



# FINANCE COMMITTEE AGENDA

April 1, 2024 – 4:00 pm | Council Chambers, City Hall

1. **Call meeting to order.**
2. **Approval of Minutes.**
  - a. Regular Meeting: March 4, 2024
3. **Public Comment - Limit to three minutes per person.**
4. **Continued Business.**
  - a. Myg. Inc Right-of-Way Abandonment Request – Jordan
  - b. Fee Schedule Review – Jordan
5. **New Business**
  - a. Well Pay Application #4 – Trent
  - b. Xylem Water Solutions USA Contract – Trent
  - c. Beeson Right-of-Way Abandonment Request 2<sup>nd</sup> Review – Jordan
  - d. Review and Sign March Claims – Stan/Jordan
6. **Committee Comments or Concerns:**
7. **Announcement of next meeting.**
  - a. Regular Meeting: Monday, May 6, 2024, at 4:00PM
8. **Adjournment.**

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## Finance Committee

### Members

Gordon Pierson (Chair) | Rob Kersch | Greg Larkins

# CITY OF DEER LODGE

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## FINANCE COMMITTEE MEETING MINUTES

March 4, 2024 – 4:00 pm | Council Chambers, City Hall

<b>Members Present:</b>	Gordon Pierson, Rob Kersch, Greg Larkins
<b>Members Absent:</b>	None
<b>Mayor:</b>	None
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Trent Freeman, Cyndi Thompson
<b>Guests:</b>	None

**1. Call Meeting to Order:**

- a. Chairman Pierson called the meeting to order at 4:00PM.

**2. Approval of Minutes:**

- a. Special Finance Meeting: February 20, 2024

Member Larkins motioned to approve as presented. Chairman Pierson seconded the motion. 2 Ayes, 0 Nos, 1 Abstained. Motion passed.

**3. Public Comment:**

- a. None

**4. Continued Business:**

- a. None

**5. New Business:**

- a. Myg Inc. Right-of-way Abandonment Request – Trent  
Jeremy Mygland, on behalf of the company Myg Incorporated, has requested the City consider the abandonment of an approximately 90 foot by 22 foot section of Kohrs Street between Montana Avenue and Milwaukee Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition. A single-family home has recently been constructed by the company on Lots 12-14. However, pre-construction survey work misidentified the width of the lots throughout the entirety of the block. As such, the home was built between 16.3-16.5 feet into the Kohrs Street right-of-way. This was later identified by post construction survey work performed by another surveyor. The applicants are requesting that the City consider abandoning a portion of the property where the home was situated, as well as an additional 5.5 feet to allow for zoning setback requirements, so that the home sits entirely on private land.

**Staff Recommendation:**

Staff recommends the abandonment of the City owned property described as the approximately 22' by 90' section of the Kohrs Street right-of-way between Milwaukee Avenue and Montana Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition of Deer Lodge to the applicant **for the sale price of \$5,860.80.**

Staff also recommends the Public Works Committee and City Council require the petitioners to provide a survey exhibit before final approval that shows the exact area of the requested abandonment, right-of-way delineations, lot lines, the informal road, the power line, and the structure. This exhibit will be used to ensure that the abandonment will not impede movement along the road, not impede access to the power line, and will provide for side setbacks of 5-feet as are required in the R-1 District.

As the only adjacent property owner to the alley is the City of Deer Lodge, the applicant will not be required to get any letters of no contest to the abandonment.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

Upon recommendation by the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned right-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Member Kersch motion to table this item till legal review has been completed. Chairman Pierson seconded the motion. 3 Ayes, 0 Nos. Motion passed.

Member Kersch motioned to reconsider and leave on the agenda for City Council to review and make final decision. Chairman Pierson seconded the motion. 3 Ayes, 0 Nos. Motion passed.

b. **Beeson Right-of-way Abandonment Request – Trent**

Myron and Maria Beeson submitted a request for the abandonment of City-owned property on October 3, 2023. The Beeson's are requesting that the City abandon an approximately 30-foot by 120-foot portion of Clark Street between Texas Avenue and Conley Avenue that directly abuts their property at 524 Texas Avenue. Currently, the right-of-way requested for abandonment is being maintained as a yard by the Beeson's. The intent of said request would be to allow the applicants to own the land that they currently maintain.

**Staff Recommendation:**

Staff recommends that, should the City Council consider the abandonment of the City owned property described as the approximately 30' by 120' section of Clark Street between Texas Avenue and Conley Avenue adjacent to the property at 524 Texas Avenue, that the Council should require a **sale price of \$11,097.00** to be paid by the applicant.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

If the applicants receive a positive recommendation from the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned right-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Member Kersch motioned to leave on the agenda for City Council to review and make final decision. Chairman Pierson seconded the motion. 3 Ayes, 0 Nos. Motion passed.

c. Variable Frequency Drive Motor for Well – Trent

Request for purchase of a spare Variable Frequency Drive (VFD) Motor for the Wells in the amount of \$4,450.00. This spare motor will work for two of the Wells. We currently do not have a spare on hand, this will ensure that should a Well motor go out we have a spare on hand to use immediately.

Member Kersch motioned to approve the Variable Frequency Drive Motor as presented and recommend to Council. Member Larkins seconded the motion. 3 Ayes, 0 Nos. Motion passed.

d. Dump Truck Purchase – Trent

A quote is in your packet from Bozeman Asphalt Maintenance, Inc out of Belgrade in the amount of \$34,000 for a 2002 Ford F750 with 34k miles and minimal wear and tear, and It will need rear tires The Public Works crew is down a dump truck due to the transmission going bad in the 1979 C70 Automatic.

This dump truck purchase is not a budgeted item, although the money is in the budget. I have a new work truck in the budget for the crew at approximately \$80k, that purchase will be pushed out as a Dump Truck is needed more.

Member Kersch motioned to approve the purchase of the dump truck as presented along with the funds needed to purchase rear tires and recommend to Council. Chairman Pierson seconded the motion. 3 Ayes, 0 Nos. Motion passed.

e. Sewer Bond Refund – Trent

Resident Trevar Hahn is requesting a refund from the City for paying the sewer bond on property 619 Mitchell Street as this property does not have a sewer system and only runs on septic. The property was purchased by Trevar in March of 2022, and he has been paying the sewer bond since the purchase. Trevar is requesting a refund of \$270.27 and would like his account credited in lieu of a refund check.

Member Larkins motioned to approve as presented and recommend to Council. Member Kersch seconded the motion. 3 Ayes, 0 Nos. Motion passed.

f. Civic Plus Website – Jordan

Staff approached CivicPlus, a municipal website design and hosting company, in January to get information and a quote about a new City website. Our current website is not user or ADA-friendly, and CivicPlus is a world leader of municipal websites. The quote came back at an \$850 one-time fee and a \$3,795 annual support and hosting fee. While this is more expensive than our current hosting fee of \$1,354, the security enhancements, cross-platform support, and more make up for the increase.

Member Kersch motioned to approve the Premium Design with recommendations to Council. Member Larkins seconded the motion. 3 Ayes, 0 Nos. Motion passed.

g. Consider Financing for the Senior Center – Jordan

Greg Larkins wrote a letter on behalf of the Senior Center asking the Finance Committee consideration in funding the Senior Center. The County Commissioners gave funding to the Senior Center. We can look at some ARPA funds from what we have remaining as a one-time disbursement to the Senior Center.

Greg Larkins addressed the committee outlining where the Senior Center is financially, what they received from the County as a one-time expenditure, and the requested amount of \$30,000 from the City. The Senior Center is working on grants to continue their financial support. Asking the city to help in funding to keep the meal on wheels program up and running.

Member Kersch asked if the center was getting any grants at this time. Greg replied: not at this time, we are looking at the opportunity through different grant funding. Although there is none at this time.

When COVID hit, it was leaked out to the community, that the community no longer had to pay for their meals on wheels meals because ARPA funds were now covering the meals on wheels. That was not true! There was no kind of ARPA funding for the senior center, meals on wheels and so therefore our income for meals on wheels went down to about 2% of meal costs. It's a challenge to make up for that funding. This put the senior center in a deficit. Also trying to run the senior center on volunteers is difficult. Could not find the volunteer base to keep the center functioning, therefore we had to take on paying salaries.

Member Kersch asked what is the senior center doing to rectify the situation? Greg replied: When Greg became the president, he reached out to Butte and Anaconda Senior Centers to see what they do. Do they or did they have the same problem we do. They did suffer in the same manner during the COVID hit. A representative from the Anaconda Senior Center sat with Greg and gave some pointers that Greg can use to help the senior center.

Member Kersch motioned to approve the \$30,000 as a one time expenditure to the Senior Center, with recommendation to Council using either Land Transfer funds or ARPA funds. Chairman Pierson seconded the motion. 2 Ayes, 0 Nos, 1 Abstained. Motion passed.

h. ARPA Small Business Grants Follow up – Jordan

In 2022, the City Council obligated \$50,000 to be disbursed out of the City's American Rescue Plan Act (ARPA) Local Recovery Funds for the purpose of providing grants of up to \$5,000 to local businesses and nonprofits. This was an allowable use of the Local Recovery Funds. The Mayor created a Board to review and recommend grant disbursements. Chair Kersch wanted to follow up with recipients to see how the funds were used.

No motion, discussion only.

i. Cottonwood Street Improvement Project Final Pay Estimate – Trent

Approval of first and final pay estimate including Change Orders for the Cottonwood Street Improvement Project completed by Montana Materials Co. in the amount of \$267,861.00. The original contract amount was \$253,777.00. The change order consists of adding rebar to the concrete valley gutter and the removal of concrete pavement at the intersection with Main Street.

Member Kersch motioned to approve as presented. Member Larkins seconded the motion. 3 Ayes, 0 Nos. Motion passed.

j. Review and Sign February Claims – Stan/Jordan

Claims reviewed and signed by committee with recommendations to Council.

**6. Committee Comments or Concerns:**

a. None

**7. Announcement of Next Meeting:**

a. Regular Meeting: Monday, April 1, 2024 at 4:00pm

**8. Adjournment:**

The meeting was adjourned at 5:28PM.

Prepared by: Cyndi Thompson, City Clerk

\_\_\_\_\_  
Gordon Pierson, Chairperson

\_\_\_\_\_  
Date

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**Finance Committee Members**

Gordon Pierson (Chair) | Rob Kersch | Greg Larkins

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
**Compliance Officer**  
Kody Ryan  
**Public Works Superintendent**  
Trent Freeman  
**Treasurer**  
Stanley Glovan  
**City Services Coordinator**  
Gena Micu



*Montana's Undiscovered Treasure*

300 MAIN STREET  
DEER LODGE MT 59722-1057  
406.846.2238

**City Council**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
Rian King-Chavez  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:** CITY COUNCIL  **TO:** FINANCE

**Agenda Item Name:** Myg Inc. Request for Abandonment Public Hearing

**For Meeting on:** 04/01/2024

**Staff Member/Committee Referring:** \_\_\_\_\_

### **Description of the item:**

Myg Inc. submitted a request for City owned property that was discussed by the City Council at their March 2024 meeting. They elected to send the item to public hearing with the stipulation that there should be further research and recommendation towards the cost. Staff will discuss a potential new cost at the Finance Committee meeting before the City Council public hearing tonight.

### **Attachments:**

1) Initial MYG Inc Request for Abandonment of City-owned Property Staff Report

### **Previous Committee Engagement:**

**(discussion, outcomes, recommendations, public comment)**

Public Works discussed at their February 2024 meeting and Finance at its March 2024 meeting. City Council reviewed in March 2024 and elected to send the item to public hearing, but wanted additional guidance on the amount to be attached.

### **Recommended Motion/Action:**

Make a recommendation to the City Council for their public hearing tonight.

