



City of Sidney, MT
City Council 3-7-22
March 07, 2022 6:30 PM
115 2nd Street SE | Sidney, MT 59270

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 851 0496 7995 Passcode: 4332809 Call: 1-346-248-7799

1. Call to Order
2. Pledge of Allegiance
3. Aldermen Present
4. Correction or Approval of Minutes
 - a. [Regular City Council Meeting Minutes 2-22-22](#)
5. Visitors
 - a. Larry Christensen-Sportsman Club: Car Show
 - b. Kris Entzel-Foundation Fundraiser
6. Public Hearing
 - a. [City Code Update: Nuisance Ordinance](#)
 - b. [Zoning Code Update: Sale of Recreational Marijuana](#)
7. Mayor Norby
 - a. City Donate Veteran's Park Bench for Paul Quilling
8. Committee Meeting Work
9. Alderman Requests and Committee Reports

Parks and Recreation – Chairman Difonzo – Godfrey, Christensen | Water and Sewer – Chairman Koffler – Godfrey, Rasmussen

Street and Alley – Chairman Christensen– Difonzo, Stevenson | **Sanitation** – Chairman Rasmussen – Koffler, Stevenson

City Buildings & Street Lighting – Chairman Stevenson– Koffler, Rasmussen | **Police and Fire** – Chairman Godfrey, Godfrey, Difonzo, Christensen

Budget and Finance – Chairman Christensen – Rasmussen, Godfrey

10. Unfinished Business

- a. Outback BBQ Street Dance by Cattle Ac August 27th: times TBD, formal approval

11. New Business

- [a. Healthy is Wellness Proposal](#)

12. City Planner

13. City Attorney

- [a. Ordinance 592: Nuisance Code Update: 1st Reading](#)

- [b. Ordinance 593: Zoning Code Update for Sale of Recreational Marijuana: 1st reading](#)

14. Chief of Police

- a. Introduction and Oath of Office: K9 Ringo (Bubbles)
- b. Approve Filling Open Police Department Position-James Drager
- c. Update

15. Public Works Director

- [a. Morrison Maierle Amendment 2 to TO 12: Nielsen-Halvorsen Construction Administration and Observation Services Contract](#)

- [b. Award Western Municipal for Nielson Halvorson Project: contingent on SRF approval](#)

- [c. West Holly & Phase III Draw #4B for \\$85,094.02](#)

- d. Request For Proposal's for Architect for City Hall Remodel: Special Meeting or Committee Meeting to review

- [e. LYIP Crossing Agreement](#)

- f. Update

16. Fire Marshal/Building Inspector

a. Update

17. City Clerk/Treasurer

a. Update

18. Consent Agenda

[a.](#) Claims to be approved: \$52,720.21

b. Building Permits to be approved:

2022-063 Imelda Lopez 609 33rd Ave NW L21, B6, Wagon Wheel

RC22-20 Butler Ag Equip. 34940 HWY 23 B&B Minor Sub, Lot 2A, COS27-604

19. Adjournment



City of Sidney, MT
 City Council Meeting 2-22-22
 February 22, 2022 6:30 PM
 115 2nd Street SE | Sidney, MT 59270

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

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1. Call to Order

Mayor Norby asked for a moment of silence in memory of Paul Quilling who passed away last week, Mayor Norby stated that Paul Quilling will be deeply missed around the community. Mayor Norby called the meeting to order at 6:30PM.

2. Pledge of Allegiance

Stated by all present.

3. Aldermen Present

Christensen, Godfrey, Stevenson, Koffler and Rasmussen. DiFonzo was absent.

4. Correction or Approval of Minutes

a. February 7th, 2022 Regular Meeting Minute Minutes

Motion made by Alderwoman Rasmussen, Seconded by Alderman Christensen.
 Voting Yea: Alderman Koffler, Alderman Stevenson, Alderwoman Godfrey,

b. February 7th, 2022 Water and Sewer Committee Meeting Minutes

Motion made by Alderman Koffler, Seconded by Alderman Rasmussen.
 Voting Yea: Alderwoman Christensen, Alderman Stevenson, Alderwoman Godfrey,

5. Visitors

a. Lower Yellowstone Abate: Close pool road in April

Alderman Koffler is asking permission from the City Council on behalf of the Lower Yellowstone Abate to close the city block in front of the pool for a bike show. Alderman Koffler mentioned that the bike show will take place on April 30th, 2022 from Noon to 5:00PM, Alderman Koffler also mentioned that there will be plenty of kid and adult bike games happening that day. PWD Hintz just wanted to make sure that there is access to the Water Treatment Plant throughout the day in case of emergencies.

Motion was made to approve of Lower Yellowstone Abate in closing the road in front of the pool for a bike show.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.
Voting Yea: Alderman Stevenson, Alderwoman Godfrey, Alderman Koffler.

Sissy MacGrady came forward to ask permission from the City Council to have a street dance/BBQ at the Cattle AC on August 27th, 2022, Sissy MacGrady mentioned that the plans she presented last year to the Council is the same plan the Cattle AC is presenting again this year. Alderman Rasmussen made a motion to approve of the Cattle AC having a street dance/BBQ as long as it meets the safety standards per Chief Kraft. Alderman Koffler seconded the motion, with no further discussion all present voted aye.

Motion was made to approve of the Cattle AC having a street dance/BBQ on August 27th, 2022 as long as it meets the requirements of the Sidney Police Department.

Motion made by Alderman Koffler, Seconded by Alderwoman Rasmussen.
Voting Yea: Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

6. Public Hearing

a. Announcing Public Hearings for City Code Changes for Nuisance Ordinance and Recreational Marijuana 3-7-22

Mayor Norby mentioned that at the next City Council Meeting there will be two public hearings to discuss Recreational Marijuana and the Nuisance Ordinance.

7. Mayor Norby

a. Update

Mayor Norby stated that last friday he met with the Lieutenant Governor at Sidney Sugars to discuss employees issues and trying to find a way to resolve some of these issues. Mayor Norby also said that CI 121 where there would potentially be a cap on property taxes and will be coming

out on a ballot, Mayor Norby stated that this would severely decrease our general fund on the revenue side. Mayor Norby said as President of the League of Cities and Towns we strongly do not support this bill, and that there will be cuts in the budget to compensate the loss of revenue. Mayor Norby also said this is a slow way of Montana having a sales tax, and we will wait to see what happens.

8. Committee Meeting Work

a. Water and Sewer Committee: Eastern Montana Meats

Alderman Koffler mentioned that there was a Water and Sewer Committee Meeting on February 7th, 2022 to further discuss Eastern Montana Meats with the new information provided by Clerk/Treasurer Chamberlin. Alderman Koffler stated that MMIA and the League of Cities and Towns were both in hinting to not let Eastern Montana Meats hook onto city sewer system, Alderman Koffler mentioned that the Water and Sewer Committee made a decision to not let Eastern Montana Meats hook onto city sewer. Alderman Rasmussen also said during that discussion with MMIA and League of Cities and Towns that the City of Sidney spent a lot of time and money on the Waste Water Plant.

Motion was made to deny Eastern Montana Meats into hooking up to city sewer services.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Godfrey, Alderwoman Christensen

9. Alderman Requests and Committee Reports

Parks and Recreation – Chairman Difonzo – Godfrey, Christensen | **Water and Sewer** – Chairman Koffler – Godfrey, Rasmussen

Street and Alley – Chairman Christensen– Difonzo, Stevenson | **Sanitation** – Chairman Rasmussen – Koffler, Stevenson

City Buildings & Street Lighting – Chairman Stevenson– Koffler, Rasmussen | **Police and Fire** – Chairman Godfrey, Godfrey, Difonzo, Christensen

Budget and Finance – Chairman Christensen – Rasmussen, Godfrey

10. Unfinished Business

Nothing.

11. New Business

a. LYREA Request: Caution Signage on 32nd Ave NW

PWD Hintz mentioned he was approached by LYREA during one of their safety meeting about putting up some caution/truck crossing signs posted on 32nd Ave NW, PWD Hintz said that there is a gate on that dirt road and that there have been some close calls with other pedestrians using that road. Pwd Hintz said that LYREA will pay for signs and installation with no cost to the city, PWD Hintz also said that LYREA is wanting to put up these signs to inform pedestrians about the trucks crossing that road. Alderwoman Christensen wanted to know that if there is an accident on that road who is liable who would be at fault, Chief Kraft said who ever is on 32nd Ave NW would have the right away. City Attorney Kalil agrees with Chief Kraft about who has the right a way that these signs would be a caution/warning to the public about trucks crossing.

Motion was made to approve of LYREA installing caution signs on 32nd AVE NW.

Motion made by Alderman Koffler, Seconded by Alderwoman Christensen.

Voting Yea: Alderman Stevenson, Alderwoman Godfrey, Alderwoman Rasmussen.

12. City Planner

Nothing.

13. City Attorney

City Attorney Kalil mentioned that he is still currently working on the Nuisance Ordinance and it will be ready at the next Council Meeting.

14. Chief of Police

a. January 2022 Police Department Report

Chief Kraft gave an update on the Sidney Police Department stating that there is one applicant who is still in the hiring process, Chief Kraft stated that most difficulties come from the psychology side of the testing. Chief Kraft mentioned that he has spoken with other chiefs around the state with other tests they have perform and what works out the best, Chief Kraft also said that at the end of March and early April that himself, Travis and Gabe will be attending some college job fairs for recruitments.

15. Public Works Director

a. January 2022 Public Works Report

PWD Hintz mentioned that with the last storm we got over the weekend there were a few city employees who came in to do some street sanding and snow removal but, letting the warmer weather handle most of it.

b. Morrison Maierle TO 13 to Master Agreement: On Call Tasks-\$15,000 cap

PWD Hintz stated that with all of the work Laura Gundlach did with Eastern Montana Meats that was not under her current contract the city needs to look at this Master Agreement contract with Morrison Maierle. PWD Hintz said this contract would be on a "on-call" tasks that Eastern Montana Meats would of fell into, PWD Hintz said that the city has done contracts like these ones before with Morrison Maierle but, this contract would be hourly not to exceed the stated amount. PWD Hintz said it would be used for these kinds of things where Laura has no way to bill out her time to the city for helping the city out with questions that are not related to her current contract. PWD Hintz stated that with Laura's current contract it only covers that certain project and the city did not have any agreement for Laura to help the city out with Eastern Montana Meats. Ms. Gundlach stated that the only way she would bill the city is if the city requested her to work on something in writing and if it does not get used the city is not out of any money. Ms. Gundlach mentioned that she has other on-call contracts with cities and some water/sewer on call contracts as well for legal opinions. Ms. Gundlach said that the city could do a small task orders but, any task orders would have to be approved by City Council before Morrison Maierle could move forward with anything, and having the on call contract signed would bypass the waiting time period.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

Voting Yea: Alderwoman Rasmussen, Alderwoman Godfrey, Alderwoman Christensen

16. Fire Marshal/Building Inspector

FM/BI Rasmussen stated that people are starting to get building permits for the upcoming year.

17. City Clerk/Treasurer

a. December 2021 and January 2022 JV Reports

Deputy Clerk/Treasurer Shanks provided the December 2021 and January 2022 JV's Report.

Motion to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Stevenson, Alderwoman Godfrey, Alderman Koffler.

b. December 2021 and January 2022 Treasurer's Reports

Deputy Clerk/Treasurer Shanks provided the December 2021 and January 2022 Treasurer's Report.

c. December 2021 Water/Sewer Bank Transfer: \$106,489.17

Motion to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Stevenson.
Voting Yea: Alderman Koffler, Alderwoman Christensen, Alderwoman Godfrey.

d. January 2022 Water/Sewer Bank Transfer: \$63,347.57

Motion to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen
Voting Yea: Alderman Koffler, Alderman Stevenson, Alderwoman Godfrey.

18. Consent Agenda

a. Claims to be approved: \$222,336.76.

Motion to approve consent agenda.

Motion made by Alderman Koffler, Seconded by Alderwoman Rasmussen.
Voting Yea: Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. Building Permits to be approved:

2022-053 Roers West, LLC 902 S Central Ave Remodel Super Pumper

19. Adjournment

Meeting was adjourned at 7:04pm.

Ordinance No. 592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIDNEY, MONTANA, AMENDING TITLE 8, CHAPTER 3, NUISANCES, OF THE CITY CODE OF THE CITY OF SIDNEY, MONTANA.

WHEREAS, the City Council of the City of Sidney desires to amend Title 8, Chapter 3, Nuisances to amend the procedure for enforcement and abatement of nuisances,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS by the City Council of the City of Sidney that Chapter 3 of Title 8 of the City Code of the City of Sidney is hereby amended as follows:

8-3-1: DEFINITIONS:

ABATE: To repair, replace, remove, destroy, or otherwise remedy the condition in question by the means and extent deemed necessary by the enforcement agency, as identified herein, in the interest of the health, safety, and general welfare of the community.

ADMINISTRATIVE CITATION: Means a citation issued by a code enforcement officer of the city-county for violations of this chapter.

COMMUNITY DECAY: An objectionable condition resulting in situations that are injurious to health, indecent, offensive to the senses, or which obstruct the free use and enjoyment of adjacent property so as to interfere with the comfortable enjoyment of life or the values of property, including, but not limited to, rubble, debris, junk, refuse, landscaping litter, junk vehicles, wood, dilapidated buildings, dilapidated fences, dilapidated garages and outbuildings, and storing and accumulation of wood, tires, and other objects for more than thirty (30) days. This definition shall also encompass those situations more specifically defined in section 8-3-3. This definition does not apply to properly permitted construction and/or demolition projects during the time any necessary permits are in effect.

COMMUNITY STANDARDS: The standards hereby adopted and hereinafter approved by the city council as a means of protecting and enhancing the safety and security of the citizens of Sidney and the quality of the city's environment and to provide guidance to the enforcing department as to the application of this chapter.

OWNER: Any person whose name appears on the public records of the city of Sidney and county of Richland as the owner of premises, whether under deed or contract.

PERSON: Any individual, firm, partnership, company, association, corporation, or other entity whether organized for profit or not.

PREMISES: Any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.

PUBLIC NUISANCE: Any condition which adversely affects, at the same time, an entire community or neighborhood or any other considerable number of persons, although the extent of the annoyance or damage inflicted on individuals may be unequal. A condition constituting "community decay" is by definition a public nuisance.

PUBLIC RIGHT OF WAY: Any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the city or the public at large for any public purpose, including, but not limited to, alleys, roadways, sidewalks, public streets, water or waterways, storm drains, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires, and supporting structures.

PUBLIC VIEW: Any area visible from a point, up to six feet (6') above the surface of the center of any public roadway, sidewalk or right of way from which the public nuisance is visible.

RESPONSIBLE PARTY means:

1. The person or persons who own the property where the violation exists;
2. The person or persons in charge of the premises where the violation exists;
3. The person or persons using the premises where the violation exists;
4. If any of the above is a minor, a parent or guardian of the minor shall be the responsible party; and
5. If any of the above is a business entity the manager or on-site supervisor where the violation exists.

SHIELDING: Refers to any natural barriers, fencing or other manmade barriers used to conceal material from public view. Any shielding barrier must conform to all local zoning regulations, building codes, covenants, and applicable city ordinances. Any shielding is to be of sufficient height and density to conceal any violation on the premises visible to public view. This definition is not intended to require that permanent buildings, utility poles, or other similar structures be shielded. (Ord. 509, 2-22-2011)

8-3-2: MAINTENANCE DUTY OF PERSON CONTROLLING OFFENDING PREMISES:

It shall be the responsibility and duty of any person owning, leasing, occupying, or having charge or possession of any premises in the city, and the agent thereof, to keep and maintain such premises and the right of way abutting such premises in a safe, sanitary, orderly, clean, and aesthetic condition. Failure to do so shall be a violation of this chapter. (Ord. 509, 2-22-2011)

8-3-3: CONDITIONS CONSTITUTING COMMUNITY DECAY:

A. It shall be a violation of this chapter for any person to allow any of the following to exist on any land or property in the City of Sidney:

1. The piling or spreading of straw, hay, grass trimmings or similar material, unless the material is to be used as soil conditioner or mulch and the material is plowed into the ground or otherwise mixed and covered with clean soil within thirty (30) days of its placement upon the premises.
2. The dumping, piling, or stacking of bricks, tires, concrete blocks, wood, lumber, and/or similar material in public view, unless said material is stacked in neat piles and all items and residue from such items, such as mortar, wood splinters, broken and unusable bricks, are, within thirty (30) days of their placement on the premises, removed to a licensed solid waste disposal site or to some other location which has been approved by the appropriate authority.
3. The storage or accumulation of cardboard boxes or paper, unless the same is specifically accumulated for recycling and is removed from the premises within thirty (30) days of its placement on the premises.
4. The storage or accumulation of broken packing boxes and shipping pallets, rubble, debris, junk, refuse, dead animals, or other similar items, unless the same is removed from the premises within thirty (30) days of its placement on the premises.
5. The piling, dumping, or depositing of any dirt, demolition wastes, including wood, bricks, concrete, used road blacktop and other similar materials.
6. The storage and accumulation of iron, metal, component vehicle and machine parts, household appliances, barrels, and other salvaged metal items, unless such material is stored in an approved, properly zoned and permitted, and shielded salvage facility.
 - 6.1. If such material is being accumulated as part of an ongoing, active salvage business, the salvage business must:
 - 6.1.1. Be located in an area properly zoned for a salvage yard, pursuant to the City of Sidney Zoning Ordinance, as may be amended from time to time;

6.1.2. Possess a conditional use permit, pursuant to Section 11.14.40 of the Zoning Ordinance of the City of Sidney, as may amended from time to time; and

6.1.3. Shield any materials described in this section from public view according to the standards set forth in this chapter.

7. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment.

8. Abandoned, wrecked, dismantled, or inoperative, vehicles trailers, campers, and boats unless the same are accumulated as part of an ongoing, active salvage business located in an area properly zoned for such a business and which possesses a conditional use permit The possession by any individual of more than two inoperable vehicles on any one piece of property on which there is not an ongoing, active salvage business shall be a violation of this ordinance.

9. Excessive amounts of animal waste or its byproducts; any amount of human waste; any condition which may otherwise cause unsanitary or hazardous conditions to exist; and any condition which may be offensive to other persons by sight or odor and which may detract from the aesthetic qualities or economic value and vitality of any neighborhood within the city. (Ord. 555, 8-18-2014)

10. The presence of and enforcement of law with respect to abandoned and/or junk vehicles is addressed in Title 61, Chapter 12, Part 4 of the Montana Code Annotated, as may be amended from time to time, and is hereby incorporated by reference. (Ord. 509, 2-22-2011)

B. It shall be a violation of this chapter for any person to allow the following conditions to exist within the City of Sidney which compromise the health, safety, and welfare of the citizens of the City of Sidney and which otherwise detract from the sanitary and aesthetic qualities of the community and/or jeopardize the economic value and vitality of any neighborhood of the City:

1. Buildings of any kind which are abandoned, boarded up, partially destroyed, structurally unstable, partially constructed, and/or uncompleted buildings after building permits have expired.

2. Buildings used for residential purposes which do not have running water, electricity, and sewage/septic services. Conditions described in this subsection shall be deemed unsanitary and hazardous to the health and public safety of the citizens of the City of Sidney.

3. Buildings with damaged and/or deteriorating exteriors causing, or having the potential to cause, dangerous structural conditions.

