

RESOLUTION NO. 942

A RESOLUTION AUTHORIZING THE CITY OF POLSON TO COLLECT REIMBURSEMENT FOR CITY ENGINEERING FEES FROM THE PERSON OR ENTITY THAT OCCASIONED SUCH ENGINEERING FEES AND COSTS.

WHEREAS, the City of Polson is required to engage the services of an engineering firm for the purpose of providing engineering services, including reviews, by such engineers; and,

WHEREAS, such engineering reviews arise in some cases from the requests originating from persons or entities outside of City departments, where without such request such fees and costs would not otherwise be charged to the City of Polson by the engineering firm serving as City Engineers; and,

WHEREAS, the City of Polson finds it inequitable to require the taxpayers to bear the fiscal burden of such external requests necessitating such City Engineer review, and desires hereby to provide a mechanism whereby the user which has made such a request will bear the fiscal burden of the engineering fees occasioned by such request.

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

- SECTION 1. That the foregoing Recitals are not mere Recitals but are part and parcel of this Resolution.
- SECTION 2. That where an office or department of the City of Polson requires, in order to fully perform its duty, the review or approval of the office of the City Engineer, that in such case the department shall inform the person whose request or project requires such review that the said person shall bear the cost of the City's engineering review therefore, and have the same sign an acknowledgment to that effect.
- SECTION 3. That upon such review or approval by the City Engineer, the department for which such review was necessitated shall pay the City Engineer the fee occasioned thereby, and subsequently, shall collect a like amount, together with a surcharge amounting to five percent of such engineering fee to defray the administrative costs hereof, from the requestor, pursuant to the antecedent acknowledgement.
- SECTION 4. No project or request may move forward thereafter until such time as the City department has been reimbursed the fee and/or cost, together with the five percent surcharge, associated with the City's engineering review of such project or request.
- SECTION 5. In cases where a review or approval, or other City engineering services, will iterate in time throughout a project, or in other unusual or nonstandard situations, the concerned Department shall bring alternative methods of implementation of this Resolution to the City Council for decision, which may consider bonding, escrow, iterative billing, or other such method as, in the Council's opinion, safeguards the intent of the within Resolution.
- SECTION 6. All Resolutions or parts of resolutions in conflict herewith are hereby amended to the extent of any such conflict.

PASSED AND APPROVED this _____ day of _____, 20____ .

Jules Clavadetscher, Mayor

ATTEST: _____
Aggi Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this ____ day of _____, 2007, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Jules Clavadetscher** and **Aggi Loeser**, personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for the State of Montana
Residing at _____ Montana
My Commission expires: