



City of Sidney, MT
City Council Regular Meeting 12-4-23
December 04, 2023 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: 713 080 5898 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.](#) November 20th, 2023 Park and Rec Committee Meeting Minutes
 - [b.](#) November 20th, 2023 Regular City Council Meeting Minutes
 - [c.](#) November 28th, 2023 Budget and Finance Committee Meeting Minutes
5. Visitors
 - a. Other Visitors:
6. Public Hearing
 - [a.](#) FY22-23 Budget Amendment
7. Mayor Norby
8. Committee Meeting Work
 - a. Budget and Finance Committee Meeting-HB 355 SLIPA Grant Projects
 - b. Budget and Finance Committee Meeting-FY22-23 Budget Amendment
 - c. Call for Street and Alley Committee Meeting-Snow Ordinance Update
 - d. Call for Budget and Finance Committee Meeting-City Prosecution

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

11. New Business

12. City Planner

13. City Attorney

[a.](#) Resolution 3926-FY22-23 Budget Amendment

[b.](#) Resolution 3927-Amending Employee Handbook for On-Call Policy

14. Chief of Police

15. Public Works Director

[a.](#) Interstate Engineering Contract for Street Chip Seal Project

[b.](#) Impact Fee Study RFQ Reponse-AE2S

16. Fire Marshal/Building Inspector

17. City Clerk/Treasurer

18. Consent Agenda

[a.](#) Claims to be approved: \$41,102.02

[b.](#) Building Permits to be approved

19. Adjournment



City of Sidney, MT
 Park and Recreation Committee Meeting 11-20-2023
 November 20, 2023 5:45 PM
 115 2nd Street SE | Sidney, MT 59270

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Alderman Present: DiFonzo, Christensen

Other's Present: Mayor Norby, PWD Hintz, Parks Superintendent Ridl, Greg Hitchcock (Sidney Herald), Jarred Jurgens, Brandi Azure and Waylon Olson.

1. New Business

a. South Meadow Park Equipment

Alderman DiFonzo stated he wanted to review certain items that were going to need to happen to make ensure the safety for this equipment. He stated in the previous meetings it was allowed for the installation of the equipment adjacent to the ballfield and he stated he feels it was marked to be located closer to the fields which could increase safety issues with fly balls. He stated one of the requirements was a 5 to 6-foot fence surrounding the equipment must be installed and Ms. Azure stated they have the funding for the fence and will purchase it and install it the way stated in the previous meeting. Alderman DiFonzo stated the City has agreed to install netting above the equipment and it needs to be installed to protect the entire playground area and everyone agreed. PWD Hintz stated he is unsure if the netting donated can be used at that location and Alderman DiFonzo stated the netting needs to be up prior to the equipment being used and the same for the fence. Mrs. Azure asked if it all needs to be done before fast pitch season starts and Alderman DiFonzo stated yes prior to the season and it being used.

Mrs. Azure asked if the has be around all 4 sides of the fence and if it can go from the concession stand to the dugout on the other side. Parks Superintendent Ridl stated she was not sure why it was marked to be located where it is as she has a 4-inch trunk line running under that area. PWD Hintz stated he presented several locations to the Committee at a prior meeting and the general location was chosen but it was moved in closer so it could be seen from the benches and didn't take up as much parking space, but it can get pushed back. He stated its current location does make it easier to encompass it with the current netting. Parks Superintendent stated she would prefer it be north about 20-feet more so she can get her service pickup in and have it off her trunk line and electrical. Parks Superintendent Ridl stated they could manipulate how the equipment is

installed and spin it to make it longer than it is wider to make it work better for all. Alderman DiFonzo stated the fence around all 4 sides per the agreement for the equipment and it is going to be younger children and there is concerns about keeping them in a designated area to stop them from running into the parking lot so the area of the playground needs to be designated. Alderman DiFonzo asked if the trunk line can be marked so they can look at the location of the equipment and she stated she could mark it.

Mrs. Azure asked how far away a bench or fence would have to be from the equipment and Parks Superintendent Ridl stated anything has to be 6-feet away from the equipment, including the border and/or a bench.

Alderman DiFonzo stated he just wants to make sure everyone is on the same page for the installation, so it is done correctly. Alderwoman Christensen stated they would like to see them work with City staff to make sure the location is the best and Alderman Stevenson agreed. PWD Hintz stated he could do another sketch with the trunk line and get it back to everyone to finalize the plan and the Park and Recreation Committee agreed.

Meeting was adjourned at 6:07pm.



City of Sidney, MT
 City Council Regular Meeting 11-20-23
 November 20, 2023 6:30 PM
 115 2nd Street SE | Sidney, MT 59270

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1. **Call to Order**

Mayor Norby called the regular meeting of the Sidney City Council to order at 6:30pm.

2. **Pledge of Allegiance**

The Pledge of Allegiance was stated by all present.

3. **Aldermen Present**

Christensen, Godfrey, Stevenson, Rasmussen and DiFonzo. Absent: Koffler

4. **Correction or Approval of Minutes**

a. **November 6th, 2023 City Council Meeting Minutes**

Clerk/Treasurer Chamberlin stated she amended to minutes to reflect Alderwoman Christensen being absent.

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. **November 16th, 2023 Water/Sewer Committee Meeting Minutes**

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman

Godfrey, Alderwoman Christensen

5. Visitors

a. Other Visitors:

Shane and Kim Usselman, Jessica and John Hoon, Janelle and Troy Jensen, Everett Jensen, Don & Val Franz, Carla Delp, Bruce & Nancy Beiswanger, Ron Barone, Sandy and Bill Fink, Carla Berg, Jaymie & Sara Romo, Jon Skinner, Brett Allen, Ray Johnson, Anthony Thiessen, Joe Kauffman (Big Sky Surveying), Jordan Mayer (Interstate Engineering), Kevin Clausen, Brennan Gorder, Dick Sult, Greg Hitchcock (Sidney Herald)

6. Public Hearing

a. Subdivision Regulations Update

Mayor Norby called the public hearing for the Subdivision Regulation Update to order at 6:31 pm.

Planner Sanderson stated these updates are required due to legislative changes during the 2023 legislative session. He stated the biggest changes where to the phased subdivision approvals, to the lot count from 1973 to 2003 mostly for minor subdivisions, a new exemption was added for family transfer within platted subdivisions, the expedited review portion, and variances can now be considered at the same time for subdivision. He stated the Planning Board reviewed and held a public hearing and have recommended approval. He stated the recommendation for the family transfer from staff and the Planning Board was for 2-years but the governing body can waive that requirement at any point for cause. He stated there was public testimony for this at the public hearing in front of the Planning Board, asking for no hold for family transfer, but the board still recommended 2-years.

Mayor Norby called for any opponents, three times, with none coming forward.

Mayor Norby called for any proponents, three times, with no coming forward.

Mayor Norby closed the public hearing for the Subdivision Regulation Update at 6:36 pm.

b. Hilltop Shop Zoning Change Request from B-2 to B-1

Mayor Norby called the public hearing for the Hilltop Shop Zone Change to B-1 to order at 6:37 pm.

Planner Sanderson stated the Zoning Commission recommendation, with it being a 2 to 2 vote and one abstain, was a denial per subdivision regulations. He stated the request is for Hilltop Shop, with historic industrial use, is to convert to B-1 and there was lengthily discourse and public comment at the Zoning Commission meeting including 22nd Avenue not being sufficient, impacts on neighborhood, and lack of knowledge on subsequent sales for the property. He stated this property is non-conforming for its current zoning by being storage and it's use is protected but any

change of use must come closer to compliance with the zoning. He stated the property was annexed with the non-conforming use.

Mayor Norby called for any opponents, with the following coming forward:

1. Jessica Hoon stated her property is next door and they have dealt with the excessive traffic with a previous business and the risk of a business not wanted in the middle of the neighborhood going in.
2. Anthony Theisen stated he as attend the last 2 meetings on this and with the 12-point standards he does not feel this change will be advantageous to the neighborhood. He stated item number 2 of the staff report, zoning designed to lesson congestion of streets, states this change might have a detrimental effect on 22nd Avenue. He stated that road is used by pedestrians frequently and the amount of traffic does not need to be increased. He stated the B-2 zoning shall accommodate large businesses along major corridors, most of which currently being on Central and West Holly and he does not feel 22nd Avenue is suitable for what is being proposed. He stated continuing with the 12-points, number 11 in the staff report, value of buildings, with changes in business zones the internet estimates up to 10-20% decrease and number 12, impacts of certain land uses stretch beyond land boundaries, he feels this change would create a major impact in that area especially with the businesses allowed in B-1 zoning.
3. Carla Delp stated she owns property in the area and agrees for the same reasons given previously.
4. Bruce Beiswanger stated he is opposed because of children who ride bikes and pedestrians on 22nd Avenue. He stated there is to much truck traffic on that road currently, especially coming down Red River. he stated they are scared with what could change with future sale of the property. He stated it has been established that 22nd Avenue is a woefully inadequate .
5. Carla Berg stated she is opposed.
6. Sarah Romo stated she is opposed.
7. Don Franz stated he is opposed.
8. Don Barone stated he is opposed.
9. Kim Usselman stated she is opposed.
10. Dick Sult stated he is opposed.
11. Brett Alan stated he is opposed.
12. Nancy Beiswanger stated she is opposed.
13. Bill Fink stated he is opposed.
14. Sandra Fink stated she is opposed.

15. John Hoon stated he is opposed.

16. Val Franz stated she is opposed.

Mayor Norby called for any further opponents, three times, with no more coming forward.

Mayor Norby called for any proponents, three times, with the following coming forward:

1. Mr. Troy Jensen provided the City Council with maps of the area and stated the property in question is approximately 4-acres directly on 22nd Avenue that has a shop and a trailer house. He stated the trailer house has been there for a very long time and they purchased the property in December of 2011 when it was still in the county. He stated in 2012 they received a building permit to build the shop by the City of Sidney and Richland County and it is used for a land survey business and had a renter that provided oil field services previously. He stated in 2015 when the annexation process started they wanted the zoning to be CLM and the City Planner at the time stated that zone makes sense and at following meetings the Planning Board changed the zone from CLM even though the use never changed. He stated he is not sure why they chose B-2, which is the only properties in the area with that zoning and the use does not match the zoning code, which allows a grocery store, restaurant, medical offices, funeral homes, barbershop, and daycare but not a shop/warehouse. He stated he recognizes the concerns with 22nd Avenue as he lives in that area also. He stated this request is to change the zone to fit the current use, B-1, which allows retail, sales and service. He stated the property is currently listed and has 3 proposed buyers. He stated depending on which company purchases, they have 2-5 employees and they drive pick-up trucks. He stated 2 of them provide services to the oil field, which is not a bad connotation, with no semi's only pick-up trucks. He stated the 3rd business provides a service to homeowners and also drive pick-up trucks with even less employees, they just need the shop. He stated all of these require B-1 zoning. He stated the B-2 zone should not have been an island and it should have been zoned the same as the properties to the north, which is B-1.

2. Janelle Jensen stated she is a member of Hilltop Shop and she is a proponent. She stated the land was purchased in 2011 and built the shop with permission by building permit number 2012-70. In 2015 the annexation process began with the ending zone of B-2 even though they had hoped for CLM. She stated during the annexation public hearing it was stated existing buildings and their use could remain as is and be grandfathered in and nothing has changed for this property. She stated Planner Sanderson recommended approval of B-1. She stated they do not have plans to build on this property nor do any purchasers and if they do they would have to go through the building permit process. She stated she agrees there are many allowed uses in B-1 she has no desire to be on that property now or in the future such as: liquor store, sales off premise alcohol, medical, bar, restaurant, convenience store, automobile washing, theaters, hotels and motels, exercise clubs, veterinary clinic, and laundry facilities. She stated the only allowed use that fits is retail sales and service and warehouse services. She stated they do have 3 lots adjacent and touching their property that is zoned B-1 with several more just south.

Alderman Godfrey asked if the lots are aggregated and Clerk/Treasurer Chamberlin stated there is two separate lots. Alderman Rasmussen asked if the properties to the north of the property in question are zoned B-1 and if they touch the property in question and Mr. Jensen pointed out on the map the location of the current B-1 properties.

Mayor Norby called for any further proponents, three times, with no more coming forward.

Clerk/Treasurer read into the record 2 emails from Kathy Johnson and Camille Clausen in opposition that were emailed late the night before the zoning board and not discovered to read into the record for that meeting. She also read into the record a letter of support of the zoning change from Corey Wieland.

Mayor Norby closed the public hearing for the Hilltop Shop Zone Change to B-1 at 7:02 pm.

7. Mayor Norby

a. 2023 Shop Small Proclamation

Mayor Norby read the 2023 Shop Small Proclamation out loud.

Motion was made to approve.

Motion made by Alderman Godfrey, Seconded by Alderman Rasmussen.

Voting Yea: Alderman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderman Godfrey, Alderman Christensen

8. Committee Meeting Work

a. Water/Sewer Committee Meeting-200,000 Gallon Water Tank Lining Project

Alderman Rasmussen stated the Water and Sewer Committee met and reviewed the 200,000 Gallon Water Tank Project and the request for approval of substantial completion and pay application 2. She stated because the project went over the contract time by 30 days, they discussed assessing liquidated damages that would be withheld from pay application 2 and off set the increase in engineering costs, which were originally contracted for \$8,500 but will not be closer to \$53,000. She stated it was the recommendation of the Water and Sewer Committee to approve pay application 2, withholding \$45,500 in liquidated damages and releasing the retainer.

b. Water/Sewer Committee Meeting-BDS Proposal

Alderman Rasmussen stated the Water and Sewer Committee reviewed the request of City Staff to expand the use of the Billing Document Services to include the credit card portal and a call-in payment system. She stated with this change, the credit card fee rate would not change, but the City would have to pay the cost for the online payment processing fee, which would be dropped from 3.5% to the 1.45% that the other credit card processing fees are. She stated it was their recommendation to approve this change. Clerk/Treasurer Chamberlin stated after the Water

and Sewer Committee meeting, she and Deputy Clerk/Treasurer Schmierer looked more into the costs for the call-in payment system and since the cost would be the credit card processing fee of 1.45% and a \$1.50 charge per call, they do not want to pursue that system.

Motion was made to approve the switching of the credit card processing to Billing Document Services and the City pay for the processing fee of 1.45%.

In discussion Mr. Barone stated they have been in their property since 2009 and has never been approached to get on City Sewer and PWD Hintz stated there is no sewer available on Red River Lane and the neighborhood could bring the utility to them through an SID. Alderwoman Rasmussen asked what that process would be and he stated it would be an SID and they could contact him for more information. Mr. Barone stated it would be nice to have it connected should they ever sell the property.

Motion made by Alderwoman Rasmussen, Seconded by Alderman DiFonzo.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. Park and Recreation Committee: South Meadow Park Equipment

Alderman DiFonzo stated the Park and Recreation Committee met prior to the Council meeting to discuss the South Meadow Park Equipment installation. He stated there was conditions agreed to at previous meeting that were reviewed with adult softball who purchased the equipment. They are wanting to be careful on the location of the equipment so it is not a hazard and it was decided the previous agreement will be followed but with the location, especially with the water line location, PWD Hintz will draw up a schematic for the location with the installation this fall but complete by the 2024 season.

Mrs. Berg asked about lighting for the park and Alderman DiFonzo stated the equipment will be installed to accommodate the parents for the ball games and it probably wont be used at night. Alderwoman Rasmussen stated she feels it would be used more and lighting should be looked into. Alderman DiFonzo stated they will look into the lighting.

d. Call for Committee: HB 355 funding and projects

Clerk/Treasurer Chamberlin stated HB355 allocated funding to Cities/Towns for maintenance and improvements. She stated the City of Sidney has \$463,223 allocated that they must apply for similar to a grant, but there is a 25% match on the total project. She stated part of the grant process is the City must solicit for projects which they will be doing by having a committee meeting. A list of projects will be made by city staff to present to the committee. Once a list of projects is created, the City Council will have a public hearing and prioritize the projects, then the application can be submitted. She stated she recommends this going before the Budget and Finance Committee since the projects will be from all public works departments.

A Budget and Finance Committee Meeting was scheduled for Tuesday November 28th at noon.12:30 pm.

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

Alderman DiFonzo stated he feels city staff should look into cost for a couple of lights for that the South Meadow Park Equipment. PWD Hintz stated he has a plan and will include it for the Park and Rec Committee to review with the layout.

10. Unfinished Business

Nothing.

11. New Business

a. Add \$15,000 in expenditures to Oil and Gas Fund for Nuisance Property's Clean-Up

Clerk/Treasurer Chamberlin stated there are several nuisance properties that have now gone through the court process that the City can go in and clean up, but because of the costs the City will incur upfront, even though they will be paid back on the property taxes, the City has not moved forward. She stated they are requesting the City council to approve an additional allocation out of the Oil and Gas fund of \$15,000 for these nuisance properties for FY23-24, which could cause the need for a budget amendment at the end of the fiscal year. She stated next fiscal year they plan to create a nuisance fund that will have money budgeted each fiscal year for the costs incurred, where the property tax allocations will go.

Motion was made to approve.

In discussion Mrs. Berg asked for a definition of Nuisance and PWD Hintz stated it is outlined in City code.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Godfrey.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. City Hall Remodel-Plan Review recommendation for smoke vent for basement

Clerk/Treasurer Chamberlin stated during the plan review process there was 2 items that were recommended that the City Council needs to decide if they would like to include in the remodel plans. She stated the first is the installation of a smoke vent for the basement. FM/BI Rasmussen

stated because there is only one entrance/exit for the basement, the installation of a smoke vent in the hallway closet could give the firemen a way to clear out smoke should there be a fire in the basement. He stated the concrete floor would have to be cut and a hatch would have to be installed and he does not feel it would be a large increase in cost.

Motion was made to approve.

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

c. City Hall Remodel-Plan Review recommendation for exit signs

Clerk/Treasurer Chamberlin stated the second recommendation from the plan review was for the exit signs. FM/BI Rasmussen stated egress lighting must be lit and have battery backup should the power go out, but City Hall has a generator that covers the entire office. He stated they are recommending having these in case the generator fails, and they are approximately \$30 online.

Motion was made to approve.

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

12. City Planner

a. Subdivision Regulations Update

Motion was made to approve.

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

b. Hilltop Shop Zoning Change Request from B-2 to B-1

City Planner Sanderson stated the Zoning/Board of Adjustments 2 to 2 denial recommendation since the motion to approve failed in a tie vote.

Motion was made to approve.

In discussion Alderwoman Godfrey asked if the local ordinances would address concerns such as noise ordinance or building permits. FM/BI stated noise would fall under police and anything allowed in the zoning he has to approve for a building permit but if not he can't approve without a variance.

Alderman DiFonzo stated he has concerns with allowed uses in B-1 and understands they do not have plans for them in the future and Mrs. Jensen asked if the Council can strike out those uses and Alderman DiFonzo asked if the city could limit under that zone what is actually allowed in that area. Attorney Kalil stated the current use is non-conforming meaning the current use would otherwise violate the zoning code. He stated non-conforming use is outlined in statute and the use can't change without a zoning change. He stated if no zone change is approved the only allowed use is the current or allowed uses under B-2 zoning. Alderman DiFonzo asked if the zoning change is approved is the city allowed to not permit the business if it is an allowed use. Planner Sanderson stated if the use is contemplated in the B-1 zoning or anything that is a permitted use could occur on the property without any additional review. A conditional use would go through the process and it could be decided it is not compatible. He stated the property cannot be conditionally zoned.

Alderman DiFonzo asked if they are only looking to change the front 4-acres and Mr. Jensen stated yes. Alderwoman Rasmussen asked why they waited to change the zoning until they were trying to sell the property and Mr. Jensen stated he thought it was a permitted use and didn't understand it was non-conforming. She asked if there are B-1 zoned properties right next door, why was this property not zoned that and Planner Sanderson stated he is not sure, the minutes just account for the change from CLM to B-2.

Alderwoman Godfrey asked where 22nd Avenue is on the priority list and PWD Hintz stated a bike path has been discussed and the City applied a Transportation Alternative Grant but it was denied. He stated it can be applied for again. Mr. Fink asked if there is an estimate for 22nd Avenue's improvements and PWD Hintz stated for the pedestrian path to the park has a cost estimate because of applying for the grant, but not the improvements to the street itself. Alderwoman Godfrey stated to address the safety concerns it would need to be widened, with side walks and lighting added. Rasmussen stated with ROI there is a lot of use of that street by pedestrians.

City Attorney Kalil stated from a legal perspective the 12-factors need to be taken into account and they have been addressed in Planner Sanderson's staff report. He stated the decision can be appealed to civil court but the city cannot be held monetarily liable but the decision could be overturned. He stated he recommends stating why it is turned down and he is uncomfortable with the discussion that it should have been a different zone when annexed as the record does not account for this. He stated there was the opportunity to correct it and it was not changed. He stated the B-1 zoning is for a commercial corridor.

Clerk/Treasurer Chamberlin asked if retail, sales and warehouse uses could be added to the B-1 Zoning Code as Conditional Uses and Planner Sanderson stated yes the could be amended to allow the conditional use following the proper procedures for amending the zoning code. Alderman DiFonzo stated his concern is for the 6 acres in the back with a change in ownership and Mr. Jensen stated that was not included in the request and DiFonzo stated if this front 4-acres was allowed the back 6-acres would have the expectation of approval. Mr. Jensen stated the back acres could not be developed without millions of dollars put into the infrastructure for a water tank on the hill. He stated it is his understanding there is not water available and PWD Hintz stated that is correct future substantial development would require more storage. Mr. Jensen

stated he was just asking for the front lot directly on 22nd Avenue. Mr. Franz stated city told him there was not enough water for his shop when he requested it and so he was denied.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Christensen.

Voting Yea: Alderwoman Godfrey

Voting Nay: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Christensen

13. City Attorney

Nothing.

14. Chief of Police

a. October 2023 Police Department Report

Chief Kraft provided the October 2023 Police Department Report. Mrs. Berg stated the truck traffic from Red River Lane can be controlled and Chief Kraft stated they have fielded calls on that and they do have to prioritize the calls with only a single officer on duty but they are all aware of the concern and they try to enforce it when they can.

15. Public Works Director

a. Update

PWD Hintz state they are working on playground equipment installation and working in Quilling's Park for installing the new skating rink.

b. Anderson Drainage ARPA Grant AC-22-0158 Amendment 1

PWD Hintz provided the Anderson Drainage ARPA Grant Amendment 1. He stated this is to change the scope of work, as the project originally had a retention pond but they are now increasing the drainage by a secondary of pipe so it is not needed.

Motion made by Alderwoman Godfrey, Seconded by Alderman Stevenson.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. 200,000 Gallon Water Tank Lining Project-Substantial Completion

PWD Hintz presented the 200,000 Gallon Water Tank Lining Project Substantial Completion.

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman

Godfrey, Alderwoman Christensen

d. 200,000 Gallon Water Tank Lining Project-Change Order 1-balancing

PWD Hintz presented the 200,000 Gallon Water Tank Lining Project Change Order 1 for balancing at the end of the project. Mr. Mayer stated \$5,000 was not used that was set aside for miscellaneous. He is recommending approval after signed by contractor.

Motion was made to approve and sign once signed by contractor.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Stevenson.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

e. 200,000 Gallon Water Tank Lining Project-Pay Application 2 for \$89,217.60

PWD Hintz presented the 200,000 Gallon Water Tank Lining Project Pay Order 2 for \$89,217.60, which has the \$45,500 liquidated damages withheld. Clerk/Treasurer Chamberlin added to the record a response from Advanced Lining on the liquidated damages. Alderwoman Godfrey stated she does not recommend changes to the Water and Sewer Committee recommendation. Mr. Mayer stated he recommends approval after signed by contractor and withhold the 5% retainage until warranty work was done.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

16. Fire Marshal/Building Inspector

FM/BI Rasmussen stated he will have the October Fire Run report at the next meeting. He stated they are active with fire calls, 130 for the year so far, and building permits with the nice weather.

17. City Clerk/Treasurer

a. September 2023 Water/Sewer Bank Transfer \$189,024.23

Clerk/Treasurer Chamberlin presented the September 2023 Water/Sewer Bank Transfer \$189,024.23.

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. October 2023 Water/Sewer Bank Transfer \$287,056.89

Clerk/Treasurer Chamberlin presented the October 2023 Water/Sewer Bank Transfer \$287,056.89.

Motion was made to approve.

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

c. Update

Clerk/Treasurer Chamberlin stated the City Hall Remodel walk-through and monthly site meeting will be tomorrow at 10:30am.

18. Consent Agenda

Motion was made to approve the claims and building permits.

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

a. Claims to be approved: \$184,137.18

b. Building Permits to be approved: 2024-35, 2024-38, 2024-43 to 45 and 2024-48

19. Adjournment

7:52 pm.



City of Sidney, MT
 Budget and Finance Committee Meeting
 November 28, 2023 12:30 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: 830 8746 7848 Passcode: 432809 Call: 1-346-248-7799

Alderman Present: Christensen, Rasmussen; Absent: Godfrey

Other's Present: Mayor Norby, PWD Hintz, Clerk/Treasurer Chamberlin, Deputy Clerk/Treasurer Shanks

1. New Business

a. HB 355 SLIPA Grant-Solicit for Projects

Clerk/Treasurer Chamberlin stated the SLIPA Grant allocates \$463,223 to the City of Sidney that can be applied for maintenance and improvement projects but it requires a 25% match of the total project, not just the grant award, that has to be out of the City budget and other grant or loan funds can be used. She stated part of the requirement for the grant process is to solicit and get applications for projects for which PWD Hintz has created a sheet for current projects needed in the City. The Budget and Finance Committee needs to review these projects to add or take away from the list. A public hearing will then be held at the December 18th, 2023 City Council meeting to get public input on the priority list of the projects and once the priority list is set, the City Council will decide which projects to apply for. She stated the city can apply for numerous projects to reach the \$463,000 allocation total.

PWD Hintz reviewed the projects listed. After reviewing the Budget and Finance committee cut projects that the City could not do with this grant due to the match amount or having other grant or loan funding available.

b. FY22-23 Budget Amendment

Clerk/Treasurer Chamberlin stated there needs to be 2 amendments to the FY22-23 budget. She stated the Mowing Fund went over the expenditure budget by \$4,943.00 due to contract mowing costs. She stated there is cash available in that fund to cover this. She stated the second is the New Fuel Tax Fund went over its expenditure budget by \$112,145.05 which is due to the 4th Avenue project. She stated instead of the school paying for their portion of the project directly they reimbursed the City and we paid for the entire project. This caused our expenditures to be

higher than anticipated, but the reimbursement was entered as a revenue so the cost was technically covered. She stated there will be a public hearing on this at the December 4th, 2023 City Council meeting.

Motion was made to recommend approval of the FY22-23 budget amendments.

Motion made by Rasmussen, Seconded by Christensen.

Voting Yea: Rasmussen, Christensen

**RESOLUTION NO. 3926
BUDGET AMENDMENT RESOLUTION**

**A RESOLUTION RELATING TO BUDGET AMENDMENTS FOR THE
FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023.**

WHEREAS, § 7-6-4031, MCA provides that annual budget appropriations may be amended;

WHEREAS, § 7-6-4006, MCA provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations;

WHEREAS, based upon the City's recent budget review it is necessary to alter and change the City's Fiscal Year 2021 Annual Budget;

WHEREAS, expenditures for 2584 Mowing exceeded the Annual Budget amount, using available cash balance was used to cover the cost of mowing properties;

WHEREAS, expenditures for 2821 New Fuel Tax exceeded the Annual Budget amount, using available cash balance was used to cover the cost of the street improvements refunded by the Sidney Public Schools;

WHEREAS, § 7-6-4031, MCA, requires that unless otherwise provided in state law, a public hearing is required for an overall increase in appropriation authority;

WHEREAS, the notice of hearing on budget amendment was published in accordance with § 7-1-4127, MCA, as required by § 7-6-4021, MCA;

WHEREAS, the hearing on budget amendments was held on December 4th, 2023, in accordance with § 7-1-4131, MCA.

NOW THEREFORE, be it resolved by the City Commission of the City of Sidney, Montana that the following budget amendments are hereby adopted:

II. Accounting for increase in expenditures for City of Sidney Budget

- A. 2584 Mowing -overall increase of \$4,943.00
- B. 2821 New Fuel Tax-overall increase of \$112,145.05

Adopted by the Commission of the City of Sidney, Montana, on this _____ day of December, 2023.

THE CITY OF SIDNEY

By: _____
Rick Norby, MAYOR

ATTEST:

By: _____
Jessica Chamberlin, CITY CLERK

11/20/23
11:10:17

CITY OF SIDNEY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 6 / 23

Page: 1 of 2
Report ID: B100F

Fund	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
1000 General	527,353.96	2,363,438.65	2,651,292.00	2,651,292.00	287,853.35	89 %
2060 PLAYGROUNDS & PARKS	0.00	9,000.00	25,011.00	25,011.00	16,011.00	36 %
2061 BALLPARKS & BALLFIELDS	0.00	1,058.31	18,000.00	18,000.00	16,941.69	6 %
2062 TENNIS COURTS	0.00	0.00	7,000.00	7,000.00	7,000.00	0 %
2063 BIKE PATH	0.00	0.00	69,731.00	69,731.00	69,731.00	0 %
2101 TBID	0.00	112,134.66	300,000.00	300,000.00	187,865.34	37 %
2170 Airport	23,181.07	23,181.07	34,500.00	34,500.00	11,318.93	67 %
2190 Comprehensive Liability	0.00	61,485.00	61,485.00	61,485.00	0.00	100 %
2220 Library Levy	130,000.00	130,000.00	130,000.00	130,000.00	0.00	100 %
2260 Emergency Disaster	0.00	278.00	29,000.00	29,000.00	28,722.00	1 %
2370 P.E.R.S. - Employer Contribution	11,635.19	137,642.94	258,317.00	258,317.00	120,674.06	53 %
2371 Employer Contribution Group Health	-23,296.37	160,054.39	234,321.00	234,321.00	74,266.61	68 %
2372 Permissive Health LEvy	40,000.00	40,000.00	42,400.00	42,400.00	2,400.00	94 %
2390 Drug Forfeiture	1,150.00	3,725.93	25,000.00	25,000.00	21,274.07	15 %
2399 Impact Fees	0.00	0.00	270,000.00	270,000.00	270,000.00	0 %
2425 Street Lighting	19,243.23	140,758.87	148,000.00	148,000.00	7,241.13	95 %
2550 Tree Removal - Dutch Elm Disease	0.00	680.00	2,500.00	2,500.00	1,820.00	27 %
2565 City Wide Street Maintenance	26,212.53	314,753.58	357,004.00	357,004.00	42,250.42	88 %
2566 SNOW REMOVAL	9,200.69	185,082.83	199,108.00	199,108.00	14,025.17	93 %
2584 Mowing	4,025.00	19,943.00	15,000.00	15,000.00	-4,943.00	133 %
2598 MVS Park Maintenance #98	0.00	0.00	12,000.00	12,000.00	12,000.00	0 %
2810 Police Reserve Training	0.00	22,975.99	30,000.00	30,000.00	7,024.01	77 %
2820 Gas Apportionment Tax	35,029.82	119,418.26	234,200.00	234,200.00	114,781.74	51 %
2821 NEW FUEL TAX	0.00	257,145.05	145,000.00	145,000.00	-112,145.05	177 %
2890 Oil/Gas Severance	178,029.00	232,061.26	389,279.00	389,279.00	157,217.74	60 %

11/20/23
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CITY OF SIDNEY
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 6 / 23

Page: 2 of 2
Report ID: B100F

Fund	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
2990 ARPA	0.00	0.00	1,583,600.00	1,583,600.00	1,583,600.00	0 %
3600 SID 100 SMV Paving	0.00	0.00	27,000.00	27,000.00	27,000.00	0 %
3601 SID 101A	0.00	0.00	26,500.00	26,500.00	26,500.00	0 %
3602 SID #102	0.00	33,134.47	80,500.00	80,500.00	47,365.53	41 %
3603 SID #103	0.00	0.00	1,600.00	1,600.00	1,600.00	0 %
3604 SID #104	25,996.45	51,992.90	55,000.00	55,000.00	3,007.10	95 %
4010 City Hall CIP	0.00	861.28	93,000.00	93,000.00	92,138.72	1 %
4015 Parks CIP	0.00	0.00	75,000.00	75,000.00	75,000.00	0 %
4020 Police CIP	0.00	0.00	20,000.00	20,000.00	20,000.00	0 %
4025 Police Investigative CIP	0.00	8,100.00	30,000.00	30,000.00	21,900.00	27 %
4030 Cap Proj-Street Equipment	0.00	70,000.00	106,500.00	106,500.00	36,500.00	66 %
4031 Cap Proj-Street Construction	0.00	0.00	173,750.00	173,750.00	173,750.00	0 %
4040 Capital Projects - Fire Equipment	4,406.34	4,406.34	10,000.00	10,000.00	5,593.66	44 %
4060 Enhancement Project-CTEP-Bike Path	0.00	0.00	65,000.00	65,000.00	65,000.00	0 %
4070 Downtown Enhancement Capital Project	0.00	0.00	12,500.00	12,500.00	12,500.00	0 %
5210 Water Utility	876,684.65	1,807,519.25	1,973,588.00	1,973,588.00	166,068.75	92 %
5211 WATER IMPACT FEES	0.00	0.00	219,000.00	219,000.00	219,000.00	0 %
5310 Sewer Utility	200,184.18	2,567,523.35	3,012,900.00	3,012,900.00	445,376.65	85 %
5311 SEWER IMPACT FEES	0.00	0.00	59,500.00	59,500.00	59,500.00	0 %
5410 Solid Waste	67,825.58	934,038.27	1,027,733.00	1,027,733.00	93,694.73	91 %
5710 Sweeping Operating	19,452.63	190,965.68	229,151.00	229,151.00	38,185.32	83 %
7120 Fire Disability	42,500.00	85,000.00	85,000.00	85,000.00	0.00	100 %
7920 RICHLAND COUNTY GRANT	0.00	0.00	1,800.00	1,800.00	1,800.00	0 %
Grand Total:	2,218,813.95	10,088,359.33	14,656,770.00	14,656,770.00	4,568,410.67	69 %

CITY BUDGET NOTICE

Notice is hereby given that the City Council of the City of Sidney, Montana, has completed its preliminary municipal budget of the fiscal year beginning July 1, 2022 and ending July 30, 2023 and intends to amend that annual budget. The budget amendment has been placed on file at City Hall and is open to inspection by the public. A public hearing will be held on Monday December 4th, 2023 at 6:30pm at the City Hall Council Chambers, 115 2nd St SE Sidney, MT 59270. Any taxpayer may appear there at and may be heard for or against any part of said budget amendment.

Dated this 20th day of November, 2023
Jessica Chamberlin
City Clerk/Treasurer

(Publish November 22nd, 26th and 29th and December 3rd, 2023)



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Sidney Herald** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(406) 433-2403**.

Notice ID: tDON6AiEzZgZduiSerl8 | **Proof Updated: Nov. 20, 2023 at 11:20am MST**
Notice Name: **Fy22-23 Budget Amendment PH**

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
City Clerk & Treasurer Jessica Chamberlain clerktreasurer@cityofsidneymt.com (406) 433-2809	Sidney Herald

Columns Wide: 1	Ad Class:	Legals
11/22/2023: Public Notice		42.35
11/26/2023: Public Notice		42.35
11/29/2023: Public Notice		42.35
12/03/2023: Public Notice		42.35

Subtotal	\$169.40
Tax	\$0.00
Processing Fee	\$16.94
Total	\$186.34

Public Notice CITY BUDGET NOTICE

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Dated this 20th day of November, 2023
Jessica Chamberlin
City Clerk/Treasurer
MNAXLP ##### Published November 22, 26, 29, December 3, 2023

**RESOLUTION NO. 3926
BUDGET AMENDMENT RESOLUTION**

Item a.

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FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023.

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- A. 2584 Mowing -overall increase of \$4,943.00
- B. 2821 New Fuel Tax-overall increase of \$112,145.05

Adopted by the Commission of the City of Sidney, Montana, on this _____ day of December, 2023.

THE CITY OF SIDNEY

By: _____
Rick Norby, MAYOR

ATTEST:

By: _____
Jessica Chamberlin, CITY CLERK

Resolution # 3927

A RESOLUTION AMENDING THE EMPLOYEE HANDBOOK SECTIONS 2.22 ON-CALL DUTY FOR MUNICIPAL EMPLOYEES

WHEREAS, the City of Sidney has previously, by resolution number 3884, adopted an on-call policy for the employees of the City of Sidney; and,

WHEREAS, the City of Sidney now wishes to no longer have that policy;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following policy shall replace the previously adopted 2.22 On-Call Duty policy of the City of Sidney:

Call-Out Time: When an Employee is called back to work at a time other than his regular shift, he/she will be given two (2) hours work or paid a minimum of two (2) hours overtime pay. If an Employee is called back to work between the hours of 10:00 p.m. and 5:00 a.m., he/she will be given three (3) hours work or three (3) hours overtime pay. However, if there are regularly scheduled Employees working during the call-out, the on-call Employee receiving the call will contact the regularly scheduled Employee to respond to the call-out as a part of their regularly assigned duties. If the regularly scheduled Employee is busy with another task that cannot be delayed and is unable to respond, the on-call Employee will respond. If an employee chooses to not work the full 40-hour schedule above their call-out time, using the call-out time hours as flex hours within the same week, they will be paid one half (1/2) their hourly wage per hour of call-out time as an additional pay.

On-Call Time: (DELETE)

The Sidney Police Department is exempt from this policy.

Adopted this ____ day of June, 2022.

Mayor

ATTEST:

Clerk/Treasurer of the City of Sidney

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement between City of Sidney (Owner) and
Interstate Engineering, Inc. (Engineer).

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as:
2024 City-Wide Chip Seals (Project).

Engineer's services under this Agreement (Services) are generally identified as:
Design and bidding services (Services).

Owner and Engineer further agree as follows:

1.01 Services of Engineer

- A. Engineer shall provide or furnish the Services set forth in this Agreement, and any Additional Services authorized by Owner and consented to by Engineer.
- B. **Engineer's services under this Agreement are identified as follows:**
 - 1. **Provide applicable Plan Sheets and Specifications for reconstruction of selected areas and surfacing of approximately 5 miles of City streets as Shown in Appendix 2. Applicable Plans and Specifications will be incorporated into the Construction Documents for Richland County's 2024 County Road Improvements Project.**
 - a. **Patching quantities for the project will be measured in the field and verified with the Owner.**
 - b. **Surfacing quantities for the project will be estimated using aerial imagery.**
 - c. **Design standards for the Project: AASHTO Green Book, AASHTO Low Volume Roads, MDT Standard Specifications, MPWSS.**
 - d. **Engineer will break the Project into the schedules to allow the Owner flexibility to award portion of the Project within their budget, if needed.**
 - 2. **Meeting with the Owner to review 95% Construction Documents.**
 - 3. **Provide assistance during the bidding process, review submitted bids for general concurrence, and provide a recommendation of Project Award to the Council**
- C. **The following is excluded from the Engineer's Services**
 - 1. **Permitting**

2. Easements
3. SWPPP
4. Traffic Control Plan
 - a. The Contractor will submit a traffic control plan. The traffic control plan will be reviewed and approved by the Owner prior to construction.
5. Construction Engineering Services
 - a. After the Project is awarded, the Engineer will provide a Contract Amendment for Construction Engineering Services

2.01 Owner's Responsibilities

- A. Owner shall provide Engineer with existing Project-related information and data in Owner's possession and needed by Engineer for performance of Engineer's Services. Owner will advise the Engineer of Project-related information and data known to Owner but not in Owner's possession. Engineer may use and rely upon Owner-furnished information and data in performing its Services, subject to any express limitations applicable to the furnished items.
 1. Following Engineer's assessment of initially-available Project information and data, and upon Engineer's request, Owner shall obtain, furnish, or otherwise make available (if necessary through retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Services; or, with consent of Engineer, Owner may authorize the Engineer to obtain or provide all or part of such additional information and data as Additional Services.
- B. Owner shall provide necessary direction and make decisions, including prompt review of Engineer's submittals, and carry out its other responsibilities in a timely manner so as not to delay Engineer's performance. Owner shall give prompt notice to Engineer whenever Owner observes or otherwise becomes aware of (1) any relevant, material defect or nonconformance in Engineer's Services, or (2) any development that affects the scope or time of performance of Engineer's Services.

3.01 Schedule for Rendering Services

- A. Engineer has tentatively scheduled a bid opening for January 2024 with Construction anticipated in the Summer/Fall 2024.
- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's Services is impaired, or Engineer's Services are delayed or suspended, then the time for completion of Engineer's Services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

4.01 Invoices and Payments

- A. Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.
- B. Payment: As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in this Paragraph 4.01, Invoices and Payments.

If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.

- C. Failure to Pay: If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses within 30 days after receipt of Engineer's invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; (2) in addition Engineer may, after giving 7 days' written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges, and in such case Owner waives any and all claims against Engineer for any such suspension; and (3) if any payment due Engineer remains unpaid after 90 days, Engineer may terminate the Agreement for cause pursuant to Paragraph 5.01.A.2.
- D. Reimbursable Expenses: Engineer is entitled to reimbursement of expenses only if so indicated in Paragraph 4.01.E or 4.01.F. If so entitled, and unless expressly specified otherwise, the amounts payable to Engineer for reimbursement of expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external expenses allocable to the Project, including Engineer's subcontractor and subconsultant charges, with the external expenses multiplied by a factor of **10%**.
- E. Basis of Payment
 - 1. Hourly Rates. Owner shall pay Engineer for Services as follows:
 - a. An amount equal to the cumulative hours charged to the Project by Engineer's employees times standard hourly rates for each applicable billing class, plus reimbursement of expenses incurred in connection with providing the Services.
 - b. Engineer's Standard Hourly Rates are attached as Appendix 1.
 - c. The total compensation for Services and reimbursement of expenses is estimated to be **\$15,000.00**.
- F. Additional Services: For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by Engineer's employees, times standard hourly rates for each applicable billing class; plus reimbursement of expenses incurred in connection with providing the Additional Services. Engineer's standard hourly rates are attached as Appendix 1.

5.01 Termination

A. Termination for Cause

- 1. Either party may terminate the Agreement for cause upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms of the Agreement, through no fault of the terminating party.
 - a. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 5.01.A.1 if the party receiving such notice begins, within 7 days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30-day period, and if such party has diligently

attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein will extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. In addition to its termination rights in Paragraph 5.01.A.1, Engineer may terminate this Agreement for cause upon 7 days' written notice (a) if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional, (b) if Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control, (c) if payment due Engineer remains unpaid for 90 days, as set forth in Paragraph 4.01.C, or (d) as the result of the presence at the Site of undisclosed Constituents of Concern as set forth in Paragraph 6.01.I.
 3. Engineer will have no liability to Owner on account of any termination by Engineer for cause.
- B. Termination for Convenience: Owner may terminate this Agreement for convenience, effective upon Engineer's receipt of notice from Owner.
- C. Payments Upon Termination: In the event of any termination under Paragraph 5.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement, and to reimbursement of expenses incurred through the effective date of termination. Upon making such payment, Owner will have the limited right to the use of all deliverable documents, whether completed or under preparation, subject to the provisions of Paragraph 6.01.F, at Owner's sole risk.
1. If Owner has terminated the Agreement for cause and disputes Engineer's entitlement to compensation for services and reimbursement of expenses, then Engineer's entitlement to payment and Owner's rights to the use of the deliverable documents will be resolved in accordance with the dispute resolution provisions of this Agreement or as otherwise agreed in writing.
 2. If Owner has terminated the Agreement for convenience, or if Engineer has terminated the Agreement for cause, then Engineer will be entitled, in addition to the payments identified above, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's subcontractors or subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Paragraph 4.01.F.

6.01 General Considerations

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.

- B. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor will Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- C. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.
- D. Engineer's opinions of probable construction cost (if any) are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.
- E. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents, other than those made by Engineer.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Engineer grants to Owner a limited license to use the deliverable documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the deliverable documents, and subject to the following limitations:
 - 1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;
 - 2. any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and subconsultants;
 - 3. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and subconsultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and
 - 4. such limited license to Owner shall not create any rights in third parties.

- G. Owner and Engineer agree to transmit, and accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.
- H. Waiver of Damages; Limitation of Liability: To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's officers, directors, members, partners, agents, employees, subconsultants, and insurers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, from any cause or causes, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$100,000 or the total amount of compensation received by Engineer, whichever is greater.
- I. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute will be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- K. This Agreement is to be governed by the laws of the state in which the Project is located.
- L. Engineer's Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

7.01 Definitions

- A. Constructor—Any person or entity (not including the Engineer, its employees, agents, representatives, subcontractors, and subconsultants), performing or supporting construction activities relating to the Project, including but not limited to contractors, subcontractors, suppliers, Owner's work forces, utility companies, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.
- B. Constituent of Concern—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), lead based paint (as defined by the HUD/EPA standard), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to laws and regulations regulating, relating

to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

8.01 Successors, Assigns, and Beneficiaries

A. Successors and Assigns

1. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 8.01.A.2 the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
2. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

- B. Beneficiaries: Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

9.01 Total Agreement

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Attachments: Appendix 1: Engineer's Standard Hourly Rates, Appendix 2: City Streets Map

This Agreement's Effective Date is November 27, 2023.

Owner:

City of Sidney
(name of organization)

By: _____
(authorized individual's signature)

Date: _____
(date signed)

Name: Rick Norby
(typed or printed)

Title: Mayor
(typed or printed)

Address for giving notices:
115 2nd St SE, Sidney, MT 59270

Designated Representative:

Name: Jeff Hintz
(typed or printed)

Title: Director of Public Works
(typed or printed)

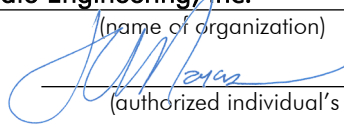
Address:
115 2nd St SE, Sidney, MT 59270

Phone: 406.433.2809

Email: publicworks@cityofsidneymt.com

Engineer:

Interstate Engineering, Inc.
(name of organization)

By: 
(authorized individual's signature)

Date: 11/28/2023
(date signed)

Name: Jordan Mayer
(typed or printed)

Title: Office Manager
(typed or printed)

Address for giving notices:
PO Box 648, Sidney, MT 59270

Designated Representative:

Name: Ryan Kopp
(typed or printed)

Title: Project Manager
(typed or printed)

Address:
PO Box 648, Sidney, MT 59270

Phone: 406.433.5617

Email: Ryan.kopp@interstateeng.com

This is **Appendix 1, Engineer’s Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated November 27, 2023.

SCHEDULE OF RATES
ATTACHMENT #1
(Effective 1/22/2023)

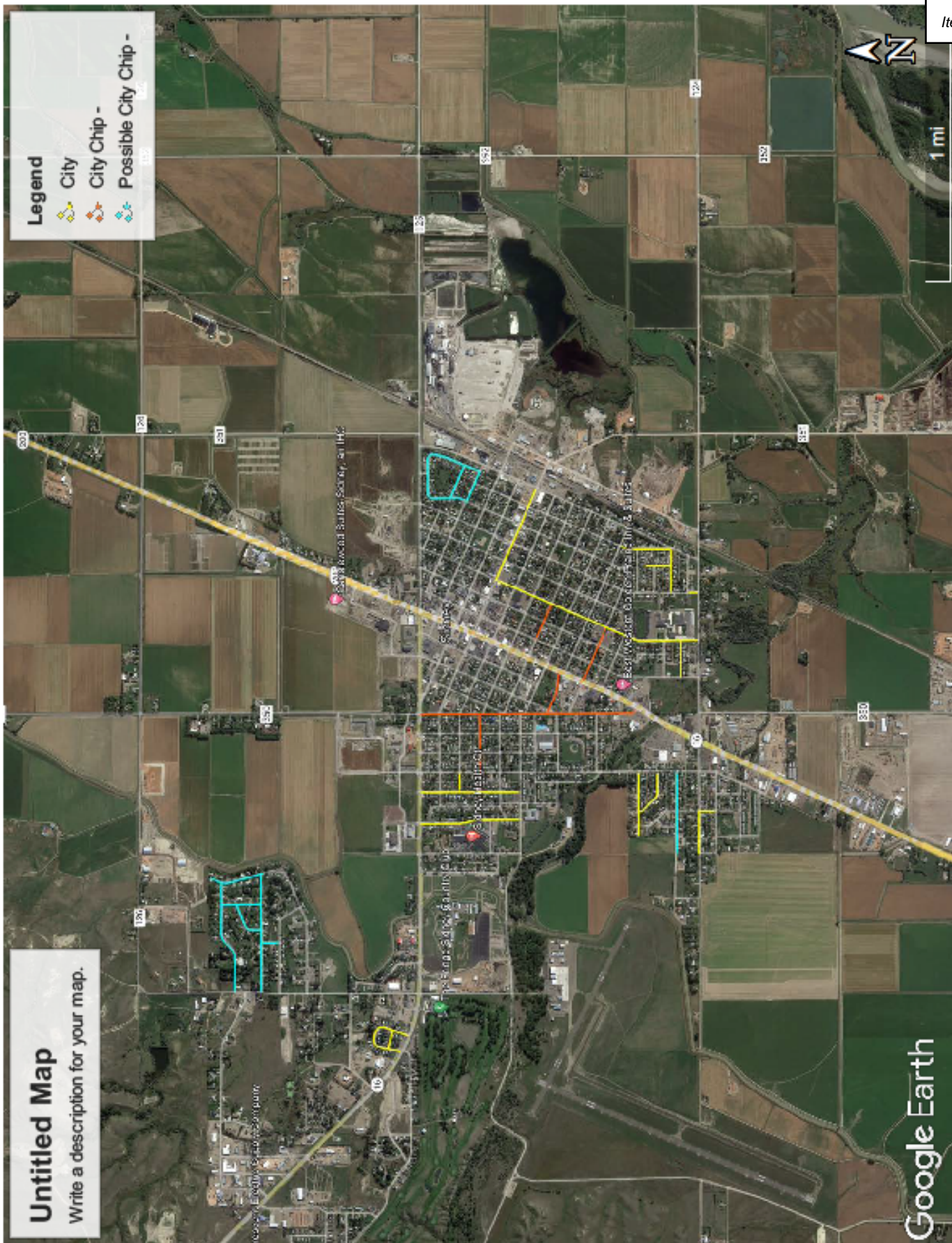
	<u>Hourly Rate</u>		<u>Hourly Rate</u>
<u>Engineers</u>		<u>Technicians</u>	
ENG I	\$ 125.00	TECH I	\$ 80.00
ENG II	\$ 140.00	TECH II	\$ 95.00
ENG III	\$ 155.00	TECH III	\$ 110.00
ENG IV	\$ 170.00	TECH IV	\$ 125.00
ENG V	\$ 185.00	TECH V	\$ 140.00
ENG VI	\$ 200.00	TECH VI	\$ 155.00
ENG VII	\$ 215.00	TECH VII	\$ 170.00
ENG VIII	\$ 230.00	TECH VIII	\$ 185.00
ENG IX	\$ 245.00	TECH IX	\$ 200.00
ENG X	\$ 260.00	TECH X	\$ 215.00
 <u>Surveyors</u>		 <u>Planners</u>	
SURV I	\$ 100.00	PLANNER I	\$ 110.00
SURV II	\$ 115.00	PLANNER II	\$ 135.00
SURV III	\$ 130.00	PLANNER III	\$ 165.00
SURV IV	\$ 145.00	PLANNER IV	\$ 185.00
SURV V	\$ 160.00	PLANNER V	\$ 210.00
SURV VI	\$ 175.00		
SURV VII	\$ 190.00	<u>Administrative</u>	
SURV VIII	\$ 205.00	ADMIN I	\$ 80.00
SURV IX	\$ 220.00	ADMIN II	\$ 90.00
SURV X	\$ 235.00		
		<u>Information Technologists</u>	
 <u>Expert Witness</u>	 \$ 300.00	IT I	\$ 135.00
		IT II	\$ 185.00

CHARGEABLE EXPENSES

Subsistence	Actual cost	Travel Vehicle.....	\$0.78 per mile
Subconsultant Services – Geotechnical	Actual cost plus 15%	Survey Vehicle	\$0.88 per mile
Subconsultant Services – Other	Actual cost plus 10%	ATV.....	\$75.00 per day
Survey Materials Required.....	Actual cost plus 25%	ATV with Tracks	\$125.00 per day
Plat Certification per Certification	\$35.00	UTV.....	\$150.00 per day
Recordation per Monument	\$35.00	UTV with Tracks.....	\$200.00 per day
24" x 36" Prints per Page	\$9.00	Snowmobile	\$200.00 per day
Other Miscellaneous Project Expenses	Actual cost		

ANY AND ALL SALES AND USE TAX, TERO OR OTHER SPECIAL FEES WHICH APPLY TO THIS CONTRACT.

Item a.



STATEMENT OF QUALIFICATIONS FOR

IMPACT FEE STUDY REVIEW AND UPDATE

SIDNEY, MT
11/20/2023

AE2S Nexus
405 3rd Street NW, Suite 205
Great Falls, MT 59404
T: 406-268-0626





INSIDE

- 1 | FIRM QUALIFICATIONS
- 2 | KEY PERSONNEL

IMPACT FEE STUDY EXAMPLE (Included separately)

To best demonstrate the product you will receive by working with us, we've included similar successful project study deliverables for the City of Belgrade, MT as an example.

November 20, 2023

Jeff Hintz
Public Works Director
115 2nd Street S.E.
Sidney, Montana 59270

Re: Developing Fair, Equitable, and Defensible Impact Fees

Dear Mr. Hintz,

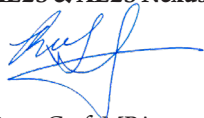
We are excited to bring our experience to assist the City of Sidney in updating your impact fees to tackle the infrastructure and demand-driven challenges on the horizon. You will benefit from the experience helping numerous communities across Montana with Montana-specific impact fee updates. Working within this framework, we will tailor the fees and methodology to fit what makes your community unique. In the end, you will be confident that you can move ahead with critical projects knowing your impact fees will be best positioned to help support their financial costs:

Tailored Approaches for Better Results: Our team takes the critical components of the impact fee best practices and tailors them to your community's unique circumstances - we don't do a cookie-cutter study. This means that in the end, your fees will be more appropriately aligned with your needs. This has been proven from when we helped the City of Billings and the City of Belgrade update their water and wastewater impact fee methodologies to how we've taken what works well from Montana best practices to other states in the region.

Deep Montana Experience to Improve Defensibility: Fees should be fair, accurate, and defensible. Our recent Montana experience both creating and defending impact fees helps us to better recognize the key pieces that go into a truly fair and defensible fee. In the end, you benefit because you know you are treating your residents fairly and protecting the long-term interests of the community from future liability.

We look forward to discussing further our experience and how it can benefit your community. Should you have any questions, please do not hesitate to reach out to me at Ryan.Graf@ae2s.com or on my cell phone at (218) 791-5847.

Submitted in Service,
AE2S & AE2S Nexus



Ryan Graf, MPA
Project Manager

1 | FIRM QUALIFICATIONS

AE2S Nexus, the financial division of AE2S with dedicated Utility Financial and Asset Management expertise, is comprised of individuals ready to assist you with your impact fee study review and update.

In 2010, AE2S, LLC formally launched AE2S Nexus, a division developed to assist public and private clients with issues beyond engineering services. From our traditional financial roots in cost of service analysis, rate design, revenue adequacy analysis, and rate modeling dating back to 1999, AE2S Nexus has grown into a complete financial resource for our clients.

AE2S Nexus provides project development and administration services, utility rate and long-term financial planning, utility management, and support with project funding and financing programs. Together, these services allow AE2S Nexus to serve as a valuable resource for our clients and partners to ensure their financial success.

AE2S Nexus is committed to serving as a financial resource in the region. Not only do we publish the Annual Utility Rate Survey which provides comparisons of utility rates across the states of Colorado, Wyoming, Montana, South Dakota, North Dakota, Utah, Iowa, Wisconsin, and Minnesota, we also publish the quarterly Source technical newsletter, which highlights utility financial issues of interest to clients in our region.

AE2S NEXUS SERVICES



UTILITY FINANCIAL MANAGEMENT

- Long-Term Rate Planning and Rate Design
- Cost of Service Analysis (COSA)
- Revenue Adequacy
- Annual Utility Finance Review



ASSET MANAGEMENT

- Financial Renewal & Replacement Value Projections
- Condition & Operational Assessments
- Sustainable Asset Management Plans



MUNICIPAL FINANCIAL SERVICES

- Special Assessment Support
- Direct Finance Director Support Services
- Training and Budgeting Assistance
- Billing Systems Support



CONTACT INFORMATION

Nate Weisenburger, PE

Project Coordinator

C: 406-217-3711

Nate.Weisenburger@ae2s.com

Ryan Graf, MPA

Project Manager

C: 218-791-5847

Ryan.Graf@ae2s.com

BELGRADE IMPACT FEE REVIEW AND UPDATE

Experiencing rapid growth, the City of Belgrade undertook master plan updates for its water and wastewater systems. The City took the proactive step of retaining AE2S Nexus to create a financial master plan to guide the implementation of the utility plans. The financial master plan included water and sewer impact fee updates to account for long-range impacts of growth planning.

Based on the original work, AE2S Nexus was selected to update the City’s Parks, Fire, and Road Impact Fees. These impact fees took the similar approach of updating the City’s fees charged to account for a more accurate picture of the true cost of new development.

In total, these impact fees set the City of Belgrade up to appropriately charge development for the impacts caused on the City’s infrastructure.

Client: City of Belgrade, MT
Contact: Charity Van Kirk
Executive Director of Financial Services
406-388-3760
cvankirk@belgrademt.gov

BILLINGS WATER AND WASTEWATER RATE STUDY

In 2014, the City of Billings retained AE2S Nexus to update its existing water and wastewater rate models and recommend rates for the 2015 fiscal year (FY15). As part of this update process, AE2S was asked to calculate a **System Development Fee** (SDF) for a large industrial user connecting to the wastewater system.

Our success working with the City on the initial project has resulted in two additional engagements to review and update rates as well as SDFs through FY 2025. These additional engagements included annual updates to rates for water and wastewater, updates to SDFs over the time period, review of an additional significant user (2 million gallons per day), and the introduction of a rate for nitrogen strengths in the wastewater flows.