4. Broken windows, doors, attic vents, damaged roofs, or other appurtenances.

5. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, experience erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems potentially hazardous to adjacent premises.
6. Building exteriors, walls, fences, driveways, or walkways which are broken, defective, deteriorated, in disrepair, if such condition has existed and persisted on the premises for a period of thirty (30) days.
7. Building exteriors, walls, fences, driveways, or walkways which have been defaced due to any writing, inscription, scratching, and/or any other marking commonly referred to as "graffiti."
8. Any other condition which is, or may reasonably become, infested or inhabited by rodents, vermin, or animals, or may furnish a breeding place for mosquitoes or other pests, or in any other way threatens or endangers the public health, welfare, or safety of the citizens of the City of Sidney, or which offends the senses, or is likely to impair the economic and aesthetic value of neighboring property.

C. The standards and conditions set forth in this section 8-3-3 are not intended to be, nor shall the same be considered, the sole or exclusive standards for establishing a violation. The committee has discretion to determine whether a violation exists. (Ord. 509, 2-22-2011)

8-3-4: ESTABLISHMENT OF COMMITTEE TO EXAMINE COMPLAINTS:

There is hereby established a committee composed of one member of the City Council, the mayor, the department of public works, and the office of the city building inspector, as the persons and departments which shall have the following duties and responsibilities:

- A. The duty to inspect when there has been a complaint that a public nuisance is present in an area. (Ord. 555, 8-18-2014)
- B. The authority to formulate applicable standards by which to enforce this chapter, which standards must be approved by the city council.
- C. The duty to determine whether an infraction of the provisions of this chapter has occurred, following credible complaints. (Ord. 509, 2-22-2011)
- D. The duty to allocate responsibility for enforcement actions to the appropriate enforcement authority: Sidney fire department, Sidney police department, the city department of public works, or the city building inspector. (Ord. 555, 8-18-2014)

8-3-5: ENFORCEMENT AGENCIES:

The enforcement authority designated under section 8-3-4 of this chapter to assume

enforcement of the provisions of this chapter shall have the following powers as enforcement agency:

- A. The duty to send a written notice of violation to any individual determined to be the owner of the property found to be in violation of this chapter.
- B. The power to enter upon the premises in violation after written notice and after a show cause hearing, for the specific purpose of abating the violation.
- C. The power to assess the property owner for the actual costs of an abatement made by the city or its agent. (Ord. 509, 2-22-2011)

8-3-6: ENFORCEMENT OF COMMUNITY STANDARDS:

- A. Inspection: Within ten (10) days of receiving a signed written complaint, or otherwise making determination that, a condition of community decay exists, the designated enforcement agency shall conduct an inspection of the premises alleged to be in violation of this chapter to determine whether a violation exists. Whenever appropriate, such reports of violation as well as subsequent inspections shall be shared and coordinated with the Richland County sanitarian.
- B. Notice: If the designated enforcement agency determines that a violation of this chapter exists, the agency shall notify the owner of the premises in violation, in writing of the violation and order the abatement or mitigation of the violation within ten (10) days from the date of the notice. The property owner and/or occupant of the premises may request an extension in writing submitted to the director of public works. The director of public works shall have the authority to grant an extension of not more than thirty (30) days in which to bring the premises into compliance. Any additional extensions or extensions longer than thirty (30) days must be approved by the committee.
- C. Service of Notice: The Notice shall be served by the enforcement agency on the property owner and/or occupant(s) of the premises by posting the notice on the door of the premises and by certified mail, return receipt requested, to the property owner.
- D. Contents Of Notice: The notice of violation shall:
 1. Include a statement specifically describing the violation.
 2. Specify that the owner of the property has ten (10) days from the date of the written notice to bring the premises into compliance with community standards; and
 3. Advise the owner of the premises that if the violation is not abated within ten (10) days from the date of the written notice, the enforcement agency may undertake

abatement or mitigation and assess the costs thereof to the owner of the premises;
and

4. Advise the owner of any building constituting a public nuisance which cannot be abated under the terms of this chapter, and that has become uninhabitable or which has been found to represent a dangerous condition to members of the public, that abatement of said nuisance must be accomplished by demolition.

D. Emergency Abatement:

1. Whenever the City, the committee, or the enforcement agency has reason to believe that a public nuisance exists, and that such public nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the committee, an authorized representative appointed by the committee, a fire marshal, or police officer may immediately enter into any building or upon any premises within the jurisdiction for purposes of abatement.
2. Whenever a public nuisance exists which constitutes an emergency presenting imminent danger of serious injury to persons or property, the committee may order, without notice or judicial action, that the public nuisance be immediately abated by removal, destruction, or mitigation. If the owner or responsible party fails to comply with such an order immediately, or cannot be located, the committee shall cause the structure to be demolished and removed, or the nuisance otherwise be abated, either through available public agency or by contract or arrangement with private persons. The cost of such abatement shall be paid by the owner of the property upon which the nuisance existed, pursuant to Subsection F.

- E. Fines: Violations of this Chapter shall be punishable by a fine of \$100.00, and every day subsequent to the date the notice of violation was provided in which the property owner shall fail to comply with this Chapter shall be deemed as a separate offense; provided that any fine imposed shall not exceed a maximum fine of \$500.00 pursuant to M.C.A. § 7-5-109.

F. Abatement and Collection of Costs:

1. Determination Of Compliance: Upon expiration of the property owner's ten (10) day time-frame for abatement, the enforcement agency shall conduct an inspection of the premises to determine whether abatement or mitigation has occurred.
2. Administrative Sanctions: In the event the enforcement agency has determined that no abatement or mitigation has occurred within ten (10) days after the date of the notice, the following procedure shall apply:
 1. The code enforcement officer shall notify the owner or responsible party by certified mail with an administrative citation indicating that community decay

conditions exist on the property and that the owner or responsible party must take measures to correct the violation.

2. If the code enforcement officer believes it is advisable, he or she may post a dated order in a conspicuous place on the property, providing notice that community decay condition(s) have been found on the property and informing the owner or responsible party of the matters set forth above in the notice of violation together with the abatement actions that may be taken under this chapter if the owner or responsible party fails to abate the community decay condition(s).

Request for Hearing. Within ten days after receiving notice to comply with the code enforcement notification to abate the community decay condition(s), the owner or responsible party may request a hearing before the Municipal court. If the owner or responsible party has requested a hearing, the code enforcement officer may not take any action to abate the violation until after the hearing and authorization to proceed has been provided by the court. To request a hearing, the responsible party must file a request with the municipal court, and mail a copy of this request to the City of Sidney.

8-3-7 - Failure to abate.

If the owner or responsible party shall fail to abate the community decay conditions pursuant to the requirements set forth in the notice of violation, or in the event of an appeal, within ten days of the decision of the municipal court upholding the notice of violation, the code enforcement officer may enter upon the subject private property and shall take any and all measures necessary to abate the community decay condition(s).

8-3-8 - Cost of abatement of the violation.

Within twenty days after abatement of the community decay condition(s), the owner or responsible party will be notified of the cost of abatement, including administrative costs. If the owner or responsible party fails to pay the bill in thirty days, the code enforcement officer shall certify the amount of the charges to the clerk and recorder for collection.

8-3-9 Procedure for Determining and Assessing Costs of Abatement: The property owner shall be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. A summary listing of the assessments and property owners will be kept by the Clerk through June 31 of each year, and the list shall be presented to the Treasurer for billing on the next real property tax statement. A special abatement

fund shall be established to account for costs, collections, and transactions necessary to the efficient operation of enforcement procedure. Assessment funds collected shall be returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the City general fund. The City shall determine the actual costs of abatement and document such costs. The following expenses will be assessed as the actual costs of abatement:

- a. Planning staff time, mileage, and costs;
- b. Police department staff time, mileage, and costs;
- c. Other involved City staff time, including attorney's fees, mileage, and costs;
- d. Postage and mailing costs;
- e. Other direct costs associated with abatement;
- f. An interest fee of six (6) percent per annum computed on the above costs, which will be waived if the total cost of abatement is paid by the property owner within thirty (30) days of notice.

8-3-10: MITIGATION OF CONDITIONS CONSTITUTING COMMUNITY DECAY FOR PROPERLY ZONED SALVAGE YARDS:

- A. The maintenance of accumulations and conditions such as those described in sections 8-3-2 and 8-3-3 of this chapter which would otherwise be considered public nuisances shall be lawful under this chapter if, and only if:
 - a. The premises is being used as an active, ongoing salvage business located in an area properly zoned as a salvage yard, pursuant to the City of Sidney Zoning Ordinance, as may be amended from time to time,
 - b. The owner(s) of the premises possesses a conditional use permit, pursuant to Section 11.14.40 of the Zoning Ordinance of the City of Sidney, as may be amended from time to time; and
 - c. The condition on the premises is shielded from public view in accordance with the following standards:
 - i. **Erection and Maintenance of Fences:**
 - 1. Wooden Fences: When wooden fences are used for shielding, the boards must be spaced and/or slated to reduce

wind load. The space between boards when viewed from broadside shall not be more than one and one-half inches (1¹/₂"), and the interval between spaces shall not be less than seven and one-half inches (7¹/₂"). Rough dimension lumber or better is acceptable.

2. Chainlink: Chainlink fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half inches (1¹/₂").
3. Other Types of Fencing: Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, may also be acceptable, in the discretion of the committee.

ii. Alternative Shielding:

1. Shrubs and Trees: Shielding with shrubs and trees is acceptable, as long as they provide a similar degree of shielding to a fence at all times of the year.
2. No more than one fencing material shall be used on any one side of a shielding barrier, unless approved by the committee.

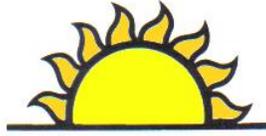
B. The shielding erected for mitigation purposes shall be maintained by the person responsible for a violation under sections 8-3-2 and 8-3-3 of this chapter in an appropriate and workmanlike manner and shall be replaced as it becomes necessary. (Ord. 509, 2-22-2011)

8-3-11: COMPATIBILITY:

With the exception of section 8-3-7 of this chapter, nothing in this chapter may be construed to abrogate or adversely affect the provisions of any lawful ordinance, regulation or resolution that is more restrictive than the provisions of this chapter or those of the Montana Code Annotated. (Ord. 509, 2-22-2011)

City of Sidney

Mayor
RICK NORBY
Aldermen:
First Ward
JOE STEVENSON
KEN KOFFLER
Second Ward
KYSA RASMUSSEN
KALI GODFREY
Third Ward
TAMI CHRISTENSEN
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City Clerk/Treasurer
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Director of Public Works
JEFF HINTZ
City Attorney-Kalil Law Firm
Thomas Kalil
Deputy City Clerk/Treasurer
BREEANN SHANKS
Utilities Manager
GREG ANDERSON
Water Commissioner
JASON ELLETON

January 17, 2022

ZONING COMMISSION RECOMMENDATION

Zoning Text Amendment - Marijuana Dispensaries.

Applicant: City of Sidney
115 – 2nd Street East
Sidney MT 59270

Application Submitted: October 11, 2021
Zoning Commission Date: January 12, 2022
City Council First Reading: March 8, 2022

LEGAL DESCRIPTION:

The proposed regulations will be applicable to and affect all lands located within the Corporate Limits of the City of Sidney.

GENERAL INFORMATION

The specific text of the Zoning Regulations to be amended:

- 11.17.022(C)(1) Home Occupations, Purpose and Intent
The purpose and intent of these standards are to provide for limited commercial uses on the site of a residential dwelling unit. Home occupations provide for businesses that are carried out by residents of the dwelling and are incidental and subordinate to the residential use. Home occupations provide a place for businesses to start but do not permit their continued existence once the business has grown beyond the size that can maintain the residential character and scale of the residential property. It also is the purpose of these standards to provide peace, quiet and tranquility in residential neighborhoods and to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard and other deleterious effects of commercial uses.
A Marijuana Dispensary, by definition, is not an allowable Home Occupation.
 - ❖ Codification Note, This addition shall remain bolded and underlined in future versions of the Sidney Zoning Regulations
- 11.17.022(H)(2) Sexually Oriented Business - Separation from Other Uses
A building containing a Sexually Oriented Business shall be setback a minimum of 1,000 feet from the boundary of a lot or a parcel that contains a church, public or private school, Public Park or a ~~Medical~~ Marijuana Dispensary.

- 11.17.022(H)(5) Sexually Oriented Business – Measurement
For the purpose of determining compliance with Subsection 11.17.22.H.2, Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Sexually Oriented Business to the lot line containing a church, school, public park, ~~Medical~~ Marijuana Dispensary or another Sexually Oriented Business.
- 11.23.40 (35) Definition: Home Occupation
A commercial or light industrial activity conducted by the resident(s) of a dwelling as an accessory use to their dwelling. **Due to the potential deleterious effects on surrounding properties, as discussed in the Purpose and Intent associated with Home Occupations coupled with the inability to mitigate anticipated impacts, the term Home Occupation does not include a Marijuana Dispensary.**
 - ❖ Codification Note, This addition shall remain bolded and underlined in future versions of the Sidney Zoning Regulations
- **11.23.040(46) Definition Marijuana Dispensary**
A Marijuana Dispensary is any building, premises, facility, or part thereof where marijuana is made available to consumers in accordance with Montana Law and all applicable Federal Rules and Regulations. A Marijuana dispensary is NOT an allowable Home Occupation.
- 11.23.40 (56) Definition: Pharmacy
A retail establishment where prescription drugs and medicine are sold. A pharmacy can be a standalone facility or combined with an establishment that sells other retail items. ~~A~~ **The term** pharmacy does not include a ~~Medical~~ Marijuana Dispensary.

FINDINGS OF FACT

The City of Sidney is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations.

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning text amendment is designed to clarify the regulations, address changes to State Law, and ease administrative provisions as discussed in the 2015 Growth Policy.
 - The Growth Policy encourages the grouping together of like and compatible land uses and imposing performance standards to ensure future compatibility.
 - The text amendments are intended to reflect changes to potentially allowable uses of private property via the Initiative process as modified during the Montana 2021 Legislative session.

- The text amendments are primarily to ease the administration of the regulations, to clarify the legislative intent of the governing body with respect to certain uses. The existing sections has been deemed less than clear and therefore inconsistent with the intent of the City Council and the Growth Policy.

Finding: The existing zoning as well as the proposed amendments are in accordance with the Growth Policy and other adopted rules and regulations of the City of Sidney.

II. Is the zoning designed to lessen congestion in the streets;

- The proposed text amendment deals exclusively with one new use and performance standards for said use within the city.
- The impacts to traffic and congestion associated with Home Occupations are intended to be minimal and in keeping with the residential character of neighborhoods. Marijuana Dispensaries are expected to generate elevated levels of traffic with flows and volumes that are inconsistent with the characteristics of a residential neighborhood.
- The existing zoning encourages compact urban scale development in all the residential districts. The inclusion of controversial commercial operation that in many cases already has traffic and parking concerns is incompatible with the prevailing land uses.
- The existing zoning encourages compact urban development and multi-modal approaches to travel.
- The City of Sidney is undertaking a more detailed analysis of the marijuana issue including but not limited to expanded areas where sales are permissible subject to performance standards to deal with the anticipated impacts of the use. Through the hearings and review processes it has been determined that the traffic impacts associated with a Marijuana Dispensary are inconsistent with and cannot be mitigated to the level where it can be deemed an acceptable Home Occupation.

Finding: The proposed amendment to EXCLUDE Marijuana Dispensaries as an allowable use as a Home Occupation will lessen congestion in the streets.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The proposed amendments are intended to clarify standards related to the specific uses within the city. These performance standards ensure consistency and compatibility within and external to our existing zoning districts.
- The existing zoning provides for consistency in development along with provision of police and fire protection.
- Where marijuana is still a Federally regulated item that is primarily a cash only business, concerns have been expressed that both violent and property crimes could increase if the use is allowed. The potential for increased crime is not a desirable outcome in the city as a whole and is even less desirable in our residential or transitional neighborhoods.

- The existing zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Sidney. In residential and transitional neighborhoods these standards are not satisfactory to ensure safety when applied to a new use with unanticipated or unintended impacts.
- existing zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The proposed amendment to EXCLUDE marijuana sales as home occupations is intended to provide safety to residents and visitors to the city from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The recreational marijuana issue was approved in Richland County by a handful of votes and to implement the new use, the Zoning Regulations must be amended to address the newly allowed use.
- The decision to regulate the sales of marijuana and impose reasonable restrictions and setbacks from certain uses is within the police power of the city and is tied directly to the general welfare.
- The existing zoning groups together like and consistent uses within existing neighborhoods and this amendment is consistent with the intent of the Zoning.
- The proposed text amendments implement the legislative intent of the City Council, provide consistency in the administration of the regulations, and make the regulations easier to understand.

Finding: The proposal to EXCLUDE the sale of marijuana as a Home Occupation is in the best interest of the health and general welfare of the city.

V. Is the zoning designed to provide adequate light and air;

- The proposed amendment does not impact this specific criterion.
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.

Finding: The proposed amendments to EXCLUDE the sale of marijuana as a Home Occupation do not have an impact on this specific criterion. The existing zoning however ensures the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, setbacks, and use regulations and other limitations on development.
- Commercial activities in Residential areas can be detrimental to neighboring properties via unmitigable impacts.

- During the review process associated with this proposed text amendment several owners and members of the Zoning Commission expressed concerns that the impacts associated with the sale of recreational marijuana were not consistent with the presumptions surrounding allowable Home Occupations.

Finding: The development standards in each prevailing zoning district will prevent the overcrowding of land. However, the inclusion of the sale of recreational marijuana as a Home Occupation is an untested use of property with unknown impacts that may adversely affect this review criterion.

VII. Is the zoning designed to avoid undue concentration of population;

- The proposed amendment will not have a direct impact on the concentration of population.
- The existing zoning is part of the holistic approach to land use regulation for the entirety of the City of Sidney and is not focused on any single special interest.
- The existing zoning takes advantage of areas that were created and intended as suitable for a healthy mixture of uses. During the review process associated with this proposed text amendment several owners and members of the Zoning Commission expressed concerns that the impacts associated with the sale of recreational marijuana were not consistent with the presumptions surrounding allowable Home Occupations.
- The existing zoning imposes minimum lot sizes, reasonable use restrictions on the subject property, fencing limitations and setback standards.

Finding: The development standards in each prevailing zoning district will prevent the overcrowding of land. However, the inclusion of the sale of recreational marijuana as a Home Occupation is an untested use of property with unknown impacts that may adversely affect this review criterion.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The proposed amendment does not impact this specific criterion.
- The prevailing zoning and other regulations established by the City Council establish minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- There was discussion that the tax revenue generated by allowing the sale in appropriate locations in the city may benefit the extension of infrastructure and public services.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Sidney while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.
- . During the review process associated with this proposed text amendment several owners and members of the Zoning Commission expressed concerns that the

impacts associated with the sale of recreational marijuana were not consistent with the presumptions surrounding allowable Home Occupations.

Finding: The standards of the existing zoning and other adopted standards of the city will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements. However, the inclusion of the sale of recreational marijuana as a Home Occupation is an untested use of property with unknown impacts that may adversely affect this review criterion.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The proposed text amendments accommodate the passage of the recreational marijuana initiative in Richland County and make provisions for buffers from certain types of uses.
- The recreational marijuana
- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The existing zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.

Finding: The existing zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses. Additionally, the clarifications related to the construction of sidewalks are intended to provide consistency across all of the various zoning districts within the City of Sidney.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The proposed amendments are intended to implement the passage of the recreational marijuana initiative in Richland County.
- The existing zoning amendment is designed to further implement the decisions made by the City Council with respect to appropriate locations for the sale and distribution of Medical Marijuana.
- The proposed amendments can be revisited and the performance criteria and use locations modified to reflect the actual impacts experienced by the city.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses. However, the inclusion of the sale of recreational marijuana as a Home Occupation is an untested use of property with unknown impacts that may adversely affect this review criterion.