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
**Compliance Officer**  
Kody Ryan  
**Public Works Superintendent**  
Trent Freeman  
**Treasurer**  
Stanley Giovan  
**City Services Coordinator**  
Gena Micu



**City Council**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
Rian King-Chavez  
Greg Larkins  
John J. Molendyke  
Gordon Pierson

## **REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT**

**Requested Abandonment: An approximately 90' by 22' section of Kohrs Street between Montana Avenue and Milwaukee Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition**  
**Request by: Myg Incorporated**

**Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer**  
**Prepared for: City of Deer Lodge Public Works Committee**  
**February 23, 2024**

### **Request:**

Jeremy Mygland, on behalf of the company Myg Incorporated, has requested the City consider the abandonment of an approximately 90 foot by 22 foot section of Kohrs Street between Montana Avenue and Milwaukee Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition. A single-family home has recently been constructed by the company on Lots 12-14. However, pre-construction survey work misidentified the width of the lots throughout the entirety of the block. As such, the home was built between 16.3-16.5 feet into the Kohrs Street right-of-way. This was later identified by post construction survey work performed by another surveyor. The applicants are requesting that the City consider abandoning a portion of the property where the home was situated, as well as an additional 5.5 feet to allow for zoning setback requirements, so that the home sits entirely on private land.

### **Site Analysis:**

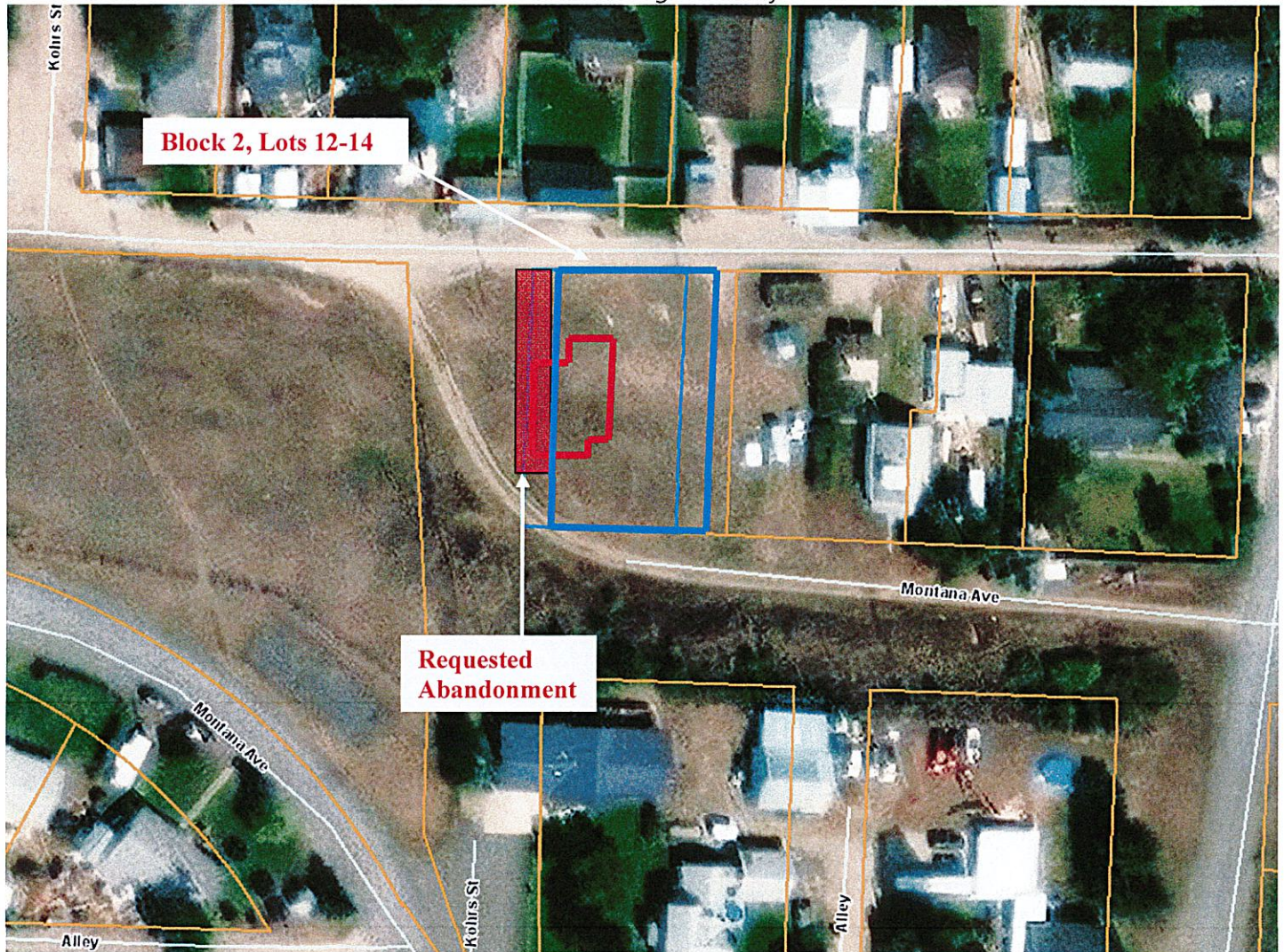
The land requested for abandonment is approximately 90 feet by 22 feet, travels north to south, and is a small portion of the total width of the Kohrs street right-of-way. Kohrs Street in this section has an approximately 80-foot right-of-way. The home, which is not currently addressed, was intended to be situated on Lots 12-14 of Block 2 of the Bielenberg-Albee Addition of Deer Lodge, Section 03, Township 07N, Range 09W. As mentioned earlier, the home was misplaced 16.3-16.5 feet into the Kohrs Street right-of-way. The parcel is zoned as R-1, Residential, Single-Family, Low-Density District, which is the same zoning designation as every parcel in vicinity. The parcel to the west of the right-of-way is owned by the City of Deer Lodge and is traditionally known as the "Sledding Hill."

The right-of-way for Kohrs Street dead ends on both sides of the block, bound by an alley to the north and private property to the south. At its south termination it connects to the Montana Avenue right-of-way, which runs east to west along the southern boundary of the subject parcel. A hill bisects the parcel from its northwest corner to southeast corner. The section of the right-of-way east of this flat, and the section of the right-of-way



to the west is sloped. An informal road follows the slope of the hill and continues along Montana Avenue until Clark Street. There is no vehicular access off this informal road – all vehicular traffic is contained to the alley to the north of the subject property.

There is a power line that runs through the Kohrs Street right-of-way but is outside of the area requested for abandonment. There are no water or sewer lines in the right-of-way.



**Exhibit showing the approximate boundaries of Lots 12-14, the location of the new home, and the approximate area of proposed abandonment (note the offset from Montana Cadastral lines).**

**Abandonment Analysis:**

The requested abandonment, if done correctly, will not impede access to the informal road or the power line in the right-of-way. However, as the applicant has not precisely delineated their requested abandonment, a survey exhibit or Certificate of Survey should be provided that shows the requested abandonment, lot lines, rights-of-way, and surrounding features. This is to ensure that the abandonment will not impede access to the road for other vehicles.

City staff has provided images of the newly-constructed home, the informal road, the power line, and the area proposed for abandonment. These images are attached to this staff report.

Based on this analysis, City Staff finds no undue reason to deny the request and recognizes the hardship the misplaced home places on the applicants. This recommendation is pursuant to the fact that the requested abandonment is not precisely delineated by the applicant, and as such Staff recommends the exact delineation be provided before final approval. However, the approximately 1,980 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$5,860.80 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2023 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	11799	35387	3.00
North	12060	35423	2.94
Northwest	12060	35423	2.94

Average value/SF	2.96
SF of Abandonment	1,980.00
<b>Abandonment value</b>	<b>\$5,860.80</b>

**Staff Recommendation:**

Staff recommends the abandonment of the City owned property described as the approximately 22' by 90' section of the Kohrs Street right-of-way between Milwaukee Avenue and Montana Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition of Deer Lodge to the applicant **for the sale price of \$5,860.80.**

Staff also recommends the Public Works Committee and City Council require the petitioners to provide a survey exhibit before final approval that shows the exact area of the requested abandonment, right-of-way delineations, lot lines, the informal road, the power line, and the structure. This exhibit will be used to ensure that the abandonment will not impede movement along the road, not impede access to the power line, and will provide for side setbacks of 5-feet as are required in the R-1 District.

As the only adjacent property owner to the alley is the City of Deer Lodge, the applicant will not be required to get any letters of no contest to the abandonment.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

Upon recommendation by the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey

aggregating the properties and the abandoned right-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Signed,

A handwritten signature in black ink, appearing to read 'J. Green', written in a cursive style.

Jordan Green – Chief Administrative Officer

February 23, 2024

### Request for Abandonment of City Owned Property

**ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"**

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: MYG Inc

Address of Applicant: 1 Jackson Creek Rd, Clancy, MT 59634-9714

Telephone Number: (406) 461-0517

Property description of land requesting to be abandon: \_\_\_\_\_

Kohrs St. between Montana Ave and the alley to the north between Montana Ave + Milwaukee Ave

Ownership of adjoining property: City of Deer Lodge

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners.

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

Authentisign  
Jeremy Myglund  
Signature of Applicant

02/08/24  
Date

JORDAN GREEN  
Received by

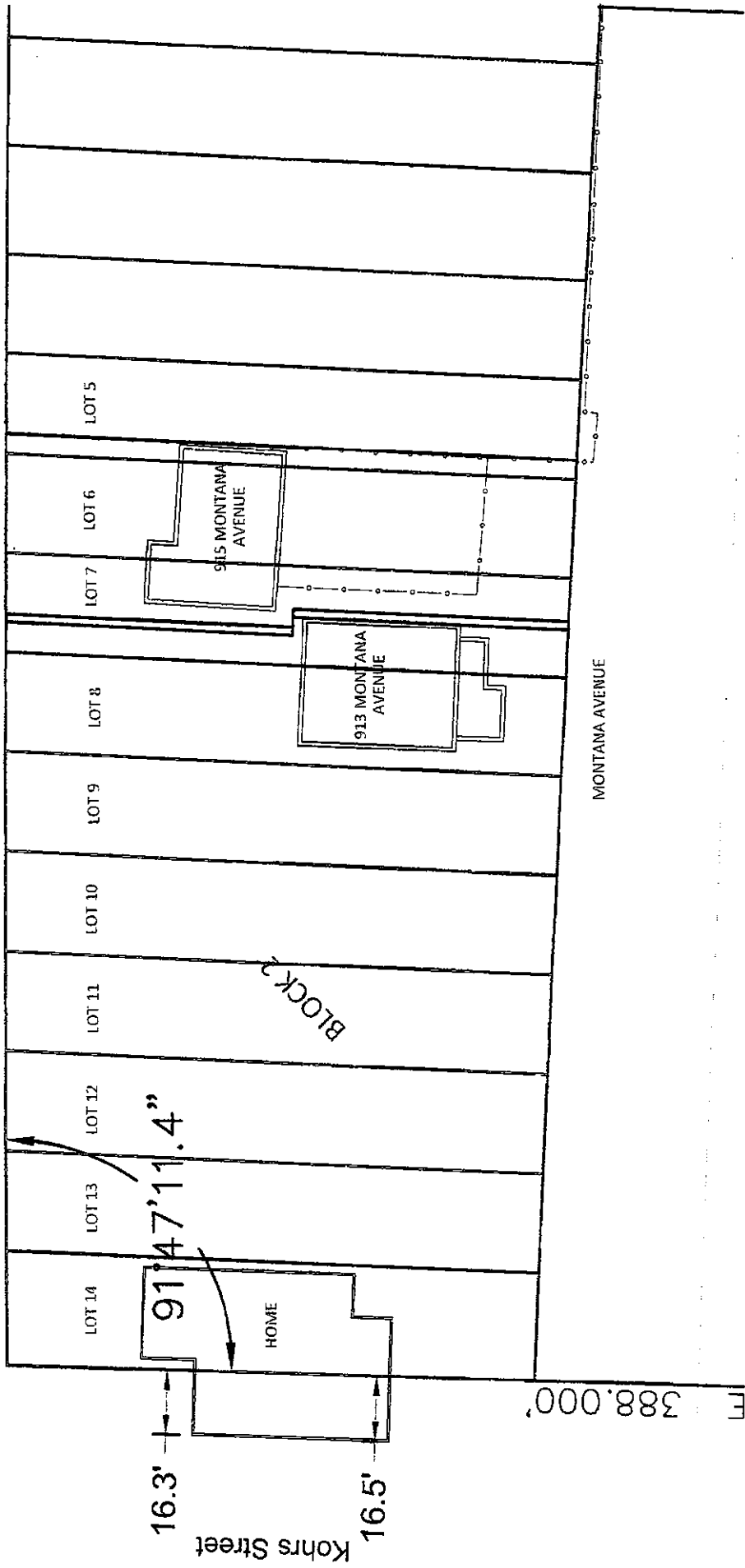
2-12-2024  
Date

Forwarded to PUBLIC WORKS Committee on FEBRUARY 27, 2024

Note: Request will not be considered without proper information  
Please allow at least four weeks lead time for preliminary review by the committee.  
Advertising and filing fees will be billed to the applicant

