AGENDA
MONDAY, NOVEMBER 18, 2019
COUNCIL CHAMBERS CITY HALL

FINANCE COMMITTEE – 6:30 P.M.
(Barnhart, Robinson, Shepard)

1. Claims Review

REGULAR MEETING – 7:00 P.M.

1. CALL TO ORDER
   A. Roll Call
   B. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CONSENT AGENDA:
   *A. Approval of Claims - $146,222.28 - November 18, 2019
   *B. Approval of Payroll Claims - $71,901.66 – November 15, 2019
   *C. Approval of Regular Meeting Minutes – November 4, 2019
   *D. Approval of Payment Agreement/Water Service Line Repair, 917 3rd Ave. East
      and authorize City Manager to sign.

4. VISITORS/PUBLIC COMMENT (Items not on agenda)

5. APPOINTMENTS:
   *A. Board/Commission Appointments

6. ORDINANCES/RESOLUTIONS:
   *A. Resolution # 1810 - A Resolution of the City Council of the City of Columbia
      Falls, Montana, Designating the Night of Lights 2019 Parade as an Official Activity of
      the City of Columbia Falls.

   *B. SECOND AND FINAL READING - Ordinance # 791 - An Ordinance of the City
      Council of the City of Columbia Falls, Montana, Amending Title 3 of the Columbia
      Falls Municipal Code.
*C. SECOND AND FINAL READING – Ordinance # 792 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 6 of the Columbia Falls Municipal Code.

*D. SECOND AND FINAL READING – Ordinance # 793 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 8 of the Columbia Falls Municipal Code.

*E. SECOND AND FINAL READING – Ordinance # 794 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 13 of the Columbia Falls Municipal Code.

*F. FIRST READING - Ordinance # 795 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 15 of the Columbia Falls Municipal Code.

7. REPORTS/BUSINESS FROM MAYOR & COUNCIL

8. CITY MANAGER REPORT
   A. Project Updates

9. CITY ATTORNEY REPORT

10. MISCELLANEOUS
   *A. INFORMATIONAL CORRESPONDENCE – List available for Review
   *B. REPORTS
      a. Finance - October
      b. Police Activity - October

11. ADJOURN

Next Scheduled Meetings:
City Council – Regular Meeting, December 2 – 7 p.m.
Planning Board – TBD
Resort Tax Advisory Committee – Wednesday, December 11th – 6:30 p.m.
Council Workshop – Monday, December 9th – 6:30 pm (Extraterritorial Jurisdiction/Extension of Services Plan)

*Attached
For the Accounting Period: 11/19

* ... Over spent expenditure

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15:04:35                                                Claim Approval List                                Report ID: AP100V

For the Accounting Period: 11/19

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For the Accounting Period: 11/19

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| Total for Vendor: 10,879.54 |

| 39826       | 1247 MURDOCH'S RANCH & HOME KALISPELL | 4307/34 11/07/19 WTR-WRENCH COMBINATIONS,TOWEL | 25.76 |
| Total for Vendor: 25.76 |

| 39825       | 52 NAPA AUTO PARTS | 907160 11/07/19 FD-BULB,LAMP | 28.47 |
|             |                 | 904923 10/18/19 STRS-3 8 DR 9MM | 4.49  |
|             |                 | 907185 11/07/19 FD-PRESSURE WASHER | 10.28 |
| Total for Vendor: 43.24 |

| 39851       | 52 NAPA AUTO PARTS | 904600 10/15/19 SWR-ADAPTER | 11.99 |
| Total for Vendor: 55.23 |

| 39832       | 90 NATIONAL FIRE PROTECTION | 7610648Y 10/24/19 FD-ID OF HAZARDOUS MATS | 45.45 |
| Total for Vendor: 45.45 |

| 39819       | 520 NORCO, INC. | 27764871 10/31/19 STRS-CYLINDER RENTAL | 10.54 |
| Total for Vendor: 10.54 |
* ... Over spent expenditure

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| 39849        | 162 NORTH VALLEY HOSPITAL | 16.64        | 111519 11/01/19 PD-#2322602, BLD COLLECT | 16.64 | 1000 | 420100 | 390 | 101000 |
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Total for Vendor: 16.64

| 39830        | 2002 NORTHWEST PARTS & EQUIPMENT & | 143.04      | C272875 11/04/19 SWR-SOLDER LUG, DISCONNECT, CABL | 71.52 | 5310 | 430600 | 232 | 101000 |
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Total for Vendor: 143.04

| 39862        | 2002 NORTHWEST PARTS & EQUIPMENT & | 50,295.00   | E101017 10/15/19 WTR-BOBCAT | 40,236.00* | 5210 | 430500 | 940 | 101000 |
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Total for Vendor: 50,438.04

| 39845        | 1437 NORTHWESTERN ENERGY | 1,177.04    | 111419 10/25/19 FACILITIES-NATURAL GAS | 406.79 | 1000 | 411200 | 344 | 101000 |
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Total for Vendor: 1,177.04

| 39829        | 2816 O'REILLY AUTO PARTS | 130.85      | 4774293707 10/09/19 STRS-Antifreeze | 71.88 | 2500 | 430200 | 231 | 101000 |
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Total for Vendor: 130.85

| 39821        | 999999 PRAIRIE DOG DEVELOPMENT LLC | 125.00     | PE110119 11/01/19 FEE REDUCTION | 125.00 | 1000 | 341070 | 101000 |
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Total for Vendor: 125.00
For the Accounting Period: 11/19

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Total for Vendor: 4,025.72

# of Claims: 61
Total: 146,289.75
Total Electronic Claims: 5,363.95
Total Non-Electronic Claims: 140,925.80

Total includes cancelled claim
Claim from Another Period Cancelled in this Period