XI. Will the zoning conserve the value of buildings;

- The decision to include or exclude specific uses has the potential to serious positive and negative impacts on the value of buildings within the city. The city has chosen to take a conservative approach to the introduction of a new and potentially volatile use within the city. Where vast portions of Richland County do not have land use restrictions a conservative approach is wise by not creating the potential for several non-conforming uses should the use prove to be incompatible in another specific zoning district.
- The existing zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Sidney.
- The sale of recreational marijuana as a Home Occupation has the potential to have adverse impacts on the value of surrounding residential properties.
- The Sidney Police Department expressed concerns about the potential adverse impacts associated with inclusion of the sale of recreational marijuana as a Home Occupation during the review process of the text amendment.

Finding: The recommended zoning along with the other protections afforded in the balance of the Sidney Zoning Regulations will conserve or in many cases enhance the value of buildings. However, the inclusion of the sale of recreational marijuana as a Home Occupation is an untested use of property with unknown impacts that may adversely affect this review criterion.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The proposed amendments represent a conservative approach to the introduction of a use that has previously been excluded within the city limits. This approach provides the test case that the use can be a good neighbor while providing land owners an expanded use regimen.
- The existing zoning provides for grouping like and compatible uses.
- The city recognizes that the impacts of certain land uses stretch well beyond property boundaries and that the benefits of the new use may be offset by adverse impacts to other properties. We believe that these regulations accomplish this delicate balancing act.

Finding: The proposed text amendments will implement new land use opportunities within the city while providing reasonable performance standards to ensure that this review criterion is addressed.

RECOMMENDATION:

The Zoning Commission recommends that the City Council find that the proposed Zoning Text Amendments reflects the 2015 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Sidney have participated in the amendment of the Zoning Regulations.

NOTE:

The Zoning Commission did consider the possibility of including/expanding the areas of the city in which Marijuana Dispensaries could be considered as uses within the City of Sidney. Following two separate Public Hearings, the Zoning Commission on a 3-2 vote decided NOT to amend the Existing Regulations with respect to Marijuana Dispensaries and their location within the City of Sidney.

Reviewed and submitted by:

Forrest Sanderson, AICP, CFM
City of Sidney, Contract Planner



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Ashley Vande Bossche

Location Manager | Healthy Is Wellness

ashley.vandebossche@healthyiswellness.com

Ordinance No. 592**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIDNEY, MONTANA, AMENDING TITLE 8, CHAPTER 3, NUISANCES, OF THE CITY CODE OF THE CITY OF SIDNEY, MONTANA.**

WHEREAS, the City Council of the City of Sidney desires to amend Title 8, Chapter 3, Nuisances to amend the procedure for enforcement and abatement of nuisances,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS by the City Council of the City of Sidney that Chapter 3 of Title 8 of the City Code of the City of Sidney is hereby amended as follows:

8-3-1: DEFINITIONS:

ABATE: To repair, replace, remove, destroy, or otherwise remedy the condition in question by the means and extent deemed necessary by the enforcement agency, as identified herein, in the interest of the health, safety, and general welfare of the community.

ADMINISTRATIVE CITATION: Means a citation issued by a code enforcement officer of the city-county for violations of this chapter.

COMMUNITY DECAY: An objectionable condition resulting in situations that are injurious to health, indecent, offensive to the senses, or which obstruct the free use and enjoyment of adjacent property so as to interfere with the comfortable enjoyment of life or the values of property, including, but not limited to, rubble, debris, junk, refuse, landscaping litter, junk vehicles, wood, dilapidated buildings, dilapidated fences, dilapidated garages and outbuildings, and storing and accumulation of wood, tires, and other objects for more than thirty (30) days. This definition shall also encompass those situations more specifically defined in section 8-3-3. This definition does not apply to properly permitted construction and/or demolition projects during the time any necessary permits are in effect.

COMMUNITY STANDARDS: The standards hereby adopted and hereinafter approved by the city council as a means of protecting and enhancing the safety and security of the citizens of Sidney and the quality of the city's environment and to provide guidance to the enforcing department as to the application of this chapter.

OWNER: Any person whose name appears on the public records of the city of Sidney and county of Richland as the owner of premises, whether under deed or contract.

PERSON: Any individual, firm, partnership, company, association, corporation, or other entity whether organized for profit or not.

PREMISES: Any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.

PUBLIC NUISANCE: Any condition which adversely affects, at the same time, an entire community or neighborhood or any other considerable number of persons, although the extent of the annoyance or damage inflicted on individuals may be unequal. A condition constituting "community decay" is by definition a public nuisance.

PUBLIC RIGHT OF WAY: Any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the city or the public at large for any public purpose, including, but not limited to, alleys, roadways, sidewalks, public streets, water or waterways, storm drains, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires, and supporting structures.

PUBLIC VIEW: Any area visible from a point, up to six feet (6') above the surface of the center of any public roadway, sidewalk or right of way from which the public nuisance is visible.

RESPONSIBLE PARTY means:

1. The person or persons who own the property where the violation exists;
2. The person or persons in charge of the premises where the violation exists;
3. The person or persons using the premises where the violation exists;
4. If any of the above is a minor, a parent or guardian of the minor shall be the responsible party; and
5. If any of the above is a business entity the manager or on-site supervisor where the violation exists.

SHIELDING: Refers to any natural barriers, fencing or other manmade barriers used to conceal material from public view. Any shielding barrier must conform to all local zoning regulations, building codes, covenants, and applicable city ordinances. Any shielding is to be of sufficient height and density to conceal any violation on the premises visible to public view. This definition is not intended to require that permanent buildings, utility poles, or other similar structures be shielded. (Ord. 509, 2-22-2011)

8-3-2: MAINTENANCE DUTY OF PERSON CONTROLLING OFFENDING PREMISES:

It shall be the responsibility and duty of any person owning, leasing, occupying, or having charge or possession of any premises in the city, and the agent thereof, to keep and maintain such premises and the right of way abutting such premises in a safe, sanitary, orderly, clean, and aesthetic condition. Failure to do so shall be a violation of this chapter. (Ord. 509, 2-22-2011)

8-3-3: CONDITIONS CONSTITUTING COMMUNITY DECAY:

A. It shall be a violation of this chapter for any person to allow any of the following to exist on any land or property in the City of Sidney:

1. The piling or spreading of straw, hay, grass trimmings or similar material, unless the material is to be used as soil conditioner or mulch and the material is plowed into the ground or otherwise mixed and covered with clean soil within thirty (30) days of its placement upon the premises.
2. The dumping, piling, or stacking of bricks, tires, concrete blocks, wood, lumber, and/or similar material in public view, unless said material is stacked in neat piles and all items and residue from such items, such as mortar, wood splinters, broken and unusable bricks, are, within thirty (30) days of their placement on the premises, removed to a licensed solid waste disposal site or to some other location which has been approved by the appropriate authority.
3. The storage or accumulation of cardboard boxes or paper, unless the same is specifically accumulated for recycling and is removed from the premises within thirty (30) days of its placement on the premises.
4. The storage or accumulation of broken packing boxes and shipping pallets, rubble, debris, junk, refuse, dead animals, or other similar items, unless the same is removed from the premises within thirty (30) days of its placement on the premises.
5. The piling, dumping, or depositing of any dirt, demolition wastes, including wood, bricks, concrete, used road blacktop and other similar materials.
6. The storage and accumulation of iron, metal, component vehicle and machine parts, household appliances, barrels, and other salvaged metal items, unless such material is stored in an approved, properly zoned and permitted, and shielded salvage facility.
 - 6.1. If such material is being accumulated as part of an ongoing, active salvage business, the salvage business must:
 - 6.1.1. Be located in an area properly zoned for a salvage yard, pursuant to the City of Sidney Zoning Ordinance, as may be amended from time to time;

6.1.2. Possess a conditional use permit, pursuant to Section 11.14.40 of the Zoning Ordinance of the City of Sidney, as may amended from time to time; and

6.1.3. Shield any materials described in this section from public view according to the standards set forth in this chapter.

7. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment.

8. Abandoned, wrecked, dismantled, or inoperative, vehicles trailers, campers, and boats unless the same are accumulated as part of an ongoing, active salvage business located in an area properly zoned for such a business and which possesses a conditional use permit The possession by any individual of more than two inoperable vehicles on any one piece of property on which there is not an ongoing, active salvage business shall be a violation of this ordinance.

9. Excessive amounts of animal waste or its byproducts; any amount of human waste; any condition which may otherwise cause unsanitary or hazardous conditions to exist; and any condition which may be offensive to other persons by sight or odor and which may detract from the aesthetic qualities or economic value and vitality of any neighborhood within the city. (Ord. 555, 8-18-2014)

10. The presence of and enforcement of law with respect to abandoned and/or junk vehicles is addressed in Title 61, Chapter 12, Part 4 of the Montana Code Annotated, as may be amended from time to time, and is hereby incorporated by reference. (Ord. 509, 2-22-2011)

B. It shall be a violation of this chapter for any person to allow the following conditions to exist within the City of Sidney which compromise the health, safety, and welfare of the citizens of the City of Sidney and which otherwise detract from the sanitary and aesthetic qualities of the community and/or jeopardize the economic value and vitality of any neighborhood of the City:

1. Buildings of any kind which are abandoned, boarded up, partially destroyed, structurally unstable, partially constructed, and/or uncompleted buildings after building permits have expired.

2. Buildings used for residential purposes which do not have running water, electricity, and sewage/septic services. Conditions described in this subsection shall be deemed unsanitary and hazardous to the health and public safety of the citizens of the City of Sidney.

3. Buildings with damaged and/or deteriorating exteriors causing, or having the potential to cause, dangerous structural conditions.

4. Broken windows, doors, attic vents, damaged roofs, or other appurtenances.

5. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, experience erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems potentially hazardous to adjacent premises.
6. Building exteriors, walls, fences, driveways, or walkways which are broken, defective, deteriorated, in disrepair, if such condition has existed and persisted on the premises for a period of thirty (30) days.
7. Building exteriors, walls, fences, driveways, or walkways which have been defaced due to any writing, inscription, scratching, and/or any other marking commonly referred to as "graffiti."
8. Any other condition which is, or may reasonably become, infested or inhabited by rodents, vermin, or animals, or may furnish a breeding place for mosquitoes or other pests, or in any other way threatens or endangers the public health, welfare, or safety of the citizens of the City of Sidney, or which offends the senses, or is likely to impair the economic and aesthetic value of neighboring property.

C. The standards and conditions set forth in this section 8-3-3 are not intended to be, nor shall the same be considered, the sole or exclusive standards for establishing a violation. The committee has discretion to determine whether a violation exists. (Ord. 509, 2-22-2011)

8-3-4: ESTABLISHMENT OF COMMITTEE TO EXAMINE COMPLAINTS:

There is hereby established a committee composed of one member of the City Council, the mayor, the department of public works, and the office of the city building inspector, as the persons and departments which shall have the following duties and responsibilities:

- A. The duty to inspect when there has been a complaint that a public nuisance is present in an area. (Ord. 555, 8-18-2014)
- B. The authority to formulate applicable standards by which to enforce this chapter, which standards must be approved by the city council.
- C. The duty to determine whether an infraction of the provisions of this chapter has occurred, following credible complaints. (Ord. 509, 2-22-2011)
- D. The duty to allocate responsibility for enforcement actions to the appropriate enforcement authority: Sidney fire department, Sidney police department, the city department of public works, or the city building inspector. (Ord. 555, 8-18-2014)

8-3-5: ENFORCEMENT AGENCIES:

The enforcement authority designated under section 8-3-4 of this chapter to assume

enforcement of the provisions of this chapter shall have the following powers as enforcement agency:

- A. The duty to send a written notice of violation to any individual determined to be the owner of the property found to be in violation of this chapter.
- B. The power to enter upon the premises in violation after written notice and after a show cause hearing, for the specific purpose of abating the violation.
- C. The power to assess the property owner for the actual costs of an abatement made by the city or its agent. (Ord. 509, 2-22-2011)

8-3-6: ENFORCEMENT OF COMMUNITY STANDARDS:

- A. Inspection: Within ten (10) days of receiving a signed written complaint, or otherwise making determination that, a condition of community decay exists, the designated enforcement agency shall conduct an inspection of the premises alleged to be in violation of this chapter to determine whether a violation exists. Whenever appropriate, such reports of violation as well as subsequent inspections shall be shared and coordinated with the Richland County sanitarian.
- B. Notice: If the designated enforcement agency determines that a violation of this chapter exists, the agency shall notify the owner of the premises in violation, in writing of the violation and order the abatement or mitigation of the violation within ten (10) days from the date of the notice. The property owner and/or occupant of the premises may request an extension in writing submitted to the director of public works. The director of public works shall have the authority to grant an extension of not more than thirty (30) days in which to bring the premises into compliance. Any additional extensions or extensions longer than thirty (30) days must be approved by the committee.
- C. Service of Notice: The Notice shall be served by the enforcement agency on the property owner and/or occupant(s) of the premises by posting the notice on the door of the premises and by certified mail, return receipt requested, to the property owner.
- D. Contents Of Notice: The notice of violation shall:
 1. Include a statement specifically describing the violation.
 2. Specify that the owner of the property has ten (10) days from the date of the written notice to bring the premises into compliance with community standards; and
 3. Advise the owner of the premises that if the violation is not abated within ten (10) days from the date of the written notice, the enforcement agency may undertake

abatement or mitigation and assess the costs thereof to the owner of the premises;
and

4. Advise the owner of any building constituting a public nuisance which cannot be abated under the terms of this chapter, and that has become uninhabitable or which has been found to represent a dangerous condition to members of the public, that abatement of said nuisance must be accomplished by demolition.

D. Emergency Abatement:

1. Whenever the City, the committee, or the enforcement agency has reason to believe that a public nuisance exists, and that such public nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the committee, an authorized representative appointed by the committee, a fire marshal, or police officer may immediately enter into any building or upon any premises within the jurisdiction for purposes of abatement.
2. Whenever a public nuisance exists which constitutes an emergency presenting imminent danger of serious injury to persons or property, the committee may order, without notice or judicial action, that the public nuisance be immediately abated by removal, destruction, or mitigation. If the owner or responsible party fails to comply with such an order immediately, or cannot be located, the committee shall cause the structure to be demolished and removed, or the nuisance otherwise be abated, either through available public agency or by contract or arrangement with private persons. The cost of such abatement shall be paid by the owner of the property upon which the nuisance existed, pursuant to Subsection F.

- E. Fines: Violations of this Chapter shall be punishable by a fine of \$100.00, and every day subsequent to the date the notice of violation was provided in which the property owner shall fail to comply with this Chapter shall be deemed as a separate offense; provided that any fine imposed shall not exceed a maximum fine of \$500.00 pursuant to M.C.A. § 7-5-109.

F. Abatement and Collection of Costs:

1. Determination Of Compliance: Upon expiration of the property owner's ten (10) day time-frame for abatement, the enforcement agency shall conduct an inspection of the premises to determine whether abatement or mitigation has occurred.
2. Administrative Sanctions: In the event the enforcement agency has determined that no abatement or mitigation has occurred within ten (10) days after the date of the notice, the following procedure shall apply:
 1. The code enforcement officer shall notify the owner or responsible party by certified mail with an administrative citation indicating that community decay

conditions exist on the property and that the owner or responsible party must take measures to correct the violation.

2. If the code enforcement officer believes it is advisable, he or she may post a dated order in a conspicuous place on the property, providing notice that community decay condition(s) have been found on the property and informing the owner or responsible party of the matters set forth above in the notice of violation together with the abatement actions that may be taken under this chapter if the owner or responsible party fails to abate the community decay condition(s).

Request for Hearing. Within ten days after receiving notice to comply with the code enforcement notification to abate the community decay condition(s), the owner or responsible party may request a hearing before the Municipal court. If the owner or responsible party has requested a hearing, the code enforcement officer may not take any action to abate the violation until after the hearing and authorization to proceed has been provided by the court. To request a hearing, the responsible party must file a request with the municipal court, and mail a copy of this request to the City of Sidney.

8-3-7 - Failure to abate.

If the owner or responsible party shall fail to abate the community decay conditions pursuant to the requirements set forth in the notice of violation, or in the event of an appeal, within ten days of the decision of the municipal court upholding the notice of violation, the code enforcement officer may enter upon the subject private property and shall take any and all measures necessary to abate the community decay condition(s).

8-3-8 - Cost of abatement of the violation.

Within twenty days after abatement of the community decay condition(s), the owner or responsible party will be notified of the cost of abatement, including administrative costs. If the owner or responsible party fails to pay the bill in thirty days, the code enforcement officer shall certify the amount of the charges to the clerk and recorder for collection.

8-3-9 Procedure for Determining and Assessing Costs of Abatement: The property owner shall be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes. A summary listing of the assessments and property owners will be kept by the Clerk through June 31 of each year, and the list shall be presented to the Treasurer for billing on the next real property tax statement. A special abatement

fund shall be established to account for costs, collections, and transactions necessary to the efficient operation of enforcement procedure. Assessment funds collected shall be returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the City general fund. The City shall determine the actual costs of abatement and document such costs. The following expenses will be assessed as the actual costs of abatement:

- a. Planning staff time, mileage, and costs;
- b. Police department staff time, mileage, and costs;
- c. Other involved City staff time, including attorney's fees, mileage, and costs;
- d. Postage and mailing costs;
- e. Other direct costs associated with abatement;
- f. An interest fee of six (6) percent per annum computed on the above costs, which will be waived if the total cost of abatement is paid by the property owner within thirty (30) days of notice.

8-3-10: MITIGATION OF CONDITIONS CONSTITUTING COMMUNITY DECAY FOR PROPERLY ZONED SALVAGE YARDS:

- A. The maintenance of accumulations and conditions such as those described in sections 8-3-2 and 8-3-3 of this chapter which would otherwise be considered public nuisances shall be lawful under this chapter if, and only if:
 - a. The premises is being used as an active, ongoing salvage business located in an area properly zoned as a salvage yard, pursuant to the City of Sidney Zoning Ordinance, as may be amended from time to time,
 - b. The owner(s) of the premises possesses a conditional use permit, pursuant to Section 11.14.40 of the Zoning Ordinance of the City of Sidney, as may be amended from time to time; and
 - c. The condition on the premises is shielded from public view in accordance with the following standards:
 - i. **Erection and Maintenance of Fences:**
 - 1. Wooden Fences: When wooden fences are used for shielding, the boards must be spaced and/or slated to reduce

wind load. The space between boards when viewed from broadside shall not be more than one and one-half inches (1¹/₂"), and the interval between spaces shall not be less than seven and one-half inches (7¹/₂"). Rough dimension lumber or better is acceptable.

2. Chainlink: Chainlink fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half inches (1¹/₂").
3. Other Types of Fencing: Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, may also be acceptable, in the discretion of the committee.

ii. Alternative Shielding:

1. Shrubs and Trees: Shielding with shrubs and trees is acceptable, as long as they provide a similar degree of shielding to a fence at all times of the year.
2. No more than one fencing material shall be used on any one side of a shielding barrier, unless approved by the committee.

B. The shielding erected for mitigation purposes shall be maintained by the person responsible for a violation under sections 8-3-2 and 8-3-3 of this chapter in an appropriate and workmanlike manner and shall be replaced as it becomes necessary. (Ord. 509, 2-22-2011)

8-3-11: COMPATIBILITY:

With the exception of section 8-3-7 of this chapter, nothing in this chapter may be construed to abrogate or adversely affect the provisions of any lawful ordinance, regulation or resolution that is more restrictive than the provisions of this chapter or those of the Montana Code Annotated. (Ord. 509, 2-22-2011)

Ordinance No. 593

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIDNEY, MONTANA, AMENDING TITLE 11, CHAPTERS 17 AND 23, ZONING REGULATIONS, OF THE CITY CODE OF THE CITY OF SIDNEY, MONTANA.

