address of the industrial user including the name of the operator and owners;

2. Any environmental control permits held by or for the industrial user;

3. A brief description of the nature and average rate of production by the industrial user;

4. A brief description of the Standard Industrial Classification of the operation carried out by the industrial user;

5. Building plans or details that indicate all points of discharge to the city sewer system from the regulated process;

6. The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

   a. Regulated process streams; and
   b. Other streams as necessary to allow use of the combined waste stream formula of 08 CFR 083.6(e). All flows shall be measured unless cost or feasibility justify allowing a verifiable estimate of the flow;

7. Nature and concentration of pollutants or materials prohibited in the discharge;

8. A statement indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the requirements; and

9. If additional pretreatment and/or operation and maintenance will be required to meet the requirements, the industrial user shall supply the shortest schedule by which the industrial user will provide such additional pretreatment and/or operation and maintenance.

B. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violation of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical review criteria (TRC) violation, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the engineer determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; and

8. Any other violation or group of violations which the city determines will adversely affect the operation or implementation of the local pretreatment program.

C. The city may publish an annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements.

D. All industrial users shall notify the POTW, EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 08 CFR part 261. Such notification shall be conducted in accordance with the provisions of 08 CFR 083.12(p).

E. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed

or characteristic hazardous wastes for which the industrial user has submitted initial notification under 08 CFR 083.12(p).

F. Any industrial user submitting information to the city pursuant to this division may claim it to be confidential if it demonstrates to the satisfaction of the sewer superintendent that release of such information would divulge information processes, or methods of production entitled to protection as the user's trade secrets.

1. The user must assert such claim at the time of submission by stamping the words "confidential business information" on each page containing such information. If no such claim is made at the time of submission, the city may make information available to the public without further notice.

2. Such confidential business information shall not be made available to the public, but the city may use the information for determining compliance with this division.
3. Effluent or discharge data is not confidential.

4. The city may provide confidential business information to governmental agencies upon written request for uses directly related to enforcement of this division, but, the city shall not transmit the confidential information to any government agency until the city has received written approval from the user.

G. No person shall make any false statement, representation or certification, knowing it to be false, in any application, record, plan, data or document filed or required to be maintained pursuant to this division.

H. No person shall falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this division.

I. The sewer superintendent shall have access to records and wastewater testing facilities during normal working hours of the user.

Sec. 03.03.327. Affirmative defenses.

A. An industrial user shall have an affirmative defense in any action brought against it alleging a violation of the general and specific prohibitions established in section 08.03.930.A where the user can demonstrate that:

1. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass-through or interference; and

2. A local limit designed to prevent pass-through and/or interference, as the case may be, was developed by the city for each pollutant in the industrial user's discharge that caused pass-through or interference, and the user was in compliance with each such local limit directly prior to and during the pass-through or interference; or

3. If a local limit designed to prevent pass-through and/or interference, as the case may be, has not been developed for the pollutant that caused the pass-through or interference, the industrial user's discharge directly prior to and during the pass-

through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

Sec. 03.03.328. Upsets

A. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the industrial user can identify the cause of the upset;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

3. The industrial user has submitted the following information to the POTW treatment plant and the city within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

   a. A description of the indirect discharge and cause of noncompliance;
   b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
   c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

B. In any enforcement proceeding, the industrial user seeking to establish an affirmative defense for the occurrence of an upset shall have the burden of proof.

Sec. 03.03.329. Bypass.

A. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections B and C of this section.

B. The industrial user shall provide notice of bypass, to the city, as follows:

1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW treatment plant, if possible at least ten days before the date of the bypass.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW treatment plant within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent

reoccurrence of the bypass. The city may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

C. Bypass is prohibited, and the city may take enforcement action against an industrial user for bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and

2. There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The industrial user submitted notices as required under subsection B of this section.

D. The city may approve an anticipated bypass, after considering its adverse effects, if the city determines that it will meet the three conditions listed in subsection C of this section.

Sec. 03.03.330. Suspension and revocation of permit.