City of Deer Lodge  
300 Main Street  
Deer Lodge MT 59722-1098

Alleyway



Kohrs Street

16.3'

16.5'

91'

47'11.4"

388.000'

MONTANA AVENUE

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

915 MONTANA AVENUE

913 MONTANA AVENUE

BLOCK 2

HOME

## City of Deer Lodge Fee Schedule

### LEGEND

- \*: Fees marked with an asterisk are set by resolution.
- #: Fees marked with a pound sign are set by ordinance and cannot change without a City Code Title Change.
- !: Fees marked with an exclamation point are not clearly defined.
- ^: Fees marked with a caret are being set by resolution, but there is also an ordinance description.
- ~: Fees marked with a tilde are not defined in City Code but are implied to exist.
- @: Fees marked with an at sign are bond-satisfaction rates and should not be changed

### TITLE 1: GENERAL PROVISIONS

- ❖ Fees, Licenses, or Permits: None
- ❖ Fines/Penalty: Title 1 GENERAL PROVISIONS: Chapter 1.08: GENERAL PENALTY contains the basis for all Fines that are not specifically identify in the City Code of Deer Lodge.

#### 1.08.010: GENERAL PENALTY

- A. Whenever in any provision of this Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding five hundred dollars (\$500.00) for the first or second like violation or in the event of a third or subsequent like violation by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense.
- 1. Each day any violation of any ordinance shall continue, shall constitute a separate offense.
  - a. Provisions for first, second, third, or subsequent violations described in A. above do not apply in the event of a continuation of offense as described in A.1. above.
- B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 1.08.020: EXECUTION OF A FINE.

- A. If the judgment is for a fine alone, execution may issue thereon as on a judgment in a civil case.
- B. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every ten dollars (\$10.00) of the fine.

### TITLE 2: ADMINISTRATION AND PERSONNEL

- A. No Fees, Licenses, Permits, or Fines
- (Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

### TITLE 3: REVENUE AND FINANCE

- A. No Fees, Licenses, Permits, or Fines

### TITLE 4: SEWER AND WATER

- A. Fees, Licenses, Permits, Cost of Service
  - 1. Public Works Call Out Fees [4.13.040]
    - a. During Normal Work Hours (8:00 AM – 5:00 PM, Monday – Friday) ..... \$0.00\*

- b. After Hour Work Week Rate (Monday - Friday) ..... \$200.00\*
- c. Weekends ..... \$300.00\*
- d. Holidays ..... \$400.00\*

NOTE: FEES DO NOT INCLUDE ANY OTHER ADDITIONAL EXPENSES INCURRED.

- 2. Water Line Attachment Fee [4.20.020.A]
  - a. ¾" ..... \$773.00#
  - b. 1" ..... \$1,187.00#
  - c. 1.5" ..... \$2,045.00#
  - d. 2" ..... \$3,140.00#
  - e. 3" ..... \$5,196.00#
  - f. 4" ..... \$8,546.00#
  - g. 6" ..... \$16,831.00#

NOTE: Owner also responsible for all other permit and tapping fees and/or incidental expenses of materials and manpower.

- 3. Sewer Line Attachment (Development) Fee (Based on size of freshwater line). These fees are in addition to development expenses. [4.19.020, 4.19.030]:
  - a. ¾ Inch..... \$478.00\*
  - b. 1 Inch ..... \$732.00\*
  - c. 1 ½ Inch..... \$1,264.00\*
  - d. 2 Inch ..... \$1,937.00\*
  - e. 3 Inch ..... \$3,214.00\*
  - f. 4 Inch ..... \$5,251.00\*
  - g. 6 Inch ..... \$10,402.00\*

- 2. Residential and Commercial Permit Fee [4.04.020.A.1.] ..... \$75.00\*
- 3. Industrial Waste Establishment Permit Fee [4.04.020.A.3.] ..... \$500.00\*

- 4. Sprinkling
  - a. Automatic Sprinkler Registration [4.18.065.B.]: ..... \$0.00\*
    - 1.) No Charge, but Automatic Sprinkling System Registration Form Must be Completed.
  - b. Sprinkling Variance for New Lawn ..... \$0.00\*
    - 1.) No Charge, but Must Notify City in Writing. Valid for 2 weeks.

- 5. Private Disposal Permit Fee [4.03.010]: ..... **Set by Powell County Environmental Health Department#**
- 6. Water/Sewer/Garbage Service Deposit [4.12.130]: ..... \$100.00\*

- 7. Monthly Water Charge [4.10.070, 4.16.010]

- a. **Within the Corporate Limits of Deer Lodge:**
  - 1.) **Residential**
    - a.) **Flat Rates**
      - i.) Pipe Size
        - (a.) ½, ⅝, ¾ Inch..... \$25.43@
        - (b.) 1 Inch..... \$39.08@
        - (c.) 1 ¼ Inch ..... \$54.94@
        - (d.) 1 ½ to 1 ¾ Inch ..... \$57.32@
        - (e.) 2 Inch..... \$103.34@
        - (f.) 2 ½ ..... \$161.036@
        - (g.) 3 Inch..... \$171.00@
        - (h.) 4 Inch..... \$281.26@
        - (i.) 5 Inch..... \$407.08@
        - (j.) 6 Inch..... \$554.13@
    - b.) **Meter Rates**
      - i.) Pipe Size
        - (a.) ½, ⅝, ¾ Inch..... \$19.59@
        - (b.) 1 Inch..... \$30.08@
        - (c.) 1 ¼ Inch ..... \$42.26@
        - (d.) 1 ½ to 1 ¾ Inch ..... \$51.77@
        - (e.) 2 Inch..... \$79.50@
        - (f.) 2 ½ ..... \$103.12@
        - (g.) 3 Inch..... \$131.56@

- (h.) 4 Inch..... \$216.346@
- (i.) 5 Inch..... \$313.456@
- (j.) 6 Inch..... \$426.27@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.52 per 100 ccf@
Over 50 ccf	\$2.184 per 100 ccf@

1.) Commercial

a.) Flat Rates

i.) Pipe Size

- (a.) ½, ⅝, ¾ Inch..... \$29.38@
- (b.) 1 Inch..... \$45.11@
- (c.) 1 ¼ Inch ..... \$63.39@
- (d.) 1 ½ to 1 ¾ Inch ..... \$77.69@
- (e.) 2 Inch..... \$119.25@
- (f.) 2 ½ ..... \$154.674@
- (g.) 3 Inch..... \$197.31@
- (h.) 4 Inch..... \$324.53@
- (i.) 5 Inch..... \$470.171@
- (j.) 6 Inch..... \$639.39@

b.) Meter Rates

i.) Pipe Size

- (a.) ½, ⅝, ¾ Inch..... \$23.52@
- (b.) 1 Inch..... \$36.10@
- (c.) 1 ¼ Inch ..... \$50.70@
- (d.) 1 ½ to 1 ¾ Inch ..... \$77.69@
- (e.) 2 Inch..... \$119.25@
- (f.) 2 ½ ..... \$123.75@
- (g.) 3 Inch..... \$197.31@
- (h.) 4 Inch..... \$324.53@
- (i.) 5 Inch..... \$376.18@
- (j.) 6 Inch..... \$639.39@

ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.327 per 100 ccf@
Over 50 ccf	\$2.00 per 100 ccf@

b. Outside the Corporate Limits of Deer Lodge:

1.) Residential

a.) Flat Rates

i.) Pipe Size

- (a.) ½, ⅝, ¾ Inch..... \$27.61@
- (b.) 1 Inch..... \$42.43@
- (c.) 1 ¼ Inch ..... \$59.66@
- (d.) 1 ½ to 1 ¾ Inch ..... \$73.09@
- (e.) 2 Inch..... \$112.19@
- (f.) 2 ½ ..... \$145.54@
- (g.) 3 Inch..... \$185.67@
- (h.) 4 Inch..... \$305.36@
- (i.) 5 Inch..... \$442.40@
- (j.) 6 Inch..... \$601.63@

b.) Meter Rates



- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch..... \$21.27@
  - (b.) 1 Inch..... \$32.66@
  - (c.) 1 ¼ Inch ..... \$45.89@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$56.21@
  - (e.) 2 Inch..... \$86.31@
  - (f.) 2 ½ ..... \$111.96@
  - (g.) 3 Inch..... \$142.83@
  - (h.) 4 Inch..... \$234.88@
  - (i.) 5 Inch..... \$340.31@
  - (j.) 6 Inch..... \$462.80@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.11 per 100 ccf@
Over 50 ccf	\$1.82 per 100 ccf@

2.) Commercial

a.) Flat Rates

- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch..... \$31.90@
  - (b.) 1 Inch..... \$48.98@
  - (c.) 1 ¼ Inch ..... \$68.81@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$84.34@
  - (e.) 2 Inch..... \$129.47@
  - (f.) 2 ½ ..... \$167.93@
  - (g.) 3 Inch..... \$214.23@
  - (h.) 4 Inch..... \$352.35@
  - (i.) 5 Inch..... \$510.47@
  - (j.) 6 Inch..... \$694.20@

b.) Meter Rates

- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch..... \$25.53@
  - (b.) 1 Inch..... \$39.20@
  - (c.) 1 ¼ Inch ..... \$55.06@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$67.47@
  - (e.) 2 Inch..... \$99.70@
  - (f.) 2 ½ ..... \$134.36@
  - (g.) 3 Inch..... \$171.42@
  - (h.) 4 Inch..... \$281.90@
  - (i.) 5 Inch..... \$408.42@
  - (j.) 6 Inch..... \$555.41@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.52 per 100 ccf@
Over 50 ccf	\$2.18 per 100 ccf@

- c. Short Term Water Responsibility Discontinuance Monthly Charge ..... To Be Determined (Water Bond)@
  - 1.) Covers base infrastructure cost.
- d. Discontinuance/Disconnection [4.12.040]: ..... Owner's Expense
- e. Reconnection Fee [4.12.050.A]: ..... \$100.00\*

2. Monthly Sewer Charge [4.10.070] Evaluated at a minimum of biannually [4.10.050]:

a. Within the Corporate Limits of Deer Lodge:

- 1.) Residential..... \$42.31\*
- 2.) Commercial ..... \$42.31\*

b. Outside the Corporate Limits of Deer Lodge:

- 1.) Within City Limits ..... \$42.31\*
  - 2.) Outside City Limits..... \$42.31\*
  - c. Short Term Sewer Responsibility Discontinuance Monthly Charge [4.10.071.B.]: ..... \$12.87@
    - 1.) Covers base infrastructure cost.
  - 3. Discontinuance/Disconnection [4.10.071]: ..... Owner’s Expense
  - 4. Extension of Water Main [4.12.030]: ..... Cost Borne by Owner
- B. Fines/Penalties**
- 1. Watering Hours/Method Violations (Includes Automatic Sprinkling System Violations) [4.18.080/4.12.060.Q] – Currently in Water Shortage Double Penalty Stage due to loss of one well [4.18.070]
    - a. First Offense..... \$25.00 x 2=\$50.00^
    - b. Second Offense..... \$40.00 x 2=\$80.00^
    - c. Third Offense ..... \$60.00 x 2=\$120.00^
    - d. Fourth Offense..... \$80.00 x 2=\$160.00^
    - e. Open Hose [4.18.060] ..... \$125.00 x 2=\$250.00\*
  - 2. Clear Water Connection Penalty [4.04.080/4.09.020]: ..... <= \$500.00\*
  - 3. Discharge of Unpolluted Waters Penalty [4.05.010/4.09.020]: ..... <= \$500.00\*
  - 4. Discharge of Specified Waters or Waste Penalty [4.05.030/4.09.020]: ..... <= \$500.00\*
  - 5. Exceeding Specified Substances, Materials, Waters, Waste Limits [4.05.040/4.09.020]: ..... <= \$500.00\*
  - 6. Sewer Destruction Penalty [4.06.010/4.09.010/4.09.020]: ..... <= \$500.00\*
    - a. Immediate Arrest on Charge of Disorderly Conduct
  - 7. Discharge of Specified Waters or Waste Penalty [4.05.030/4.09.020]: ..... <= \$500.00\*
  - 8. Liability to City for Expense, Loss, Damage Due to Violation [4.09.030]: ..... **Actual Cost**
  - 9. Monthly Water and Sewer Charge Late Fee [Not Defined]: ..... **\$1.5% of Total!**
  - 10. Two Month Late Disconnect Fee [Not Defined]: ..... **\$25.00!**
  - 11. Discontinued Water Service Reconnection/Usage without Authorization [4.12.050.D]:
    - a. Reconnection Fee: ..... \$25.00 during business hours, otherwise per Public Works Callout Fee Schedule#
    - b. Owner additionally liable for all monthly charges since disconnect date
  - 12. Discontinued Sewerage Service Reconnection/Usage w/o Authorization [4.10.070.D]:
    - a. Reconnection Fee ..... Included with Water Connection Fee.#
    - b. Owner additionally liable for all monthly charges since disconnect date#
    - c. Willful and Blatant reconnection could result in denial of future discontinuation of service applications.#
      - 1.) Denial must state specific reasons.
      - 2.) This action can only be resolved by appeal to the City Council within 30 days of denial.
  - 13. Non-Compliance with Phosphorus Compound Discharge to Wastewater [4.11.070]:
    - a. First Offense..... Notification by City Clerk, with 10 Days to comply#
    - b. Non-Compliance after 10 Days: ..... Misdemeanor#
  - 14. Each Violation of This Chapter [4.11.070]: ..... \$50.00 to \$500.00#
    - a. Each day violation continues counts as a separate violation

**TITLE 5: BUSINESS LICENSES AND REGULATIONS**

- 1. Fees, Licenses, or Permits [5.02.050: LICENSE SCHEDULE OF FEES]
  - a. Annual Business License Fees [5.02.020: A]
    - 1.) Term: July 1, Current Year through June 30, Following Year
    - 2.) License:
      - a.) General Business License (Per Business/Branch) [5.02.040]: ..... \$125.00\*
      - b.) Non-Resident General Business License (Per Business/Branch):..... \$150.00!
      - c.) Contractor’s Business License:..... \$50.00\*
        - i.) Term: Maximum of 6 months\*
      - d.) Major Home Occupation Business License (Per Business/Branch):..... \$50.00\*
        - i.) Home Business Assessment Required to Verify Home Business Type
        - ii.) Requires Conditional Use Permit: ..... \$100.00\*
          - (a.) This permit cost includes the first year’s Major Home Occupation Business License Fee.
      - e.) Minor Home Occupation Business License (Per Business/Branch):..... \$25.00\*
        - i.) Home Business Assessment Required to Verify Home Business Type

- f.) Non-Profit Business License [5.02.080: E]: ..... \$35.00\*
  - i.) Must provide IRS documentation#
- g.) Pawn Broker License [5.04.020: A]: ..... \$125.00\*
  - i.) Proof of Liability Insurance Required [5.04.110]#
- b. Special Business License Fees
  - 1.) Transient Retail Merchant License [5.02.084: E]: ..... \$20.00\*
    - a.) Term: Up to 1 year#
  - 2.) Itinerant Vender License [5.02.086.B.]: ..... \$50.00\*
    - a.) Term: 90 (Ninety) Days#
    - b.) Proof of Liability Insurance Required [5.02.086.E.]#
- c. Amusement Event License [5.02.090: A]: ..... \$50.00\*
  - 1.) Term: Designated Period of Time
  - 2.) License required for assessment of services.
- d. Amusement Event Permit [5.02.090: A]: ..... \$0.00#
  - 1.) Term: Designated Period of Time
  - 2.) Applies only to Events held within the property boundary of the establishment, otherwise, an Amusement Event License is required.
  - 3.) Permit required for assessment of services.
- e. Duplicate Business License [5.02.060: H]: ..... \$25.00\*
- 2. Fines/Penalties
  - a. Failure to Display Business License [5.02.050: G] ..... \$25.00\*
  - b. Business License Late Fee [5.02.050: C] ..... 50% of Business License Fee#
  - c. Failure to Obtain Business License [5.02.050: F/.070.D] ..... 150% of Business Fee + Late Fees#
    - 1.) This is a misdemeanor.
    - 2.) Every day that business is conducted without a license is a separate offense.
  - d. Failure to Obtain Transient Retail Merchant License [5.02.084: C] ..... Double the License Fee#
  - e. Pawn Broker Fines [5.04.170 Per 1.08.010: GENERAL PENALTY, including the following] .....
    - 1.) Fine: ..... Not to Exceed 500.00#
    - 2.) Violation of Article may result in revocation of license.
    - 3.) Every day of failure to comply is a separate offense.
- 3. Refund of Overpayment [5.02.050: E]
  - a. Whole or In Part.
    - 1.) Providing written notice of overpayment is filed with the City within 30 days from the last day of the month of the overpayment.
    - 2.) City determines validity and amount of refund, if any.
- B. Alcohol Licenses [5.06: REGULATION OF ALCOHOLIC BEVERAGES]
  - 1. Fees, Licenses, or Permits
    - a. Term: ..... July 1, Current Year through June 30, Following Year
    - b. Prorates/Refunds: ..... License fee may be prorated, but not refunded.
    - c. Licenses [5.06.050.A.7.]:
      - 1.) Liquor License (All Beverages): ..... \$275.00\*
      - 2.) Beer and Wine License: ..... \$225.00\*
      - 3.) Beer License: ..... \$175.00\*
      - 4.) Brewery License: ..... \$225.00\*
  - 2. Fines/Penalties
    - a. Failure to Display License [5.06.090/5.06.180]: ..... Per 1.08.010#
    - b. Revocation of State License results in revocation of City License. [5.06.130]
    - c. City Judge is bound by State Law to report convictions within 10 days. [5.06.170]
    - d. Violations punishable by 1.08.010 [5.06.180]
    - e. Minors (under age 21) ..... Penalty as per the MCA for minor in possession of alcohol
- C. Gambling Licenses [5.08: GAMBLING REGULATIONS]
  - 1. Fees, Licenses, or Permits [5.08.010]: ..... License is issued by the State of Montana
- D. Handbill Regulations [5.14: HANDBILL REGULATIONS]
  - 1. Fines/Penalties [5.14.030] ..... Violations Punishable by 1.08.010.#
- E. Sign Regulations [5.16: PROHIBITING PLACING OF SIGNS ON UTILITY & TRAFFIC CONTROL DEVICES]

- 1. Fines/Penalties [5.16.030]..... **Violations punishable by 1.08.010#**
- F. Television Cable Fees [5.18: TELEVISION CABLE SYSTEMS]
  - 1. Fees, Licenses, or Permits [5.18]
    - a. As Negotiated with Television Cable Provider. See Title 13: FRANCHISES
- G. Parade Licenses [5.20: LICENSING PARADES]
  - 1. Fees, Licenses, or Permits [5.20.030]
    - a. Parade Permit [5.20.020]:..... **No Fee#**
    - b. Conditions:
      - 1.) Permit must be obtained a minimum of 7 days prior to event.
  - 2. Fines/Penalties
    - a. Violation of Provisions [5.20.050]:..... **Not Less than \$1.00 or more than \$100.00#**

**TITLE 7: HEALTH AND WELFARE**

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- A. Fees, Licenses, Permits, and Cost for Service
  - 1. Monthly Garbage Collection Charge (within City Limits) [7.02.110]
    - a. Residential
      - 1.) Regular Container:..... \$14.00\*
      - 2.) Extra Container:..... \$6.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$5.00\*
    - b. Commercial
      - 1.) Large Container: ..... \$26.00\*
      - 2.) Extra Container:..... \$11.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$5.00\*
  - 2. Monthly Garbage Collection Charge (outside City Limits) [7.02.110]
    - a. Residential
      - 1.) Regular Container:..... \$16.00\*
      - 2.) Extra Container:..... \$7.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$8.00\*
    - b. Commercial
      - 1.) Large Container: ..... \$30.00\*
      - 2.) Extra Container:..... \$13.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$8.00\*
  - 3. Fireworks Sales and Public Display Permit [7.04.30] ..... \$50.00\*
    - a. Term: ..... 5 Days
    - b. Bond [7.04.050]: ..... **Not to exceed \$500.00#**
  - 4. Livestock Permit [7.01.020]..... \$50.00~
    - a. Restrictions [7.01.020.A.1, 11.01.140.080: Animal Enclosure Setbacks]
      - 1.) Minimum of 1 acre per animal, maximum of 2)
      - 2.) Property must be inspected and approved by the City Code Enforcement Officer.
      - 3.) No livestock within 100 feet of any neighboring house or dwelling.
  - 5. Poultry Permit [7.01.020]..... \$25.00~
    - a. Restrictions [7.01.020.A.2]:
      - 1.) Property must be inspected and approved by the City Code Enforcement Officer.
      - 2.) Up to 6 poultry.
      - 3.) Absolutely no roosters.
      - 4.) Permit is permanent, providing no violations resulting in revocation.
- B. Fines/Penalties [7.01.080, 7.02.120, 7.03.050; 7.04.070]
  - 1. Decay / Nuisances 1<sup>st</sup> Offense [7.01.080] ..... \$200.00\*
  - 2. Decay / Nuisances All Subsequent Offenses [7.01.080]..... \$500.00\*
  - 3. Garbage Collection Violation 1<sup>st</sup> Offense [7.02.120]..... \$50.00\*
  - 4. Garbage Collection Subsequent Offenses [7.02.120] ..... \$125.00\*
  - 5. Monthly Water / Sewer Charge Late Fee [NEED REFERENCE]: ..... 1.5% of Total Charges Late!