WHEREAS, the City Council of the City of Sidney desires to amend Title 11, Chapters 17 and 23, Zoning Regulations, of the City Code, in order to address recent changes in Montana law,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS by the City Council of the City of Sidney that Chapters 17 and 23 of Title 11 of the City Code of the City of Sidney is hereby amended as follows (amendments in bold, language to be deleted designated by strike):

11.17.022(C)(1) Home Occupations, Purpose and Intent

The purpose and intent of these standards are to provide for limited commercial uses on the site of a residential dwelling unit. Home occupations provide for businesses that are carried out by residents of the dwelling and are incidental and subordinate to the residential use. Home occupations provide a place for businesses to start but do not permit their continued existence once the business has grown beyond the size that can maintain the residential character and scale of the residential property. It also is the purpose of these standards to provide peace, quiet and tranquility in residential neighborhoods and to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard and other deleterious effects of commercial uses. **A Marijuana Dispensary, by definition, is not an allowable Home Occupation.**

11.17.022(H)(2) Sexually Oriented Business - Separation from Other Uses

A building containing a Sexually Oriented Business shall be setback a minimum of 1,000 feet from the boundary of a lot or a parcel that contains a church, public or private school, Public Park or a ~~Medical~~ Marijuana Dispensary.

11.17.022(H)(5) Sexually Oriented Business – Measurement

For the purpose of determining compliance with Subsection 11.17.22.H.2, Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Sexually Oriented Business to the lot line containing a church, school, public park, ~~Medical~~ Marijuana Dispensary or another Sexually Oriented Business.

11.23.40 (35) Definition: Home Occupation

A commercial or light industrial activity conducted by the resident(s) of a dwelling as an accessory use to their dwelling. **Due to the potential deleterious effects on surrounding properties, as discussed in the Purpose and Intent associated with Home Occupations coupled with the inability to mitigate anticipated impacts, the term Home Occupation does not include a Marijuana Dispensary.**

11.23.040(46) Definition Marijuana Dispensary

A Marijuana Dispensary is any building, premises, facility, or part thereof where marijuana is made available to consumers in accordance with Montana Law and all applicable Federal Rules and Regulations. A Marijuana dispensary is NOT an allowable Home Occupation.

11.23.40 (56) Definition: Pharmacy

A retail establishment where prescription drugs and medicine are sold. A pharmacy can be a standalone facility or combined with an establishment that sells other retail items. A **The term** pharmacy does not include a ~~Medical~~ Marijuana Dispensary.

1st reading: March 7th, 2022

2nd reading: _____

Commissioner _____ moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner _____. On roll call vote of the Commissioners vote "AYE": _____

_____, and the following Commissioners vote "NAY": _____
Absent and not voting: _____

WHEREUPON, the Motion was passed and the Ordinance declared adopted this _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk/Treasurer

This Amendment 2 to Task Order 12
consisting of 2 pages and 1
Attachments is agreed to by:

Initial OWNER gc

Initial ENGINEER _____

Effective Date 3/4/2022

AMENDMENT 2 TO TASK ORDER 12

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated March 5, 2012 ("Agreement"), Owner and Engineer agree as follows:

- 1. Specific Project Data
 - A. Title: Amendment 2 to Task Order 12
 - B. Description: Construction Administration and Construction Observation Services for 2021 Nielsen Halvorsen Sewer Rehabilitation
 - C. Number of Construction Contracts
No change this amendment.
- 2. Services of Engineer
 - Design Services
Engineer has provided additional final design services as described in Attachment A.
 - Bidding or Negotiating Services
Engineer has provided additional bidding services as described in Attachment A.

Construction and Commissioning Services

Engineer shall provide construction administration services as described in Attachment A.

Resident Project Representative Services

Engineer shall provide resident project representative services as described in Attachment A.

Other Services

Engineer shall continue to provide SRF loan administration as necessary to match project schedule as described in Attachment A.

Additional Services Requiring an Amendment to Task Order

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 and in Exhibit B. (No Change per this Amendment).

4. Times for Rendering Services

Construction administration and resident project representative services shall be provided as necessary to match the Contractor's schedule, but in no case shall be no later than September 30, 2023.

5. Payments to Engineer

Owner shall pay Engineer for services rendered in the added amount of \$120,000 based on hourly rates.

OWNER ACCEPTANCE: JC (Initials)

ENGINEER ACCEPTANCE: _____ (Initials)

ATTACHMENT A

TO

**AMENDMENT 2 TO TASK ORDER NO. 12
CITY OF SIDNEY
NEILSEN-HALVORSEN SEWER REHABILITATION
SCOPE OF SERVICES**

The Master Agreement for Professional Services dated March 5, 2012, between the City of Sidney (Owner) and Morrison–Maierle, Inc. (Engineer) for engineering services, shall be modified for this Task Order No. 12, as noted below.

Engineer has provided final design and bidding services for two schedules of sewer main replacement consisting of approximately 1,950 linear feet of gravity sewer main replacement under the scope of Amendment 1 to this Task Order No. 12.

The scope of this Amendment 2 to Task Order No. 12 includes Construction and Post Construction Phase services for the Neilsen-Halvorsen Sewer Rehabilitation Project. Engineer shall provide Construction and Post-Construction Phase services as outlined in the Master Agreement, as more particularly described herein. SRF loan administration is also included in the scope of this Amendment.

Additional design and bidding phase services already provided (but not included in the Amendment 1 scope) are also included in Amendment 2. Engineer provided additional coordination with MDT for permitting of the sewer main. Engineer provided additional coordination with DEQ for the purpose of securing the SRF loan, which required an in-person public meeting for the project. Also, upon the request of the Owner, Engineer provided additional in-person meetings in Sidney to review the final design and to conduct the pre-construction meeting. These trips were beyond the original Amendment 1 scope of two trips to Sidney by the project engineer.

Only services for Schedule 1 of the project are included in the scope of this Amendment 2.

Construction survey services are not included as a part of this Amendment 2 and may be added by additional amendment.

Scope of Services

The following tasks will be performed as part of the construction administration phase:

PROJECT MANAGEMENT

Project management for the preliminary design phase will include all project coordination between the Owner and the Engineer. This management task includes communication of ideas, questions, and issues to ensure the preliminary design phase services requested encompass input from the project personnel for both the Owner and Engineer. Project

management also includes the effort necessary to control the quality, schedule, and budget of the project.

A total of six trips to Sidney are included for the project engineer, as outlined below.

COORDINATION WITH FUNDING AND REGULATORY AGENCIES

Engineer will provide support to the Owner to coordinate with project funders. The funder is Montana State Revolving Fund (SRF) along with the City of Sidney. Engineer shall prepare three draw requests for reimbursement from SRF to the City.

Engineer shall work with the Contractor and City to maintain compliance with SRF loan requirements, including examination of certified payrolls and project completion documents.

CONSTRUCTION ADMINISTRATION SERVICES

Set the time, date and place with the City to hold a pre-construction conference. Engineer will prepare a detailed agenda and conduct the meeting. Engineer shall attend this conference in person.

Schedule and conduct weekly construction meetings either at the City of Sidney Offices Office, virtually, or at the jobsite as needed. Prepare and distribute a written agenda for each meeting. Engineer shall distribute meeting minutes from each meeting to Owner and Contractor.

Project Engineer will join these meeting virtually or in person. Four trips to Sidney for the engineer are planned for the purpose of attending weekly meetings and visiting the project site.

Receive and review quality control testing results from Contractor's QC efforts. Determine when additional QA services may be necessary. Only limited QA services are assumed for this project, with the Contractor's QC testing as the primary confirmation of compliance.

Check shop drawings, samples, equipment, concrete mix design, aggregate, and other data submitted by the Contractor for compliance with drawings and specifications.

Review monthly pay applications from Contractor and make recommendation to Owner regarding payment.

Project Engineer shall make one trip to Sidney to conduct the Substantial Completion walkthrough inspection with Owner and prepare a list of final completion items for Contractor prior to final payment.

CONSTRUCTION OBSERVATION / RPR

Provide one full-time Resident Project Representative (RPR) for up to fifty (50) hours per week for the 60 calendar day construction contract period of Schedule 1 and the 7 calendar day period for final completion of Schedule 1, exclusive of holidays as defined

in the Specifications. Any additional RPR services at the OWNER's request will be covered under the Additional Services clause of the Contract. Additional RPR services due to Contractor working hours, days, schedule, or time beyond the contract times shall be separated and accounted for separately by separate invoice to the OWNER. ENGINEER will prepare, coordinate, and recommend recovery of these Contractor-caused costs as deductions to Contractor's periodic pay estimates per the construction contract with the Contractor.

Observe Contractor's work for general compliance with the drawings, and specifications to the extent and within the limitations defined in the General Conditions.

CLOSEOUT & RECORD DRAWINGS

Prepare record drawings (As Built) and furnish OWNER with one electronic set in *.pdf for review and comment.

Following receipt of review comments from OWNER, make necessary changes, and furnish OWNER with one full sized and one half sized paper copy and one electronic set, in *.pdf format of record drawings.

One set of electronic Record Drawings with appropriate closeout forms will be delivered to DEQ within 60 days of Contractor's final payment and before final payment to the ENGINEER.

Prepare and review final pay estimate and all necessary Contractor documents to establish final completion.

Schedule and make final inspection with OWNER and complete required funding agency closeout forms.

Schedule and make an inspection with OWNER prior to the expiration of the 1-year construction warranty period and provide a certification of final acceptance. If any problems are found, send a list of deficiencies to OWNER and Contractor and confirm completion of these deficiencies.

BID TABULATION
 Project Name: Neilsen-Halvorsen Bid Tabulations
 Owner: City of Sidney, Montana
 Bid Opening Date: February 17, 2022

Project No.: 0717.028

Contractor:
 Address: Franz Construction
 PO Box 1046
 Sidney, MT 59270
 (406) 482-4760
 7864

Western Municipal Construction
 5855 Elysian Road
 Billings, MT 59101
 (406) 254-2106
 13329

Engineer's Estimate

This Bid Tabulation represents a true representation of the Bids received on February 16, 2022.

Laura Gundlach, P.E.
 Morrison-Maierle, Inc.



SCHEDULE 1 BID FORM

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
101	Mobilization / Demobilization	LS	1	\$69,800.00	\$69,800.00	\$75,000.00	\$75,000.00
102	Taxes, Bonds, and Insurance	LS	1	\$10,500.00	\$10,500.00	\$29,500.00	\$29,500.00
103	General Requirements	LS	1	\$56,000.00	\$56,000.00	\$19,500.00	\$19,500.00
104	Traffic Control	LS	1	\$11,400.00	\$11,400.00	\$14,500.00	\$14,500.00
105	Bypass Pumping System	LS	1	\$19,100.00	\$19,100.00	\$18,795.00	\$18,795.00
106	8-inch Sewer Main	LF	1583	\$99.00	\$156,717.00	\$119.60	\$189,326.80
107	48" Sanitary Sewer Manhole	EA	8	\$10,500.00	\$84,000.00	\$12,945.00	\$103,660.00
108	48" Sanitary Sewer Manhole Additional Depth (>5VF)	VF	33	\$350.00	\$11,550.00	\$297.10	\$9,804.30
109	60" Sanitary Sewer Manhole	EA	1	\$31,800.00	\$31,800.00	\$32,750.00	\$32,750.00
110	Standard Sanitary Sewer Service Reconnection	EA	23	\$630.00	\$14,490.00	\$17,304.05	\$397,500.00
111	Sanitary Sewer Service Line	LF	245	\$85.00	\$20,825.00	\$91.95	\$22,527.75
112	Connection to Existing Sanitary Sewer	EA	4	\$1,800.00	\$7,200.00	\$2,025.00	\$8,100.00
113	Removal of Asbestos Cement (AC) Pipe	LF	681	\$34.00	\$23,154.00	\$65.80	\$44,809.80
114	Concrete Plugs	LS	1	\$3,100.00	\$3,100.00	\$1,805.00	\$1,805.00
115	Flowable Fill Backfill	CY	110	\$162.00	\$17,820.00	\$22.75	\$2,482.50
116	Flatwork Concrete	SF	310	\$55.00	\$17,050.00	\$23.15	\$7,176.50
117	Pavement/Lane Marking Restoration	LS	1	\$1,500.00	\$1,500.00	\$680.00	\$680.00
118	Type 1 Surface Restoration (MDT)	LF	90	\$210.00	\$18,900.00	\$187.25	\$16,852.50
119	Type 2 Surface Restoration (Asphalt Roads) for Sewer M	LF	1154	\$130.00	\$150,020.00	\$85.45	\$98,609.30
120	Type 2 Surface Restoration (Asphalt Roads) for Sanitary S	LF	102	\$130.00	\$13,260.00	\$96.40	\$9,832.80
121	Gravel Surface Restoration	LF	460	\$33.00	\$15,180.00	\$55.45	\$25,507.00
122	Lawn Restoration for Sanitary Sewer Service	LF	302	\$11.00	\$3,322.00	\$4.877.30	\$14,777.30
123	Valley Gutter Restoration	EA	3	\$11,300.00	\$33,900.00	\$6,775.00	\$20,325.00
124	Underground Utility Crossing	EA	37	\$690.00	\$25,530.00	\$745.00	\$27,565.00
125	Imported Backfill	CY	50	\$28.00	\$1,400.00	\$27.25	\$1,362.50
126	Type 2 Bedding	CY	50	\$69.00	\$3,450.00	\$73.25	\$3,662.50
127	Exploratory Excavation - Small Crew	HR	40	\$50.00	\$2,000.00	\$235.00	\$9,400.00
128	Exploratory Excavation - Large Crew	HR	40	\$200.00	\$8,000.00	\$800.00	\$32,000.00
129	Flowable Fill Pipe Saddle	EA	1	\$4,100.00	\$4,100.00	\$6,475.00	\$6,475.00
130	Utility Relocation near Manhole 328	LS	1	\$4,000.00	\$4,000.00	\$13,560.00	\$13,560.00
SCHEDULE 1 TOTAL					\$859,068.00		\$889,570.60

SCHEDULE 2 BID FORM

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
201	Mobilization / Demobilization	LS	1	\$19,000.00	\$19,000.00	\$7,500.00	\$7,500.00
202	Taxes, Bonds, and Insurance	LS	1	\$3,600.00	\$3,600.00	\$4,500.00	\$4,500.00
203	General Requirements	LS	1	\$14,000.00	\$14,000.00	\$4,545.00	\$4,545.00
204	Traffic Control	LS	1	\$2,700.00	\$2,700.00	\$3,000.00	\$3,000.00
205	8-inch Sewer Main	LF	331	\$171.00	\$56,601.00	\$135.00	\$44,685.00
206	48" Sanitary Sewer Manhole	EA	1	\$13,600.00	\$13,600.00	\$12,495.00	\$12,495.00
207	48" Sanitary Sewer Manhole Additional Depth (>5VF)	VF	2	\$350.00	\$700.00	\$280.00	\$560.00
208	Standard Sanitary Sewer Service Reconnection	EA	10	\$630.00	\$6,300.00	\$825.00	\$8,250.00
209	Connection to Existing	EA	3	\$1,800.00	\$5,400.00	\$3,125.00	\$9,375.00
210	Removal of Asbestos Cement (AC) Pipe	LF	331	\$35.00	\$11,585.00	\$65.60	\$21,613.60
211	Flatwork Concrete	SF	15	\$82.00	\$1,230.00	\$23.15	\$347.25
212	Type 2 Surface Restoration (Asphalt Roads) for Sewer M	LF	34	\$135.00	\$4,590.00	\$160.65	\$5,462.10
213	Gravel Surface Restoration	LF	321	\$33.00	\$10,593.00	\$45.45	\$14,589.45
214	Underground Utility Crossing	EA	13	\$710.00	\$9,230.00	\$775.00	\$10,075.00
215	Imported Backfill	CY	10	\$28.00	\$280.00	\$44.60	\$446.00
216	Type 2 Bedding	CY	10	\$69.00	\$690.00	\$905.50	\$9,055.00
217	Exploratory Excavation - Small Crew	HR	10	\$50.00	\$500.00	\$235.00	\$2,350.00
218	Exploratory Excavation - Large Crew	HR	10	\$200.00	\$2,000.00	\$800.00	\$8,000.00
219	New Pipe Boot Installation in Existing Manhole	EA	2	\$2,300.00	\$4,600.00	\$665.00	\$1,330.00
SCHEDULE 2 TOTAL					\$167,199.00		\$160,528.90
TOTAL SCHEDULES 1 & 2					\$1,026,267.00		\$1,050,099.50

**Yellow highlighted cell indicates a subtotal error for Schedule 1 in Contractor's bid. The Contractor's total for schedules 1 & 2 was correct.

BID PROPOSAL PACKET

**Neilsen-Halvorsen Addition Sewer
 Rehabilitation Project**
 (SRF # C303394)
for
City of Sidney, MT
 115 2nd Street SE
 Sidney, MT 59270

January 2022

Prepared by:



Billings, Montana

- Bid Form Signed
- Contractor License Number
- Addendums Acknowledged
- Bid Bond Form
- 10% Bid Security Enclosed
- MBE/WBE Subcontractor Solicitation Information
- Certification Regarding Debarment

Name of Bidder Western Municipal Construction, Inc.

Address 5855 Elysian Rd., Billings, MT 59101

Telephone No. (406)254-2106

Montana Contractor Registration 13329

Morrison-Maierle Project No. 0717.028.000211

SECTION 00300

BID FORM

PROJECT IDENTIFICATION:

NEILSEN-HALVORSEN ADDITION SEWER REHABILITATION PROJECT

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

The City of Sidney, Montana

115 2nd St NE, Sidney, Montana 59270

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
<u>1</u>	<u>2/7/22</u>
<u>2</u>	<u>2/11/22</u>
<u> </u>	<u> </u>

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in SC-4.02 as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in SC-4.06 as containing reliable "technical data."
- E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the Bidder's Certification.