For the Accounting Period: 11/19

* ... Over spent expenditure

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<th>Claim</th>
<th>Vendor #/Name/</th>
<th>Document $/</th>
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<th>Cash</th>
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</table>

*** Cancelled in 11/19 ****        *** Claim from another period (10/19) ****

<table>
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<tr>
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<th>Invoice #/Inv Date/Description</th>
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# of Claims 1
Total: 67.47

NOTE:
This is a claim was entered in Oct by error. Black Mountain software will not allow us to delete it. It is cancelled and won't be paid. The correct claim is entered in Nov.
<table>
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<tr>
<td>101000 CASH/CASH EQUIVALENTS</td>
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Total: $146,222.28
Council Meeting Date: 11/18/19

Claims Submitted to Council: $146,289.75 less $67.47 cancelled claim = $146,222.28

Claims Denied/Withheld by Council Finance Committee: $________________ Claim #s: ___________________

Prepared By: Sandy Carlson, Finance Director

Sandy Carlson

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

The following claims are significant:

- City of Whitefish $20,086.95 – Permits for October (Fund 2394)
- Flathead County Treasurer $9,163.64 – Special Assessment taxes (Fund 1000)
- Morrison-Maierle $10,879.54 – Engineering for new well (Fund 5210)
- Northwest Parts & Equipment- $50,295.00 Bobcat (Fund 5210 (80%) and Fund 4020 (20%))

The remaining items are routine. If you have questions, please let me know.

Sandy
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**AFLAC - POSTTAX**

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**AFLAC - PRETAX**

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**CHILD SUPPORT P**

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**CITY OF COLUMBIA**

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**CHARLES SCHMID**

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THREE RIVERS 987.56 0.00
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USBANK. 1,165.39 0.00
VALLEY BANK KAL 250.00 0.00
VERIDIAN CREDIT 175.00 0.00
WELLS FARGO 2,313.68 0.00
WELLS FARGO GA 1,172.87 0.00
WFISH CR UNION 1,546.95 0.00
FIT/SIT BASE 54,506.07 0.00
MEDICARE BASE 61,100.75 0.00
PERS BASE 61,641.51 0.00
SOC SEC BASE 38,140.60 0.00
UN BASE 61,725.33 0.00
WC BASE 64,568.30 0.00

Total 29,072.85

Total Payroll Expense (Gross Pay + Employer Contributions): 93,199.18

*** PAYROLL REGISTER + VOLUNTEER PAYROLL REGISTER = PAYROLL SUMMARY ***

Check Summary

Payroll Checks Prev. Out. $39,897.11
Payroll Checks Issued $3,392.46
Payroll Checks Redeemed $39,897.11
Payroll Checks Outstanding $3,392.46
Electronic Checks $68,509.20

Deductions Accrued

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**** Carried Forward column only correct if report run for current period.
Regular Meeting - Transact Routine Business

Mayor Barnhart called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Mayor Barnhart
COUNCIL: Karper, Shepard, Fisher, Lovering, Piper and Robinson
ABSENT: None

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staaland, and Sergeant Murphy.

PLEDGE

APPROVAL OF AGENDA:
Mayor Barnhart requested a motion to approve the agenda. Councilor Lovering moved to approve the agenda, second by Councilor Karper, and the motion carried unanimously.

AGENDA APPROVAL

CONSENT AGENDA:
Councilor Robinson moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilor Piper. Motion carried with Council voting as follows: YES: Karper, Shepard, Fisher, Lovering, Piper, Robinson and Barnhart NOES: None. ABSENT: None.

A. Approval of Claims - $25,590.39 - November 4, 2019
B. Approval of Payroll Claims - $113,213.61 – November 1, 2019
C. Approval of Regular Meeting Minutes – October 21, 2019
D. Approval of Utility Services Contract NLC Warranty program

CONSENT AGENDA APPROVAL

VISITOR/PUBLIC COMMENT: (Items not on agenda)
Dave Petersen resides at 201 4th Ave E. said the garbage can in front of the Gunsight Saloon is often full.

Mr. Petersen said since the new monuments were placed at Nucleus Ave. and 9th Street, businesses have expressed that they’ve had an increase in business. Petersen said that the Community Foundation Board is in charge of the monument project. Petersen said he was not a Board member but he participated on this project with the Board; he obtained contactors to work on the project; he was able to get Glacier Precast for the concrete work and Countryside Welding for the iron lettering. Petersen reported when the sun is out there is a terrible shadow and the lettering appears to be somewhat fuzzy. The welder didn’t know how far to put the letters away from the concrete, but the solution is to move the letters closer to the face of the concrete which will cost an additional $3,000. Petersen said the funding for the overall project was

VISITOR/PUBLIC COMMENT
over budget and the Foundation Board is looking at an additional $13,000 to have the project completely paid for. Mr. Petersen said he would like to see if the project qualifies for Tax Increment Financing, or TIF, as this project does enhance/beautify the community.

Boone Shanks resides at 129 2\textsuperscript{nd} Ave E. said he is with the Boy Scouts and is here to take notes and listen to the council meeting.

**ORDINANCES/RESOLUTIONS:**

A. SECOND AND FINAL READING – Ordinance # 786 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Planned Unit Development (PUD) Overlay at 405 Bills Lane Further Described as Lots 3 and 4 of Williams Estates In Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Fisher motioned to approve the Final Reading of Ordinance #786, second by Councilor Lovering with council voting as follows. **AYES:** Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart. **NOES:** None. **ABSENT:** None.

