



City of Polson, Montana
Resolution 2021-018

REPLACING RESOLUTION 687 (2/20/1996) AND ESTABLISHING JB DRIVE AS PART OF THE MUNICIPAL TRANSPORTATION SYSTEM AND SETTING POLICY FOR MAINTENANCE, REPAIR, AND FUNDING OF THE SAME.

WHEREAS, on February 20, 1996, the Polson City Council passed Resolution #687 stipulating that *'until JB Drive is paved to a 33-foot paved surface, Mr. Will Mavis, and any subsequent property owner fronting said JB Drive, will be responsible for the maintenance of JB Drive including snow removal, grading, and other needed maintenance'*; and

WHEREAS, JB Drive does not meet the City of Polson's standards for street construction, minimum width, etc.; and,

WHEREAS, the City of Polson retains authority to determine the most appropriate and effective levels of specification, maintenance, repair, and replacement necessary throughout its municipal transportation system, as well as determining the best method(s) for funding such work – including the expenditure of property tax revenues, state allocated gas tax revenues, the creation of a Special Improvements District, grant funds, or a combination thereof; and,

WHEREAS, property owners/residents of JB Drive, and properties with primary access via JB Drive, have been in controversy with the City of Polson, for decades, as to the party(s) responsible for the maintenance of JB Drive, with no agreed upon answer; and,

WHEREAS, the City of Polson and property owners/residents of JB Drive, and properties with primary access via JB Drive, with no admission of error or wrongdoing, are attempting to resolve this controversy; and,

WHEREAS, property owners/residents of JB Drive, and properties with primary access via JB Drive, have identified their support for the contents of this resolution with their signature on the non-binding citizen petition attached hereto as 'Exhibit A';

NOW THEREFORE BE IT RESOLVED, that the Polson City Commission replaces Resolution #687 with the following statements of policy and operation as related to JB Drive:

- JB Drive is recognized as a public street for public use and maintenance, part of the City of Polson's municipal transportation system.

- The City of Polson has authority and responsibility to determine and implement the most appropriate and effective levels of specification, maintenance, repair, replacement, and funding methods necessary for the safe public use of JB Drive.
- At this time, and subject to change, the City of Polson intends to maintain JB Drive as a gravel roadway with the following maintenance guidelines -
 - Annual grading; gravel replacement as deemed necessary.
 - Scheduled treatments for dust control
 - Snow plowing/removal as part of the city's snow plowing/removal system.
- Any property which abuts JB Drive, or with primary access via JB Drive, that increases its on-site density, or intensity of use, so as to require subdivision review and approval, rezoning, or utilization of a Townhome Exemption, remains subject to City of Polson requirements regarding the upgrade of JB Drive to city specifications and standards.

Passed and Adopted this 20th day of December, 2021.

Paul Briney, Mayor of the City of Polson

ATTEST:

Cora E. Pritt, City Clerk, City of Polson