3.02 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or Owner; and

- E. Bidder has not been debarred from practice in the State of Montana, by any State or Federal Agency, has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 4 – BASIS OF BID

- 4.01 Bidder will complete the Work in accordance with the Contract Documents for the following prices:

**NEILSEN - HALVORSEN SEWER
REHABILITATION PROJECT
SCHEDULE ONE
BID FORM**

Item No.	Description	Bid Quantity	Units	Unit Price	Total Price
101	Mobilization / Demobilization	1	LS	89,800. ⁰⁰	89,800. ⁰⁰
102	Taxes, Bonds, and Insurance	1	LS	10,500. ⁰⁰	10,500. ⁰⁰
103	General Requirements	1	LS	56,000. ⁰⁰	56,000. ⁰⁰
104	Traffic Control	1	LS	11,400. ⁰⁰	11,400. ⁰⁰
105	Bypass Pumping System	1	LS	19,000. ⁰⁰	19,000. ⁰⁰
106	8-inch Sewer Main	1,583	LF	99. ⁰⁰	156,717. ⁰⁰
107	48" Sanitary Sewer Manhole	8	EA	10,500. ⁰⁰	84,000. ⁰⁰
108	48" Sanitary Sewer Manhole Additional Depth (>5VF)	33	VF	350. ⁰⁰	11,550. ⁰⁰
109	60" Sanitary Sewer Manhole	1	EA	31,800. ⁰⁰	31,800. ⁰⁰
110	Standard Sanitary Sewer Service Reconnection	23	EA	630. ⁰⁰	14,490. ⁰⁰
111	Sanitary Sewer Service Line	245	LF	85. ⁰⁰	20,825. ⁰⁰
112	Connection to Existing Sanitary Sewer	4	EA	1,800. ⁰⁰	7,200. ⁰⁰
113	Removal of Asbestos Cement (AC) Pipe	681	LF	34. ⁰⁰	23,154. ⁰⁰
114	Concrete Plugs	1	LS	3,100. ⁰⁰	3,100. ⁰⁰
115	Flowable Fill Backfill	110	CY	162. ⁰⁰	17,820. ⁰⁰
116	Flatwork Concrete	310	SF	55. ⁰⁰	17,050. ⁰⁰
117	Pavement/Lane Marking Restoration	1	LS	1,500. ⁰⁰	1,500. ⁰⁰
118	Type 1 Surface Restoration (MDT)	90	LF	210. ⁰⁰	18,900. ⁰⁰
119	Type 2 Surface Restoration (Asphalt Roads) for Sewer Main	1,154	LF	130. ⁰⁰	150,020. ⁰⁰
120	Type 2 Surface Restoration (Asphalt Roads) for Sanitary Sewer Service	102	LF	130. ⁰⁰	13,260. ⁰⁰
121	Gravel Surface Restoration	460	LF	33. ⁰⁰	15,180. ⁰⁰

122	Lawn Restoration for Sanitary Sewer Service	302	LF	<u>11.⁰⁰</u>	<u>3,322.⁰⁰</u>
123	Valley Gutter Restoration	3	EA	<u>11,300.⁰⁰</u>	<u>33,900.⁰⁰</u>
124	Underground Utility Crossing	37	EA	<u>690.⁰⁰</u>	<u>25,530.⁰⁰</u>
125	Imported Backfill	50	CY	<u>28.⁰⁰</u>	<u>1,400.⁰⁰</u>
126	Type 2 Bedding	50	CY	<u>69.⁰⁰</u>	<u>3,450.⁰⁰</u>
127	Exploratory Excavation - Small Crew	40	HR	<u>50.⁰⁰</u>	<u>2,000.⁰⁰</u>
128	Exploratory Excavation - Large Crew	40	HR	<u>200.⁰⁰</u>	<u>8,000.⁰⁰</u>
129	Flowable Fill Pipe Saddle	1	EA	<u>4,100.⁰⁰</u>	<u>4,100.⁰⁰</u>
130	Utility Relocation near Manhole 328	1	LS	<u>4,000.⁰⁰</u>	<u>4,000.⁰⁰</u>
Schedule One Total Bid Price				<u>859,068.⁰⁰</u>	

Schedule One Total Bid Price In Words

EIGHT HUNDRED FIFTY NINE THOUSAND SIXTY EIGHT DOLLARS & ZERO CENTS

**NEILSEN - HALVORSEN SEWER
REHABILITATION PROJECT
SCHEDULE TWO
BID FORM**

Item No.	Description	Bid Quantity	Units	Unit Price	Total Price
201	Mobilization / Demobilization	1	LS	<u>19,000.⁰⁰</u>	<u>19,000.⁰⁰</u>
202	Taxes, Bonds, and Insurance	1	LS	<u>3,600.⁰⁰</u>	<u>3,600.⁰⁰</u>
203	General Requirements	1	LS	<u>14,000.⁰⁰</u>	<u>14,000.⁰⁰</u>
204	Traffic Control	1	LS	<u>2,700.⁰⁰</u>	<u>2,700.⁰⁰</u>
205	8-inch Sewer Main	331	LF	<u>171.⁰⁰</u>	<u>56,601.⁰⁰</u>
206	48" Sanitary Sewer Manhole	1	EA	<u>13,600.⁰⁰</u>	<u>13,600.⁰⁰</u>
207	48" Sanitary Sewer Manhole Additional Depth (>5VF)	2	VF	<u>350.⁰⁰</u>	<u>700.⁰⁰</u>

208	Standard Sanitary Sewer Service Reconnection	10	EA	<u>630.⁰⁰</u>	<u>6,300.⁰⁰</u>
209	Connection to Existing	3	EA	<u>1,800.⁰⁰</u>	<u>5,400.⁰⁰</u>
210	Removal of Asbestos Cement (AC) Pipe	331	LF	<u>35.⁰⁰</u>	<u>11,585.⁰⁰</u>
211	Flatwork Concrete	15	SF	<u>82.⁰⁰</u>	<u>1,230.⁰⁰</u>
212	Type 2 Surface Restoration (Asphalt Roads) for Sewer Main	34	LF	<u>135.⁰⁰</u>	<u>4,590.⁰⁰</u>
213	Gravel Surface Restoration	321	LF	<u>33.⁰⁰</u>	<u>10,593.⁰⁰</u>
214	Underground Utility Crossing	13	EA	<u>710.⁰⁰</u>	<u>9,230.⁰⁰</u>
215	Imported Backfill	10	CY	<u>28.⁰⁰</u>	<u>280.⁰⁰</u>
216	Type 2 Bedding	10	CY	<u>69.⁰⁰</u>	<u>690.⁰⁰</u>
217	Exploratory Excavation - Small Crew	10	HR	<u>50.⁰⁰</u>	<u>500.⁰⁰</u>
218	Exploratory Excavation - Large Crew	10	HR	<u>200.⁰⁰</u>	<u>2,000.⁰⁰</u>
219	New Pipe Boot Installation in Existing Manhole	2	EA	<u>2,300.⁰⁰</u>	<u>4,600.⁰⁰</u>

Schedule Two Total Bid Price

167,199.00

Schedule Two Total Bid Price In Words

ONE HUNDRED SIXTY SEVEN THOUSAND ONE HUNDRED NINETY-NINE DOLLARS & ZERO CENTS

Schedules One and Two Total Bid Price

1,026,267.⁰⁰

Schedules One and Two Total Bid Price In Words

ONE MILLION TWENTY SIX THOUSAND TWO HUNDRED SIXTY SEVEN DOLLARS & ZERO CENTS

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 5 – TIME OF COMPLETION

- 5.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 6 – ATTACHMENTS TO THIS BID

- 6.01 The following documents are submitted with and made a condition of this Bid:
 - A. Required Bid security in the form of Bid Bond;
 - B. List of Proposed Subcontractors within 1 day of bid, if requested;
 - C. List of Proposed Suppliers within 1 day of bid, if requested;
 - D. List of Project References within 1 day of bid, if requested;
 - E. Contractor’s Montana License No.: 13329;

ARTICLE 7 – DEFINED TERMS

7.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 8 – BID SUBMITTAL

9.01 This Bid is submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual’s signature)

Doing business as: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: Western Municipal Construction, Inc. (SEAL)

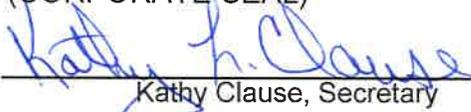
State of Incorporation: Montana

Type (General Business, Professional, Service, Limited Liability): General Business

By: 
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Jock Clause

Title: President
(CORPORATE SEAL)

Attest 
Kathy Clause, Secretary

Date of Qualification to do business in Montana is 3 / 3 / 97.

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address _____

Phone No. _____ Fax No. _____

E-mail _____

SUBMITTED on _____, 20____.

State Contractor License No. _____.

END OF SECTION 00300

(This page left intentionally blank.)

C303394

SRF Project Number

United States Environmental Protection
Agency Washington, DC 20460

**Certification Regarding Debarment,
Suspension, and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Western Municipal Construction, Inc.
Jock Clause, President

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date 2/17/22

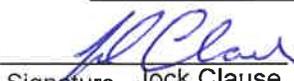
_____ I am unable to certify to the above statements. My explanation is attached.

MBE/WBE SUBCONTRACTOR SOLICITATION INFORMATION						
Name, Address & Phone No. of Subcontractor Contacted	Date Request for Quote Sent	Description of Work Offered	Date of Phone Follow-up & Person Contacted	Amount of Quote or Reason for Not Quoting*	Quote Accepted? If not, list reason for rejection	Indicate MBE, WBE, or other Subcontractor
Asphalt Plus, Inc. 425 Johnson Lane. Billings, MT 59101 (406)248-5609	2/9/22	Striping, Concrete Flatwork, Aggregate, Pipe, Re-Veg, Excavation, Trucking, Asphalt	2/15/22	No Answer. Left message		MWBE
Frontier Lawn & Landscaping 1704 2nd St. West Havre, MT 59501 (406)265-1670	2/9/22	Excavation, Pipes, Re-Veg,	2/15/22	No Answer		SBE
Bishop, Inc. 210 US Hwy 2 W. Malta, MT 59538 (406)390-3748	2/9/22	Concrete Flatwork, Aggregate, Excavation, Trucking	2/15/22	No Answer. Left message.		MBE
Precision Hwy Contractors 7788 Mt Hwy 3 Acton, MT 59002 (406)839-9799	2/9/22	Concrete Flatwork, Traffic Control	2/15/22	Not Bidding		WBE
JCT Construction, LLC 2140 East I Road Ballentine, MT 59006 (406)698-2772, 698-6822	2/9/22	Aggregate, Re-Veg, Pipes, Trucking Tim (WC)	2/15/22 Tim	Not Bidding		WBE
Wharton Asphalt, LLC 3962 Pa Hallow Trail Billings, MT 59106 (406)254-9572	2/9/22	Asphalt Paving, Striping, Concrete Flatwork, Excavating	2/15/22 Ed, Lena	No Answer		MWBE

* - Use additional sheets if necessary.

The undersigned hereby certifies that the above information is true and correct:

Contractor: Western Municipal Construction, Inc.

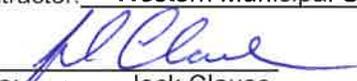
By:  President
Signature Jock Clause Title

Date: 2/17/22

MBE/WBE SUBCONTRACTOR SOLICITATION INFORMATION						
Name, Address & Phone No. of Subcontractor Contacted	Date Request for Quote Sent	Description of Work Offered	Date of Phone Follow-up & Person Contacted	Amount of Quote or Reason for Not Quoting*	Quote Accepted? If not, list reason for rejection	Indicate MBE, WBE, or other Subcontractor
J&J Concrete, Inc. 4415 Mountain View Rd. Molt, MT 59057 (406)698-3634	2/9/22	Concrete Flatwork, Aggregate, Excavation, Traffic Control, Trucking	2/15/22 mark	No Answer. Left message		MBE

* - Use additional sheets if necessary.

The undersigned hereby certifies that the above information is true and correct:

Contractor: Western Municipal Construction, Inc.
 By:  President
 Signature Jock Clause Title
 Date: 2/17/22

From: mdt-dbeat-noReply@mt.gov
Subject: NON-MDT Construction Project Quote Request
Date: Wednesday, February 9, 2022 10:53:50 AM

Thank you for submitting your Quote Request. This has been emailed to Disadvantaged Business Enterprises (DBE). Please use this as verification that the NON-MDT Quote Request was sent.

Project Number: SRF C303394
Project Name or Title: Neilsen-Halvorsen Addition Sewer Rehabilitation Project
Letting Date: 02/17/2022
Company Name: Western Municipal Construction, Inc.
Type of Work Needed: Traffic Control, Striping, Pipe, Concrete Flatwork, Gravel, Re-Veg, Excavation, Trucking, Pavement, Pre Cast Concrete Projects, Locate, Asbestos Pipe Removal.
Date Time Needed: 02/16/2022 08:00 AM

From: [Kara Heideman](#)
To: ["rick@jjconcreteinc.com"](#); ["office@asphaltplusinc.com"](#); ["havrefrontier@gmail.com"](#);
["bishopexcavating@yahoo.com"](#); ["kari@precisionhighway.com"](#); ["cynthia@jctconstructionllc.com"](#); ["Wharton Asphalt LLC."](#)
Cc: [Dillon Clause](#)
Subject: Neilson Halvorsen Addition Sewer Rehabilitation Project, Sidney, MT, MBE-WBE Solicitation
Date: Wednesday, February 9, 2022 10:44:00 AM
Attachments: [image001.png](#)

Western Municipal Construction, Inc. is looking for DBE/WBE/MBE quotes for the Neilson Halvorsen Addition Sewer Rehabilitation Project, Sidney, MT

Bid Date: February 17, 2022 at 1:30 pm

Lead Estimator: Dillon Clause, dclause@wmc-i.com

Please see line below for Plans & Specs. Addenda will be posted there as well.

<https://www.dropbox.com/scl/fo/u3iqvhw11jkrva4hnh7/h?dl=0&rlkey=e9gpmmr6zicpww5h8riicmrmf>

Thank you,

Kara Heideman

Contract Administrator

Western Municipal Construction, Inc.

5855 Elysian Road

Billings, MT 59101

Office Phone: (406) 254-2106

kheideman@wmc-i.com



COMPLIANCE STATEMENT

This statement relates to a proposed contract with The City of Sidney and
Western Municipal Construction, Inc.
(Name of borrower or grantee)

who expects to finance the contract with assistance from either the Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS), or the Rural Utilities Service (RUS) or their successor agencies, United States Department of Agriculture (whether by a loan, grant, loan insurance, guarantee, or other form of financial assistance). I am the undersigned bidder or prospective contractor, I represent that:

- 1. I have, have not, participated in a previous contract or subcontract subject to Executive 11246 (regarding equal employment opportunity) or a preceding similar Executive Order.
- 2. If I have participated in such a contract or subcontract, I have, have not, filed all compliance reports that have been required to file in connection with the contract or subcontract.

If the proposed contract is for \$50,000 or more and I have 50 or more employees, I also represent that:

- 3. I have, have not previously had contracts subject to the written affirmative action programs requirements of the Secretary of Labor.
- 4. If I have participated in such a contract or subcontract, I have, have not developed and placed on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor.

I understand that if I have failed to file any compliance reports that have been required of me, I am not eligible and will not be eligible to have my bid considered or to enter into the proposed contract unless and until I make an arrangement regarding such reports that is satisfactory to either the RHS, RBS or RUS, or to the office where the reports are required to be filed.

I also certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in my contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. I further agree that (except where I have obtained identical certifications for proposed subcontractors for specific time periods) I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files; and that I will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods): (See Reverse).

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR
CERTIFICATIONS OF NON-SEGREGATED FACILITIES**

A certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e. quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

DATE 2/17/22

Western Municipal Construction, Inc.
5855 Elysian Rd., Billings, MT 59101

Address (including Zip Code)



(Signature of Bidder or Prospective Contractor)
Jock Clause, President

CERTIFICATION FOR CONTRACTS, GRANTS AND LOANS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant or Federal loan, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant or loan.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant or loan, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including contracts, subcontracts, and subgrants under grants and loans) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Western Municipal Construction, Inc.
5855 Elysian Rd., Billings, MT 59101



 (name) Jock Clause

 2/17/22
 (date)

 President

 (title)

oOo



United States Department of Agriculture

AD-1048

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 C.F.R. §§ 180.300, 180.355, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.

(Read Instructions On Page Two Before Completing Certification)

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ORGANIZATION NAME

PR/AWARD NUMBER OR PROJECT NAME

Western Municipal Construction, Inc.

Neilsen Halvorsen Addition Sewer Rehabilitation Project

NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)

Jock Clause, President

SIGNATURE(S)

DATE

2/17/22

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider, employer and lender.



Montana Department of
LABOR & INDUSTRY

CERTIFICATE OF CONTRACTOR REGISTRATION

WESTERN MUNICIPAL CONSTRUCTION INC
5855 ELYSIAN RD
BILLINGS, MT 59101

STATUS
Employer

REGISTRATION NO.
13329

EFFECTIVE DATE
03/04/2020

EXPIRATION DATE
03/03/2022

Visit our website at www.mtcontractor.com or call the
Registration Section at 406-444-7734 for more information
or to verify the validity of this certificate.



Montana Department of
LABOR & INDUSTRY

CERTIFICATE OF CONTRACTOR REGISTRATION

WESTERN MUNICIPAL CONSTRUCTION INC
5855 ELYSIAN RD
BILLINGS, MT 59101

STATUS
Employer

REGISTRATION NO.
13329

EFFECTIVE DATE
03/04/2022

EXPIRATION DATE
03/03/2024

Visit our website at mtcontractor.mt.gov or call the
Registration Section at **406-444-7734** for more information
or to verify the validity of this certificate.

INSTRUCTIONS: Fold at perforations then tear card out. Fold card in half at score.

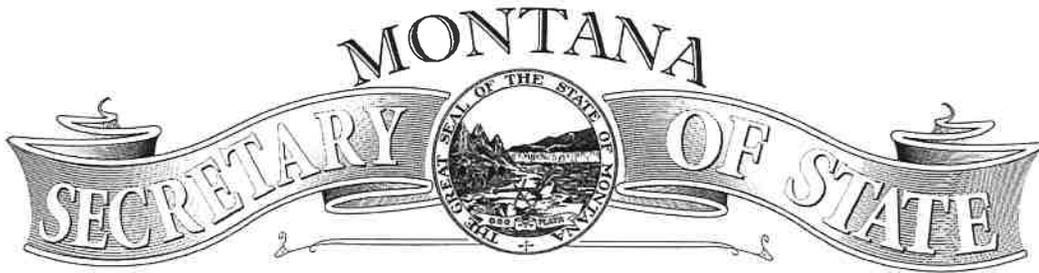


406-444-7734
mtcontractor.mt.gov

WESTERN MUNICIPAL CONSTRUCTION INC
5855 ELYSIAN RD
BILLINGS, MT 59101

REGISTRATION NO. 13329
EXPIRATION DATE 03/03/2024

Employer



CERTIFICATE OF EXISTENCE

I, **CHRISTI JACOBSEN**, Secretary of State for the State of Montana, do hereby certify that:

WESTERN MUNICIPAL CONSTRUCTION, INC.

duly filed its **Domestic Profit Corporation** in this office on **March 3, 1997**, and on that date was authorized to transact business in this state **for a term of perpetual duration**.

Payment is reflected in the records of the Secretary of State for all fees owed to the Secretary of State.

The most recent annual report has been filed with this office.

No articles of dissolution have been placed on the record in this office by said corporation and the records indicate the corporation is in good standing under the laws of the State of Montana.

The Secretary of State cannot certify that tax and penalties owed to this state on record with the Department of Revenue are current. Please contact the Department of Revenue at (406) 444-6900 to obtain information on the tax status.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Capital, this 15th day of February, 2021.

Christi Jacobsen

Christi Jacobsen
Montana Secretary of State

Certificate Number: 8158527

ADDENDUM NO. ONE (1)

**NEILSEN-HALVORSEN ADDITION SEWER REHABILITATION PROJECT
FOR
CITY OF SIDNEY, MT**

DATE: February 7, 2022

REVISED BID OPENING DATE: **February 17, 2022**

SENT EMAIL

TO: **ALL PLANHOLDERS**

Bidders shall note the receipt of this Addendum in the space provided for below and on the Bid Form in the Bid Packet.

This Addendum consists of 2 pages (including this cover).

The bid opening date is changed by this Addendum.

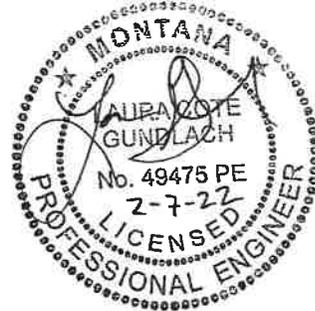
Please email a copy of your signed acknowledgement (Page 2 of this Addendum) of receipt of Addendum No. 1 to Lou at ldesaveur@m-m.net , in addition to acknowledging receipt of the addendum on the Bid Form, and in the space provided below and attaching the signed copy to the Project Manual.