A. The engineer may suspend or revoke any industrial discharge permit and terminate the wastewater service if the permittee:

1. Discharges wastewater which presents imminent or substantial endangerment to the environment and/or public health, safety and welfare;

2. Discharges wastewater which causes interference with the POTW or causes the city to violate any conditions of its NPDES permit;

3. Violates any condition stated in the permit or provisions of this division;

4. Fails to report an accidental discharge of a toxic substance;

5. Increases the use of process water or attempts to dilute the discharge for the sole purpose of achieving compliance with any limitations;

6. Falsifies any report of the wastewater constituents and characteristics;

7. Tampers with, disrupts or damages monitoring and sampling equipment or facilities;

8. Refuses reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or

9. Fails to pay fees or charges.

B. In the event of any violation of this division, the sewer superintendent r shall revoke the industrial discharge permit for the remainder of its term or suspend it for a shorter period based on the severity of the disqualification, its effect on public health, safety and welfare, and the time during which the disqualification can be remedied if at all.

C. No user will be permitted to discharge into the POTW any wastewater which is in violation of this division. Any user may have their wastewater service suspended or terminated by the sewer superintendent.

D. Any person notified of a revocation or suspension of such person's wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of failure of the person to comply voluntarily with the suspension order, the city shall sever the sewer connection or take such steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the sewer superintendent within 15 days of the date of occurrence.

E. Any user, whose permit is revoked or suspended, may request a hearing before the city commission to show cause why the proposed enforcement action should not have been taken.

1. The city commission will cause the user to be notified of the time and place set for the hearing. Notice will be served personally or by registered or certified mail at least ten days prior to the hearing.

2. The city commission or its designated representative will conduct the hearing by accepting testimony and evidence relevant to the matter involved in the hearing. Testimony shall be taken under oath and transcribed so that it may be made available to any party at the hearing or the public.

3. The city commission will, within ten days after the hearing, issue its final determination to the user.

F. The user shall pay all costs and expenses associated with any such suspension and restoration of service.

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

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

B. If any person discharges into the POTW in violation of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, the city attorney may, in addition to any other remedies, commence an action for equitable or legal relief, or both, including a petition in a court of competent jurisdiction for a

temporary restraining order, and preliminary and permanent injunctions to prohibit the continuation of any violation of this division.

C. Any person who violates any provision of this division or any rule, regulation, limitation, permit condition or order in force pursuant thereto, shall be liable for any loss, damage or expense to the city or others arising out of, resulting from or occurring in connection with said violation, including but not limited to injury to or death of any person, damage to property, enforcement of this division, attorneys' fees or increased costs for managing effluent, sludge or operating POTW.

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

Sec. 03.03.332. Criminal penalties.

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

Sec. 03.03.333. Civil penalties.

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

Secs. 03.03.334-03.03.399. Reserved.

DIVISION 4. SEWER SERVICE OUTSIDE CITY

Sec. 03.03.400. Applicability of division and plumbing code.
Sec. 03.03.410. Application for permission to connect.
Sec. 03.03.420. Extension of service; factors for consideration.
Sec. 03.03.430. Consent to annexation; design specifications applicable.
Sec. 03.03.440. Sewer connection charge.
Sec. 03.03.450. Line extensions; costs borne by property owners.
Sec. 03.03.460. Rates, charges and rentals.
Secs. 03.03.470-03.03.499. Reserved.

Sec. 03.03.400. Applicability of division and plumbing code.

Any person owning or leasing property outside the corporate limits of the city now connected with the system of sanitary sewers shall be subject to the provisions of this division. As a condition and a prerequisite for the continuing use of the sanitary sewerage system, the

plumbing inspector may, upon demand, inspect the plumbing on such property and require the owner or occupant to comply with the latest plumbing code. The plumbing upon any property which is to be connected with the city sewerage system shall comply with the plumbing code.

Sec. 03.03.410. Application for permission to connect.

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

Sec. 03.03.420. Extension of service; factors for consideration.

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

    1. Orderly growth and development of the city;

    2. Water and land pollution abatement or control;

    3. Need of persons or industries requesting service as determined by the city commission;

    4. Capacity of the utility system of the city to serve property outside of the city limits of the city;

    5. Extension of water or sewer service facilities outside of the city limits will not be approved if the property to be served has been determined by an engineering analysis to be outside of the areas that the existing water system, sewer collection system and sewage treatment facilities are designated and constructed to serve.

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

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

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

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

Sec. 03.03.440. Sewer connection charge.

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

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

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

Sec. 03.03.460. Rates, charges and rentals.

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

Secs. 03.03.470-03.03.499. Reserved.

DIVISION 5. SEWAGE DISPOSAL RATES AND CHARGES

Sec. 03.03.500. Persons liable for sewerage rates, charges and rentals.
Sec. 03.03.501. Operation and maintenance costs designated; determination.
Sec. 03.03.502. Wastewater contribution percentage; determination procedure.
Sec. 03.03.503. Determining a surcharge for users with excess BOD and SS.
Sec. 03.03.504. Determining each user's wastewater service charges.
Sec. 03.03.505. Notification of wastewater treatment rate.
Sec. 03.03.506. Billing of charges; penalties for late payment.
Sec. 03.03.507. Sewer connections; deferred payments authorized when.
Sec. 03.03.508. Payment of sewerage charge; status of debt.
Sec. 03.03.509. Extra-strength surcharge; computation of rates.
Secs. 03.03.510-03.03.599. Reserved.

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

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

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

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

Sec. 03.03.502. Wastewater contribution percentage; determination procedure.

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

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

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

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

Sec. 03.03.504. Determining each user's wastewater service charges.

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

Sec. 03.03.505. Notification of wastewater treatment rate.

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

Sec. 03.03.506. Billing of charges; penalties for late payment.

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

Sec. 03.03.507. Sewer connections; deferred payments authorized when.

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

Sec. 03.03.508. Review of wastewater service charges.

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

Sec. 03.03.509. Payment of sewerage charge; status of debt.

A. The sewerage charges for each premises shall be personal or corporate obligations of the same parties who are obligated for payment of city water bills for such premises, according to the ordinances and regulations respecting the city water utility. It is the duty of the water department of the city to prepare, issue and mail, as near as may be to the first day of each calendar month, a statement of the sewerage charge for each user of the sewerage utility. In all cases, the sewerage charges shall appear as a surcharge, separately stated, upon the water bill as rendered. Each such charge shall be due and payable at the time and place as the water bill on which it is shown, and no payment shall be accepted by the city, or any of its officers or employees, of a water bill without concurrent payment of the sewerage charge; and all of the penalties, including the shutting off of the customer's water supply, shall be applied in each case of nonpayment of the sewerage charge in like manner as for nonpayment of the water charge.

B. Each user of the sewerage utility shall be deemed to have contracted and agreed to pay the sewerage charges hereby imposed, and such charges may be collected by actions at law whenever the same are more than 30 days overdue and shall bear

interest at the highest rate allowed by law for contract indebtedness from and after the 15th day of the month in which the charge becomes due and payable.

C. To the full extent now or hereafter permitted by law, overdue sewerage charges shall constitute a lien upon, and enforceable against, the real estate constituting the premises which was the user of the sewerage utility for which the charges were imposed. No subsequent owner or occupant of any premises for which any sewerage charge is overdue shall be entitled to water or sewerage service until the overdue charge is paid, notwithstanding that such subsequent owner or occupant may not have been personally obligated thereof.

Sec. 03.03.510. Extra-strength surcharge; computation of rates.

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

Secs. 03.03.511-03.03.599. Reserved.

CITY OF POLSON
AGENDA ITEM SUMMARY

Agenda Item Number: 12

Discussion and City Commission Direction regarding Local Option (Resort) Tax

Meeting Date: March 23, 2015
Staff Contact: Mark Shrives

AGENDA ITEM SUMMARY: Request City Commission direction regarding moving forward with a committee to review, research and discuss the possibility of placing a Local Option (Resort) Tax on the November 2015 General Election Ballot.

BACKGROUND: The City Commission has been discussing a resort tax for some time. Polson is still considered a resort community and has the ability to implement the Local Option (Resort) Tax until the population reaches 5500, which we will reach sooner than we think. As a part of those ongoing discussions, the City received a grant in early 2014 and completed a detailed report entitled *"Montana Community Resort Tax Community Assessment."* at the end of June 2014. The report discusses the laws surrounding the resort tax and reviews communities that currently have a resort tax in place. The Executive Summary from that report is included as **(Enclosure 1).**

ANALYSIS: If the City Commission decides to move forward with a committee to discuss and then provide a recommendation regarding the Resort Tax, then I would suggest we assign this task to the recently approved Economic Development Council. Information regarding that committee can be found at **(Enclosure 2)**.

A proposed timeline should we move forward is suggested as:

1. Article in paper about economic development committee and ask for people to sign up (indicating what some of roles/responsibilities are and specifically mention this project). **Submit March 27, will run on April 1-2.**
2. Applications for interested parties by **April 13.**
3. Appoint Committee. **April 20 City Commission meeting**.
4. First meeting for committee. **April 27.**

In preparation for the meeting on April 27th, city staff assigned to this committee will gather all resources and provide a copy of the study that was completed to the committee members prior to the meeting. A presentation by City Staff will be given to the committee at that meeting, and any questions of the committee can be answered at that time.