B. SECOND AND FINAL READING – Ordinance # 787 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification From CI-1 Light Industrial to CB-2 General Business on Property Located at 500 12\textsuperscript{th} Avenue West and Further Described as Assessor’s Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Robinson motioned to approve the final reading of Ordinance #787, second by Councilor Shepard with council voting as follows. **AYES:** Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. **NOES:** None. **ABSENT:** None.


City Manager Nicosia said there have been minor changes that didn’t get into the first reading draft. On page 2 in the first paragraph we added the last sentence; “Additionally, the City Clerk will update the Code upon amendment or revision by ordinance.” City staff also removed the imprisonment verbiage as previously discussed with Council in February.

Councilor Piper made motion to approve Ordinance #788, second by Councilor Robinson with council voting as follows. **AYES:** Robinson, Shepard,

City Manager Nicosia said there was a modification from the first reading on chapter 2.24; City staff had moved the police jurisdiction that was previously in Title 1 to Title 2. City staff also added 2.24.030 sale or disposal of unclaimed property that tied into the legislative change. Nicosia noted that these changes were presented to Council last February.

Councilor Karper motioned to approve Ordinance # 789, second by Councilor Piper with council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

E. SECOND AND FINAL READING – Ordinance # 790 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 5 of the Columbia Falls Municipal Code.

Councilor Lovering motioned to approve Ordinance # 790, second by Councilor Robinson with council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: None.

F. FIRST READING - Ordinance # 791 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 3 of the Columbia Falls Municipal Code.

City Manager Nicosia said City staff eliminated most of Title 3 in the update review as it was outdated and no longer necessary; this is the simplified version of revenue and finance.

Councilman Shepard motioned to approve the first reading of ordinance #791, second by Councilman Karper and the motion carried.

G. FIRST READING – Ordinance # 792 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 6 of the Columbia Falls Municipal Code.

Nicosia said Council had previously updated portions of Chapter 6. There was an old section eliminated on housing dogs as it is not the City that houses the animals, that function is performed by Flathead County Animal Control. There was also a section on livestock that was removed.
CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 4, 2019

Councilman Piper motioned to approve the first reading of ordinance #792, second by Councilor Lovering and the motion carried.

H. FIRST READING – Ordinance # 793 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 8 of the Columbia Falls Municipal Code.

Nicosia said this Title has also been updated to comply with state statues and the City’s updated Decay provisions. The Council had previously updated Chapter 8.28 Fires and Inflammables.
Councilman Fisher motioned to approve the first reading of ordinance #793, second by Councilman Piper and the motion carried.

I. FIRST READING – Ordinance # 794 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 13 of the Columbia Falls Municipal Code.

Nicosia said Title 13, Public Services, is one of the City’s lengthiest codes and encompasses Water and Sewer regulations. The City has made multiple changes since the last codification in 2008 to this Title. Nicosia noted that Chapter 13.24 Cross-Connection Control Plan had been completely rewritten in 2012.
Councilman Shepard motioned to approve the first reading of ordinance #794, second by Councilor Robinson and the motion carried.

MAYOR AND COUNCIL COMMENTS:
Councilman Piper asked if the Resort Tax Committee came up with a new name for the resort tax yet.
Mayor Barnhart said at the last council meeting we mentioned the lights on Nucleus Avenue not working, they are now fixed.

CITY MANAGER REPORT:
Nicosia said at the November 18th Council meeting the Titles 9, 10, 12 &15 will be coming forward. Title 17 & 18 will also be coming at a later meeting.
Nicosia said she is continuing working with the League of Cities and Towns and Local Government Interim Committee on local government finance.
This Thursday there is a meeting with Dave Fern and the other Managers to discuss state entitlement.
Nicosia reported that she received a revised FECC Interlocal Agreement via email on Friday afternoon. The proposed FECC Interlocal Agreement will be discussed at the November 14th City Manager’s meeting. The County is proposing giving authority to them to manage the department until 6/30/2023 and if a new funding source is not in place, it would revert back to the present agreement. Shepard said he wonders why all the sudden they
CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 4, 2019

Nicosia said she can ask at the upcoming managers meeting. Mayor Barnhart said we have wanted them to take this over; we can’t seem to come up with a plan to raise the money for the center. Nicosia said presently the cities subsidize the rural area, and the cities have asked for a fair and equitable funding method.

Nicosia reported that the FOP negotiations are still continuing; we have meetings scheduled for Nov. 19th and Dec. 3rd.

Nicosia reminded Council that the Tax Resort Advisory Committee will meet on Nov. 13th.

Nicosia said we mentioned having a workshop to discuss extra territorial jurisdiction, and asked if Monday, Dec. 9th would work for council. Council agreed to meet on the suggested date at 6:30 p.m.

Nicosia reported that Police Chief Peters agreed to be the City representative on the Chamber Board. Nicosia has served on the Board for the last 9 years.

Nicosia reported that the 2019 property tax statements were in the mail. With the final tax levies, the amount of funding expected to be received for the Tax Increment Financing District and Targeted Economic Development Districts will be known. Nicosia said the Council will have to schedule hearings to allocate and appropriate funds. Mayor Barnhart suggested holding those hearings in January.

Mayor inquired about the new city website. Nicosia said it will be approximately a 3 month process, and City staff is currently working on it.

Mayor asked about the Fire Chief position. Nicosia said we are receiving applications but not many completed application packets to date. The deadline is November 20th.

Mayor Barnhart asked if the letters have been sent out for the lights on 3rd Ave. E. Nicosia updated Council on the street lights noting that City staff had reached out to Justin Julefs from MDOT on the highway street lights, noting that there are other lights that should be installed and not just the light at 3rd Ave East. The lights have to meet MDOT standards; we would have to pay to run the electrical wiring from the nearest pole. MDOT said they didn’t have money for additional street lights and the city would be responsible for putting in the proposed three lights. Nicosia said City staff will continue working on the lights.