A. SECTION 00100 – INVITATION TO BID

1. The first paragraph of the invitation to bid shall be modified to read:

Separate sealed bids for construction of the Neilsen-Halvorsen Addition Sewer Rehabilitation Project will be received by the City of Sidney at the City Offices at 115 2nd St SE, Sidney, Montana 59270 until **1:30 pm local time on Thursday, February 17, 2022** ~~February 10, 2022~~, and then publicly opened and read aloud.

Issued by Morrison-Maierle, Inc.



Laura Gundlach, P.E.
Project Engineer

Bidder acknowledges the receipt of Addendum No. One (1)

Received: 2/17/22
(Date)

Jock Clause
(By) Jock Clause
President
(Title)

Please email a copy of your signed acknowledgement of receipt of Addendum No. 1 to Lou at ldesaveur@m-m.net.

ADDENDUM NO. TWO (2)

**NEILSEN-HALVORSEN ADDITION SEWER REHABILITATION PROJECT
FOR
CITY OF SIDNEY, MT**

DATE: February 11, 2022

BID OPENING DATE: **February 17, 2022**

SENT EMAIL

TO: **ALL PLANHOLDERS**

Bidders shall note the receipt of this Addendum in the space provided for below and on the Bid Form in the Bid Packet.

This Addendum consists of 4 pages (including this cover) and the following attachment:

Drawing SS-2

Please email a copy of your signed acknowledgement (Page 4 of this Addendum) of receipt of Addendum No. 2 to Lou at ldesaveur@m-m.net , in addition to acknowledging receipt of the addendum on the Bid Form, and in the space provided below and attaching the signed copy to the Project Manual.

A. SECTION 00800 – STANDARD MODIFICATIONS FOR THE CITY OF SIDNEY, MONTANA

1. The table in Section 02221 2.1.A.2 should be revised to read:

<u>Sieve Opening</u>	<u>% Passing</u>
3/4 inch (19 mm)	100
3/8 inch (9.5 mm)	20-55
No. 4	5-10
No. 8	0-5

2. Delete Section 02730 3.4. D.1.

3. Delete Section 02730 3.4. D.2.

4. Add to Section 02730 3.4. G.

4. In coordination with the Contractor’s schedule, Owner shall perform T.V. inspection on newly installed sewer lines for the purposes of quality assurance. In lieu of performing T.V. inspection as described in this section, Contractor may accept the Owner’s results from their T.V. inspection. If Contractor disagrees with the findings of the Owner’s inspection, Contractor may perform an additional T.V. inspection at the Contractor’s expense.

5. Add the following subsection to Section 02730:

3.4.K Hydraulic testing of manholes will only be allowed where groundwater levels are below the bottom of the manhole to be tested. Hydraulic tests shall be conducted using the following procedure. All pipe penetrations into the manhole shall be sealed and the manhole shall be filled to the top of the manhole cone with water. The manhole shall then be left to saturate for a 24-hour period. Water may be added during this saturation period a to compensate for losses due to evaporation and absorption. After the 24-hour saturation period any loss of water within a 30-minute testing period shall be a failed test. If the hydraulic test is failed, the manhole must be rejected.”

B. SECTION 00900 – FUNDING AGENCY SPECIAL PROVISIONS FOR MONTANA PUBLIC FACILITY PROJECTS

1. The list in Section 1.1.1 should be revised to read:

- _____ Section 1.3 (Additional USDA/RD Requirements)
- _____ Section 1.4 (Additional CDBG Requirements)
- X Section 1.5 (Additional SRF Requirements)

- Section 1.6 (Additional ARPA Requirements)
 Exhibit A (Project Sign Detail)
 Exhibit B (HUD Form 4010)
 Exhibit C (Federal Labor Standards Provisions)
 Exhibit D (Reserved)
 Exhibit E (American Iron and Steel Forms)

2. The first list item in Section 1.5.1, subsection 2 should be revised to read:

“Goals for minority participation in each trade 4.4%”

3. The first list item in Section 1.5.1, subsection 4 should be revised to read:

“As used in this Notice, and in the contract resulting from this solicitation, the “covered area” is the Minot Economic Area.”

C. SECTION 00910 – SPECIAL PROVISIONS

1. Add the following to the second paragraph in Section 1.11.1:

Restoration of concrete or asphalt within MDT right-of-way shall be in accordance with the MDT detailed drawings and specifications. Mix design for concrete and asphalt paving within MDT right-of-way shall meet MDT requirements. *Asphalt mix must meet requirements of MDT Standard Specification Section 401 (Plant Mix Surfacing) and related sections. The Contractor shall submit an asphalt mix design within an MDT-MAT-009 form.* Backfill in MDT right-of-way shall be flowable fill per MDT requirements. The Contractor shall account for the use of cold weather concrete provisions per MDT and City of Sidney requirements depending on the time of construction.

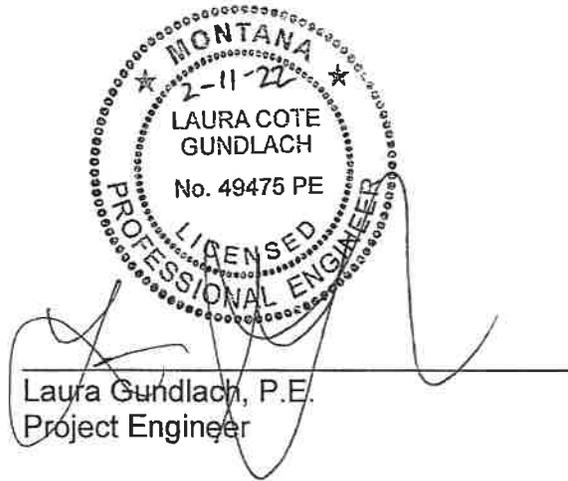
2. Add the following paragraph to Section 1.11.1:

All asphalt and asphalt millings that are removed as part of this project shall be the property of the City of Sidney.

D. Plans

Replace SS-2 with the attached.

Issued by Morrison-Maierle, Inc



Bidder acknowledges the receipt of Addendum No. Two (2)

Received: 2/17/22
(Date)


(By) Jock Clause

President
(Title)

Please email a copy of your signed acknowledgement of receipt of Addendum No. 2 to Lou at ldesaveur@m-m.net.

SECTION 00430

BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address): Western Municipal Construction, Inc.
5855 Elysian Road, Billings, MT 59101

SURETY (Name and Address of Principal Place of Business):
Fidelity and Deposit Company of Maryland
1299 Zurich Way, 5th Floor
Schaumburg, IL 60196

OWNER (Name and Address): City of Sidney
115 2nd St NE
Sidney, MT 59270

BID

Bid Due
Date: February 17, 2022

Description (Project Name and Include Location): Neilsen-Halvorsen Addition Sewer Rehabilitation Project, Sidney, Montana

BOND

Bond
Number: Bid Bond
Date (Not earlier than Bid due date): February 17, 2022

Penal sum	Ten Percent of Amount Bid	\$	10%
	(Words)		(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

BIDDER

Western Municipal Construction, Inc.)
Bidder's Name and Corporate Seal

By: [Signature]
Signature
Jock Clause
Print Name

SURETY

Fidelity and Deposit Company of Maryland (Seal)
Surety's Name and Corporate Seal

By: [Signature]
Signature (Attach Power of Attorney)
Naomi Gerber
Print Name

President

 Title
 Attest: Kathy H. Clause
 Signature Kathy Clause
 Secretary

 Title

Attorney in Fact
 Type text here

 Title
 Attest: Allan Hultgren
 Signature Allan Hultgren
 Witness

 Title

Note: Above addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.

1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation shall be null and void if:
 - 3.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2 All Bids are rejected by Owner, or
 - 3.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
6. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one

Bond No. Bid Bond
Obligee City of Sidney

Item b.

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Naomi Gerber, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 31st day of December, A.D. 2019.



**ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 31st day of December, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

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



Constance A. Dunn, Notary Public My
Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Secretary of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 17 day of February, 2022.



Brian M. Hodges

By: Brian M. Hodges
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

Jessie Redfield

From: Jordan Mayer <Jordan.Mayer@interstateeng.com>
Sent: Friday, March 4, 2022 9:51 AM
To: Jessie Redfield
Cc: Jeff Hintz; Rick Norby; Spencer VanWichen; S21-105_Sidney PH3 Water; S2000117 - West Holly Water
Subject: West Holly & Phase III / Draw #4B
Attachments: 20220304_Sidney Water_Draw Tracker.xls; 20220302_IE Inv 46380.pdf; 20220303_PayApp#3_ToCOSpdf.pdf

This sender is trusted.

Jessie,

Attached is Draw #4B for the West Holly Water Improvements and Phase III Water Improvements Projects for Monday's council meeting. This Draw is for design engineering of Phase III Water and Pay App 3 for West Holly. This pay application releases 4% of the 5% retainage that we are withholding from Fer Pal for West Holly. The rest will likely be released once we literally see grass grow!

I've also attached the updated draw tracker for your records 😊

Let me know if you have any questions!

Jordan Mayer, PE

Interstate Engineering
2177 Lincoln Avenue SE
PO Box 648
Sidney, MT 59270
406.433.5617 Phone
406.433.5618 Fax
406.480.2889 Cell
Jordan.Mayer@interstateeng.com

Professionals you need, people you trust.



PLEASE MAIL PAYMENTS TO:
INTERSTATE ENGINEERING, INC.
PO BOX 2035 • JAMESTOWN, ND 58402
PH. 701.252.0234

City of Sidney
Attn: Jessie Chamberlin
115 2nd Street SE
Sidney, MT 59270

March 02, 2022
Project No: S2100105
Invoice No: 46380

Phase III Water Improvements for Sections 28, 32 and 33, T23N, R59E
Waterline Improvements, Funding Assistance, Design Engineering Services,
Bidding or Negotiating Services and Possible Additional Services
Sidney, Montana

Professional Services from January 23, 2022 to February 26, 2022

**Design Phase Services
Fee**

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Funding Assistance	6,500.00	0.00	0.00	0.00	0.00
Design Engineering	128,000.00	91.00	116,480.00	99,840.00	16,640.00
Bidding or Negotiation Services	5,000.00	0.00	0.00	0.00	0.00
Total Fee	139,500.00		116,480.00	99,840.00	16,640.00
Total Fee				16,640.00	
Total this Phase				\$16,640.00	
Total this Invoice				\$16,640.00	

Please call me if you have any questions regarding this invoice.

Jordan Mayer, PE
406.433.5617

City of Sidney - Water Projects				Total Draw Amount	\$ 85,095.00								3/4/2022	Draw #	4B				
ADMINISTRATION and FINANCIAL COSTS:				City of Sidney				Loan A: WRF-21459 (\$1,710,000 @ 2.5% for 20 years)				Loan B: WRF-22493 (\$1,875,000 @ 2.5% for 20 years)				TOTAL Budgeted	Expended	This Draw	Balance Remaining AFTER Draw
	Budgeted	Previously Expended	Amount this Pay Period	Balance Remaining AFTER Pay Period	Budgeted	Previously Expended	Amount this Draw	Balance Remaining AFTER Draw	Budgeted	Previously Expended	Amount this Draw	Balance Remaining AFTER Draw							
Personnel Costs				-				-				-	-	-	-	-			
Office Costs				-				-				-	-	-	-	-			
Grant & Loan Administration Services				-				-				-	-	-	-	-			
Grant & Loan Administration Services				-	6,500.00	6,500.00		-				-	6,500.00	6,500.00	-	-			
Grant & Loan Administration Services				-				-	6,500.00			-	6,600.00	6,500.00	-	6,500.00			
Legal Costs				-				-				-	-	-	-	-			
Audit Fees				-				-				-	-	-	-	-			
Travel & Training				-				-				-	-	-	-	-			
Loan Reserves	109,825.00	109,825.00		-				-				-	109,825.00	109,825.00	-	-			
Loan Reserves	60,107.00	60,107.00		-				-				-	60,107.00	60,107.00	-	-			
Loan Reserves				-				-				-	-	-	-	-			
Bond Counsel and Related Costs				-	15,000.00	15,000.00		-				-	15,000.00	15,000.00	-	-			
Bond Counsel and Related Costs	15,000.00	15,000.00		-				-				-	15,000.00	15,000.00	-	-			
Bond Counsel and Related Costs				-				-				-	-	-	-	-			
TOTAL ADMINISTRATION	184,732.00	184,732.00		-	21,500.00	21,500.00		-	6,500.00			6,500.00	212,732.00	206,232.00		6,500.00			
CONSTRUCTION RELATED ACTIVITIES																			
Land Acquisition				-				-				-	-	-	-	-			
Preliminary Engineering				-				-				-	-	-	-	-			
Design Engineering				-	115,000.00	115,000.00		-				-	115,000.00	115,000.00	-	-			
Design Engineering				-	119,000.00	119,000.00		-				-	119,000.00	119,000.00	-	-			
Design Engineering				-				-	133,000.00	99,840.00	16,640.00	-	133,000.00	99,840.00	16,640.00	16,520.00			
Construction Engineering				-	187,418.00	187,418.00		-				-	187,418.00	187,418.00	-	-			
Construction Engineering				-	89,182.00	89,182.00		-	45,000.00	33,830.00		-	134,182.00	123,012.00		11,170.00			
Construction Engineering				-				-				-	-	-	-	-			
Construction	196,300.00			196,300.00	1,095,226.00	1,095,226.00		-				-	1,291,526.00	1,095,226.00		196,300.00			
Construction	101,300.00			101,300.00	82,674.00	82,674.00		-	1,628,210.00	1,542,642.00	68,455.00	-	1,812,184.00	1,625,316.00	68,455.00	118,413.00			
Construction				-				-				-	-	-	-	-			
Contingency				-				-				-	-	-	-	-			
Contingency				-				-	62,290.00			-	62,290.00			62,290.00			
Contingency				-				-				-	-	-	-	-			
TOTAL ACTIVITY	297,600.00			297,600.00	1,688,500.00	1,688,500.00		-	1,868,500.00	1,676,312.00	85,095.00	107,093.00	3,854,600.00	3,364,812.00	85,095.00	404,693.00			
TOTAL PROJECT BUDGET	482,332.00	184,732.00		297,600.00	1,710,000.00	1,710,000.00		-	1,875,000.00	1,676,312.00	85,095.00	113,593.00	4,067,332.00	3,571,044.00	85,095.00	411,193.00			



Contractor's Application For Payment No. 3

Application Period: 11/1/2021 to 2/28/2022		Application Date: 3-Mar-22	
To (Owner): City of Sidney	From (Contractor): FER-PAL Construction USA LLC	Via (Engineer): Interstate Engineering	
Project: West Holly Street Water Improvements	Contract: Schedule I and II		
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.: S2000117	

Application for Payment Change Order Summary

Approved Change Orders				
Number	Additions	Deductions		
1	\$ -	\$ 113,203.05	1. ORIGINAL CONTRACT PRICE	\$ 1,824,553.75
			2. Net change by Change Orders	\$ -113,203.05
			3. CURRENT CONTRACT PRICE (Line 1 ± 2)	\$ 1,711,350.70
			4. TOTAL COMPLETED AND STORED TO DATE (Column I on Progress Estimate)	\$ 1,711,350.70
			5. RETAINAGE:	
			a. 1.00% x Work Completed	\$ 17,113.51
			b. x Stored Material	
			c. Total Retainage (Line 5a + 5c)	\$ 17,113.51
			6. SET-OFFS:	
			a. Direct Expenses (Reimbursable)	\$ -
			b. Direct Expenses (Non-Reimbursable)	\$ 467.50
			c. Total Direct Expenses (Line 6a + 6b)	\$ 467.50
			7. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c - Line 6c)	\$ 1,693,769.69
			8. LESS PREVIOUS PAYMENTS (Line 7 from prior Application)	\$ 1,625,315.67
			9. GROSS AMOUNT DUE THIS APPLICATION	\$ 68,454.02
			10. 1% MT GROSS RECEIPTS TAX	\$ 684.54
			11. NET AMOUNT DUE THIS APPLICATION	\$ 67,769.48
			12. BALANCE TO FINISH + RETAINAGE (Column J on Progress Estimate + Line 5 above)	\$ 17,113.51
TOTALS				
	\$ -	\$ 113,203.05		
NET CHANGE BY CHANGE ORDERS				\$ (113,203.05)

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 on 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 Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By:	Date: 3/3/2022
-----	----------------

Payment of:	\$	67,769.48	
		(Line 11 or other - attach explanation of other amount)	
is recommended by:			3-Mar-22
		(Engineer)	(Date)
Payment of:	\$	67,769.48	
		(Line 11 or other - attach explanation of other amount)	
is approved by:			(Date)
		(Owner)	
Approved by:			(Date)
		Funding Agency (if applicable)	

Progress Estimate - Unit Price Work

Contractor's Application

For (contract):		West Holly Street Water Improvements		Schedule I and II		Application Number:		3											
Application Period:		11/1/2021 to 2/28/2022		Application Date:		3/3/2022													
A		B		C		D		E		F		G		H		I		J	
Bid Item No	Description	Bid Quantity	Units	Unit Price	Total Bid Item Value (\$)	Estimated Quantity Installed Previously	Estimated Quantity Installed This Period	Estimated Quantity Installed to Date	Value of Work Installed This Period	Value of Work Installed to Date	Materials Properly Stored (not in C or D)	Total Completed and Stored to Date (G + H)	% (I / B)	Balance to Finish (B - I)					
SCHEDULE I																			
101	Mobilization, Taxes, Bonds & Insurance	1	LS	\$154,500.00	\$154,500.00	1		1.00		\$154,500.00		\$154,500.00	100.00%						
102	Clean & CIPP Line Existing 12" Water Main	2274	LF	\$185.00	\$420,690.00	2264		2264		\$418,840.00		\$418,840.00	99.56%	\$1,850.00					
103	12" PVC Water Main	410	LF	\$165.00	\$67,650.00	385		385		\$63,525.00		\$63,525.00	93.90%	\$4,125.00					
104	10" PVC Water Main	96	LF	\$130.00	\$12,480.00	96		96		\$12,480.00		\$12,480.00	100.00%						
105	8" PVC Water Main	192	LF	\$120.00	\$23,040.00	192		192		\$23,040.00		\$23,040.00	100.00%						
106	6" PVC Water Main	88	LF	\$115.00	\$10,120.00	70		70		\$8,050.00		\$8,050.00	79.55%	\$2,070.00					
107	12" Gate Valve	8	EA	\$3,800.00	\$30,400.00	8		8		\$30,400.00		\$30,400.00	100.00%						
108	10" Gate Valve	2	EA	\$3,400.00	\$6,800.00	2		2		\$6,800.00		\$6,800.00	100.00%						
109	8" Gate Valve	8	EA	\$2,500.00	\$20,000.00	8		8		\$20,000.00		\$20,000.00	100.00%						
110	6" Gate Valve	1	EA	\$2,100.00	\$2,100.00	2		2		\$4,200.00		\$4,200.00	200.00%	-\$2,100.00					
111	12"x12" Cross	1	EA	\$2,900.00	\$2,900.00	1		1		\$2,900.00		\$2,900.00	100.00%						
112	12"x10" Cross	1	EA	\$2,800.00	\$2,800.00	1		1		\$2,800.00		\$2,800.00	100.00%						
113	12"x8" Tee	4	EA	\$2,100.00	\$8,400.00	4		4		\$8,400.00		\$8,400.00	100.00%						
114	12"x6" Tee	1	EA	\$2,100.00	\$2,100.00	1		1		\$2,100.00		\$2,100.00	100.00%						
115	12" 22.5° Bend	2	EA	\$1,750.00	\$3,500.00	2		2		\$3,500.00		\$3,500.00	100.00%						
116	8" 45° Bend	2	EA	\$1,200.00	\$2,400.00	2		2		\$2,400.00		\$2,400.00	100.00%						
117	6" 90° Bend	1	EA	\$1,100.00	\$1,100.00	1		1		\$1,100.00		\$1,100.00	100.00%						
118	12"x6" Reducer	1	EA	\$1,400.00	\$1,400.00	1		1		\$1,400.00		\$1,400.00	100.00%						
119	10"x8" Reducer	1	EA	\$1,300.00	\$1,300.00	1		1		\$1,300.00		\$1,300.00	100.00%						
120	8"x6" Reducer	4	EA	\$1,100.00	\$4,400.00	4		4		\$4,400.00		\$4,400.00	100.00%						
121	Conned to Existing Main - 12"	4	EA	\$5,700.00	\$22,800.00	4		4		\$22,800.00		\$22,800.00	100.00%						
122	Connect to Existing Main - 10"	1	EA	\$5,600.00	\$5,600.00	1		1		\$5,600.00		\$5,600.00	100.00%						
123	Connect to Existing Main - 8"	1	EA	\$5,500.00	\$5,500.00	1		1		\$5,500.00		\$5,500.00	100.00%						
124	Connect to Existing Main - 6"	6	EA	\$5,500.00	\$33,000.00	6		6		\$33,000.00		\$33,000.00	100.00%						
125	Abandon Existing Fire Hydrant	3	EA	\$650.00	\$1,950.00	3		3		\$1,950.00		\$1,950.00	100.00%						