As part of the April 27th meeting, the committee should put together a schedule of upcoming meetings and ways people can weigh in on the matter. Consider doing an article to update on process and announce upcoming input/public hearing dates.

5. 2nd Meeting to discuss information and make first proposal as a starting point where the income would go (streets, property tax relief, etc.). Once this starting point is determined, committee should consider having public hearing to gather input. Proposed meeting date May 11, with Public Hearing on or around May 18/19.
6. 3rd meeting/public input. May 18/19.
7. 4th meeting to finalize Committee's recommendation to City Commision on what to put on the ballot. May 25.
8. Presentation to City Commission June 1. City Commission votes on wording for the ballot. **The Last day to submit item to be placed on November General Election Ballot is August 20th.**

If the Economic Development Council recommends to move forward and the City Commission agrees, then I would suggest that an informational presentation be prepared and presented at clubs, organizations, and community groups.

FINANCIAL CONSIDERATIONS: None at this time besides staff time to work with the Economic Development Council. If a positive outcome is received from the Commission, the Economic Development Council, and ultimately the voters, then there is a very high potential of funding that can be focused on city infrastructure and services.

STAFF RECOMMENDATION: Staff recommends establishment of the Economic Development Council with the charge to review the possibility of placing a resort tax measure on the November General Election ballot.

SUGGESTED MOTION:

ATTACHMENTS:

Enclosure 1 – Executive Summary from "Montana Community Resort Tax Community Assessment." June 2014.
Enclosure 2 – Economic Development Council Information

Montana Resort Tax Community Assessment

Prepared for City of Polson, Montana

Executive Summary

Designated by the Montana Department of Commerce (MDOC) in 2009 as a resort community, the City of Polson is determining the prospect of implementing a local option sales tax similar to the resort tax program currently implemented in other Montana communities. In order to prepare for implementation of a tax, the City of Polson is assessing how other communities structured and successfully implemented a resort tax in their communities.

In May 1985, Governor Ted Schwinden signed House Bill 826 allowing certain towns and resort areas to implement a "resort tax" to help defray the costs associated with providing infrastructure and services to visitors to the area.[1] According to MDOC, "resort and local option taxes serve the function of creating a funding source for local transportation to finance a variety of transportation system improvements." They are collected in Montana communities with populations under 5,500 who meet specific resort qualifications. MDOC must ascertain that the major portion of the community's economic well-being is derived from businesses catering to non-business travelers. The resort tax is a local option sales tax on the retail value of certain goods and services sold by lodging and camping facilities; restaurants and other food service establishments; public establishments that serve alcoholic beverages by the drink; destination recreational facilities; and, establishments that sell luxuries.

The fundamental idea behind resort taxes is to allow places with high numbers of visitors but relatively few residents to manage the wear-and tear on local infrastructure without overburdening local citizens. Some communities have little or no assets or revenue to develop or improve the area; therefore, reliance on tourism activity supports the local infrastructure that is being utilized by high numbers of visitors. Local voters must approve the tax, its duration and allocation. For small Montana towns where tourism significantly contributes to the economy as well as contributes to the need for increased and/or improved community facilities and preserving cultural heritage, resort tax revenue is vital. Under state law, the population of the community must be less than 5,500 for a town and less than 2,500 for an unincorporated area[2]. The rate cannot exceed three percent and either a designated board or a local government agency administers the tax, sometimes as a percent of taxes received. At least 5 percent of the resort tax revenue must offset municipal property taxes.

[1] West Yellowstone representatives were instrumental in lobbying for the legislature to pass House Bill 826 and the town was the first Montana community to adopt a resort tax.
[2] When Whitefish requested MDOC designation, it first had to persuade the State Legislature to raise the population cap from 2,500 to 5,500 for incorporated towns.

Encl 1
Pg 1 of 1

DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL

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

Sec. 2.05.400. Purpose and intent.

The purpose and intent of this division is to provide for an economic development council consisting of business leaders, economic development leaders, and others; to advise the city commission on economic development issues and to review the implementation of the City of Polson Economic Development Plan as adopted by commission resolution.