A critical aspect of the current study is evaluating and updating the SDF models. Montana law directs that SDF models are reviewed and updated on a regular basis to ensure that costs are attributed fairly and accurately to new users connecting to the system. AE2S Nexus maintains the City’s water and wastewater SDF models to verify that the City is appropriately and fairly charging new users based on the most recent capital projections. The result of this is updated SDF rate schedules and a comprehensive report consistent with Montana statutory requirements.

An additional aspect of the most recent update for the City was reviewing the structure of the water SDF itself. We worked with a stakeholder group to identify and update how the impacts are spread to development to better reflect the varying demands across different types of users.

Client: City of Billings, MT
Contact: Jennifer Duray
Deputy Director of Public Works
406-657-8239
durayj@ci.billings.mt.us

WHITEFISH IMPACT FEE LITIGATION SUPPORT

The City of Whitefish’s impact fees are the current subject of litigation. As part of that process, AE2S and AE2S Nexus were retained as expert witnesses to help determine the defensibility of the City’s impact fees. Our technical and financial team worked together to demonstrate the reasonableness of the approach and that they fit within industry best practices for impact fees. This project is ongoing.

Client: Hammer, Quinn & Shaw PLLC
Contact: Marcel Quinn
Attorney
406-755-2225
marcelquinn@attorneysmontana.com

BRANDON DEVELOPMENT CHARGE REVIEW

The City of Brandon retained AE2S Nexus to update how its developer charges were structured and calculated. This review focused on what type of infrastructure was planned for which growth area for the City. The review resulted in a zoned charge based on what types of needs developers would drive within the community’s utilities system. AE2S worked with the community to fit the best practices for impact fees into the zoned approach so that they reflected how the City preferred to do business.

Client: City of Brandon, SD
Contact: Tami Jansma
 City Engineer
 605-582-6515 ext 4
 tjansma@cityofbrandon.org

HARRISBURG TRANSPORTATION IMPACT FEE

As the City of Harrisburg looked to identify and implement a new arterial fee, they retained AE2S Nexus to assist with this process. Throughout the development phase, the project team worked with both the City and interested stakeholders. The City’s need for new arterial roads was projected to outstrip the available resources and result in a larger fee structure. Listening to feedback from the area stakeholders, a fee structure was developed that recouped part of the fee at the platting stage and part of it at the building permit stage. Not only did this process reduce the burden placed on a single entity throughout the process, it allowed for the fee to be more responsive to changes in development, recognizing that at times what is platted is not always built. As a result, the remainder of the fee is collected in the final stage of the process and can be right sized for how development responds to market demands.

Client: City of Harrisburg, SD
Contact: Andrew Pietrus
 City Administrator
 605-743-5872 ext 13
 andrew.pietrus@harrisburgsd.gov



FAMILIARITY WITH ALL APPLICABLE MONTANA LAW

AE2S has provided and continues to provide rate and impact fee study services that meet the requirements spelled out in State law to municipalities in Montana. We take pride in producing comprehensive financial plans and impact fee studies. The open line of communication with the public, along with the comprehensive understanding of Montana State laws relating to impact fees, allows our team to confidently deliver appropriate and defensible results.



SIMILAR STUDIES

PROJECT	POPULATION
Impact Fee Review and Update City of Belgrade, MT	10,460
Plant Investment Charge/System Investment Charge Update Big Sky County Water and Sewer District, Big Sky, MT	3,500
Impact Fee Litigation Support Whitefish, MT	7,800
Water and Wastewater Utility Cost of Service Analysis and Rate Study City of Bozeman, MT	53,293
Infrastructure and Financial Planning City of Watford City, ND	6,390
Water and Sewer Cost of Service City of Great Falls, MT	60,442
Billings Phillips 66 Billings Refinery City of Billings, MT	117,116
Billings System Development Fee Update City of Billings, MT	117,116

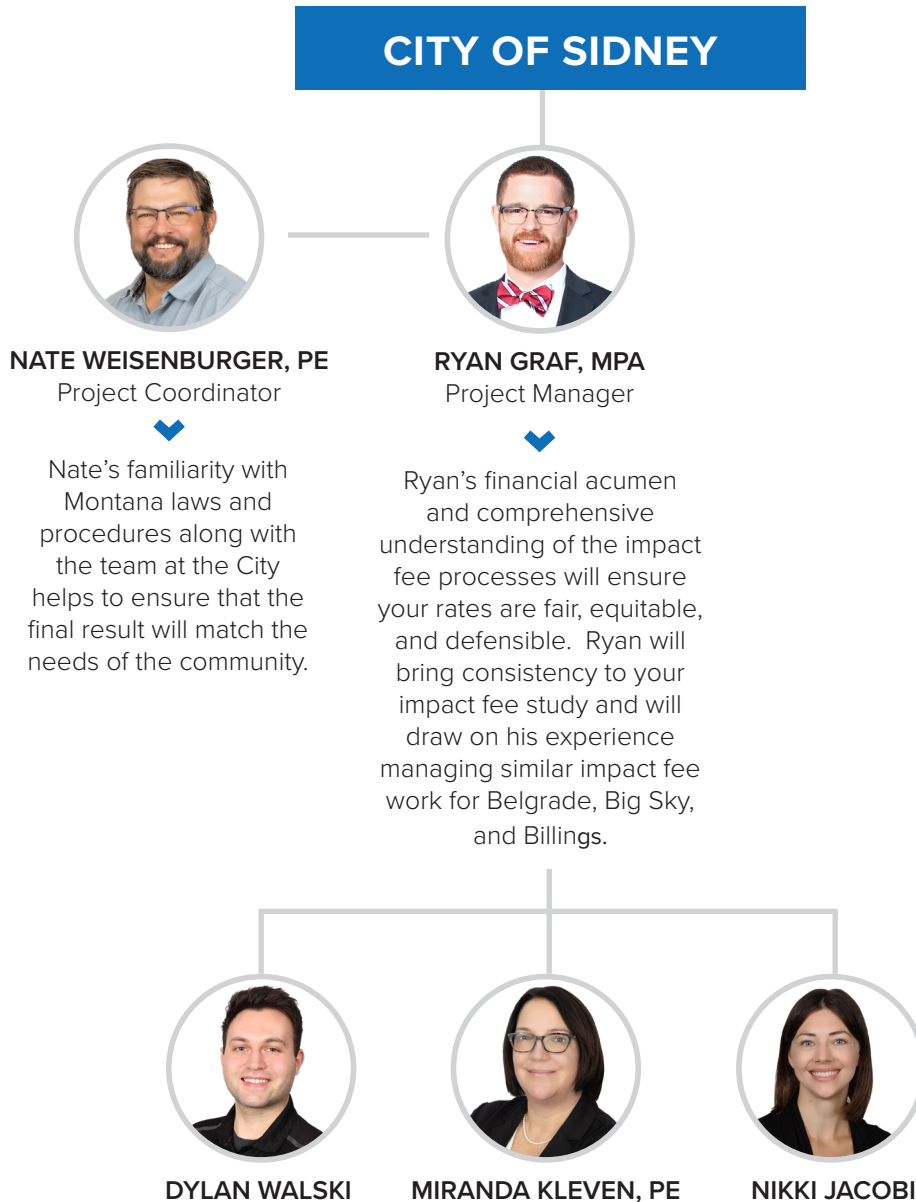
CAPABILITY TO MANAGE PROJECT OF THE SIZE AND SCOPE PROPOSED

AE2S Nexus has a proven history of successfully completing projects of similar size and scope to your project as noted in the table above.

2 | KEY PERSONNEL

We have selected a team of our best financial experts and for your Impact Fee Study Review and Update. This proven team has worked together helping numerous municipalities throughout the region to achieve their financial goals.

An organizational chart is presented below showing how the team will interact with the City of Sidney and each other. The following pages contain resumes of key project team members and their specific roles and location.



All work will be performed by AE2S Nexus staff and no portion of the project will be subcontracted to an outside firm.

Ryan Graf, MPA

Project Manager

Ryan specializes in utility management, municipal financial services, funding, and asset management. His experience includes providing financial analysis and guidance for utility and city-wide management, funding development, and rate setting. Ryan has worked with municipal water, wastewater, stormwater, and solid waste utilities, as well as rural water systems, in the evaluation of best practice consultations, energy efficiency options, and rate studies.

SPECIFIC RELEVANT EXPERIENCE

- **Financial Modeling and Growth Impacts, Horace, ND - Financial Analyst.** In order to better adapt to and address the challenges of a growing community, this project provided the City with financial modeling tools to help better track and plan for increased costs of city operations as they grow. In addition, scenario modeling was used to help better inform policy decisions surrounding new development.
- **Impact Fee Facility Plan, South Jordan, UT - Project Manager.** Led the team to revise and update the Impact Fee Facility Plan for the City's culinary water system. This plan included an additional step of identifying the costs associated with service for a planned master development to appropriately classify those items outside of the impact fee eligible costs, but within those costs that should be recouped from developers.
- **Utility Financial Planning, Big Sky County Water and Sewer District - Lead Consultant.** As Big Sky County Water and Sewer District looked to fund the largest capital project in its history, they wanted to make sure there was a sound financial plan in place now and into the future. The project team helped to construct a long-term rate model that integrated both new capital needs as well as changes to operations. In addition, the District looked to update their growth charge policy to ensure that new users who are resulting in additional capital costs are responsible for an appropriate share of those capital costs.
- **Wastewater Capital Funding Assistance and Utility Financial Plan Update, Watford City, ND - Financial Analyst.** Faced with the reality of growing utility services to meet a growing population, Ryan and the Nexus team helped the City of Watford City plan for and adopt a three-year utility financial plan that addressed critical capital investments in a new wastewater treatment plant. Key elements included developing funding alternatives, rate scenarios, and development of information material to better communicate need to outside stakeholders.
- **Belgrade Utility Financial Master Plan, Belgrade, MT - Financial Analyst.** The City of Belgrade retained AE2S Nexus to create a financial master plan to guide the implementation of the utility plans. The financial master plan includes financial evaluation of the utilities, water and sewer impact fee updates to account for long-range impacts of growth planning, identifying cost of service to various users, evaluating potential for new rate structures, and recommending rates for a 10-year period.

EDUCATION

Master of Public Affairs, Public Finance and Policy Analysis, Indiana University; Bachelor of Arts, Political Science and French, University of North Dakota

TRAINING

Financial Management: Cost of Service Rate Making, AWWA

CONTACT

Ryan.Graf@ae2s.com
T: 701-746-8087
C: 218-791-5847

WHY RYAN?

Ryan has strong financial analysis skills and has experience with asset management and planning projects for numerous clients around the region.



Ryan recently co-authored portions of the Water Environment Federation Manual of Practice 27 - Financing and Charges for Wastewater Systems.

Nate Weisenburger, PE Project Coordinator



EDUCATION

Master of Engineering,
Civil Engineering with
Environmental Emphasis,
University of North Dakota;
Bachelor of Science, Civil
Engineering, University of
North Dakota

CONTACT

Nate.Weisenburger@
ae2s.com
T: 406-268-0626
C: 406-217-3711

REGISTRATIONS

Professional Engineer:
Montana, Colorado, Idaho,
North Dakota, Alberta

Nate is a practice leader at AE2S and provides valuable insight to projects in the roles of QA/QC, Technical Resource, and Project Director. He has led comprehensive master planning and asset management projects that set the stage for the future success for multiple utilities, as well as the development of large, complex projects requiring phased implementation.

SPECIFIC RELEVANT EXPERIENCE

- **Rate Study, Great Falls, MT - Project Manager.** Completed a cost analysis (COSA), including functionalization, classification, and allocation of costs to develop a customized rate model and rate design recommendation. Also included a detailed connection fee evaluation, probabilistic rate revenue forecast, and rate policy and ordinance development.
- **Water System PER and Preliminary Design, Sidney, MT - Project Manager.** Planned services for a satellite WTP to address increased water demand related to oil extraction activity, as well as an opportunity to provide bulk water service to the Dry Redwater Regional Water System.
- **Wastewater Treatment Plant PER and Improvements, Havre, MT - Project Manager.** Provided a PER and future wastewater system plan to recommend an \$11.9-million upgrade to the City's existing activated sludge treatment plant to address ammonia, nitrate plus nitrite, and disinfection permit limits, which included a collection system inflow and infiltration study and utility rate impact assessment.
- **Water System Improvements, North Havre County Water District, Havre, MT - Project Manager.** Developed funding from the State of Montana and USDA/Rural Development and recommended rate adjustments to replace a high service pump system; install an automatic, satellite-based, meter-reading system; relocate a primary water storage facility; and alleviate low flow and pressure issues in the distribution system through pipeline loops.

Dylan Walksi Impact Fee Analyst



EDUCATION

Bachelor of Business
Administration,
Investments, University of
North Dakota

CONTACT

Dylan.Walski@ae2s.com
T: 701-746-8087

Dylan is a financial analyst who focuses on providing assistance for rate study and impact fee efforts. He has experience creating complex models designed to help meet the needs of both small and large utility systems. He also provides analysis for revenue requirements, cost of service, funding programs, and the AE2S Annual Utility Rate Survey

SPECIFIC RELEVANT EXPERIENCE

- **Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Review and Update, Owatonna, MN - Financial Analyst.** The City wanted to reassess and develop proper documentation for their WAC and SAC charges while integrating the many updates into their overall city financial model. A key project element included establishing the maximum justifiable charges and balancing the approached charges with development interest and not wanted to deter growth.
- **Water and Wastewater Rate Study, Billings, MT - Financial Analyst.** AE2S Nexus has performed Cost of Service and Revenue Adequacy updates for the City since 2014. As the City has grown, the complexity of the rate design has also increased, adding new wholesale users and identifying equitable methods of distributing costs. These updates have continued to refine and develop the City's fiscal policies from how best to identify and assign costs to incorporating impact fee accounting into the overall process.
- **Wastewater and Solid Waste Rate Study, Watertown, SD - Financial Analyst.** Evaluation of the current cost of service for the wastewater and solid waste utilities. As the work progresses, the focus is making sure that structural changes to the community don't alter the right mix of rates. In the end, rate increases will be recommended to ensure reserves and future capital needs are fully funded.

Miranda Kleven, PE Impact Fee Analyst



EDUCATION

Bachelor of Science,
Chemical Engineering,
University of North Dakota

CONTACT

Miranda.Kleven@ae2s.com
T: 701-746-8087
C: 701-740-3388

REGISTRATIONS

Professional Engineer:
North Dakota

Nikki Jacobi Impact Fee Analyst



EDUCATION

Bachelor of Business
Administration with Major
in Marketing, North Dakota
State University

CONTACT

Nikki.Jacobi@ae2s.com
T: 701-746-8087

TRAINING

Financial Management:
Cost of Service Rate
Making, AWWA

Miranda routinely works closely with clients on financial issues as an extension of their staff. She has worked with municipal water, wastewater, stormwater, and solid waste utilities, as well as rural water systems, in the evaluation and implementation of fair and equitable cost of service-based rate structures and in the evaluation of revenue adequacy.