Councilman Shepard inquired on the Nucleus monuments, Shepard said he agrees with Petersen, you cannot read it when the sun hits it. Mayor Barnhart said this project was presented to the City as a self-funded project and the City wouldn’t pay a dime. Councilman Karper said with any project things can happen. Karper said it is a nice upgrade to the city. Councilor Lovering said she supports the project but is not sure about being on the line for a shortage of funds. Nicosia said the Columbia Falls Community Foundation is seeking donations to cover the short fall. Karper inquired on the TIF funds and if they
do qualify. Nicosia said it would be up to council but we have also discussed the 2nd phase of the project to include pedestrian lighting. TIF funding could be used to help pay for the street lighting on Hwy. 2 and 3rd Ave E. and the rebuild of 12th Avenue W. Shepard would like to have more information on the monuments, and Robinson would like to know where the monies were spent for a better understanding of the short fall of finances.

**ADJOURN**: Upon motion duly made by Councilor Lovering and seconded by Councilor Karper and the meeting adjourned at 8:10 p.m.  

____________________________
Mayor

ATTEST:

____________________________
City Clerk

APPROVED BY COUNCIL ACTION: November 18, 2019
PAYMENT AGREEMENT
WATER SERVICE LINE REPAIR

THIS AGREEMENT, made and entered into this 15th day of November, 2019, by and between Monika Marie James of 917 3rd Ave E, Columbia Falls, MT 59912,
(Address)

Hereinafter “OWNER” and CITY OF COLUMBIA FALLS, a municipal corporation of 130 Sixth Street West, Columbia Falls, Montana 59912, hereinafter “City”,

WHEREAS, the OWNER had a severe leaking water service line from the curb stop to their home, requiring owner to make immediate repairs; and

WHEREAS, a licensed contractor performed those repairs and the City paid the contractor in full; and

WHEREAS, the OWNER is required to pay 70% of said cost of water service line repair from curb stop into their home; and

WHEREAS, the parties desire a written agreement setting forth the payment plan of said water service line repair cost by OWNER to the City.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. OWNER has agreed to pay to the City its share of water service line repair in the amount of $1,960.00 paying $50.00 each month in November 2019, December 2019, January 2020, and February 2020 with the remaining balance due March of 2020.

2. The OWNER may prepay any portion of the outstanding principal without penalty or fee. Under no circumstances will the agreement extend beyond five years. If payment schedule is amended extending beyond one year, interest shall be paid by OWNER pursuant to the formula set forth in the City’s Plant Investment Fee agreements, whereby the interest rate is the annual CPI-U rate plus 1.0%.

4. If OWNER fails to make payment and keep utility account current, the service to the property shall be shut off and the full amount of the outstanding principal and interest, pursuant to the City’s delinquent account procedures, shall be paid in full prior to reestablishment of the service.
5. The parties agree that should any action be commenced to enforce, modify, or interpret any provision contained herein, the Court as a cost of suit shall award reasonable attorney’s fees to the successful party.

6. The rights and responsibilities described in this instrument shall run with the land and shall be binding and inure to the benefit of the parties to this agreement, their respective heirs, successors, or assigns.

7. This agreement constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.

8. Any modifications of this agreement or additional obligation assumed by either party in connection with Water Service line repair fees shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

9. The failure of either party to this agreement to insist on the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals the day and year hereinabove written.

Legal description of property: Assessor #0823345, Tract 2K IN NE4NE4 S17, T30 N,R20 W,P.M.M, Flathead County.

CITY OF COLUMBIA FALLS

By: _____________________________
    Susan M. Nicosia
    Its: City Manager

OWNER

By: _____________________________
    Monika Marie James

State of Montana
County of Flathead

This instrument was signed or acknowledged
Before me on ________ by Monika Marie James

_________________________________
Notary Signature
November 18, 2019

To: Mayor and Council

From: City Manager Nicosia

RE: Board Appointments

We are fortunate to have the following individuals that volunteer to serve the City in the following positions. Each of these individuals has agreed to be appointed for another term.

Planning Board/Zoning Commission: 2 year terms ending 12/31/2021
   Steve Duffy
   Sam Kavanagh

Additionally, the City has had a vacancy on the City Police Commission as the previous member did not wish to be reappointed in May. The City received a letter of interest from Mr. Shawn Bates. Mr. Bates has previously served as a councilman and is currently a volunteer fireman and is a Water Operator for the City. I recommend appointment of Mr. Bates to the Police Commission.

City Police Commission: 3 year terms expiring May 2022
   Shawn Bates

Council Action Requested: Please approve the Board appointments as indicated above.
RESOLUTION NO. 1810


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA

WHEREAS, the Planners of the NIGHT of LIGHTS 2019 PARADE are desirous of being appointed and approved by the City as such and of having the NIGHT of LIGHTS 2019 PARADE recognized and approved as an official City activity; and

WHEREAS, it is in the best interests of the City of Columbia Falls that the City designate such individuals and approve said activity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA:

Section One: That the following individuals are designated as Planners of NIGHT of LIGHTS 2019 PARADE:

   Rotary Club of Columbia Falls
   Peggy Newman
   Mireille Bierens
   Molly Carney

And that all acts of said persons heretofore performed or to be performed in furtherance of their duties as Planners of the Night of Lights 2019 Parade are hereby designated as such.

Section Two: That Night of Lights 2019 Parade is hereby recognized as an official activity of the City of Columbia Falls.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA, THIS 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:
NOES:
ABSENT:

__________________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 18th DAY OF NOVEMBER 2019.

__________________________________________
MAYOR

ATTEST:

__________________________________________
City Clerk

RES #1810
ORDINANCE NO. 791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 3 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Title Amended: Title 3 Revenue and Finance, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

__________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ____ DAY OF NOVEMBER, 2019.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

ORD 791
3.10.010 Establishment.