6.	Unlawful Dumping 1 <sup>st</sup> Offense [7.02.120].....	\$250.00*
7.	Unlawful Dumping Subsequent Offenses [7.02.120] .....	\$500.00*
8.	Burning of Refuse Violation 1 <sup>st</sup> Offense [7.03.050].....	\$75.00*
9.	Burning of Refuse Subsequent Offenses [7.03.050] .....	\$150.00*
10.	Fireworks Sale and Public Display Fine for Failure to Buy Permit [7.04.070].....	\$100.00*
11.	Fireworks Penalty 1 <sup>st</sup> Offense [7.04.070] .....	\$50.00*
12.	Fireworks Penalty 2 <sup>nd</sup> Offense [7.04.070] .....	\$125.00*
13.	Failure to Obtain Livestock or Poultry Permit [7.01.080].....	1.5 times the Permit Fee + Cost of Permit*

**TITLE 8: ANIMALS**

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A. Dog Licenses [8.02.030: LICENSING]

1.	Fees, Licenses, or Permits [8.02.030]	
a.	Dog Licenses [8.02.030]	
1.)	Term: January 1, Current Year through Last Day of February, Following Year	
2.)	Restrictions:	
a.)	Must have current Rabies Vaccine [8.02.030.6]	
b.)	Applies to Dogs > 6 Months Old [8.02.030.3]	
3.)	Licenses:	
a.)	Altered Dog License [8.02.030: A.4].....	\$10.00*
i.)	Excess Dog License (Each Dog Over 2) .....	\$20.00#
b.)	Unaltered Dog License [8.02.030: A.4]: .....	\$15.00*
i.)	Excess Dog License (Each Dog Over 2) .....	\$30.00#
b.	Excess Animal Permit [8.02.025: C] .....	\$25.00#
1.)	Required for More than 2 Dogs > 6 Months Old	
2.)	Maximum Number of Dogs is 5	
3.)	Each Dog over 2 Dogs Costs Double the Normal Licensing Fee (Altered or Unaltered)	
c.	Lost Dog License Tag [8.02.030.A] .....	\$2.00#
d.	Pet Adoption Fee [8.04.044] .....	\$35.00~
e.	Impoundment Fee [8.04.080] .....	\$35.00~
f.	Daily Impound Boarding Fee [8.04.080] .....	\$25.00~
2.	Fines/Penalties	
a.	Late Licensing Fee per Dog [8.02.030: A.7].....	Double Normal License Fee*
b.	Dog Off Leash [8.02.050: A] .....	\$25.00*
c.	Failure to Have Control [8.02.050: B] .....	Impoundment
d.	Dog Running At Large [8.04.010; 8.04.110]	
1.)	1 <sup>st</sup> Offense .....	Impoundment Fees Plus \$50.00*
2.)	2 <sup>nd</sup> Offense .....	Impoundment Fees Plus \$100.00*
3.)	3 <sup>rd</sup> Offense .....	Impoundment Fees Plus \$200.00*
e.	Animal Waste Removal. [8.02.182]	
1.)	1 <sup>st</sup> Offense .....	\$20.00~
2.)	2 <sup>nd</sup> and Subsequent Offense .....	\$50.00~
f.	Violations of Provisions of This Chapter Not Set By Fee.....	Not to Exceed \$500.00#
1.)	Kennels Prohibited. [8.02.200]	
2.)	Chasing Vehicles. [8.02.181]	
3.)	Barking Dogs. [8.01.180]	
4.)	Teasing or Unauthorized Releasing of Animal. [8.02.210]	
g.	Misdemeanor Violations:	
1.)	Any person found violating 8.02.025, 8.02.030.A. will be charged a misdemeanor. [8.02.220]	
2.)	Unlawful Releasing of Animals. [8.04.090]	
3.)	Keeping Wild Animals [8.04.095]	
4.)	Animals Disturbing the Peace [8.04.100]	
5.)	Obstructing an Animal Control Designee or Shelter Attendant to Care for Animals. [8.04.070]	

**TITLE 9: PUBLIC PEACE, SAFETY AND MORALS**

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- A. Fees, Licenses, or Permits
  - 1. Deer Lodge Police Department – Case or Accident Report Request Form
    - a. Involved Party ..... UNDER REVIEW (CURRENTLY FREE) ~
    - b. Third Party and Public At Large ..... UNDER REVIEW (CURRENTLY FREE)~
- B. Fines/Penalties
  - 1. Violations of Chapter 9.08: PROHIBITING POSSESSION OF FIREARMS [9.08.040]
    - a. Violation of any other term/provision of Chapter 9.08: ..... Section 1.08.010 of this Code#
  - 2. Violations of Chapter 9.12: UNLAWFUL CONDUCT [9.12.020]
    - b. Violation of any other term/provision of Chapter 9.12: ..... Section 1.08.010 of this Code#
  - 3. Violations of Chapter 9.18: CURFEW [9.18.020]
    - a. Violation of any other term/provision of Chapter 9.18:..\$25 - \$75 OR Up to 10 Hours Community Service, OR Both#
  - 4. Violations of Chapter 9.24: ELECTRIC FENCES IN CITY UNLAWFUL [9.24.020]
    - c. Violation of any other term/provision of Chapter 9.24:.....\$25 + \$25/Each Additional Day#
  - 5. Violations of Chapter 9.26: PUBLIC DRINKING, DISPLAY OR EXHIBITION OF BEER OR LIQUOR PROHIBITED [9.26.030]
    - d. Violation of any other term/provision of Chapter 9.26:.... Section 1.08.010 of this Code AND Section 1.08.020#
  - 6. Violations of Chapter 9.28: DEPARTMENT OF REVENUE PRE APPROVED RESPONSIBLE ALCOHOL SALES & SERVICE [9.28.070]
    - a. Violation of any other term/provision of Chapter 9.28:
      - 1.) 1<sup>st</sup> Offense: ..... Written Warning to the Licensee & Department of Revenue Notified#
      - 2.) 2<sup>nd</sup> Offense ..... \$100.00 fine to offending server#
      - 3.) 3<sup>rd</sup> Offense ..... \$250.00 fine to offending server#
      - 4.) 4<sup>TH</sup> Offense ..... Section 1.08.010 of this Code #

**TITLE 10: VEHICLES AND TRAFFIC**

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- A. Fees, Licenses, or Permits
  - 1. None
- B. Fines/Penalties
  - 1. Violations of Chapter 10.02: TRAFFIC REGULATIONS [10.02]
    - a. Careless Driving [10.02.120]: ..... Misdemeanor, \$85.00 #
    - b. Violation of any other term/provision of Chapter 10.02 [10.02.130.A.1.a]: ..... \$1.00 to \$100.00#
      - 1.) ALTERNATIVE: [10.02.130.A.1.b] Any person in violation of this Chapter may pay a \$25.00 fine at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.02.130.A.1.a. #
  - 2. Violations of Chapter 10.04: PARKING REGULATIONS [10.04.140]
    - a. Violations of Chapter 10.04 ..... \$1.00 to \$50.00#
    - b. ALTERNATIVE: [10.04.140.A.1.b] Any person in violation of this Chapter may pay a \$5.00 fine at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the amount as described in 10.04.140.A.1.a.^
  - 1. Violations of Chapter 10.06: MOTORCYCLES OR QUADRICYCLES
    - a. Violation of any other term/provision of Chapter 10.06 [10.06.050]:
      - 1.) First Offense ..... \$10.00 to \$50.00#
      - 2.) Second Offense ..... \$25.00 - \$100.00#
      - 3.) Third or Subsequent Offense .....\$100.00 - \$500 plus Impoundment of not less than 6 months#
  - 2. Violations of Chapter 10.08: ABANDONED AND JUNK VEHICLES
    - a. Violation of Chapter 10.08 [10.08.090]: ..... Section 1.08.010 of this Code#
      - 1.) Each day a violation exists or continues constitutes a separate offense.
      - 2.) Each day that a violation continues or each time that a violation continues past a parking limitation period is a separate violation.
      - 3.) Removal of the nuisance by the Powell County Sheriff or City Police Chief is authorized.
      - 4.) City may charge the expense of removing the nuisance
      - 5.) Owner is responsible for Impound Fees as set by the impoundment business owner

- 6.) The City Council may seek injunctive relief from a court of record to enjoin further violations
- 3. Violations of Chapter 10.12: SNOWMOBILES
  - 1.) Violation of any other term/provision of Chapter 10.12 [10.12.030.A.1.a]: ..... \$10.00 to \$30.00#
  - 2.) ALTERNATIVE: [10.12.030.A.1.b] Any person in violation of this Chapter may pay a fine of \$10.00 at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.12.030.A.1.a.#
- 4. Violations of Chapter 10.14: TRUCKS AND LOAD RESTRICTIONS
  - a. Violation of any other term/provision of Chapter 10.14 [10.14.040]:
    - 1.) First Offense ..... \$10.00 to \$50.00#
    - 2.) Second Offense (within 1 year) ..... \$50.00 - \$200.00#
    - 3.) Third or Subsequent Offense (within 1 year) ..... \$200.00 - \$500.00#
- 5. Violations of Chapter 10.16: HEIGHT, LENGTH, WIDTH AND LOAD RESTRICTIONS
  - 1.) Fine [10.16.130] ..... \$1.00 - \$150.00#
  - 2.) ALTERNATIVE: [10.16.130.A.1.a] Any person in violation of this Chapter may pay a fine of \$50.00 at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.16.130.A.1.a.#
- 6. Violations of Chapter 10.17: VEHICLE LOAD LIMITS [10.17.070]
  - 1.) Violation of any other term/provision of Chapter 10.17: ..... \$100.00 to \$500.00#
- 7. Violations of Chapter 10.18: RAILROAD ENGINE AND TRAIN SPEED LIMIT [10.18.020]
  - a. Violation of any other term/provision of Chapter 10.18:..... Section 1.08.010 of this Code#

**TITLE 11: ZONING**

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- A. Fees, Licenses, or Permits [6.01.160]
  - 1. Subdivisions Major (5 Plus Parcels) ..... \$1000.00\*
  - 2. Subdivisions Minor (1 -4 Parcels) ..... \$600.00\*
  - 3. Conditional Use Permit (C.U.P.) ..... \$50.00\*
  - 4. All Plan Amendments ..... \$50.00\*
  - 5. Appeal of Administrative Decision ..... \$50.00\*
  - 6. Rezoning..... \$50.00\*
  - 7. Variances ..... \$50.00\*
  - 8. Certificate of Survey (COS) ..... \$50.00\*
  - 9. Utility Right-of-Way Permit ..... \$50.00\*
  - 10. Floodplain Development Permit ..... \$25.00\*
  - 11. Zoning Permit ..... No Fee, Included in Business License Cost~
  - 12. Advertising Fee for Public Hearing..... Cost of Silver State Posting\*

\* APPLICANTS SUBJECT TO ALL ASSOCIATED COSTS (Newspaper Ads, Mailings, Administrative Costs, Engineering, etc.)