SPECIFIC RELEVANT EXPERIENCE

- **Utility Financial Planning, Big Sky County Water and Sewer District, MT - Financial Analyst.** Constructed a long-term rate model that incorporated ongoing capital and operational needs, and developed a rate strategy designed to both generate adequate revenue and equitably charge utility users and new growth for appropriate revenue requirements.
- **Water and Wastewater Rate Study (2014-2023), Billings, MT - Financial Analyst.** Cost of service and rate design study for the City's water and wastewater utilities. The AE2S Nexus Project team completed updates to water and wastewater cost of service-based rate models, and recommended two years of rates for retail and resale water customers and retail and wholesale wastewater customers. Have been providing this service on an on-going basis since 2014.
- **Water and Wastewater Financial Plan and Rate Structure Study, Whitefish, MT - Financial Analyst.** Study that involved completion of cost of service rate analyses for the Water and Wastewater Utilities, review and development of potential modifications to the existing rate structures, and forecasted revenue adequacy for both utilities. Specifically, the study evaluated the financial impacts to the City's user base coinciding with the study of multiple wastewater treatment facility alternatives that were under consideration to address new numeric criteria for nitrogen and phosphorus removal.

As a financial analyst, Nikki has experience providing utility enterprises with financial support, including cost of service, revenue adequacy, CIP planning, funding development and administration, and rate design. She has experience with utility financial analyses ranging from simple spreadsheets designed to meet the needs of a small system (with generally homogeneous user classes), to complex models created to address the specific complexities associated with larger systems.

SPECIFIC RELEVANT EXPERIENCE

- **Water Availability Charge (WAC) and Sewer Availability Charge (SAC) Review and Update, Owatonna, MN - Financial Analyst.** The City wanted to reassess and develop proper documentation for their WAC and SAC charges while integrating the many updates into their overall city financial model. A key project element included establishing the maximum justifiable charges and balancing the approached charges with development interest and not wanted to deter growth.
- **Water and Wastewater Financial Plan and Rate Structure Study, Whitefish, MT - Project Manager.** Study involved completion of cost of service rate analyses for the Water and Wastewater Utilities, review and development of potential modifications to the existing rate structures, and forecasted revenue adequacy for both utilities.
- **Growth Planning and Financial Gap Analysis, Williston, ND - Financial Analyst.** Comprehensive level of service analysis to determine the capital and operational needs of this fast-paced growth community in Western ND. The project included a broad benchmarking analysis of communities along the projected growth path of the City to establish consistent service levels as the City grows. The final component of the project was a comprehensive financial analysis of all growth impacted revenues and expenses for the key City funds analyzed to determine the

May 28, 2019

**Water & Wastewater
Impact Fees
Belgrade, MT**

Executive Summary

The City of Belgrade, MT (City) charges an impact fee designed to recoup, in part, the costs of building and providing excess system capacity to serve future growth. This impact fee is based on the value of existing infrastructure reserved for growth and the reasonable expectations of costs for future infrastructure. These costs associated with the infrastructure necessary to serve future growth are then apportioned by anticipated demand placed on the system in conjunction with the benefits received by new development to develop the overall Impact Fee.

Using information provided by the City, AE2S Nexus performed multi-step analyses for the water and wastewater utilities to:

1. Identify the area served by the utility on which to levy an impact fee,
2. Evaluate the existing system and determine available capacity,
3. Forecast future demand for system growth,
4. Allocate capital costs to either existing or future capacity,
5. Calculate the value of the applicable system assets,
6. Assign system values fairly and equitably based on capacity and standard system service profiles, and
7. Ultimately, determine the final impact fee charge per unit.

When determining the impact fee per unit, it is critical to review the system's financial and technical data to establish all reasonable cost inputs. This process included reviewing existing usage and the potential for available capacity for growth, establishing the necessary level of usage to serve new users, and the proportionate share of costs that can be reasonably attributed to each potential new unit at that service level.

This proportionate share of costs is equal to the share of growth and growth-related costs for new users. The baseline level for service is calculated for a standard residential unit using a 3/4" meter for water service. To calculate impact fees for meter sizes larger than 3/4" industry standard equivalent meter factors are applied to this original calculation for a fair and equitable proportionate charge.

In instances where a unique user profile results in demand factors that outpace standard demand factors for that user, or when their meter size is in excess of 4", the overall demand for that user should be calculated based on the unit demand factors applicable to the water and wastewater systems.

The resulting impact fee charge for the water and wastewater systems from the above analysis is presented below in Table 1.

Table 1: Summary Impact Fee Charges

	Water	Wastewater	Total
Residential	\$/unit	\$/unit	\$/unit
Single Family (3/4" Equivalent)	\$4,786	\$2,709	\$7,495
All Other (5/8" Equivalent)	\$3,191	\$1,806	\$4,997
Nonresidential			
3/4"	\$4,786	\$2,709	\$7,495
1"	\$7,977	\$4,515	\$12,492
1-1/2"	\$15,955	\$9,030	\$24,985
2"	\$25,527	\$14,449	\$39,976
3"	\$47,864	\$27,091	\$74,955
4"	\$79,773	\$45,152	\$124,925

1.0 Introduction

The City retained AE2S Nexus to conduct a water and wastewater system utility financial study to include an evaluation and update to the impact fees charged by the City for new user connections. This analysis was intended to evaluate and update the impact fees to ensure that they continue to be fair, equitable, and proportionate to the benefits received based on updated asset and capital information.

The City provides water and wastewater service to approximately 3,000 residential and commercial customers. Access to water and wastewater service is critical to continued growth and as a result, the City must look to build a system with greater capacity than is needed at the present to serve future growth. Building and providing this excess capacity comes with a cost that is borne by existing customers of the system. To recoup a portion of these costs, the City has historically charged an impact fee to new connections in order to fund the additional service capacity required to serve that new connection with water or wastewater service.

An impact fee is a charge directly tied to the cost of building excess capacity to serve new growth. This direct linkage is important to the legal basis for such fees and is called the rational nexus. The three major components to the rational nexus test are 1) the connection between the need for a facility and the development being charged, 2) a demonstrable benefit to the new growth, and 3) that the charge is proportionate to the benefit received. This analysis is designed to demonstrate compliance with the rational nexus as well as all other requirements under Montana law.

Impact fees are developed based on the requirements set forth in Title 7, Chapter 6, Part 16 of the Montana Code. Per subsection 7, an impact fee must meet the following requirements:

- a. “The amount of the impact fee must be reasonably related to and reasonably attributable to the development’s share of the cost of infrastructure improvements made necessary by the new development.
- b. The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:
 - (i) the need for public facilities capital improvements required to serve new development; and
 - (ii) consideration of payments for system improvements reasonable/anticipated to be made by or as a result of development in the form of user fees, taxes, and other available sources of funding the system improvements.
- c. Costs for correction of existing deficiencies in a public facility may not be included in the impact fee
- d. New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.
- e. Impact fees may not include expenses for operations and maintenance of the facility.”

For each public facility for which an impact fee is imposed, the governmental agency must prepare and approve a service area report. As established in subsection 3, “the service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection 2 and must document how each impact fee meets the requirements of subsection 7.”

Subsection 2 of the code established what information is required to be included within each service area report. To demonstrate the fulfillment of all requirements, subsection 2 is broken down below in Table 2 and linked to the specific documentation that meets each requirement and allows the City to legally update the impact fees.

Table 2: Compliance with Montana Enabling Impact Fee Legislation (Section 7-6-1602 MCA)

Section Reference	Documentation Item	Document(s)	Page or Section
(2)(a)	describe existing conditions of the facility	City Water & Wastewater Master Plans dated 2017	Water: Sections 6, 7, and 8 Wastewater: Sections 3 and 4
(2)(b)	establish level of service standards	Water & Wastewater Impact Fee Report	Water: Section 2.7 Wastewater: Section 3.7
(2)(c)	forecast future additional needs for service for a defined period of time	City Water & Wastewater Master Plans dated 2017	Water: Chapter 4 Wastewater: Section 8
(2)(d)	identify capital improvements necessary to meet future needs for service	City Water & Wastewater Master Plans dated 2017	Water: Sections 6, 7, and 8 Wastewater: Section 8
(2)(e)	identify those capital improvements needed for continued operation and maintenance of the facility	City Water & Wastewater Master Plans dated 2017	Water: Sections 6, 7, and 8 Wastewater: Section 8
(2)(f)	make a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits	Water & Wastewater Impact Fee Report	Water: Section 2.1 Wastewater: Section 3.1
(2)(g)	make a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits	Not Applicable for Water & Wastewater Impact Fees	Not Applicable for Water & Wastewater Impact Fees

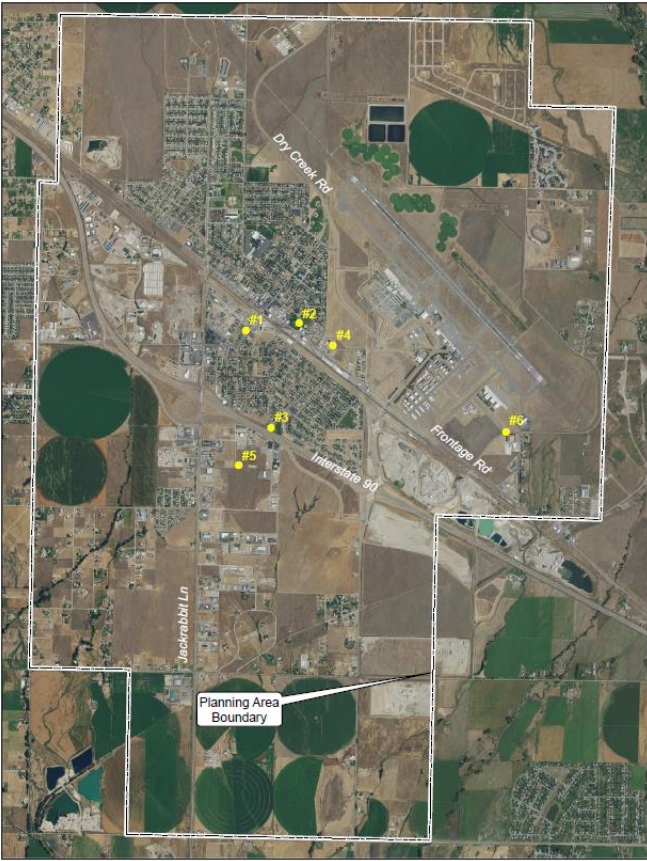
Section Reference	Documentation Item	Document(s)	Page or Section
(2)(h)	establish the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area	Water & Wastewater Impact Fee Report	Water: Section 2.8 Wastewater: Section 3.8
(2)(i)	establish the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee	Water & Wastewater Impact Fee Report	Water: Section 2.8 Wastewater: Section 3.8
(2)(j)	establishes the amount of the impact fee that will be imposed for each unit of increased service demand	Water & Wastewater Impact Fee Report	Water: Section 2.8 Wastewater: Section 3.8
(2)(k)	has a component of the budget of the governmental entity that: (i) schedules construction of public facility capital improvements to serve projected growth. (ii) project costs of the capital improvements. (iii) allocates collected impact fees for construction of the capital improvements. (iv) covers at least a 5-year period and is reviewed and updated at least every 2 years	Capital Improvement Plan (CIP)	Water & Wastewater-related improvements in the CIP

2.0 Water Impact Fee

1. Service Area

There is only one service area for the City. This is due to a single pressure zone throughout the system. All new customers to the system are included in this service area as shown in Figure 1.

Figure 1: The City of Belgrade Water Service Area



2. Existing Facility Conditions

Existing water assets are currently estimated at 62% capacity. The total redundant capacity is equal to 5,626,000 gallons per day. Used capacity was calculated based on a maximum day use including all uses less water loss. This figure includes adjusted airport use based on recent metering and with the addition of the new well currently planned for completion Fall 2018. All other facility conditions are outlined in the most recent facility plan.

3. Growth-Related Demands

Growth-related demands are forecast based on the 2017 Water Master Plan adjusted for growth realized since the adoption of the plan. Based on a 3.5 percent growth estimate, full utilization of current capacity is anticipated in approximately 14 years. However, 2018 growth indicates a potentially higher growth rate over the long term.

4. Capital Improvements

The City maintains a capital improvements plan (CIP) to identify the investments needed to both maintain the system treatment, transmission, and distribution system as well as increase the capacity to serve growth over a 10-year period. The analysis evaluated this CIP in conjunction with city staff to determine which projects contribute to expanding system capacity and to what level those projects contribute to system expansion. The overall impact fee is calculated to coincide with this same 10-year CIP planning period. The CIP used in this water analysis is provided in Appendix A.

5. Facility Valuations

Two system valuations were determined: existing system value and planning system growth value. The existing system value is based on the Replacement Cost New, less Depreciation (RCNLD) for all applicable assets less outstanding water system debt principal plus cash on hand, less any impact fee fund balance. The system growth value is equal to all projects identified in the CIP that expand system capacity.

The City maintains a listing of all current assets for the system. These assets are categorized by, among others, whether they are considered contributed capital or not. The listing of assets that were not classified as contributed capital are included in this analysis. Once the asset list was defined, the original cost was adjusted to 2017 dollars using the *Engineering News Record Construction Cost Index (CCI)* for Denver to determine the replacement cost new of the assets. Accumulated depreciation percentage was then netted off the replacement cost new to identify the final RCNLD. For the existing water system value, this calculation resulted in an applicable existing water system value of \$9,057,671.

The CIP identifies over \$15.2 million in capital improvements from 2018 – 2027. As part of the process to identify which projects expand system capacity, all small line distribution system projects are removed from the system growth value calculation. The remaining project costs are weighted based on the proportion of the project benefiting growth-related capacity as estimated at the time of improvement. This adjustment for growth results in approximately \$11.6 million in growth related capital projects identified.

6. Determine Unit Value for Capacity

Three unit capacity values were determined in this analysis: a unit capacity value for the existing system, a unit capacity value for the value of cash equity of the system, and a unit capacity for planned capital benefiting growth. To determine these values, calculations were made using the existing system capacity, total capacity, and growth capacity. The cash equity value is negative due to outstanding debt and the impact fund balance exceeding the City's cash on hand, resulting in a credit to new connections. Table 3 provides the calculations and the resulting total unit capacity value.