Progress Estimate - Unit Price Work

Contractor's Application

For (contract)		West Holly Street Water Improvements			Schedule I and II			Application Number:		3											
Application Period:		11/1/2021 to 2/28/2022						Application Date		3/3/2022											
A		B			C			D		E		F		G		H		I		J	
Bid Item No	Description	Bid Quantity	Units	Unit Price	Total Bid Item Value (\$)	Estimated Quantity Installed Previously	Estimated Quantity Installed This Period	Estimated Quantity Installed to Date	Value of Work Installed This Period	Value of Work Installed to Date	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (G + H)	% (I / B)	Balance to Finish (\$)							
SCHEDULE I																					
126	Abandon Existing Gate Valve	6	EA	\$500.00	\$3,000.00	6		6		\$3,000.00		\$3,000.00	100.00%								
127	Fire Hydrant Assembly	6	EA	\$7,900.00	\$47,400.00	6		6		\$47,400.00		\$47,400.00	100.00%								
128	Fire Hydrant Lead	232	LF	\$ 95.00	\$22,040.00	232		232		\$22,040.00		\$22,040.00	100.00%								
129	Reconnect Existing Water Service	4	EA	\$2,100.00	\$8,400.00	4		4		\$8,400.00		\$8,400.00	100.00%								
130	Open Cul Point Repair	3	EA	\$6,000.00	\$18,000.00	1		1		\$6,000.00		\$6,000.00	33.33%	\$12,000.00							
131	Curb & Gutter Removal/Replacement	110	LF	\$ 54.00	\$5,940.00	156		156		\$8,424.00		\$8,424.00	141.82%	-\$2,484.00							
132	Concrete Sidewalk Removal/Replacement	500	SF	\$ 10.20	\$5,100.00	559		559		\$5,701.80		\$5,701.80	111.80%	-\$601.80							
133	Asphalt Removal	975	SY	\$ 8.00	\$7,800.00	1100		1100		\$8,800.00		\$8,800.00	112.82%	-\$1,000.00							
134	Asphalt Replacement - MDT	305	SY	\$ 86.75	\$26,458.75	543		543		\$47,105.25		\$47,105.25	178.03%	-\$20,646.50							
135	Asphalt Replacement - City	670	SY	\$ 72.50	\$48,575.00	557		557		\$40,382.50		\$40,382.50	83.13%	\$8,192.50							
136	Grass Restoration (Seed)	1600	SF	\$ 1.00	\$1,600.00	4240		4240		\$4,240.00		\$4,240.00	265.00%	-\$2,640.00							
137	Grass Restoration (Sod)	1600	SF	\$ 1.25	\$2,000.00									\$2,000.00							
138	Exploratory Excavation	20	HR	\$400.00	\$8,000.00									\$8,000.00							
139	Flowable Fill	750	CY	\$185.00	\$138,750.00	537		537		\$99,345.00		\$99,345.00	71.60%	\$39,405.00							
140	Imported Backfill	50	CY	\$ 60.00	\$3,000.00									\$3,000.00							
141	Type II Bedding	20	CY	\$ 52.00	\$1,040.00	8		8		\$416.00		\$416.00	40.00%	\$624.00							
142	Traffic Control	1	LS	\$48,000.00	\$48,000.00	1		1.00		\$48,000.00		\$48,000.00	100.00%								
143	Asbestos Pipe Removal	445	LF	\$ 70.00	\$31,150.00	367		367		\$25,690.00		\$25,690.00	82.47%	\$5,460.00							
144	Materials Testing Allowance	7500	UNIT	\$ 1.00	\$7,500.00	2774.72		2774.72		\$2,774.72		\$2,774.72	37.00%	\$4,725.28							
145	Miscellaneous Work Allowance	7500	UNIT	\$ 1.00	\$7,500.00	15710.75		15710.75		\$15,710.75		\$15,710.75	209.48%	-\$8,210.75							
					\$1,288,183.75					\$1,234,415.02		\$1,234,415.02	95.83%								
SCHEDULE II																					
201	Mobilization, Taxes, Bonds & Insurance	1	LS	\$64,300.00	\$64,300.00	1		1.00		\$64,300.00		\$64,300.00	100.00%								
202	Clean & CIPP Line Existing 12" Water Main	769	LF	\$210.00	\$161,490.00	755		755		\$158,550.00		\$158,550.00	98.18%	\$2,940.00							
203	12" PVC Water Main	189	LF	\$165.00	\$31,185.00	148		148		\$24,420.00		\$24,420.00	78.31%	\$6,765.00							
204	8" PVC Water Main	47	LF	\$130.00	\$6,110.00	49		49		\$6,370.00		\$6,370.00	104.26%	-\$260.00							
205	6" PVC Water Main	20	LF	\$120.00	\$2,400.00	22		22		\$2,640.00		\$2,640.00	110.00%	-\$240.00							
206	12" Gate Valve	6	EA	\$3,800.00	\$22,800.00	5		5		\$19,000.00		\$19,000.00	83.33%	\$3,800.00							
207	8" Gate Valve	2	EA	\$2,500.00	\$5,000.00	2		2		\$5,000.00		\$5,000.00	100.00%								
208	12"x12" Tee	2	EA	\$2,500.00	\$5,000.00	2		2		\$5,000.00		\$5,000.00	100.00%								
209	12"x8" Tee	1	EA	\$2,100.00	\$2,100.00	1		1		\$2,100.00		\$2,100.00	100.00%								
210	12" 45° Bend	2	EA	\$1,900.00	\$3,800.00	2		2		\$3,800.00		\$3,800.00	100.00%								
211	12"x6" Reducer	1	EA	\$1,400.00	\$1,400.00	1		1		\$1,400.00		\$1,400.00	100.00%								
212	8"x6" Reducer	1	EA	\$1,100.00	\$1,100.00	1		1		\$1,100.00		\$1,100.00	100.00%								
213	Connect to Existing Main - 12"	2	EA	\$5,700.00	\$11,400.00	2		2		\$11,400.00		\$11,400.00	100.00%								
214	Connect to Existing Main - 6"	2	EA	\$5,500.00	\$11,000.00	2		2		\$11,000.00		\$11,000.00	100.00%								
215	Abandon Existing Fire Hydrant	2	EA	\$650.00	\$1,300.00	1		1		\$650.00		\$650.00	50.00%	\$650.00							
216	Abandon Existing Gate Valve	1	EA	\$500.00	\$500.00									\$500.00							
217	Fire Hydrant Assembly	2	EA	\$10,900.00	\$21,800.00	2		2		\$21,800.00		\$21,800.00	100.00%								

Progress Estimate - Unit Price Work

Contractor's Application

For (contract): West Holly Street Water Improvements				Schedule I and II			Application Number: 3												
Application Period: 11/1/2021 to 2/28/2022				Application Date: 3/3/2022															
A		B		C		D		E		F		G		H		I		J	
Bid Item No.	Description	Bid Quantity	Units	Unit Price	Total Bid Item Value (\$)	Estimated Quantity Installed Previously	Estimated Quantity Installed This Period	Estimated Quantity Installed to Date	Value of Work Installed This Period	Value of Work Installed to Date	Materials Presently Stored (feet in C or D)	Total Completed and Stored to Date (+/-)	% (I / B)	Balance to Finish (B - I)					
SCHEDULE I																			
218	Fire Hydrant Lead	46	LF	\$ 95.00	\$4,370.00	46		46		\$4,370.00		\$4,370.00	100.00%						
219	Open Cut Point Repair	2	EA	\$6,000.00	\$12,000.00									\$12,000.00					
220	Curb & Gutter Removal/Replacement	30	LF	\$105.00	\$3,150.00	17		17		\$1,785.00		\$1,785.00	56.67%	\$1,365.00					
221	Concrete Sidewalk Removal/Replacement	75	SF	\$ 11.00	\$825.00									\$825.00					
222	Asphalt Removal	260	SY	\$ 8.00	\$2,080.00	308		308		\$2,464.00		\$2,464.00	118.46%	-\$384.00					
223	Asphalt Replacement - MDT	150	SY	\$ 90.00	\$13,500.00	213		213		\$19,170.00		\$19,170.00	142.00%	-\$5,670.00					
224	Asphalt Replacement - City	110	SY	\$ 60.00	\$6,600.00	95		95		\$5,700.00		\$5,700.00	86.36%	\$900.00					
225	Grass Restoration (Seed)	440	SF	\$ 1.00	\$440.00	3385		3385		\$3,385.00		\$3,385.00	769.32%	-\$2,945.00					
226	Grass Restoration (Sod)	440	SF	\$ 2.50	\$1,100.00									\$1,100.00					
227	Exploratory Excavation	10	HR	\$400.00	\$4,000.00									\$4,000.00					
228	Flowable Fill	440	CY	\$185.00	\$81,400.00	280		280		\$51,800.00		\$51,800.00	63.64%	\$29,600.00					
229	Imported Backfill	15	CY	\$ 80.00	\$1,200.00									\$1,200.00					
230	Type II Bedding	10	CY	\$ 52.00	\$520.00									\$520.00					
231	Traffic Control	1	LS	\$30,000.00	\$30,000.00	1		1.00		\$30,000.00		\$30,000.00	100.00%						
232	Asbestos Pipe Removal	250	LF	\$ 70.00	\$17,500.00	182		182		\$12,740.00		\$12,740.00	72.80%	\$4,760.00					
233	Materials Testing Allowance	2500	UNIT	\$ 1.00	\$2,500.00	2305.68		2305.68		\$2,305.68		\$2,305.68	92.23%	\$194.32					
234	Miscellaneous Work Allowance	2500	UNIT	\$ 1.00	\$2,500.00	4686		4686.00		\$4,686.00		\$4,686.00	187.44%	-\$2,186.00					
					\$536,370.00					\$476,935.68		\$476,935.68							
SUMMARY TABLE																			
Schedule I					\$1,288,183.75					\$1,234,415.02		\$1,234,415.02	95.8%	\$53,768.73					
Schedule II					\$536,370.00					\$476,935.68		\$476,935.68	88.9%	\$59,434.32					
Change Order #1					\$ (113,203.05)					Balancing Change Order				\$ (113,203.05)					
Totals					\$1,711,350.70					\$1,711,350.70		\$1,711,350.70	100.0%	\$					



**1% Contractor's Gross Receipts
Gross Receipts Withholding Return**

Form CGR-2 is required to be completed and mailed to the Department of Revenue within 30 days after each payment is made to the prime contractor or subcontractor.

1. Contract Awarded by: Enter the federal employer identification number, business name and address. Place an "X" in "Government Entity" box if you are remitting the 1% contractor's gross receipts payment on behalf of a prime contractor. Place an "X" in the "Prime Contractor" box if you are allocating the 1% contractor's gross receipts from your prime contractor's account to your subcontractor's account. Government Entity <input checked="" type="checkbox"/> Prime Contractor <input type="checkbox"/> Federal Identification Number (FEIN): 81-6001310 Name: City of Sidney Address: 115 2nd Ave SE City: Sidney State: MT Zip Code: 59270		
2. Contract Awarded to: Enter the federal employer identification number, business name and address. Place an "X" in the "Prime Contractor" box if you are remitting the 1% contractor's gross receipts on behalf of a prime contractor. Place an "X" in "Subcontractor" box if you are allocating the 1% contractor's gross receipts from your prime contractor's account to your subcontractor's account. Prime Contractor <input checked="" type="checkbox"/> Sub-Contractor <input type="checkbox"/> Federal Identification Number (FEIN): 26-0531908 Name: FER-PAL Construction USA LLC Address: 26187 Northline Road City: Taylor State: MI Zip Code: 48180		
3.	Enter the Government Issued Purchase Order Number here..... 3.	S2000117
4.	Enter the contract award date here..... 4.	6/4/2021
5.	Enter the month and year this payment was earned..... 5.	Mar-22
6.	Enter the gross dollar amount due to the prime contractor or sub-contractor here..... 6.	\$68,454.02
7.	Multiply the amount on line 6 by 1% (.01) and enter the result here: This is your 1% Contractor's Gross Receipts..... 7.	\$684.54
8.	Subtract line 7 from line 6 and enter the result here. This is the net amount paid to the prime contractor or subcontractor..... 8.	\$67,769.48
9.	Check the box below that identifies the type of return you are filing and enter the date the payment was made to the prime contractor or subcontractor..... 9.	
9(a)	<input checked="" type="checkbox"/> I am enclosing the amount reported on line 7 for credit to my prime contractor's account.	
9(b)	<input type="checkbox"/> I am allocating the amount reported on line 7 for credit to my subcontractor's account.	
10.	Enter a description of work to be performed under this contract. West Holly Street Water Improvements	
11.	Enter the location in Montana where this work is performed. Be specific with your description. West Holly Street, Sidney, Montana	

Withholding return submitted by: Select the appropriate box identifying which entity is completing this return; sign this return and enter the information requested below.
 Government Entity Prime Contractor Sub-Contractor

Preparer's Signature: [Signature]
 Preparer's Title: Project Manager
 Telephone Phone: (406) 433-5617 Date: March 3, 2022
 Fax Number: n/a

Please mail this registration to:
 Department of Revenue, P. O. Box 5835, Helena, MT 59604-5835

Lower Yellowstone Irrigation Project

*2327 Lincoln Ave SE
Sidney, Montana 59270
(406)-433-1306, fax: 9188*

Agreement No: AC19-1009

Date: 10/29/19

Exhibits: A

Documentation Fee: \$0

Acknowledgement of Crossing

Applicant: City of Sidney

Purpose: To acknowledge occupancy of right-of-way premises of Lower Yellowstone Irrigation Project's Lateral D; *hereafter referred to as said crossings with a Parking Bumps, Power Poles, and Underground Lines* .

Description of Premises: The location of the right-of-way and physical features to be occupied are shown on the attached Plan Sheet:

Lateral D: T23N R59E Sec 32

Conditions:

1. APPLICANT shall submit a location map illustrating each and every crossing; such location map shall be attached to this ACKNOWLEDGEMENT OF CROSSING as Exhibit "A".
2. A field review must be performed with Lower Yellowstone Irrigation Project Board of Control (LYIPBOC) prior to executing ACKNOWLEDGEMENT OF CROSSING. APPLICANT shall inform LYIPBOC at least 8 hours prior to initializing the construction process for each and every crossing site described herein.
3. The APPLICANT understands that the premises occupied are used for the purpose of constructing, operating, and maintaining public irrigation waterways, and that the APPLICANT shall coordinate all activities in regard to said *Parking Bumps, Power Poles, and Underground Lines* with LYIPBOC. If it is found that the APPLICANT's said *Parking Bumps, Power Poles, and Underground Lines* will interfere with any activity of LYIPBOC, the APPLICANT shall promptly remove, relay, or otherwise accommodate LYIPBOC.
4. APPLICANT shall install said *Parking Bumps, Power Poles, and Underground Lines* next to LYIP's waterway right-of-way to be occupied so that a minimum horizontal clearance of 16 feet is maintained next to the lateral.
5. APPLICANT shall turn in an As-build Profile to LYIPBOC after the construction has been completed.
6. The Applicant shall not conduct any future maintenance, replacement, or disturbance requiring excavation associated with the *Parking Bumps, Power Poles, and Underground Lines* or *said crossings* without a field review and consent by LYIPBOC.
7. APPLICANT shall be allowed to temporarily obstruct the *said crossings* right-of-way during construction, operation, or maintenance activities but shall not be allowed to obstruct the flow of water in *said crossings* at any time.
8. This ACKNOWLEDGEMENT OF CROSSING is for the features described herein and does not grant permission for any alterations or additions either during construction or at any time in the

future. LYIPBOC must approve any future alterations of said *Parking Bumps, Power Poles, and Underground Lines* that occupy the *said crossings* right-of-way.

- 9. APPLICANT understands that the permitted use: (a) is limited to the purposes and premises herein specified; (b) does not grant any rights to water; (c) is subject to existing easements, rights-of-way, or reservations; (d) is subject to the right of LYIPBOC to grant other permits for the same premises upon a finding that the additional use is compatible with this ACKNOWLEDGEMENT OF CROSSING.
- 10. APPLICANT shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, state and federal laws, rules and regulations applicable to their operations under this ACKNOWLEDGEMENT OF CROSSING.
- 11. This ACKNOWLEDGEMENT OF CROSSING shall continue as long as APPLICANT occupies the right-of-way for said *Parking Bumps, Power Poles, and Underground Lines*, unless it is terminated or revoked by mutual consent of LYIPBOC and APPLICANT.
- 12. In the event that future maintenance and replacement work of the features of *said crossings* within the *Parking Bumps, Power Poles, and Underground Lines* are deemed necessary as determined by LYIPBOC, the LYIPBOC will work cooperatively with the APPLICANT to minimize disturbance of use of the *Parking Bumps*.
- 13. This ACKNOWLEDGEMENT OF CROSSING is binding upon heirs, successors and assigns of the PERMITTEE and LYIPBOC.
- 14. APPLICANT shall hold LYIPBOC, its officers and employees, harmless and shall indemnify LYIPBOC, its officers and employees for any and all claims, costs, damages, and judgments arising out of any act, omission, or occurrence relating to the works, facilities and lands at issue herein, except such claims, costs, or damages arising from acts of negligence committed by LYIPBOC, its officers and employees.
- 15. APPLICANT understands that this Acknowledgement Letter does not relieve them from getting permission from the proper authorities or land owners.
- 16. APPLICANT shall pay an administrative fee of \$0 at the time this ACKNOWLEDGEMENT OF CROSSING is executed.