Sec. 2.05.410. Creation; powers, duties and authority; membership. 5

Excl 2
Pg 1 of 3

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

B. Members; appointments and terms.
1. All appointments to the EDC shall be made by the city commission.

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

3. Membership.

a. There shall be seven members of the economic development council and there shall always be at least five but not more than seven members of the EDC, amendable from time to time by duly approved resolution of the city commission. The terms of the initial seven members shall be as follows.
b. One member to serve for one year, two members to serve for two years, two members to serve for three years and two to serve for terms of four years from the date of their appointment. After initial terms, councilmembers shall serve three year staggered terms. Each member may be reappointed without any limitation on the number of reappointments. Vacancies shall be filled in the same manner as original appointments for the balance of the term remaining.
4. The city commission shall affirm one city commissioner to act as liaison between the council and commission.

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

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

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

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

C. Office of agency; staff support. The council shall maintain its records in the office of the city staff person designated to assist the council. The staff person so designated shall attend most meetings of the council and will be responsible to assist the council in the scheduling of meetings, preparation and distribution of agendas and meeting minutes and perform other supportive functions that may be considered reasonable in the execution of the duties of the council. The staff person may also serve as the liaison between the council, the city manager and the city commission.
D. Meetings; election of officers.
1. The economic development council shall hold meetings as it deems necessary to execute its powers and duties as provided in this section.

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

E. Duration. The economic development council shall remain in effect as long as necessary to achieve the goal of the council.
F. Ethics provisions. All council activities and members are subject to all other provisions of this Code, including the code of ethics.
G. State law applicable. All meetings of the council shall be subject to the open meeting laws and may not be held with less than 48 hours' notice. All written and electronic information shall be considered a public record and subject to disclosure pursuant to state law.
Secs. 2.05.420-2.05.499. Reserved.

CITY OF POLSON
AGENDA ITEM SUMMARY

Agenda Item Number: 13
Meeting Date: March 23, 2015
Staff Contact: Beth Smith, Planning Technician

AGENDA ITEM SUMMARY: Request City Commission redefine/confirm policy direction regarding the annexation of wholly surrounded property within the city limits of Polson

BACKGROUND: On or around March 3rd, 2015 a real estate agent called about 505 Scenic Ln. There was an interested party in purchasing the property. The potential buyer wanted to add on the existing home. Mr. Porrazzo thought they would not be able to add on due to the capacity of the septic tank vs. addition. It was suggested to annex the property and get the addition. As conversations progressed other neighbors came forward to discuss annexation. It has been a positive process so far. Mr. Matejovsky came into City Hall and talked with Tony regarding the utilities in the area and ideas on getting services to these properties. He already has bids from contractors to get services up the Lane. Ordinance 637 adopted in October 2008 was the last guidance issued by the City Council regarding annexation policy (Enclosure 1)

ANALYSIS: As we began looking closely at these potential annexed properties it seemed if we brought in just a couple more lots we would be cleaning up a nice little group of wholly surrounded properties. This annexation would include 13 wholly surrounded lots located on Scenic Lane, Hillcrest Dr., and others. In reviewing past City Council actions, there were several examples where the City had annexed wholly surrounded property.

FINANCIAL CONSIDERATIONS: None

STAFF RECOMMENDATION: Staff recommends City Commission direction to move forward with annexations of wholly surrounded property when it is a matter of public health, welfare and safety and when the wholly surrounded property by default receives many city services. Since Ordinance 637 is already in place and provides sufficient direction to City staff regarding annexation of property, at this time staff is just looking for consensus by the current City Commission to continue to follow Ordinance 637. Once direction is confirmed, staff will begin to work on the annexation of the previously described properties.

SUGGESTED MOTION: None needed just looking for consensus regarding policy direction.

ATTACHMENTS:

Enclosure 1 – Ordinance 637
Enclosure 2 – Map of wholly surrounded properties to be considered for annexation

ORDINANCE 637

AN ORDINANCE OF THE CITY OF POLSON, MONTANA, PURSUANT TO THE POLSON GROWTH POLICY AND FACILITIES SERVICE BOUNDARY MAP; AND ANNEXATION PROCEDURES, MCA 7-2-4201 ET SEQ.; AND SETTING FORTH AN ANNEXATION POLICY.

WHEREAS, the Growth Policy states that the City of Polson Zoning District and Facilities Map shall be revised whenever an annexation occurs; and

WHEREAS, the City Commission approved the FY 2008 Plan.

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

That the City Commission now creates and adopts the following:

ANNEXATION POLICY

Statement of Intent

The City of Polson intends to permit the annexation of land and to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the newly annexed territory and existing City properties.

Policy Statement

The City Commission shall consider land annexations that adhere to the provisions specified in Montana Annexation Statutes (7-2-4201 through 7-2-4761, MCA) and any relevant existing or as amended Polson ordinances, resolutions, rules, or policies.