Table 3: Water Unit Capacity Values

Existing System	Cash Equity*	Growth
\$3,422,652	\$ (3,213,783)	\$11,633,043
Capacity: 2,125,946	Capacity: 5,626,000	Capacity: 3,494,000
\$1.61/gal	\$(0.57)/gal	\$3.33/gal

Total Unit Capacity Value = \$4.37

* Accounts for cash on hand, outstanding debt, and impact fee reserves

7. Level of Service Standards

One level of service standard has been identified for the water system. This level of service is determined by the maximum daily demand placed on the system by the contributing users, standardized into total equivalent dwelling units.

To determine the overall demand, the System Master Plan and recent historical usage was evaluated and the maximum day demand from FY 2017 was selected for inclusion to the analysis to represent capacity utilization. Maximum day demand represents the water system’s maximum daily usage excluding water loss. The usage by user class and resulting total usage is shown in Table 4.

Table 4: Maximum Day Usage

	Usage (gal)
Residential	1,974,974
Commercial	408,172
Large Commercial	439,358
Domestic Non-Revenue	19,792
Estimated Park Irrigation	283,047
Estimated Hydrant Flushing	28,600
Total*	3,153,943

*Not including water loss

Total EDUs contributing to the system are calculated by applying industry standard equivalent meter factors to the total number of meters by size. Table 5 shows these calculations and the total equivalent meters. Industry standard factors calibrate base equivalent meter ratios to 5/8” meters, while the City requires all new meters to be sized at 3/4”. Utilizing the equivalent meter adjustment factors we are able to account for this practice and maintain a proportional level of service standard.

Table 5: Total Equivalent Dwelling Units (EDUs)

Meter Size (in.)	# of Meters	Ratio	Equivalent Meters
5/8"	1373	1.0	1373
3/4"	1382	1.5	2073
1"	159	2.5	398
1 1/2"	67	5.0	335
2"	36	8.0	288
3"	10	15.0	150
4"	7	25.0	175
Unknown	13		
Total	3047		4792

Total utilized capacity was divided by the total EDUs to calculate the maximum gallon capacity use per EDU per day. This established a level of service of 730 gallons per day per EDU.

8. Proportionate Share of Costs

To ensure each new user is paying a proportionate share of costs, the same industry standard equivalent meter ratios are applied to the calculated base equivalent impact fee. By weighing charges based upon meter size, it ensures that meters with higher flow rate capabilities pay a higher proportionate share of growth-related costs. The resulting impact fee calculation and charges are outlined below and in Table 6.

$$\begin{array}{ccc}
 \begin{array}{l}
 \mathbf{730 \text{ gallons per day}} \\
 \text{Max Day Use} \\
 \text{Per Account}
 \end{array}
 &
 \times
 &
 \begin{array}{l}
 \mathbf{\$4.37 \text{ Gallons Capacity}} \\
 \text{System Value}
 \end{array}
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 &
 \begin{array}{l}
 \mathbf{\$3,191} \\
 \text{Impact Fee} \\
 \text{Per 5/8" Meter}
 \end{array}
 \end{array}$$

Table 6: Water Impact Fee Charges

Residential	\$/unit
Single Family (3/4" Equivalent)	\$4,786
All Other (5/8" Equivalent)	\$3,191
Nonresidential	
3/4"	\$4,786
1"	\$7,977
1-1/2"	\$15,955
2"	\$25,527
3"	\$47,864
4"	\$79,773

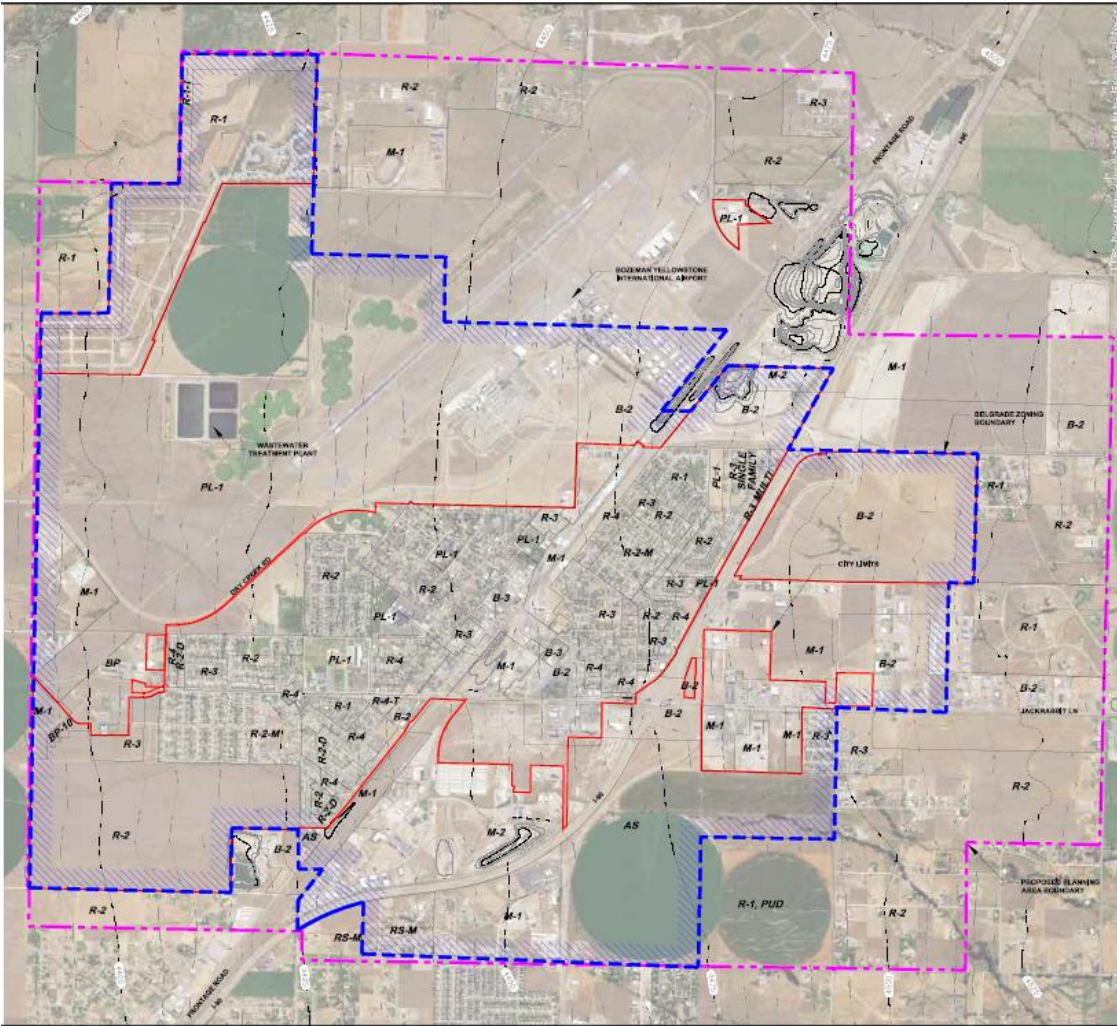
In instances where the meter size needed to service a new connection is greater than 4" or when the unique characteristics of a larger water user may require, the impact fee may be calculated by multiplying the anticipated demand of the user by the unit rate of \$4.37 per gallon. In instances where the characteristics of the user may result in a change in capital use patterns (such as a peaking factor in excess of 3.0), a special study may be required to calculate the charge.

3.0 Wastewater Impact Fee

1. Service Area

The wastewater system has only one service area for the City. All wastewater is pumped or gravity fed through a common collection system to a single treatment facility. All new customers to the system are included in this service area as shown in Figure 2.

Figure 2: The City of Belgrade Wastewater Service Area



2. Existing Facility Conditions

Existing wastewater assets are currently estimated at 79% capacity. The total capacity is equal to 903,000 gallons per day. Used capacity was calculated based on a current average day flow and equals 744,000 gallons per day. However, building permits have been issued for enough units to utilize all existing system capacity (without necessarily making connection to the system or discharging). All other facility conditions are also outlined in the 2017 Wastewater Master Plan.

3. Growth-Related Demands

Growth-related demands are forecast based on the 2017 Wastewater Master Plan adjusted for growth realized since the adoption of the plan. As a result, the current growth estimates anticipate full utilization of current capacity is imminent.

4. Capital Improvements

The City maintains a capital improvements plan (CIP) to identify the investments needed to both expand the treatment and collection system as well as increase the capacity to serve growth over a 10-year period. The analysis, in conjunction with city staff, evaluated this CIP to determine which projects contribute to expanding system capacity and to what level those projects contribute to system expansion. The overall impact fee charge is calculated to coincide with this same 10-year CIP planning period. The CIP utilized is provided in Appendix B

5. Facility Valuations

This analysis used two system valuations: the existing wastewater system value and the system growth value. Like the water system valuations, the existing wastewater system value is based on the Replacement Cost New, less Depreciation (RCNLD) for all applicable assets less outstanding wastewater system debt principal plus cash on hand, less any impact fees fund balance. The system growth value is based on the proportion of projects identified in the CIP that expand system capacity.

When calculating the existing system value, the City maintains a listing of all current assets for the system. These assets are categorized by, among others, whether they are considered contributed capital or not. The listing of assets that were not classified as contributed capital are included in this analysis. Once the asset list was defined, the original cost was adjusted to 2017 dollars using the *Engineering News Record Construction Cost Index (CCI)* for Denver to determine the replacement cost new of the assets. Accumulated depreciation percentage was then netted off the replacement cost new to identify the final RCNLD. For the existing wastewater system value, this calculation resulted in an applicable existing wastewater system value of \$7,200,000.

From 2018 to 2027, over \$23.1 million in capital improvements were identified in the CIP. As part of the process to identify which projects expand system capacity, all small line collection system projects are removed from the system growth value calculation. The remaining project costs are weighted based on the proportion of the project benefiting growth-related capacity as estimated at the time of improvement. This adjustment for growth results in approximately \$22.8 million in growth related capital projects identified.

6. Determine Unit Value for Capacity

Three unit capacity values are determined in this analysis: a unit capacity value for existing system, a unit capacity value for the cash equity of the system, and a unit capacity value for planned capital benefiting growth. Of the three capacity values, cash equity is negative due to outstanding debt and impact fund balance exceeding the City's cash on hand, resulting in a credit to new connections. The existing system has a capacity value of \$0/gal due to the imminent

utilization of all current capacity and the absence of capacity allocable to growth.¹ Table 7 provides the calculated unit capacity values and the resulting total unit capacity value.

Table 7: Wastewater Unit Capacity Values

Existing System	Cash Equity*	Growth
\$7,211,668	\$ (1,841,317)	\$22,830,079
Capacity: 0	Capacity: 903,000	Capacity: 1,670,000
\$0/gal	\$(2.04)/gal	\$13.67/gal

Total Unit Capacity Value = \$11.63

* Accounts for cash on hand, outstanding debt, and impact fee reserves

7. Level of Service Standards

One level of service standard has been identified for the wastewater system. The overall level of service is determined by the average daily influent by the contributing users.

To determine the overall demand, historical average day influent from 2014 to 2016, equal to 744,000 gallons, was calculated to represent capacity utilization. Average day influent represents the typical daily usage for the wastewater system.

Total EDUs contributing to the system are calculated by applying industry standard equivalent meter factors to the total number of meters by size. Wastewater EDUs are set equal to the calculated water EDUs as wastewater flows are not metered on an individual basis. Table 5 on Page 10 shows the conversion from meters to equivalent meters and the calculation of 4792 as the Total EDUs.

Total capacity (744,000 gallons) was divided by the total EDUs to calculate the maximum gallon capacity use per EDU per day. This established a level of service of 155 gallons per day per EDU.

8. Proportionate Share of Costs

Proportionate share of costs are calculated using industry standard equivalent meter ratios to fairly allocate growth-related costs. Industry standard equivalent meter ratios are applied to the base equivalent impact fee to calculate the resulting final impact fee charges as outlined in Table 8. By applying these equivalency ratios, all connections are allocated proportionate shares of growth-related costs based up on the established potential flow added to the system.

$$\begin{array}{ccc}
 \begin{array}{c}
 \mathbf{155\ gallons\ per\ day} \\
 \text{Average Day Use} \\
 \text{Per Account}
 \end{array}
 &
 \times
 &
 \begin{array}{c}
 \mathbf{\$11.63\ Gallons\ Capacity} \\
 \text{System Value}
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 &
 \begin{array}{c}
 \mathbf{\$1,806} \\
 \text{Impact Fee} \\
 \text{Per 5/8" Meter}
 \end{array}
 \end{array}$$

¹This approach to representing the capacity of the existing wastewater system is intended to recognize that due to the existing infrastructure and usage it is likely that prior to the next Impact Fee update future connections may fully utilize the existing capacity at the wastewater treatment facility. As a result, the Impact Fee is calculated to ensure that if this were to occur, those paying it would not be charged for these existing assets.

Table 8: Wastewater Impact Fee Charges

Residential	\$/unit
Single Family (3/4" Equivalent)	\$2,709
All Other (5/8" Equivalent)	\$1,806
Nonresidential	Fee
3/4"	\$2,709
1"	\$4,515
1-1/2"	\$9,030
2"	\$14,449
3"	\$27,091
4"	\$45,152

In instances where the meter size needed to service a new connection is greater than 4" or when the unique characteristics of a larger water user may require, the impact fee should be calculated by multiplying the anticipated average daily demand of the user by the unit rate of \$11.63 per gallon. In instances where the characteristics of the user (such as biological oxygen demand in excess of 400 mg/L or total suspended solids in excess of 389 mg/L) may result in a change in capital use patterns, a special study may be required to calculate the charge.

4.0 Summary

As the City looks to build a system with greater capacity to serve future growth, impact fees have been calculated to fairly allocate the proportionate share of costs attributable to potential new connections. The impact fees calculated in this analysis are based on the value of the in-place assets and the reasonably expected costs of future capital to expand and improve the City's water and wastewater system.

Table 9 presents the impact fee schedule in its entirety for the water system and the respective wastewater service system.