**TITLE 12: STREETS AND SIDEWALKS**

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- A. Fees, Licenses, or Permits
  - 1. Street and Alley Excavation Fee [12.04.050, as set by Resolution 1281]:
    - a. Minimum Charge (Paved or Unpaved): ..... \$50.00\*
    - b. Surfaced Area (i.e. Asphalt, Concrete) Additional Charge: ..... \$10.00 per Square Foot\*
      - 1.) This charge must be provided by check prior to project commencement and is refundable upon successful completion within time restraints (generally October 1<sup>st</sup> at the latest) and finish inspection by the Public Works Supervisor.
      - 2.) Refer to **Resolution 1281 (provided to each permit holder)** for full details of time restraints and specifications for proper repair of excavated area.
    - c. Requirement:.... All City Water and Sewer Mains must be uncovered by final Hand Digging upon reaching reasonable proximity.
- B. Fines/Penalties
  - 1. Breaking a Sewer or Water Main with Power Equipment [12.04.070]: ..... \$100.00 + Repair Fees#
    - a. Public Works Supervisor, Health Inspector, Mayor, or Councilman will stop work until fees are paid. [12.04.070]

- 2. Violation of any other term/provision of Chapter 12.04: ..... Section 1.08.010 of this Code #
- 3. Detrimental Sidewalks (Refusal to Repair) [12.06.020]: ..... Repair Cost as Lien on Property #
- 4. Overhanging Trees (Refusal to Remove) [12.06.040]: ..... Removal Cost as Lien on Property #
- 5. Skateboarding, Roller Skating, & Other Prohibited Devices on Main Street [12.08] ..... ADDRESS 1.08 GENERAL PENALTY~

**TITLE 13: FRANCHISE**

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- A. Fees, Licenses, or Permits
  - 1. Charter Communications Franchise Fee [13.04.130]: .....5% of Gross Revenues for Calendar Year#
    - a. Conditions (Insurance/Indemnity) [13.04.070]:
      - 1.) Workers Compensation: .....Statutory Limits#
      - 2.) Commercial General Liability:.....\$1M/Occurrence, Combined Single Liability, \$2M General Aggregate#
      - 3.) Auto Liability..... \$1M/Occurrence, Combined Single Liability#
      - 4.) Umbrella Liability..... \$1M/Occurrence, Combined Single Liability#
- B. Fines/Penalties
  - 1. None

**TITLE 14: PUBLIC WAYS AND PROPERTY**

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- A. Fees, Licenses, or Permits
  - 1. Purchase Price of Cemetery Plot [14.04.040]: .....\$350\*
  - 2. Internment Cost [14.04.044]:
    - a. Full Interment: ..... \$450!
    - b. Saturday Interment: ..... \$500!
    - c. Sunday Interment: ..... \$600!
    - d. Holiday Interment:..... \$700!
  - 3. Cremation Cost [14.04.044]: .....\$275\*
  - 4. Disinterment Cost [14.04.060]: ..... \$300 for 1<sup>st</sup> 2 hours +\$150 each additional hour\*
  - 5. Monument Setting [14.04.120]
    - a. Flat: .....\$125\*
    - b. Raised: .....\$175\*
    - c. Military: ..... Free\*
  - 6. Other Cemetery Services [14.04.120]: ..... \$25/hr (during normal cemetery hours)\*
- B. Fines/Penalties
  - 1. Violation of Chapter 14.06: CEMETERY REGULATIONS [14.06.030]..... Not Greater than \$100#

**TITLE 15: BUILDINGS AND CONSTRUCTION**

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- A. Fees, Licenses, or Permits [15.02.020, 15.02.080]
  - 1. Fence (After Zoning Compliance) ..... \$20.00\*
  - 2. Windows and Doors with Header Changes ..... \$20.00\*
    - a. Includes all Windows and Doors Done at One Time, If done using separate permits, price is per permit
  - 3. Siding, Partial House (up to 50% of Entire House) ..... \$20.00\*
  - 4. Siding, Entire House ..... \$40.00\*
  - 5. Stairs, Ramps and Landings..... \$20.00\*
  - 6. Roof, Partial House (up to 50% of Entire Roof) ..... \$20.00\*
  - 7. Roof, Entire House ..... \$40.00\*
  - 8. Demolition..... \$40.00\*
  - 9. Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a)..... \$60.00\*
    - a. Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
  - 10. Deck or Decks ..... \$40.00\*
  - 11. Plan Review (if necessary for unique projects) ..... \$35.00 to \$150.00\*
  - 12. Building Permit Term: 6 Months
- B. Fines/Penalties



- 1. Starting Without Permit [15.02.110.A.] ..... Double the Fee
- 2. Violating Permit [15.02.110.A.] ..... **Not More than \$300.00#**
- 3. Violation of Chapter 15.02: BUILDING REGULATIONS Not Set By Fine in Title 15
  - a. Fine [15.02.110]: ..... **Not More than \$300.00#**
  - b. Penalty [15.02.110]: ..... **Misdemeanor#**
    - a.) Conditions: ..... Each Day Counts as Separate Offense

**Appendix A: Version History**

**CURRENT VERSION 1/18/2022**

- ❖ Resolution 2022-XX
  - Title 1: GENERAL PROVISIONS
    - Included an updated definition of the general penalty in 1.08.010 to remove jail time as a potential penalty for first and second offenses, and the addition of 1.08.010.A.1.a.
  - Title 2: ADMINISTRATION AND PERSONNEL
    - No Fees/Fines/Changes
  - Title 3: REVENUE AND FINANCE:
    - No Fees/Fines/Changes
  - Title 4: SEWER AND WATER
    - Changed Residential and Commercial Permit Fee [4.04.020.A.1.] and Industrial Waste Establishment Permit Fee [4.04.020.A.3] to be set by resolution in fee schedule and not by ordinance.
    - Removed Excess BOD and SS Surcharge from Title 4 and fee schedule.
    - Removed Public Sewer Disturbance Permit and Fee from Title 4 and fee schedule.
  - Title 5: BUSINESS LICENSES AND REGULATIONS
    - Title 5 and fee schedule changed to reflect the following business license fees to be set by resolution (were previously undefined): Contractor’s Business License, Major Home Occupation Business License, Minor Home Occupation Business License, Transient Retail Merchant License, and Itinerant Vender License.
    - Reduced Major Home Occupation Business Permit from \$300.00 to \$100.00 to reflect reduction in Conditional Use Permit Application fee in Title 11.
  - Title 6: CITY PLANNING
    - Fees found in Title 6 have been moved to Title 11.
  - Title 7: HEALTH AND WELFARE
    - Monthly Garbage Collection Charges:
      - Increased Regular Residential Container rates from \$12.00 to \$14.00 within city limits, and from \$14.00 to \$16.00 outside city limits.
      - Increased Large Commercial Container rates from \$22.00 to \$26.00 within city limits and from \$26.00 to \$30.00 outside city limits.
    - Added language “NEED REFERENCE” to Monthly Water/ Sewer Charge Late Fee to reflect necessary changes to Title 7.
  - Title 8: ANIMALS
    - No Changes
  - Title 9: PUBLIC PEACE, SAFETY AND MORALS
    - Changed Cost of Case or Accident Report Request Form to reflect that they are under review and currently free.
      - Involved Party..... UNDER REVIEW (CURRENTLY FREE) was previously \$7.00
      - Third Party and Public At Large ..... UNDER REVIEW (CURRENTLY FREE) was previously \$25.00
  - Title 10: VEHICLES AND TRAFFIC
    - 10.02: Traffic Regulations
      - Changed careless driving penalty to be \$85.00 and a misdemeanor. Removed maximum of \$250.00.
      - Changed any other violations to be \$1.00 to \$100.00 instead of general penalty [1.08.010].
      - Added reduced penalty of \$25.00 if paid at City Hall within 5 business days.
    - 10.04: Parking Regulations
      - Added violation of chapter to be \$1.00 to \$50.00.
      - Added reduced penalty of \$5.00 if paid at City Hall within 5 business days.
      - Removed parking meter violation language and fees to match revised Title 10.
    - 10.06: Motorcycles or Quadricycles
      - Increased first offense minimum from \$5.00 to \$10.00.
    - 10.12: Snowmobiles
      - Added reduced penalty of \$10.00 if paid at City Hall within 5 business days.
    - 10.16: Height, Length, Width and Load Restrictions
      - Decreased minimum penalty from \$50.00 to \$1.00.
      - Lowered alternative payment from \$75.00 to \$50.00 if paid at City Hall within 5 business days.

- Title 11: Zoning
  - Added and reduced Fees from Title 6 to new Title 11: Schedule of Fees, Charges, and Expenses [11.01.270.070]:
    - a. Subdivisions Major (5 Plus Parcels) ..... \$1000.00\*
    - b. Subdivisions Minor (1 -4 Parcels)..... \$600.00\*
    - c. Conditional Use Permit (C.U.P.) ..... \$50.00\* (was previously \$300.00)
    - d. All Plan Amendments..... \$50.00\* (was previously \$300.00)
    - e. Appeal of Administrative Decision..... \$50.00\* (was previously \$300.00)
    - f. Rezoning ..... \$50.00\* (was previously \$300.00)
    - g. Variances ..... \$50.00\* (was previously \$300.00)
    - h. Certificate of Survey (COS)..... \$50.00\* (was previously \$150.00)
    - i. Utility Right-of-Way Permit ..... \$50.00\* (was previously \$150.00)
    - j. Floodplain Development Permit..... \$25.00\*(was previously \$100.00)
    - k. Zoning Permit ..... No Fee, Included in Business License Cost~
    - l. Advertising Fee for Public Hearing.....Cost of Silver State Posting\*
- Title 12: STREETS AND SIDEWALKS
  - Removed fee associated with Excavation Permit language to reflect Title 12 [12.04.020].
  - Changed Skateboarding, Roller Skating, & Other Prohibited Devices on Main Street [12.08] to be addressed by general penalty [1.08]
- Title 13: FRANCHISE
  - No Changes
- Title 14: PUBLIC WAYS AND PROPERTY
  - No Changes
- Title 15: BUILDINGS AND CONSTRUCTION
  - Fees, Licenses, or Permits [15.02.020, 15.02.080]
    - Fence (After Zoning Compliance) .....\$20.00\* (reduced from \$45.00)
    - Windows and Doors with Header Changes .....\$20.00\* (reduced from \$45.00)
      - ◆ Includes all Windows and Doors Done at One Time, If done using separate permits, price is per permit
    - Siding, Partial House (up to 50% of Entire House) .....\$20.00\* (reduced from \$60.00)
    - Siding, Entire House .....\$40.00\* (reduced from \$125.00)
    - Stairs, Ramps and Landings .....\$20.00\* (reduced from \$65.00)
    - Roof, Partial House (up to 50% of Entire Roof) .....\$20.00\* (reduced from \$70.00)
    - Roof, Entire House.....\$40.00\* (reduced from \$130.00)
    - Demolition.....\$40.00\* (reduced from \$80.00)
    - Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a).....\$60.00\* (reduced from \$90.00)
      - ◆ Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
    - Deck or Decks .....\$40.00\* (reduced from \$125.00)

**PREVIOUS VERSION 2/3/2020**

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- ❖ Resolution 2020-XX
  - Title 1: GENERAL PROVISIONS
    - No Fees/Fines/Changes
  - Title 2: ADMINISTRATION AND PERSONNEL
    - No Fees/Fines/Changes
  - Title 3: REVENUE AND FINANCE:
    - No Fees/Fines/Changes
  - Title 4: SEWER AND WATER
    - Water Service Deposit [4.12.130]: (\$100.00) New in 2020
      - Determined by recommendation from Sarah Robbins.
    - Watering Hours Violations: 2<sup>nd</sup> Violation \$40 x 2=\$80.00 (down from \$85) and 3<sup>rd</sup> Violation \$60.00 x 2=\$120 (up from \$110). Also indicated that all watering hours/method violation fees are double the normal due to loss of one well.
    - Short Term Water Discontinuance Responsibility Monthly Charge: (\$xx.00) – New in 2020
      - Covers base infrastructure cost.