There is hereby established in and for the city of Columbia Falls a capital improvement program for the purpose of providing funds for the replacement and/or acquisition, including associated costs, of various capital improvements.

3.10.020 Purpose.

All funds or monies paid into any capital improvement funds established pursuant to the capital improvement program, as adopted by the City Council on an annual basis pursuant to the budget process shall be devoted solely for the purpose of the replacement and/or acquisition, including associated costs, of various capital improvements costing in excess of five thousand dollars and with a life expectancy of five years or more.

3.10.030 Funding.

Each fiscal year, the capital improvement funds may receive money from any source, including funds that have been allocated in any year but have not been expended or encumbered by the end of the fiscal year, as determined during the budget adoption process.

3.10.040 Accumulation authority.

The city manager shall have the authority to accumulate monies within the fund over a period of years, in order to acquire necessary monies for specific capital improvement projects and to use the monies to pay cash to finance specific capital improvement projects.

3.10.050 Investment.

All monies or proceeds held in a capital improvement fund must be invested in accordance with the City’s investment policies and interest earned from the investment of capital improvement fund must be credited to the fund.
Chapter 3.14

ADMINISTRATIVE FEES AND CHARGES

3.14.010 Established.

Administrative fees and charges will be established by resolution. Administrative fees and charges may include, but are not limited to the following:

- NSF checks;
- Copies including preparation;
- GIS map;
- Council meeting minutes;
- Agenda packet;
- Faxes;
- Final Budget document;
- Zoning or Subdivision ordinance;
- Growth policy;
- Extension of services plan;
- Public work standards;
- ID fingerprints;
- Breath Test;
- Court of Record Audio Recording Copy;
- Records Check;
- Request for Information requests.
ORDINANCE NO. 792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 6 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Title Amended: Title 6 Animals, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

__________________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

__________________________________________
Mayor

ATTEST:

__________________________________________
City Clerk

ORD 792
SECOND AND FINAL READING

EXHIBIT A
Title 6
ANIMALS
Chapter 6.04
DOGS

6.04.010 Definitions.

As used in this chapter, unless the text otherwise indicates:

"Animal warden" shall be a person appointed with the power and duty of picking up stray dogs, dogs running at large, and shall be considered the police officer of Columbia Falls for the purposes of enforcing this chapter.

"At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family or his agent either by leash, cord, chain or otherwise.

"Dog" shall be intended to mean both male and female, and shall mean a dog not less than five months old.

"Owner" shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.

6.04.030 Rabies vaccination required.

Any dog within the city, whether licensed or unlicensed, must be vaccinated against rabies. If any dog is not vaccinated against rabies, the police chief or his designate may have such dog vaccinated against rabies and the charges therefor shall be paid for by the owner within ten days of the notification to the owner that such dog has been vaccinated. If the owner shall refuse or neglect to pay such charges for vaccination against rabies within ten days after such notification, the owner or possessor thereof shall be deemed to have violated the terms of this chapter and shall be subject to the penalties herein provided.

6.04.040 Running at large prohibited.

No owner or keeper of any dog shall permit such dog to run at large.

6.04.045 Habitual barking.

A. Harboring. It is unlawful for any person knowingly to own, keep or harbor any dog which habitually or unreasonably barks, howls, nips or yelps to the discomfort, annoyance or disturbance of any person within the city. Such dogs are declared to be a public nuisance.
B. Notification. Whenever any person shall complain to the Columbia Falls police department that the provisions of subsection A of this section are being violated, the police department shall notify the owner, keeper or harborer of said dog that a complaint has been received and that the person must take whatever steps necessary to alleviate the barking, howling, nipping or yelping.

C. Enforcement. Following the notification set forth in subsection B of this section, if the police department receives verified complaints from at least two citizens not from the same family, alleging that the dog habitually or unreasonably barks, howls, nips or yelps to the discomfort, annoyance or disturbance of persons within the city, the owner, keeper or harborer of such dog shall be cited for the violation alleged in said complaints.

6.04.050 Impoundment.

It shall be the duty of the animal warden authorized by agreement with Flathead County, to apprehend any dog found running at large and to impound such dog.

6.04.080 Vicious dogs.

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog within the city. If any vicious dog is running at large or any dog appears to be mad or dangerous to the public, and it appears to the animal control officer that it is necessary to kill such a dog in order to protect the public from the dog, the animal control officer is hereby authorized to kill the dog.

If any dog, including but not limited to vicious dogs, bites a person living in the city, such dog bite shall immediately be reported to the designated animal control office. Any animal control officer may issue a written order requiring the owner of such dog to surrender the dog to the Flathead County Animal Control Center or, at the owner's expense, to a licensed veterinarian. Such order may be served by the animal control officer on the owner. If the owner cannot be found at his/her place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence. It is unlawful for any person to refuse or neglect to surrender any dog, within twenty-four hours after the service of such order, and any animal control officer shall seize and impound such dog at either the Flathead County Animal Control Center or a license veterinarian's office, at the owner's expense. In the event the owner is unknown or the dog is running at large, the officer shall seize and impound the dog without notice. If the vicious dog is running at large and the officer is unable to seize and impound such dog, the dog may be killed by any law enforcement or animal control officer of this city without notice. All dogs impounded under this section shall be quarantined for the period and under the conditions as determined by the animal control officer.