Table 9: Summary Impact Fee Charges

	Water	Wastewater	Total
Residential	\$/unit	\$/unit	\$/unit
Single Family (3/4" Equivalent)	\$4,786	\$2,709	\$7,495
All Other (5/8" Equivalent)	\$3,191	\$1,806	\$4,997
Nonresidential			
3/4"	\$4,786	\$2,709	\$7,495
1"	\$7,977	\$4,515	\$12,492
1-1/2"	\$15,955	\$9,030	\$24,985
2"	\$25,527	\$14,449	\$39,976
3"	\$47,864	\$27,091	\$74,955
4"	\$79,773	\$45,152	\$124,925

Appendix A: Water Capital Improvement Plan

Include/Ex Project	Base Year Cost	Base Year Inflation Rate	2017 Inflated Cost	2017 Percent Growth	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027 Total	Growth Related	
																Year
1 New Well #8 - City Park Well	\$1,000,000	2019	\$1,060,900	100%	\$0	\$1,060,900	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,060,900	\$1,060,900
1 West Central Avenue Main Upgrade	\$982,000	2019	\$1,041,804	25%	\$0	\$1,041,804	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,041,804	\$260,451
1 Replace Remaining 4in with 8in	\$150,000	2020	\$163,909	0%	\$0	\$0	\$163,909	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$163,909	\$70,666
1 NE Loop Tie	\$1,227,000	2022	\$1,422,429	80%	\$0	\$0	\$0	\$0	\$1,422,429	\$0	\$0	\$0	\$0	\$0	\$1,422,429	\$1,137,943
1 New Well Main Upgrade (Westwood Circle)	\$1,426,000	2023	\$1,702,719	100%	\$0	\$0	\$0	\$0	\$0	\$1,702,719	\$0	\$0	\$0	\$0	\$1,702,719	\$1,702,719
1 Broadway Well Improvements	\$1,000,000	2024	\$1,229,874	50%	\$0	\$0	\$0	\$0	\$0	\$0	\$1,229,874	\$0	\$0	\$0	\$1,229,874	\$614,937
1 S. Central Commercial District Main Upgrades	\$1,165,000	2025	\$1,475,787	75%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,475,787	\$0	\$0	\$1,475,787	\$1,106,840
1 West Crossing Loop	\$5,103,000	2026	\$6,658,258	80%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,658,258	\$0	\$6,658,258	\$5,326,606
0 Prescott Subdivision Development	\$0	2028	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1 Spooner Road Main Completion	\$285,000	2021	\$320,770	100%	\$0	\$0	\$320,770	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$320,770	\$320,770
1 East Crossing Loop	\$3,304,000	2029	\$4,710,714	100%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1 Well Water Level Sensors	\$38,000	2019	\$40,314	0%	\$0	\$40,314	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$40,314	\$17,949
0 Source Water Protection Planning	\$20,000	2020	\$21,855	0%	\$0	\$0	\$21,855	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,855	\$0
0 Well and Pump Performance Testing	\$65,000	2018	\$66,950	0%	\$66,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$66,950	\$0
1 Modification to Pump #5	\$25,000	2019	\$26,523	50%	\$0	\$26,523	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$26,523	\$13,261
0 Irrigation Study	\$12,000	2020	\$13,113		\$0	\$0	\$13,113	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,113	\$0
1 Upper Pressure Loop	\$18,306,000	2028	\$25,339,785	100%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
13 Total	\$34,108,000		\$45,295,702											\$15,245,203	\$11,633,043	

Appendix B: Wastewater Capital Improvement Plan

Include/Exclude (Distribution)	Base Year		2018		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Total	Growth	
	Inflation Ra	Year	Inflated Cost	Percent Growth													
1 Jackrabbit Lift Station Improvements	\$65,000	2019	\$66,950	100%	\$0	\$66,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$66,950	\$66,950
1 Regional Lift Station Expansion Cost-Share	\$300,000	2018	\$300,000	100%	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000	\$300,000
Farmers Lift Station																	
1 Improvements	\$510,000	2022	\$574,009	50%	\$0	\$0	\$0	\$0	\$574,009	\$0	\$0	\$0	\$0	\$0	\$0	\$574,009	\$287,005
SID #78 Lift Station																	
1 Improvements	\$65,000	2021	\$71,027	100%	\$0	\$0	\$0	\$71,027	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$71,027	\$71,027
Meadowlark Lift Station																	
1 Improvements	\$50,000	2025	\$61,494	100%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$61,494	\$0	\$0	\$61,494	\$61,494	
Ryen Glenn Lift Station																	
1 Improvements	\$65,000	2026	\$82,340	75%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$82,340	\$0	\$82,340	\$61,755	
1 Outfall Line	\$345,600	2019	\$355,968	100%	\$0	\$355,968	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$355,968	\$355,968
1 1 P BED C	\$396,000	2019	\$407,880	100%	\$0	\$407,880	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$407,880	\$407,880
1 WWTF Expansion	\$20,000,000	2020	\$21,218,000	100%	\$0	\$0	\$21,218,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,218,000	\$21,218,000
	\$21,796,600		\$23,070,718												\$23,137,668	\$22,830,079	

12/01/23
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CITY OF SIDNEY
Claim Approval List
For the Accounting Period: 11/23

Page: 1 of 4
Report ID: AP100

* ... Over spent expenditure

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41937		25 AUTO VALUE PARTS STORE	126.86					
	440101883	11/08/23 ROLL PINS & MAGNET	37.46		24836	5410 430830	200	101000
	440101912	11/08/23 OIL FILTER - SNOWBLOWER	11.94		24837	2566 430251	200	101000
	4400102022	11/13/23 SIDE CUTTERS & SPLICE	27.47		24839	5410 430830	940	101000
	4400102170	11/16/23 PRESSURE WASHER GUN	49.99			5210 430500	200	101000
41938		1266 MONTANA INFRASTRUCTURE COALITION	5,000.00					
	240016	11/17/23 2022 MEMBERSHIP DUES	1,000.00		NA	5210 430500	300	101000
	240016	11/17/23 2022 MEMBERSHIP DUES	1,000.00		NA	5310 430600	300	101000
	240016	11/17/23 2022 MEMBERSHIP DUES	1,000.00		NA	2565 430200	300	101000
	240016	11/17/23 2022 MEMBERSHIP DUES	1,000.00		NA	5410 430830	300	101000
	240016	11/17/23 2022 MEMBERSHIP DUES	1,000.00		NA	5710 430252	300	101000
41939		417 TEAM LABORATORY CHEMICAL, LLC	1,035.00					
	INV0038779	11/14/23 PALLET OF POTHOLE MIX	1,035.00*		24044	2820 430200	200	101000
41940		470 AGRI INDUSTRIES INC.	4,247.04					
	WO-008918	11/13/23 REPLACE HEATER UNIT IN SHOP	1,415.68*			2565 430200	930	101000
	WO-008918	11/13/23 REPLACE HEATER UNIT IN SHOP	1,415.68*			5710 430252	930	101000
	WO-008918	11/13/23 REAPLCE HEATER UNIT IN SHOP	1,415.68*			2566 430251	930	101000
41941		854 TMG SERVICES, INC.	575.41					
	0050905-IN	11/21/23 INJECTOR & CHLORMATOR KITS	575.41*			5210 430500	940	101000
41942		119 CENTRAL WATER CONDITIONING	42.50					
		11/30/23 WATER DELIVERED TO CITY HALL	42.50			1000 410540	300	101000
41943		1027 MFPC INC	37.44					
	8932407	11/16/23 NOZZLE	37.44			5310 430600	200	101000
41944		27 JOHNSON HARDWARE	507.65					
	185305	10/30/23 PLASTIC WRAP	11.29		23427	1000 411200	200	101000
	186455	11/07/23 PAINT STRIPPER	27.56		23428	1000 460445	200	101000
	187407	11/13/23 HANGER & PLASTIC STRAP	62.98		24763	5210 430500	200	101000
	185329	10/30/23 WATER SUPPLIES	61.97		24858	5210 430500	200	101000
	185679	11/02/23 WATER SUPPLIES	15.83		24860	5210 430500	200	101000
	185834	11/03/23 TAPE MEASURE	19.99		24861	5210 430500	200	101000
	185954	11/03/23 WATER SUPPLIES	22.25		24863	5210 430500	200	101000
	187359	11/13/23 SHARKBITE TEE	51.96		24865	5210 430500	200	101000
	187417	11/13/23 SHARKBITE TEE	5.99		24865	5210 430500	200	101000
	187422	11/13/23 CABLE TIES & COMPRESSION	8.28		24867	5210 430500	200	101000
	184837	10/26/23 POLY SNOW SCOOP	59.98			5210 430500	200	101000
	188350	11/20/23 FITTINGS & TUBING	7.18			5210 430500	200	101000
	188415	11/21/23 CLAMPS FOR CHIRSTMAS LIGHTS	42.94			2425 430263	200	101000

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	187946	11/17/23 CHRISTMAS LIGHTS	109.45			2425 430263	200	101000
41946		263 BOSS INC.	405.78					
	583039-0	10/29/23 CANNON COPY COUNT	152.39			1000 410550	300	101000
	584102-0	11/02/23 PAPER	39.99			1000 410540	200	101000
	584246-0	11/02/23 FIXING KARMENS PRINTER	62.50			5310 430600	300	101000
	584726-0	11/06/23 WASTE TONER	0.00			5310 430600	300	101000
	586528-0	11/14/23 PAPER & HIGHLIGHTERS	38.94			1000 410540	200	101000
	587024-0	11/15/23 STAMP & INK	111.96			1000 410540	200	101000
41947		1406 ACE HARDWARE	250.31					
	3127	10/30/23 BUCKET LIDS	28.55		24859	5210 430500	200	101000
	3430	11/13/23 100 PEX	35.99		24866	5210 430500	200	101000
	3624	11/21/23 CHAIN	13.95			5210 430500	200	101000
	3180	11/01/23 BATTERIERS & LIGHT BAR	43.98			1000 410550	200	101000
	3599	11/20/23 LAG SCREWS & CHAINS	88.30			2425 430263	300	101000
	3699	11/22/23 FILTERS	39.54			5210 430500	200	101000
41948		153 GRAINGER INC	1,051.14					
	9900716144	11/09/23 TANK MANIFOLD	46.89		23558	5210 430500	200	101000
	9900360000	11/09/23 AIR DRYER	944.33			5210 430500	200	101000
		11/21/23 RETURN	-37.21			5210 430500	200	101000
	9908043541	11/16/23 PRESSURE GUAGE	10.25*			5210 430500	940	101000
	9908043566	11/16/23 PORTABLE HEAT TSTAT	86.88*			5210 430500	940	101000
41949		1085 ARAMARK- ACCOUNTS RECEIVABLE	146.06					
	2550248207	11/21/23 CITY SHOP RUGS	146.06			2566 430251	300	101000
41950		313 RDO TRUCK CENTER	4,400.00					
	E0308608	11/16/23 2023 MV PLATFORM 4X8	2,200.00			2565 430200	200	101000
	E0308608	11/16/23 2023 MV PLATFORM 4X8	2,200.00*			2425 430263	940	101000
41951		1072 YELLOWSTONE WATER WORKS	3,155.69					
	81-1292	11/28/23 6'' MAG METERS	3,155.69*			5210 430500	940	101000
41952		1150 CINTAS	249.56					
	5185872579	11/28/23 RESTOCK CITY SHOP CABINET	249.56			2565 430200	300	101000
41953		51 SIDNEY HERALD	1,832.14					
	SHM000173	11/20/23 AGRI INDUSTRIES VARIANCE	76.32*			1000 410240	300	101000
	SHM000169	11/09/23 IMPACT FEE STUDY UPDATE	511.93*			1000 410240	300	101000
	SHM000160	10/19/23 PLANNING BOARD REG.	10.92*			1000 410240	300	101000
	SHM000162	10/19/23 HILLTOP ZONE CHANGE	29.29*			1000 410240	300	101000
	SHM000164	10/23/23 HILLTOP ZONE CHANGE	26.84*			1000 410240	300	101000
	SHM000142	09/12/23 HILLTOP ZONE CHANGE	302.12*			1000 410240	300	101000

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		SHM000147 09/15/23 HILLTOP ZONE CHANGE	311.32*			1000 410240	300	101000
		SHM000141 09/07/23 FY23-24 NOTICE OF LEVY	427.70*			1000 410240	300	101000
		SHM000145 09/13/23 CITY HALL REMODEL	47.94*			1000 410240	300	101000
		SHM000144 09/12/23 HOLLY ST. BUILDERS PARKING	87.76*			1000 410240	300	101000
41954	E	399 VERIZON WIRELESS	861.40					
		9948998333 11/10/23 WATER CELL PHONE	129.97			5210 430500	300	101000
		9948998333 11/10/23 SEWER CELL PHONE	135.86			5310 430600	300	101000
		9948998333 11/10/23 PARKS CELL PHONE	50.88			1000 460430	300	101000
		9948998333 11/10/23 STREETS CELL PHONE	89.97			2565 430200	300	101000
		9948998333 11/10/23 GARBAGE CELL PHONE	50.88			5410 430830	300	101000
		9948998333 11/10/23 FIRE CELL PHONE	50.88			1000 420400	300	101000
		9948998333 11/10/23 CITY PHONE SYSTEM	352.96			1000 411200	300	101000
41955		491 USA BLUE BOOK	101.87					
		INV0020133 11/20/23 PH BUFFER	101.87			5310 430600	200	101000
41956		51 SIDNEY HERALD	172.83					
		SHM000175 11/20/23 FY22-23 BUDGET ADMEND.	172.83*			1000 410240	300	101000
41957		1206 FEDERAL LICENSING, INC	119.00					
		WPMT823 11/30/23 CITY OF SIDNEY RADIO LICENSE	119.00			1000 411200	300	101000
41958		1426 2C FARMS	5,695.70					
		1000 11/30/23 REPAIR BROKEN IRRIGATION PIPE	5,695.70*			5310 430600	930	101000
41959		1026 DENNING, DOWNEY & ASSOICIATES	150.00					
		16868 11/26/23 REVIEW ENCUCMBRANCES	150.00			5710 430252	300	101000
41960		1207 BIG STATE INDUSTRIAL SUPPLY, INC	347.90					
		1542172 11/20/23 EXTENSION CORDS	347.90		23430	2565 430200	200	101000
41961		1408 PEAKS PLANNING & CONSULTING	5,757.59					
		11302023-1 11/30/23 NOVEMBER PLANNING SERVICES	5,757.59			1000 411030	300	101000
41962		1114 PINE COVE	1,350.00					
		19666C 11/30/23 MONTHLY BILLING- NOVEMBER 2023	1,050.00			5210 430500	300	101000
		19667C 11/30/23 RESTORE FEE	300.00			5210 430500	300	101000
41963		1310 MONDAK GROUNDSKEEPERS LLC	2,610.00					
		1026 11/30/23 NUISCANCE PROPERTY- GREEN	2,610.00*			2584 430200	300	101000

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41964		77 RICHLAND COUNTY TREASURER	603.00					
	11/30/23	CRIMINAL CONVICTION	190.00		NA	7467 212300		101000
	11/30/23	LAW ENFORCEMENT SCHOOL	10.00		NA	7467 212300		101000
	11/30/23	TECHNOLOGY SURCHARGE	170.00		NA	7458 212200		101000
	11/30/23	VICTIM WITNESS SURCHARGE	233.00		NA	2917 212500		101000
41965		165 TRI-COUNTY IMPLEMENT	270.15					
	CT68717 11/16/23	SKID SHOE & BOLTS	193.32*			5310 430600	940	101000
	CT69004 11/27/23	BEARINGS & BUSHINGS	76.83			1000 460430	940	101000
		# of Claims	28	Total:				41,102.02
		Total Electronic Claims	861.40	Total Non-Electronic Claims				40240.62