- Short Term Sewer Discontinuance Responsibility Monthly Charge: (\$xx.00) – New in 2020
  - Covers base infrastructure cost.
- Title 5: BUSINESS LICENSES AND REGULATIONS
  - Contractor’s Business License: ..... \$50.00!
    - Term: Maximum of 6 months!
  - Minor Home Occupation Business License: (\$25.00) – New in 2020.
  - Major Home Occupation Business License: (\$50.00) – New in 2020
    - Requires Conditional Use Permit: ..... \$300.00!
      - ◆ This permit cost includes the first year’s Major Home Occupation Business License Fee.
  - Amusement Event License: (\$50.00) – New in 2020
  - Amusement Event Permit: (Free) – New in 2020
  - Transient Merchant Fee: (\$20.00) – Lowered from \$50.00
- Title 6: CITY PLANNING
  - Appeal of Administrative Decision ..... \$300.00~
  - Zoning Permit ..... No Fee, Included in Business License Cost~
- Title 7: HEALTH AND WELFARE
  - Fireworks Sales and Public Display Permit: (\$50.00) - \* Lowered from \$75.00
  - Fireworks Sales and Public Display Fine for Failure to Buy Permit: (\$100.00) – Lowered from \$150.00
  - Fireworks Penalty 1<sup>st</sup> Offense (\$50.00) – Lowered from \$75.00
  - Fireworks Penalty 2<sup>nd</sup> Offense (\$125.00) – Lowered from \$150.00
- Title 8: ANIMALS
  - Unaltered Dog License: (\$10.00) – Lowered from \$15.00
  - Established Excess Dog Fee of \$25 for dogs in excess of 2 but less than 6: (\$25.00) - New in 2019
    - Double the license fee for dogs 3, 4, and 5: (Determined by altered/unaltered fee) – New in 2019
  - Daily Impound Boarding Fee [8.04.080] ..... \$25.00~
  - Poultry Permit Fee: (\$25.00) – Lowered from \$40.00
  - Animal Waste Removal: 1<sup>st</sup> Offense is \$20.00, 2<sup>nd</sup> and Subsequent Offense is \$50.00.
  - Failure to obtain Livestock or Poultry Permit: 1.5 times the Permit Fee + Cost of Permit
- Title 9: PUBLIC PEACE, SAFETY AND MORALS
  - No Changes
- Title 10: VEHICLES AND TRAFFIC
  - No Changes
- Title 11: Zoning
  - Contained in Title 6 currently.
- Title 12: STREETS AND SIDEWALKS
  - 2. Street and Alley Excavation Fee [12.04.050, as set by Resolution 1281]:
    - a. Minimum Charge (Paved or Unpaved): ..... \$50.00!
    - b. Surfaced Area (i.e. Asphalt, Concrete) Additional Charge: ..... \$10.00 per Square Foot!
      - 1.) This charge must be provided by check prior to project commencement and is refundable upon successful completion within time restraints (generally October 1<sup>st</sup> at the latest) and finish inspection by the Public Works Supervisor.
      - 2.) Refer to **Resolution 1281 (provided to each permit holder)** for full details of time restraints and specifications for proper repair of excavated area.
- Title 13: FRANCHISE
  - No Changes
- Title 14: PUBLIC WAYS AND PROPERTY
  - Monument Setting for Military: (Free) – Lowered from \$125
  - Other Cemetery Service: (\$25.00/hr) – This fee was implied to exist, but not defined.
- Title 15: BUILDINGS AND CONSTRUCTION
  - Building Permits:
    - Windows and Doors with Header Changes Done at One Time: (\$45). If done using separate permits, price is per permit. -- Was previously \$45.00 per Window/Door.
    - Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a) ..... \$90.00\*
      - ◆ Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
    - Egress Window Done at One Time: (\$45). If done using separate permits, price is per permit. -- Was previously \$45.00 per Window.

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
**Compliance Officer**  
Kody Ryan  
**Public Works Superintendent**  
Trent Freeman  
**Treasurer**  
Stanley Glovan  
**City Services Coordinator**  
Gena Micu



**City Council**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
Rian King-Chavez  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:** STAFF MEMBER  **TO:** FINANCE

**Agenda Item Name:** Well Project Pay Application #4

**For Meeting on:** 04/01/2024 **Staff Member/Committee Referring:** Trent Freeman

**Description of the item:**

We have received Pay Application #4 for our well project. It has been reviewed and approved by Stahly Engineering. It totals \$37,620 and includes no new change orders.

**Attachments:**

1) Pay Application #4

**Previous Committee Engagement:**  
(discussion, outcomes, recommendations, public comment)

None

**Recommended Motion/Action:**

Recommend that the City Council approve Pay Application #4 for \$37,620.

**Contractor's Application for Payment No. 4**

Application Period:	11/18 to 03/26/2024	Application Date:	3/26/2024
From (Contractor):	O'Keefe Drilling	Via (Engineer):	Stahly Engineering
Contract:	NTP Oct 25, 2022	Sub Comp Jan 23, 2023, Final Comp Feb 22, 2023	
Contractor's Project No.:	COD231-01	Engineer's Project No.:	2506-03120

Application For Payment Change Order Summary	
Approved Change Orders	Deductions
Number	
CO1	\$8,396.00
CO2	\$5,550.00
TOTALS	\$13,946.00
NET CHANGE BY CHANGE ORDERS	\$13,946.00

1. ORIGINAL CONTRACT PRICE.....	\$ 5212,850.00
2. Net change by Change Orders.....	\$ 13,946.00
3. Current Contract Price (Line 1 ± 2).....	\$ 5326,796.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	\$ 5210,246.00
5. RETAINAGE:	
a. 5% X \$210,246.00 Work Completed.....	\$ 10,512.30
b. X Stored Material.....	\$
c. Total Retainage (Line 5.a + Line 5.b).....	\$ 10,512.30
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 5199,733.70
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 5161,733.70
Subtotal (Line 6-7)	\$38,000.00
8. Less 1% Gross Receipts Tax (Line 6-7x0.01)	\$380.00
9. AMOUNT DUE THIS APPLICATION.....	\$ 537,620.00
10. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above).....	\$ 5211,512.30

Payment of: \$ 37,620.00  
(Line 8 or other - attach explanation of the other amount)

is recommended by: *Stahly Engineering* (Engineer) 3/26/2024 (Date)

Payment of: \$ (Line 8 or other - attach explanation of the other amount)

is approved by: (Owner) (Date)

Approved by: Funding or Financing Entity (if applicable) (Date)

**Contractor's Certification**  
The undersigned Contractor certifies, to the best of its knowledge, the following:  
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied in account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and  
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature: *Stahly Engineering*  
Date: 3/26/2024

**Progress Estimate - Unit Price Work**

**Contractor's Application**

For (Contract):		Public Water Supply Replacement Well		Application Number: 4								
Application Period: 11/18 to 03/26/2024		Application Date: 3/26/2024										
A		B			C		D		E		F	
Bid Item No.	Item Description	Contract Information			Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (net in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)	Previously Installed	
		Quantity	Units	Unit Price								Total Value of Item (\$)
101	Installation & Insurance	1	LS	\$20,000.00	1	\$20,000.00		\$20,000.00	100.0%		0.25	
102	OBSERVATION WELL BOREHOLE	250	LF	\$45.00	250	\$11,250.00		\$11,250.00	100.0%		250	
103	OBSERVATION WELL CASING	200	LF	\$45.00	200	\$9,000.00		\$9,000.00	100.0%		200	
104	OBSERVATION WELL SCREEN	50	LF	\$250.00	50	\$12,500.00		\$12,500.00	100.0%		50	
105	OBSERVATION WELL DEVELOPMENT	8	HR	\$450.00	8	\$3,600.00		\$3,600.00	100.0%		8	
106	OBSERVATION WELL PUMP TEST	1	LS	\$12,000.00	1	\$12,000.00		\$12,000.00	100.0%		1	
107	WATER WELL BOREHOLE	250	LF	\$190.00	250	\$47,500.00		\$47,500.00	100.0%		250	
108	WATER WELL CASING	200	LF	\$118.00	200	\$23,600.00		\$23,600.00	100.0%		200	
109	STAINLESS STEEL WELL SCREEN	50	LF	\$468.00	50	\$23,400.00		\$23,400.00	100.0%		50	
110	GROUT SURFACE SEAL	200	LF	\$25.00	200	\$5,000.00		\$5,000.00	100.0%		200	
111	WELL DEVELOPMENT	8	HR	\$450.00	8	\$3,600.00		\$3,600.00	100.0%		8	
112	PUMP TEST SETUP/REMOVAL	1	LS	\$8,000.00	1	\$8,000.00		\$8,000.00	100.0%		1	
113	DISCHARGE PIPING SETUP/REMOVAL	1	LS	\$2,000.00	1	\$2,000.00		\$2,000.00	100.0%		1	
114	STEP-DRAWDOWN PUMP TEST	8	HR	\$275.00	8	\$2,200.00		\$2,200.00	100.0%		8	
115	CONSTANT RATE PUMP TEST	72	HR	\$175.00	72	\$12,600.00		\$12,600.00	100.0%		72	
116	WELL DISINFECTION	1	LS	\$200.00	1	\$200.00		\$200.00	100.0%	\$11,000.00		
117	WELL CAP & SURFACE RESTORATION	1	LS	\$11,000.00	1	\$11,000.00		\$11,000.00	100.0%			
118	RIG STANDBY		HR	\$450.00								
CO1	Change Order 1 - Additional lengths of pipe	1	LS	\$8,396.00	1	\$8,396.00		\$8,396.00	100.0%		1	
CO2	Change Order 2 - Ties for well development, well video	1	LS	\$5,550.00	1	\$5,550.00		\$5,550.00	100.0%		1	
<b>Totals</b>						<b>\$210,246.00</b>		<b>\$210,246.00</b>	<b>100.0%</b>	<b>\$11,000.00</b>		

# O'KEEFE DRILLING

P.O. Box 3810 - Butte, MT 59702  
 Office: (406) 494-3310 Fax: (406) 494-3301  
 Email: info@okeefedrilling.com

Invoice: COD24-01  
 Date: 21-Mar-24  
 Phone:  
 Fax:

Client: City of Deer Lodge  
 Attention: Greg Wirth/Stahly Engineering  
 Project: Public Water Supply Replacement Well

Item No.	Description	Estimated Quantity	Actual Quantity	Unit	Bid Unit Price	Bid Amount
101	MOBILIZATION AND INSURANCE	1	.75	LS	\$ 20,000.00	\$ 15,000.00
102	OBSERVATION WELL BOREHOLE	250		LF	\$ 45.00	\$ -
103	OBSERVATION WELL CASING	200		LF	\$ 45.00	\$ -
104	OBSERVATION WELL SCREEN	50		LF	\$ 250.00	\$ -
105	OBSERVATION WELL DEVELOPMENT	8		HR	\$ 450.00	\$ -
106	OBSERVATION WELL PUMP TEST	1		LS	\$ 12,000.00	\$ <del>12,000.00</del>
107	WATER WELL BOREHOLE	250		LF	\$ 190.00	\$ -
108	WATER WELL CASING	200		LF	\$ 118.00	\$ -
109	STAINLESS STEEL WELL SCREEN	50		LF	\$ 465.00	\$ -
110	GROUT SURFACE SEAL	200		LF	\$ 25.00	\$ -
111	WELL DEVELOPMENT	8		HR	\$ 450.00	\$ -
112	PUMP TEST SETUP/REMOVAL	1	1	LS	\$ 8,000.00	\$ 8,000.00
113	DISCHARGE PIPING SETUP/REMOVAL	1	1	LS	\$ 2,000.00	\$ 2,000.00
114	STEP-DRAWDOWN PUMP TEST	8	8	HR	\$ 275.00	\$ 2,200.00
115	CONSTANT RATE PUMP TEST	72	72	HR	\$ 175.00	\$ 12,600.00
116	WELL DISINFECTION	1	1	LS	\$ 200.00	\$ 200.00
117	WELL CAP & SURFACE RESTORATION	1		LS	\$ 11,000.00	\$ -
118	RIG STANDBY	0		HR	\$ 450.00	\$ -
CO1	Additional Lengths of pipe	1		LS	\$ 8,396.00	\$ -
CO2	WELL DEVELOPMENT			LS	\$ 5,550.00	\$ -
Total Amount Due:						\$ 37,600.00

40,000.00



**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
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Peter Elverum  
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**City Council**  
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Robert Kersch  
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Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY: COMMITTEE**  **TO: FINANCE**

**Agenda Item Name:** Xylem Water Solutions USA Contract

**For Meeting on:** 04/01/2024 **Staff Member/Committee Referring:** Public Works

### **Description of the item:**

A proposed 5-year contract for Xylem Water Solutions to inspect and service the pumps at the lift station near the AOK Campground. Contract price would be \$1,468/year for a total cost of \$7,340 over the 5 year contract. This contract will save the City approximately \$300 per year or a total cost savings of \$1,500 over the 5 year contract. The lift station is currently services and inspected by Xylem once a year with Trent Freeman scheduling yearly.