For purposes of this section, a “vicious dog” is defined, pursuant to 7-23-2109, MCA as one which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term “animal” includes all livestock and any domestic pet.
Chapter 6.08

LIVESTOCK

6.08.050 Unlawful to pasture or keep stock.

It is unlawful to graze, pasture, keep or house in any manner whatsoever, horses, cattle, goats, hogs or livestock of any kind within the city except as provided for in Chapter 18.434 Livestock.

Chapter 6.16

MISCELLANEOUS ANIMAL REGULATIONS

6.16.010 Abuse unlawful.

No person shall inhumanely, unnecessarily or cruelly beat or otherwise abuse any animal with the limits of the city.
ORDINANCE NO. 793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 8 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One.  Title Amended: Title 8 Health and Safety, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two.  Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three.  Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four.  Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five.  Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

ORD 793
SECOND AND FINAL READING

_________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ____ DAY OF NOVEMBER, 2019.

_________________________________
Mayor

ATTEST:

_________________________________
City Clerk

I
8.08.010 Containers-Required.

All owners, tenants, lessees, and occupants of premises in the city who shall store garbage, ashes, or refuse outside or out of doors prior to the collection and hauling away of the same by any person engaged in the business of collecting and hauling of garbage, ashes and refuse, shall furnish refuse containers for such pre-collection storage. Refuse containers shall be maintained in good condition.

8.08.020 Containers--Construction generally.

Containers for garbage or refuse shall be made of metal or plastic, equipped with suitable handles, and equipped with tight-fitting covers, and shall be watertight.

8.12.010 Defined.

"Nuisance weeds" means all vegetative growth of every kind and nature, other than trees or shrub that are native, common or ordinary, over eight inches in height, that is managed in such a manner that the material is friable or readily combustible and creates a fire hazard; or any height, that is managed in such manner that it produces viable, invasive seed from plants that are generally considered undesirable.

"Managed" means attention or inattention to provision of care that is reasonable and prudent.

"Undesirable plants" means non-native plant species, or plant species not commonly found among landscaping elements or invasive plants that are generally known to require intense efforts to exterminate.


No owner or owners of any property within the city, or agent of such owner or owners, shall permit nuisance weeds on such property, or on one-half of any road or street lying next to such property.
or boulevard abutting thereon. The existence of such weeds shall constitute a public nuisance.

8.12.030 Notice to destroy.

A. Whenever nuisance weeds are found to exist upon any property within the city, the city shall notify the owner of the property or, if no such person can reasonably be found, the person in control or possession of the premises.

B. The notice shall state that the existence of such nuisance weeds constitutes a public nuisance, and shall order the owners, or persons in possession, to exterminate or remove all such weeds on any property within the city limits, and upon one-half of any adjacent street or road. The notice shall further inform such property owners, or person(s) in possession, that upon their failure to remove or exterminate such weeds within a specified time, the city may proceed to have such weeds removed or exterminated and assess the cost thereof to the property involved.

C. Personal notice of the order shall be served. In case personal service cannot reasonably be obtained, then the notice shall be published once a week for two weeks in a newspaper in the municipality, or if no such paper exists, in a newspaper within the county. The last date of publication shall be not less than seven days prior to the date upon which the city commences the removal of weeds from such property.

8.12.040 Action upon noncompliance with order.

Upon the failure, neglect or refusal of any owner or owners, or person(s) in possession, to exterminate or remove nuisance weeds growing, lying or located upon the property of the owner or upon one-half of any road or street lying next to the property before the date specified in the notice, the responsible city official may exterminate or remove such nuisance weeds. Such official shall report to the city clerk the costs of such extermination. The clerk shall make an additional charge of ten percent to cover administrative costs. The total costs shall be assessed against the property from which or adjoining which the nuisance weeds have been exterminated or removed. The clerk shall cause the aforesaid costs to become a special tax and a lien against the property involved.

Chapter 8.16

REFUSE AND LITTER

8.16.010 Unlawful to deposit or allow accumulation.

No person within the limits of the city shall throw or deposit loose or waste paper, manure, tin cans or other coarse rubbish, or any dead animals, straw, hay, lawn clipping, brush, waste clothing, hats, books, empty cans, boxes or any paper dodgers or advertisements, or other inflammable rubbish on any public right-of-way or public land, not specifically designated for receiving such material.
SECOND AND FINAL READING

8.16.030 Deposit of objectionable waste prohibited.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

Chapter 8.18

COMMUNITY DECAY CONTROL

8.18.010 Definitions.

For purposes of this chapter, the following words shall have the meanings set out in this section:
A. "Agency" means the police department, which is designated to enforce the community decay ordinance.
B. "Community decay" means a public nuisance which is within "public view" as defined in this section and is created by allowing rubble, debris, junk or refuse to accumulate as set forth in the community decay standards. "Community decay" as used in this chapter may not be construed or defined to apply to normal farming, ranching or other agricultural facility, or any appurtenance thereof, during the course of its normal operation.
C. "Public nuisance" means a nuisance which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
D. "Public view" is any point six feet above the surface of the center of any public road from which the community decay can be seen.
E. "Shielding" refers to fencing or other manmade barriers to conceal a facility from public view. It also refers to natural barriers. Any shielding must also conform to all local zoning, planning, building and protective covenant provisions. Any shielding is to be of sufficient height that no part of the nuisance or decay is visible to public view. This is not intended to require that permanent buildings, other structures, utility poles or any farm buildings, ranch buildings, or other agricultural facilities or appurtenances are to be included in the chapter and shielded.
F. “Unfinished or incomplete buildings or structures” means those that do not possess completed walls on all sides and a roof and do not provide a permanent weather resistant exterior wall and roof envelope.