The Commission may approve, deny or conditionally approve petitions or initiatives for annexation based on the following criteria:

- The area must be located within the Limited of Annexation as defined herein and within the Polson Urban Planning Area per the 2006 approved Growth Policy;
- The City must be able to provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the City;
- Existing or proposed public improvements within the area to be annexed must meet City standards;
- All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts;
- All residential property owners within the area to be annexed must create or join an existing park maintenance district;
- Densities within the area to be annexed must equal or exceed the zooming district standards; and
- The proposed land use within the area to be annexed must conform to the goals of the Polson Growth Policy.

Limits of Annexation Map (attached)

A Zoning District Map update shall be prepared for Commission consideration whenever the Facilities Service Boundary is revised. Map updates shall be recommended to the City Commission based upon the following criteria:

- Distance from existing City services and response times;
- Capacity and location of existing facilities and future upgrades or construction of new facilities;
- Cost of City services;
- Effect on existing residents; and
- General conformance with all adopted plans including the Growth Policy, sewer, water and storm sewer plans.

The Commission will then determine and approve appropriate Limits of Annexation consistent with the adopted Annexation Policy.

Obligation of City

The City may choose to annex and property in accordance with the provisions of the following state statutes:

- Annexations of Additions to Municipalities (7-2-4201 et. seq., MCA)
- Annexations of Contiguous Land (7-2-4301 et. seq., MCA)
- Annexations of Contiguous Government Land (7-2-4401 et. seq., MCA)
- Annexations of Wholly Surrounded Land (7-2-4501 et. seq., MCA)
- Annexation by Petition (7-2-4601 et. seq., MCA)
- Annexation with the Provision of Services (7-2-4701 et. seq., MCA)

The City may decide to condition the approval of the annexation in order to meet the criteria listed under the Policy Statement. The conditions of approval must be clearly stated in the resolution of annexation. In the case where the property to be annexed is not developed, the conditions of approval shall include a requirement for;

a) A development agreement prior to the issuance of a building permit, or
b) A subdivision improvements agreement at the time of final subdivision plat approval.

In the event the property has been developed prior to final subdivision plat approval and contains public improvements that are not constructed to city standards, the City shall require an annexation agreement. The agreement shall specify which public improvements are to be upgraded and/or installed to city standards, and a time period and mechanism to finance the construction and installation of those improvements. In any case, all public improvements, whether existing or proposed, shall meet city standards.

It shall be the general policy of the City of Polson to require annexation of any property for which city services are requested and will be provided, or, for which city services are currently provided, excepting, however, that the Council is free to reach contractual agreements with the Confederated Salish & Kootenai Tribes in cases involving development of real properties held by the United States in trust for the Tribes.

ORDINANCE 637

The City of Polson shall assess Impact Fees according to Resolution #942, and shall implement other policies as they are developed.

Obligation of Petitioner

Petitions for annexation must comply with the provisions of Annexation by Petition (7-2-4601 et. seq., MCA) and City ordinances, resolutions, and policies as existing or amended regarding the form and content of such Petition.

The Petitioner shall complete and submit an Application for Annexation.

The Petitioner shall provide a copy of the most recent recorded plat of the property; a legal metes and bounds description; and a Title search completed not more than sixty (60) days before Annexation approval.

A fee, to be established by the City Administrator, must be paid at the time the petition is submitted.

The Petitioner shall sign and file the appropriate document requesting removal from the Rural Fire Department jurisdiction. In such cases, the Petitioner shall show adequate proofs of having paid in full any portion of the then-existing Rural Fire District levy relating to any bonded indebtedness before the Petition will be considered by the Council.

If the area to be annexed is not developed, petitioners are required to comply with the conditions of approval prior to the issuance of a building permit or at the time of final subdivision plat approval.

If the area to be annexed is developed and requires the construction or installation of public improvements, the petitioner must enter into an annexation agreement prior to the City Commission acting on the resolution of annexation.

First Reading on August 18, 2008.
Second Reading on September 3, 2008.

EFFECTIVE DATE: October 3, 2008.

APPROVED AND ADOPTED by:
The City Commission of the City of Polson, this 3rd day of September 2008.

_____
Lou Marchello, Mayor

ATTEST:_____
Aggi G. Loeser, City Clerk

93
SUPER 1
PIZZA HUT
Scenic Ln
BIKE PATH
HILLCREST DR