### **Attachments:**

1) Xylem Water Solutions USA Contract

### **Previous Committee Engagement: (discussion, outcomes, recommendations, public comment)**

Public Works discussed and recommended the contract at their March 2024 meeting.

### **Recommended Motion/Action:**

Recommend that the City Council approve the Xylem Water Solutions Contract for a 5 year contract at \$1,468.00 per year.



**Xylem Water Solutions USA, Inc.  
Flygt Products**

March 18, 2024

3860 Helberg Drive  
Helena, MT 59602  
Tel 406/495-1335  
Fax 406/495-1336

City of Deer Lodge  
300 MAIN ST  
DEER LODGE MT 59722-1057

Quote # 2024-HEL-0031  
Project Name: Deer Lodge PMA  
Job Name: Deer Lodge PMA

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment.

**PMA**

Qty	Part Number	Description	Unit Price	Extended Price
1	14-69 00 15A	PMA,FLYGT BRONZE,NO TAX TP+ MODELS: 3000,7000,8000	\$ 1,360.00	\$ 1,360.00

**Required Parts**

Qty	Part Number	Description	Unit Price	Extended Price
2	82 76 85	O-RING 17.0 X 3.0 NBR	\$ 0.00	\$ 0.00
4	82 76 85	O-RING 17.0 X 3.0 NBR	\$ 0.00	\$ 0.00

**Total Price** \$ 1,360.00

**Freight Charge** \$ 108.00

**Total Price** \$ 1,468.00 / year for 5 years

**Terms & Conditions**

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

**Purchase Orders:** Please make purchase orders out to: Xylem Water Solutions USA, Inc.

**Freight Terms:** 3 DAP - Delivered At Place 08 - Jobsite (per IncoTerms 2020)

See Freight Payment (Delivery Terms) below.

**Taxes:** State, local and other applicable taxes are not included in this quotation.

**Back Charges:** Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

**Shortages:** Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report



damages or shortages so that replacement items can be shipped and the appropriate claims made.

**Terms of Delivery:** PP/Add Order Position  
**Terms of Payment:** 100% N45 after invoice date.

Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.

**Validity:** This Quote is valid for thirty (30) days.  
Please note that this pricing is valid for 30 days and contingent upon final approval of submittals and release to fabrication by (within 90 days of bid date).  
This quotation is subject to change if any changes to the specifications or plans are made that alter the scope of supply.

**Schedule:** Please consult your local Flygt Branch Office to get fabrication and delivery lead times.

**COVID 19:** Our current delivery lead-times are forecasted estimates only due to the outbreak of the COVID-19 virus pandemic and its global effects on commerce, supply chain, and logistics. Xylem will, however, use all commercially reasonable efforts to minimize any delivery delay impacts.

**Warranty:** Xylem Water Solutions USA, Inc. offers a commercial warranty to the original end purchaser against defects in workmanship and material.

Thank you for the opportunity to provide this quotation. Please contact us if there are any questions.

Sincerely,



Dalton Oyler  
Sales Representative

Cell: 406-417-1984  
dalton.oyler@xylem.com





Xylem Water Solutions USA, Inc.  
Flygt Products

**Customer Acceptance**

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xylem.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

**Purchase Orders:** Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Quote #: 2024-HEL-0031  
Customer Name: City of Deer Lodge  
Job Name: Deer Lodge PMA  
Total Amount: \$ 1,360.00  
(excluding freight)

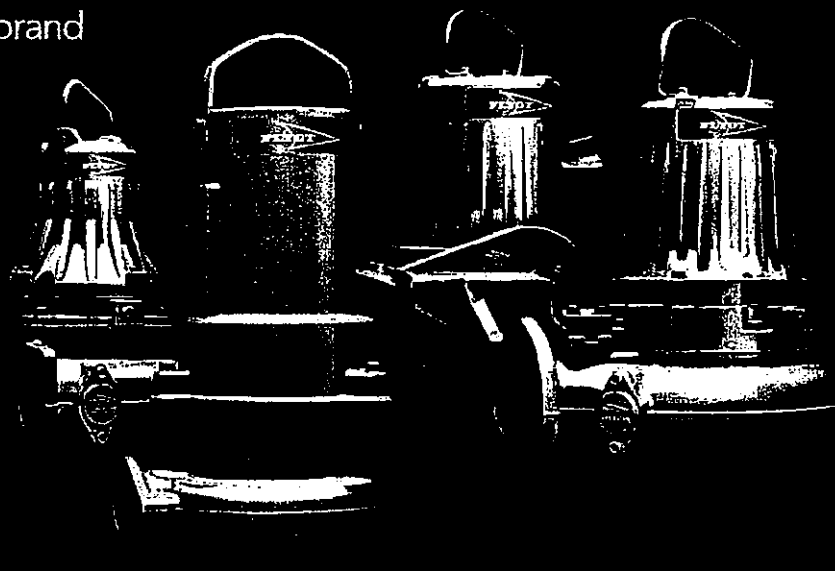
Signature: _____	Name: _____ (PLEASE PRINT)
Company/Utility: _____	PO: _____
Address: _____	Date: _____
_____	Phone: _____
_____	Email: _____
_____	Fax: _____





**FLYGT**

a xylem brand



## Introducing the Xylem Preventative Maintenance Agreement

Don't forget to protect your new assets

Thank you for considering Xylem for your pumping equipment needs. We appreciate the significance of your purchase decision and want to ensure you get the most out of your investment. The most cost-effective way to do this is to sign-up for a preventative maintenance agreement (PMA) that we tailor to your specific requirements and budget. A Xylem PMA offers a proven method to extend your equipment life, prevent expensive repairs and minimize unplanned failures. It's also ensures you remain in compliance with environmental, health and other government regulations – critical to maximizing operation uptime.

### Our Flygt Gold PMA Includes:

- One scheduled preventative maintenance service visit with multi-point inspection, 12 months after purchase and discounted access to Xylem's rental fleet
- An additional 12-month warranty when purchased with your new or replacement Flygt pump(s)
- The option to renew annually or on a multi-year basis following the first service visit
- Priority service on repairs and field service calls

*\* Flat-Rate Pricing is available for new and replacement Flygt models 3069, 3085, 3102, 3127, 3153, 3171, 3202, 3301 & 3315 starting at \$500 per pump.*

Multi-year PMA packages are available as well.  
Contact your Xylem Sales Representative today for more information.

Visit our [PMA site](#) for more info

**xylem**  
Let's Solve Water

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
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Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY: COMMITTEE**



**TO: FINANCE**



**Agenda Item Name:** Beeson Right-of-Way Abandonment Updated Amounts

**For Meeting on:** 04/01/2024      **Staff Member/Committee Referring:** Public Works

### **Description of the item:**

After request for review from the City Council, the Public Works Committee reviewed the Beeson Right-of-Way Abandonment. The original recommendation was a 30' by 120' abandonment for \$11,097.00. After discussion with Mr. Beeson, the Public Works Committee is recommending that the City Council reduce the abandonment size from 30' by 120' to 15' by 120' and a new sale price of \$5,548.50.

### **Attachments:**

1) Original Beeson Right-of-Way Abandonment Staff Report

### **Previous Committee Engagement: (discussion, outcomes, recommendations, public comment)**

The Public Works first discussed the abandonment at their February 2024 meeting, and made a recommendation that was reviewed by Finance at their March 2024 meeting and ultimately the City Council in March 2024. The Council sent the item back to Public Works who made a new recommendation during their March 2024 meeting.

### **Recommended Motion/Action:**

Recommend that the City Council accept the new abandonment of 15' by 120' for a sale price of \$5,548.50 and move the item to a public hearing.

**Mayor**  
James Jess  
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Greg Larkins  
John J. Molendyke  
Gordon Pierson

## **REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT**

**Requested Abandonment: An approximately 120' by 30' portion of Clark Street between Texas Avenue and Conley Avenue next to the property at 524 Texas Avenue**  
**Request by: Myron and Maria Beeson**

**Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer**  
**Prepared for: City of Deer Lodge Public Works Committee**  
**February 22, 2024**

### **Request:**

Myron and Maria Beeson submitted a request for the abandonment of City-owned property on October 3, 2023. The Beeson's are requesting that the City abandon an approximately 30-foot by 120-foot portion of Clark Street between Texas Avenue and Conley Avenue that directly abuts their property at 524 Texas Avenue. Currently, the right-of-way requested for abandonment is being maintained as a yard by the Beesons. The intent of said request would be to allow the applicants to own the land that they currently maintain.

### **Site Analysis:**

The portion of Clark Street requested for abandonment is approximately 120 feet by 30 feet, travels north to south, and is directly east of the applicant's property at 524 Texas Avenue. The applicant's property is legally described as Lot 17A and Lot 19A of an Amended Plat in Block 70 of the Original Addition of Deer Lodge, Section 04, Township 07N, Range 09W. The property is zoned as R-2, Residential, Single Family and Manufactured Home District, and is surrounded on all sides by residential uses that are also zoned R-2. 524 Texas is 9,000 square feet. Clark Street in this area is approximately 24 feet wide, and the public right-of-way is 90 feet wide. There are no utilities that utilize this side of Clark Street, but there is a water line that runs along the right-of-way on the east side of Clark Street. Currently, the area proposed for development is used and maintained as yard space by the applicants.



**Exhibits showing the location of proposed abandonment of 30 feet of Clark Street adjacent to the property at 524 Texas Avenue. Photo is from Texas Avenue facing South.**



**Abandonment Analysis:**

Clark Street runs north of the subject property before it terminates in one block at land owned by the School District that houses the track and football field. To the south of the subject property, it crosses the City boundary and provides access to 18 single-family homes in the unincorporated area south of town. There are several other parcels that would, should they be subdivided and developed, also be accessed by an expansion of Clark Street south of town. There are no utilities that use the western edge of the right-of-way adjacent to the applicant's property, but there is a 6-inch water main that runs along the eastern boundary of the right-of-way through this section of Clark Street.

The applicants have provided letters of no contest from three adjacent landowners that are contained within this staff report.

As the road is currently used to access property south of Deer Lodge, as well as vacant land south of Deer Lodge, it is City staff's opinion that the City Council needs to seriously consider the impact of the abandonment on future road expansion. If the road at some time in the future needs to be improved to increase capacity, a right-of-way reduced by 30 feet for a 120-foot section may make expansion more difficult. However, should the Council determine they wish to abandon and sell the property, it should be recognized that the approximately 3,600 square foot property is the property of the taxpayers of the City of Deer Lodge. As such, the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$11,097.00 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This proposed sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2023 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	11790	35386	3.00
West	9000	34936	3.88
Southwest	14580	35743	2.45
Southeast	11790	35386	3.00

Average value/SF	3.0825
SF of Abandonment	3,600.00
<b>Abandonment value</b>	<b>\$11,097.00</b>

**Staff Recommendation:**

Staff recommends that, should the City Council consider the abandonment of the City owned property described as the approximately 30' by 120' section of Clark Street between Texas Avenue and Conley Avenue adjacent to the property at 524 Texas Avenue, that the Council should require a **sale price of \$11,097.00** to be paid by the applicant.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

If the applicants receive a positive recommendation from the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned right-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Signed,

A handwritten signature in black ink, appearing to read 'J. Green', written over a horizontal line.

Jordan Green – Chief Administrative Officer  
February 22, 2024