8.18.020 Powers and duties.

The city council designates the police department as the agency which shall have the following powers and duties:
A. The duty to inspect when there has been a complaint by more than one person that community decay or a nuisance is present in an area.
B. The power to recommend to the city council further applicable standards by which to enforce this chapter.
C. The power to determine whether or not this chapter applies after an inspection of the property or area.
D. The duty to send a written notice of violation to the owner of the property in violation of this chapter.
E. The power to enter upon the property in violation after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
F. The power to assess the property owner for the actual or anticipated costs of an abatement made by the agency.

8.18.030 Notification and enforcement.
A. When the agency receives a complaint that a condition of community decay exists, the agency shall inspect the property alleged to be in violation of this chapter. Upon inspection the agency shall determine whether there is a violation of this chapter.
B. If there appears to be violation of this chapter, the agency shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.
C. The owner may after notification of violation submit a plan of abatement to the agency which shall include:
   1. Type of abatement or shielding;
   2. Date for commencement of action; and
   3. If abatement or shielding is not to commence within thirty days, the reason therefore. The agency may accept such plan and defer further proceedings under this chapter pending abatement.
D. The notice of violation to the owner shall specify that the owner has thirty days from receipt of such notice to become in compliance with this chapter by means of removal or shielding of the conditions.
E. After thirty days following the mailing of the notice of violation, the agency shall determine whether the violation has been abated by the owners.
F. If the owner has failed to act, the agency shall send a notice setting a date and time for a hearing before the city judge notifying the owner to appear to show cause why the violation has not been abated.
G. A show cause hearing will be held by the city judge. Both the city agency and the owner may give evidence. At the end of the hearing the judge shall determine if the violation in fact exists, and if proper notification was made and the violation exists, the owner shall be ordered to abate it within a reasonable time.
H. If after a show cause hearing the owner has not complied with the court-ordered abatement; the agency may send written notification by mail and allow ten days further to complete abatement. After ten days following the mailing of such notification, the agency may enter upon the owners’ property with the specific purpose of abating or shielding the violation, whichever the agency deems appropriate.
I. The agency may assess the property owner/user for the actual costs of the abatement by the agency.
J. Nonpayment of the assessment may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes.

8.18.050 Community decay standards.
It shall be a violation of the city of this chapter to allow any of the following conditions to exist within public view, as defined within this chapter, on any land or property in the city that is not considered to be a normal farm, ranch or other agricultural operation or facility:
A. The piling or spreading of straw, hay or similar material on open lots or fields unless the material is to be used as soil conditioner or mulch and the material is plowed into the ground or otherwise mixed and covered with clean soil within sixty days from placement upon the lot or field.
B. The dumping, piling or stacking of bricks, concrete blocks, waste wood, and similar material on open lots or fields, unless the material is stacked in neat piles and all waste material from the cleaning of such items, such as mortar, wood splinters, broken and unusable bricks, is removed to a licensed solid waste disposal facility or to some other location which has been approved by the agency or to some other location outside the city and its extra-territorial jurisdiction. Should such an operation be an ongoing continuous business, it shall be located in an area properly zoned for such a salvage business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within this chapter and any applicable zoning regulations.

C. The storage or accumulation of a significant amount of cardboard boxes, broken packing boxes, paper or other similar items on lots or fields.

D. The piling, dumping or depositing of any dirt, demolition wastes including wood, bricks, concrete, used road black top and other similar materials on any open lots or fields, unless such material is to be utilized for fill material to fill a coulee or land depression. If such material is used as fill material, all such material shall be completely covered with clean fill material once every ten days and fill area shall be adequately fenced to restrict access to the area. Failure to comply with the periodic cover and access control requirements shall constitute a violation of this chapter.

E. The storage and accumulation of iron, metal, component vehicle and machine parts, junk vehicles, household appliances, barrels and other salvaged metal items, unless such material is stored in an approved, licensed, and shielded motor vehicle wrecking facility. If such material is being accumulated as part of an on-going, active salvage business other than an approved, licensed motor vehicle wrecking facility, said salvage business must be located in a properly zoned area for such a business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within this chapter and any applicable zoning regulations.

F. The accumulation and storage of any other rubble, debris, junk or refuse that, upon investigation by the agency, is deemed to be a public nuisance as defined in this chapter.

G. The maintenance, ownership, occupancy or possession of any dangerous, decaying, non-maintained, fallen or damaged residential dwelling or commercial building or structure, including building(s) or structures that are unfinished or incomplete after a valid building permit has expired or three years after construction was initially started, whichever period expires first. Shielding is not an acceptable mitigation of this violation.

H. The maintenance of any substances or conditions that are injurious to health, indecent, offensive to the senses or obstructive of the free use of property so as to interfere with the comfortable enjoyment of life or property.

8.18.060 Shielding standards.

A. All plans for shielding shall be approved by the agency prior to commencing construction of shielding.

B. When fences are used for shielding, the boards may be spaced and/or slanted to reduce wind load. The space between boards when viewed from a broad-side view shall not be more than one and one-half inches and interval between spaces shall not be less than seven and one-half inches. Rough dimensional lumber or better is acceptable. Chain link fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one half inches.

C. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year. Dirt berms are acceptable for shielding purposes, provided the berm slopes are graded smooth and seeded with an adequate grass seed formula.
D. Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, are also acceptable.

E. No more than one of the approved shielding materials shall be used on any one side of a shielding fence.

F. The fencing is to be maintained by the property owner or occupant in a neat and workmanlike manner and shall be replaced when necessary.

Chapter 8.20

JUNKED MOTOR VEHICLES

8.20.010 Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

A. "Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

B. "Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

C. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon private property, including trailers, semitrailers and travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. Such term shall not include a bicycle, but shall include motorbikes, motorcycles, motorscooters, tractors, go-carts and golf carts.