Lower Yellowstone Irrigation Project

City of Sidney

James Brower, Manager

(date)

(signature)

(title)

(date)

02/24/22
09:22:06

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 2/22

For Doc # = 39673
* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39673	3 MONTANA DAKOTA UTILITIES	206.51					
	2620131005 02/04/22 WELL #10	206.51		NA	5210 430500	300	101000
	# of Claims 1	Total: 206.51					

Paul of Polby
2/24/22

Jami Christensen
2/24/22

02/28/22
09:29:36

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 2/22

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39674	70 U.S.P.O.	836.83					
	02/28/22 FEBRUARY 2022 WATER BILLS	418.42			5210 430500	300	101000
	02/28/22 FEBRUARY 2022 SEWER BILLS	418.41			5310 430600	300	101000
	# of Claims 1	Total: 836.83					

Paul G. Peby
2/28/22

Kate Doherty
02/27/2022



SIDNEY
101 W HOLLY ST
SIDNEY, MT 59270-9998
(800)275-8777

02/28/2022 11:27 AM

Product Qty Unit Price

Cust Permit Dep \$836.83

Permit Type: Permit Imprint
Permit Number: 3001
Permit Acct Number: 244251
Customer Name: CITY OF SIDNEY

Grand Total: \$836.83

Personal/Bus Check \$836.83

USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.

To a Bureau? Self-carrying kinase offer

02/25/22
10:20:21

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 2/22

Page: 1 of 1
Report ID: AP100

... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39652	505 MONTANA MUNICIPAL COOPERATIVE	687.50					
<p>THIS CLAIM WAS ORIGNALLY WROTE TO MT MUNICIPAL COOPERATIVE, BUT WITH THE WRONG ADDRESS. IT WAS THEN ISSUED TO LAUREN PECK AT THE ADDRESS ON FILE INSTEAD OF UPDATING MT MUNICIPAL ADDRESS. THIS CLAIM, ADDRESS AND CHECK ARE NOW CORRECT.</p> <p>JC</p>							
	01/01/22 SID 101A- JANUARY 2022 INTERES	687.50		NA	3601 490300	610	101000
	# of Claims	1	Total:				687.50

Paul J. Peck
2/25/22

Kate Sully
02/27/2022

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account		
39675	131 SELBY'S	527.48							
1016770	02/18/22 JEFF'S- PLOTTER PRINTER REPAI	263.74		NA	5310 430600	300	101000		
1016770	02/18/22 JEFF'S- PLOTTER PRINTER REPAI	263.74		NA	5210 430500	300	101000		
39676	244 BADGER METER INC.	203.20							
80093452	02/28/22 BEACON MOBILE HOSTING	101.60		NA	5310 430600	300	101000		
80093452	02/28/22 BEACON MOBILE HOSTING	101.60		NA	5210 430500	300	101000		
39677	20 EAST-MONT ENTERPRISES, INC.	124.00							
159567	02/03/22 HAND TOWELS FOR CITY SHOP	124.00		23007	5310 430600	200	101000		
39678	1085 ARAMARK- ACCOUNTS RECEIVABLE	334.55							
2550010027	02/15/22 CITY SHOP RUGS CLEANED	104.83		NA	5310 430600	300	101000		
2550009721	02/08/22 CITY HALL RUGS CLEANED	125.72		NA	2565 430200	300	101000		
2550010646	03/01/22 CITY SHOP RUGS CLEANED	104.00		NA	5210 430500	300	101000		
39679	25 AUTO VALUE PARTS STORE	410.93							
440076616	01/27/22 CV SHAFT & SOCKETS	259.95		20981	5310 430600	200	101000		
440077104	02/08/22 RIVET GUN	10.99		23011	2565 430200	200	101000		
440077628	02/22/22 BATTERY- "06 DODGE 1/2 TON"	139.99		20992	5310 430600	200	101000		
39680	51 SIDNEY HERALD	272.92							
482855	02/06/22 CITY HALL REMODEL- NOTICE	272.92		NA	1000 410240	300	101000		
39681	207 HAWKINS INC	40.00							
6125796	02/18/22 CHLORINE CYLINDER	40.00		NA	5210 430500	200	101000		
39682	491 USA BLUE BOOK	464.21							
880364	02/15/22 SEWER FLOATS & VALVES	232.10		22323	5210 430500	200	101000		
880364	02/15/22 SEWER FLOATS & VALVES	232.11		22323	5310 430600	200	101000		
39683	35 LEE'S TIRE CENTER, INC.	100.00							
148864	02/01/22 TRUCK TIRE REPAIR	50.00		21906	5410 430830	300	101000		
149145	02/24/22 TRUCK TIRE REPAIR #421	50.00		20994	5410 430830	300	101000		
39684	3 MONTANA DAKOTA UTILITIES	843.21							
7860131000	02/15/22 WELL #9	823.16		NA	5210 430500	300	101000		
8302131000	02/15/22 LYNDALE PARK	20.05		NA	1000 460430	300	101000		

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

* ... Over spent expenditure

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39685	1027 MFCP INC	106.87							
8220818	02/24/22 HYDRO HOSE FOR TRUCK #417	106.87		23017	5410 430830	200		101000	
39686	753 DEPARTMENT OF ENVIRONMENTAL	2,060.00							
5L2201392	02/23/22 MT-OUTFALL CHARGE	2,060.00		NA	5310 430600	300		101000	
39687	1114 PINE COVE	1,350.00							
14192C	02/25/22 PINECOVE RESTORE FEE	300.00		NA	5710 430252	300		101000	
14180C	02/25/22 MONTHLY BILLING- FEB. 2022	1,050.00		NA	5710 430252	300		101000	
39688	119 CENTRAL WATER CONDITIONING	40.00							
02/28/22	WATER DELIVERED TO CITY HALL	40.00		NA	1000 410540	300		101000	
39689	59 HACH COMPANY	429.64							
12883975	02/14/22 IRON REAGENT	69.10		22320	5210 430500	200		101000	
12888392	02/16/22 PH BUFFER SOLUTION	81.74		22320	5210 430500	200		101000	
12880081	02/11/22 ACID CHEMICALS	245.88		22320	5210 430500	200		101000	
12902307	02/23/22 POTASSIUM IODINE	32.92		22320	5210 430500	200		101000	
39690	1148 CUES	3,989.41							
605175	02/14/22 CAMERA & TRACTOR REPAIR	1,003.35*		22393	5310 430600	940		101000	
605063	02/14/22 CAMERA & TRACTOR REPAIR	2,986.06*		22393	5310 430600	940		101000	
39691	E 1038 WEX BANK	2,729.79							
78828974	02/25/22 SPD FUEL- FEB. 2022	2,729.79		NA	1000 420100	230		101000	
39692	1229 KALIL LAW FIRM	7,556.26							
1597	01/31/22 DEC. 2021 & JAN. 2022- SERVICE	7,556.26		NA	1000 411100	300		101000	
39693	598 SCHAEFFER MFG CO.	1,606.55							
AF12909-IN	02/10/22 55 GALLON DRUM OF OIL	535.51		20988	2565 430200	200		101000	
AF12909-IN	02/10/22 55 GALLON DRUM OF OIL	535.51		20988	5410 430830	200		101000	
AF12909-IN	02/10/22 55 GALLON DRUM OF OIL	535.53		20988	5710 430252	200		101000	
39694	537 MARC	256.60							
0754255-IN	02/11/22 TACKLE CASE	256.60		20987	2565 430200	200		101000	
39695	102 NEWMAN SIGNS, INC.	882.91							
TRFINV0374	02/14/22 CROSS BRACKETS	177.43		23013	2565 430200	200		101000	
TRFINV0374	02/03/22 HANDICAP/SCHOOL SIGNS	705.48		23006	2565 430200	200		101000	

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

* ... Over spent expenditure

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39696	966 KLJ ENGINEERING LLC	2,212.44							
10165256	02/16/22 PLANNING SERVICES- JAN. 2022	2,212.44		NA	1000 411030	300	101000		
39697	249 MID-RIVERS COMMUNICATIONS	830.44							
03/01/22	WATER TELEPHONE	83.00		NA	5210 430500	300	101000		
03/01/22	SEWER TELEPHONE	83.00		NA	5310 430600	300	101000		
03/01/22	CITY SHOP TELEPHONE	83.00		NA	5410 430830	300	101000		
03/01/22	CITY HALL INTERNET	83.00		NA	1000 411200	340	101000		
03/01/22	CITY HALL FAX LINE	83.00		NA	1000 411200	340	101000		
03/01/22	FIREHALL INTERNET	83.00		NA	1000 420400	300	101000		
03/01/22	FIREHALL CABLE TV	83.00		NA	1000 420400	300	101000		
03/01/22	POOL TELEPHONE	83.00		NA	1000 460445	300	101000		
03/01/22	WATER PLANT INTERNET	83.00		NA	5210 430500	300	101000		
03/01/22	CITY HALL TELEPHONE	83.44		NA	1000 411200	340	101000		
39698	27 JOHNSON HARDWARE	280.69							
63948	01/26/22 SPRAY PAINT CANS & KEYS	25.98		23001	5310 430600	200	101000		
64838	01/31/22 HOOKS	3.99		22912	5310 430600	200	101000		
64858	01/31/22 SCREWS	9.99		22890	2565 430200	200	101000		
65104	02/01/22 EXTENSION CORDS	49.99		22391	5310 430600	200	101000		
65207	02/02/22 GLUE	5.29		23913	5310 430600	200	101000		
65450	02/04/22 HAMMER HANDLE & FINE ROPE	8.58		23008	2565 430200	200	101000		
65738	02/04/22 ORANGE PAINT	42.99		23010	2565 430200	200	101000		
66485	02/09/22 TAMPER PROOF PLUGS	11.99		23012	2565 430200	200	101000		
67313	02/14/22 BATTERIES	27.48		22916	5310 430600	200	101000		
67525	02/15/22 DRAIN OPENER	34.99		22959	5210 430500	200	101000		
67822	02/17/22 BALL VALVE & BRASS NIPPLES	33.46		23016	2565 430200	200	101000		
69035	02/24/22 STORAGE TOTES FOR CITY SHOP	25.96		22394	2565 430200	200	101000		
39699	E 1038 WEX BANK	6,860.96							
79137424	02/28/22 STREETS FUEL	652.72		NA	2565 430200	300	101000		
79137424	02/28/22 WATER FUEL	552.54		NA	5210 430500	300	101000		
79137424	02/28/22 SEWER FUEL	1,027.31		NA	5310 430600	300	101000		
79137424	02/28/22 SOLID WASTE FUEL	3,692.78		NA	5410 430830	300	101000		
79137424	02/28/22 PARKS FUEL	57.34		NA	1000 460430	300	101000		
79137424	02/28/22 ICE & SNOW FUEL	878.27		NA	2566 430251	300	101000		
39700	165 TRI-COUNTY IMPLEMENT	850.00							
US02200	02/16/22 18'' AUGER BIT	850.00		22577	1000 460430	930	101000		

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

Page: 4 of 6
Report ID: AP100

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39701	E	1122 STOCKMAN BANK - BANK FEES		765.94					
	01/31/22	SERVICE CHARGE #0486		30.00		NA	1000 410540	300	101000
	01/31/22	MERCH. SERVICE FEE #2929		103.29		NA	1000 410540	300	101000
	01/31/22	MERCH. SERVICE FEE #6816		135.94		NA	5210 430500	300	101000
	01/31/22	MERCH. SERVICE FEE #6816		135.94		NA	5310 430600	300	101000
	01/31/22	SERVICE CHARGE #0486		30.00		NA	1000 410540	300	101000
	02/02/22	SERVICE CHARGE #5410		38.37		NA	5210 430500	300	101000
	02/02/22	SERVICE CHARGE #5410		38.38		NA	5310 430600	300	101000
	01/10/22	WATER/SEWER NSF FEE		45.00		NA	5210 430500	300	101000
	01/10/22	WATER/SEWER NSF FEE		45.00		NA	5310 430600	300	101000
	01/19/22	WATER/SEWER NSF FEE		82.01		NA	5210 430500	300	101000
	01/19/22	WATER/SEWER NSF FEE		82.01		NA	5310 430600	300	101000
39702		77 RICHLAND COUNTY TREASURER		1,387.00					
	02/28/22	CRIMINAL CONVICTION		390.00		NA	7467 212300		101000
	02/28/22	LAW ENFORCEMENT SCHOOL		80.00		NA	7467 212300		101000
	02/28/22	TECHNOLOGY SURCHARGE		378.00		NA	7458 212200		101000
	02/28/22	VICTIM WITNESS SURCHARGE		539.00		NA	2917 212500		101000
39703		1213 SIDNEY WATER DEPARTMENT		1,232.66					
	02/28/22	FEBRUARY 2022- WATER BILL		477.14		NA	1000 420400	340	101000
	02/28/22	FEBRUARY 2022- SEWER BILL		755.52		NA	1000 420400	340	101000
39704		994 MACON SUPPLY		5.85					
	49772 02/14/22	DROP IN ANCHOR		5.85		22917	5310 430600	200	101000
39705		56 BUILDERS FIRSTSOURCE		13.99					
	84829642 02/02/22	BOX OF NAILS		13.99		22914	5310 430600	200	101000
39706		51 SIDNEY HERALD		99.84					
	487092 02/20/22	NUISANCE CODE- NOTICE		57.16		NA	1000 410240	300	101000
	487095 02/20/22	REC. MARIJUANA- NOTICE		42.68		NA	1000 410240	300	101000
39707		332 BORDER STEEL & RECYCLING, INC.		57.16					
	33218 02/21/22	HEADACHE RACK FOR CITY SHOP		57.16		23004	2565 430200	200	101000
39708		36 NAPA		879.02					
	760140 02/02/22	MISS. BOLTS		5.34		22915	5310 430600	200	101000
	760163 02/02/22	SPRAY PAINT & HEADACHE RACK		8.49		23005	2565 430200	200	101000
	760360 02/04/22	ELECTRICAL PLUG		7.49		23009	2565 430200	200	101000
	761019 02/08/22	CITY SHOP RESTOCK ORDER		34.16		20986	5310 430600	200	101000
	761019 02/08/22	CITY SHOP RESTOCK ORDER		34.16		20986	5210 430500	200	101000
	761019 02/08/22	CITY SHOP RESTOCK ORDER		34.16		20986	5410 430830	200	101000
	761019 02/08/22	CITY SHOP RESTOCK ORDER		34.06		20986	5710 430252	200	101000

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

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	761019	02/08/22	CITY SHOP RESTOCK ORDER	34.04		20986	2565 430200	200	101000
	761548	02/16/22	WRENCH VALVE & ELBOW	315.01		20989	5410 430830	200	101000
	761638	02/16/22	CANS OF FLEX SEAL	14.99		23015	2565 430200	200	101000
	761672	02/17/22	AIR FILTER	111.55		20991	5410 430830	200	101000
	762505	02/24/22	CITY SHOP RESTOCK ORDER	61.39		20993	5310 430600	200	101000
	762505	02/24/22	CITY SHOP RESTOCK ORDER	61.39		20993	5210 430500	200	101000
	762505	02/24/22	CITY SHOP RESTOCK ORDER	61.39		20993	5410 430830	200	101000
	762505	02/24/22	CITY SHOP RESTOCK ORDER	61.40		20993	2565 430200	200	101000
39709			207 HAWKINS INC	2,251.99					
	6130649	02/22/22	POT PERM & AZONE	2,251.99		22325	5210 430500	200	101000
39710			1172 MARGIE'S CAR WASH	15.00					
	02/07/22		DELUXE CAR WASH- JEFF H.	15.00		NA	2565 430200	300	101000
39711			44 REYNOLDS WAREHOUSE GROCERY	138.80					
	03-1832688	02/03/22	CITY HALL SUPPLIES	138.80		NA	1000 411200	200	101000
39712			263 BOSS INC.	91.99					
	451379-0	03/04/22	FIRE DEPT- OFFICE SUPPLIES	91.99		NA	1000 420400	200	101000
39713			1190 JUSTIN VERHASSELT	350.00					
	03/01/22		PERSONAL VEHICLE USE	350.00		NA	1000 420400	300	101000
39714			1302 DEREK CARDA	350.00					
	03/01/22		PERSONAL VEHICLE USE	350.00		NA	1000 420400	300	101000
39715			1231 ADAM SMITH	500.00					
	03/01/22		PERSONAL VEHICLE USE	500.00		NA	1000 420400	300	101000
39716			1231 ADAM SMITH	500.00					
	02/01/22		PERSONAL VEHICLE USE	500.00		NA	1000 420400	300	101000
39717			51 SIDNEY HERALD	104.00					
	759	02/28/22	SUBSCRIPTION RENEWAL	104.00		NA	1000 410210	300	101000
39718			350 ENERGY LABORATORIES INC	1,041.00					
	452004	02/08/22	SEWER SAMPLES	88.00		NA	5310 430600	300	101000
	452906	02/11/22	WATER SAMPLES	96.00		NA	5210 430500	300	101000
	452905	02/11/22	SEWER SAMPLES	271.00		NA	5310 430600	300	101000
	453655	02/16/22	SEWER SAMPLES	116.00		NA	5310 430600	300	101000
	454799	02/22/22	WATER SAMPLES	96.00		NA	5210 430500	300	101000
	456064	02/27/22	SEWER SAMPLES	116.00		NA	5310 430600	300	101000
	456410	02/28/22	WATER SAMPLES	258.00		NA	5210 430500	300	101000

03/04/22
12:29:30

CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 3/22

Page: 6 of 6
Report ID: AP100

* ... Over spent expenditure

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39719	402 UTILITIES UNDERGROUND LOCATION	15.70						
205105	02/28/22 EXCAVATION NOTIFICATIONS	12.90		NA	5210 430500	300	101000	
205105	02/28/22 COST OF DOING BUSINESS	2.80		NA	5310 430600	300	101000	
39720	E 509 CARDMEMBER SERVICE - VISA	5,347.37						
1500 & 226	01/31/22 COUNTRYARD INN & OLIVE GAR	172.95		NA	5410 430830	300	101000	
9478	01/31/22 DAKOTA FLUID POWER	1,232.00		NA	5410 430830	940	101000	
8827	02/15/22 MT RURAL WATER	360.50		NA	5210 430500	300	101000	
8827	02/15/22 MT RURAL WATER	360.50		NA	5310 430600	300	101000	
5887	01/31/22 WATER DEPT. SUPPLIES	486.30		22324	5210 430500	200	101000	
7400	02/17/22 WATER DEPT. SUPPLIES	525.60		22956	5210 430500	300	101000	
383	01/29/22 GRAINGER	548.97		20982	5310 430600	200	101000	
383	01/29/22 GRAINGER	548.97		20982	5410 430830	200	101000	
383	01/29/22 GRAINGER	548.98		20982	2565 430200	200	101000	
3810	01/26/22 NORTON RENEWAL	104.99		NA	2565 430200	300	101000	
9914	01/19/22 SEWER SUPPLIES	198.93		NA	5310 430600	300	101000	
7845	01/27/22 CITY HALL SUPPLIES	258.68		NA	1000 411200	300	101000	
39721	263 BOSS INC.	479.00						
440339	01/26/22 NAME PLATE- FRANK DIFONZO	12.05		BREE	1000 410130	300	101000	
441290	01/25/22 LEGAL JACKETS	36.99		KARMEN	5210 430500	200	101000	
443472	01/28/22 CANNON COPY COUNT	104.27		NA	1000 411200	300	101000	
443553	01/28/22 INK	129.97		23056	5210 430500	200	101000	
446863	02/11/22 THREE RING BINDER	27.98		22958	5210 430500	200	101000	
447792	02/16/22 PENS & MOUSE & PAPER	52.89		KALE	1000 420400	200	101000	
447792	02/16/22 PENS & MOUSE & PAPER	52.88		KALE	1000 420531	200	101000	
447913	02/17/22 NOTE PAPER & MARKERS	22.98*		JESSIE	1000 410540	200	101000	
449017	02/23/22 THREE HOLE PUNCH FOR CITY HALL	38.99		BREE	1000 411200	200	101000	
# of Claims		47	Total:	50,989.37				
Total Electronic Claims		15,704.06	Total Non-Electronic Claims		35285.31			