8.20.020 Nuisance designated-Abatement.

No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the city for a period in excess of seventy-two hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles, or to any vehicle held in connection with a business.
enterprise, lawfully licensed by the city and properly operated in an appropriate business zone, pursuant to the zoning laws of the city, or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, MCA. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this section, or placed within a building.

8.20.030 Exemption for repairs.

This chapter shall not be construed to prevent any occupant of premises within the city from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed therefrom for a period in excess of twenty days, while remaining exposed to public view, shall be deemed to be prima facie evidence that such vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter.

8.20.040 Responsibility.

The occupant of any private property within the city shall be responsible for any violation of this chapter, with the head of the household being deemed to be the occupant. In the case of vacant or unoccupied premises, the person owning the same shall be responsible for any violation of this chapter.

8.20.050 Notice-Service.

A. Whenever it comes to the attention of the police chief that a nuisance exists within the city due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of such property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.

B. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner, at the last known address, as exists upon the records of the city. In the alternative notice may be served in the same manner as other legal process is served in the state including hand delivery.

8.20.060 Notice-Contents.

The police chief shall give the notice for the removal or covering of the items which constitute the nuisance at least ten days before the time of compliance with such notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof upon the private property which constitutes the nuisance and shall order the removal or covering of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefor as set forth herein.
Chapter 8.24

HANDBILLS

8.24.010 Purpose.

To protect the people against the nuisance of and incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

A. To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

B. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills. (Ord. 296 § 1, 1972)

8.24.020 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. "Handbills" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or reproduced original or copies of any matter, distributed without charge, which advertises for sale, any merchandise, product, commodity, or thing; or which directs attention to any business, mercantile, or commercial establishment and the products sold by the same; or which directs attention to or advertises any meeting, theatrical performance, exhibition, or event or any kind.

B. "Handbill distributor" means and includes any person distributing handbills other than newspapers distributed to the subscribers thereof.

C. "Private premises" means and includes any dwelling house, house, building, or other structure designed or used for private residential purposes, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging thereto.

D. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds, and buildings.
SECOND AND FINAL READING

8.24.030 Throwing broadcast unlawful.

It is unlawful for any person to deposit, place, throw, scatter, or cast any handbill upon any public place within the city and it shall be unlawful for any person to hand out or distribute handbills in any public place to a person not willing to accept it or any vacant private premises.

8.24.040 Placing in or upon vehicles.

It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill in or upon any automobile or other vehicle not his own, except in a manner that will prevent it from being blown about or scattered by the elements.

8.24.050 Distribution where property posted unlawful.

It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill upon any premises if requested by any person thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Handbills" or similar words.

Chapter 8.28

FIRES AND INFLAMMABLES

8.28.020 Open burning.

No open burning is allowed within the city limits.

Exceptions:
Fire Department sponsored and controlled burns are allowed.

Recreational fires using clean, dry campfire wood are allowed for pleasure, religious, ceremonial, cooking, warmth or similar purposes, measuring thirty-six inches or less in diameter and no more than two feet in height that are surrounded by a nonflammable area and located at least 25 feet (15 feet if fire is in an approved container) from the nearest structure or combustible material. A suitable source of extinguishing the fire must be readily available and the fire must be constantly attended until the fire is extinguished. It is unlawful to burn construction debris, papers, paper goods, rubbish, garbage, organic debris such as lawn clippings, leaves and branches anywhere in city. Notwithstanding the foregoing, recreational fire may not be ignited if special restrictions prohibiting recreational fires have been established by an authority having jurisdiction.

8.28.030 International Fire Code.

A. The city does hereby adopt by reference the current edition of the International Fire Code and any additions thereto adopted by the Fire Prevention and Investigation Section of the MT Department of Justice, or its successor. One (1) copy of each code shall be on file in the office of the City Clerk. Any codes or amendments adopted by the Fire Prevention and Investigation Section which apply to local governmental jurisdictions, including the adoption of the latest editions of the model technical codes or
applicable Administrative Rules of Montana, shall become effective in the City upon order of the City Administrator within thirty (30) days after the date the State of MT notifies the City of said amendments.

C. Removal of Violation. The application of the penalty in Title 1 shall not be held to prevent the enforced removal of prohibited conditions or any other remedial or corrective action provided for under the International Fire Code.


The city does hereby adopt by reference the most recent version of the Life Safety Code and automatically adopts and incorporates any and all amendments and other modifications to such code.

Chapter 8.32

FIREWORKS

8.32.010 Sale unlawful.

It is declared unlawful for any person, firm, corporation or association to sell fireworks of any explosive nature within the city limits of the city of Columbia Falls.

8.32.020 Use unlawful.

It is declared unlawful for any person of any age to set off or fire any fireworks of any explosive nature within the city limits of the city of Columbia Falls.

8.32.030 Permitting use by minor unlawful.

It is declared unlawful for any parent, guardian, or custodian of any minor child to permit or consent to the possession or use by the minor child in his charge or custody of any fireworks or pyrotechnics of an explosive nature. Use by any minor child of any fireworks or pyrotechnics of an explosive nature within the city shall be presumed to be with the permission and consent of such parent, guardian, or other person having the charge or custody of such minor child.
ORDINANCE NO. 794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 13 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Title Amended: Title 13 Public Services of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

___________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF
NOVEMBER, 2019.

___________________________________
Mayor

ATTEST:

___________________________________
City Clerk

I
13.04.010 Purpose.

The rules set out in this chapter are established for the purpose of defining a uniform manner in which the Columbia Falls water department will operate.

They are intended to insure adequate service to each water consumer, to prevent unfair charges to the water consumer, to protect the utility from unreasonable demands and to insure that all water consumers are treated equitably through the application of these rules.

13.04.020 Definitions.

As used in this chapter, the following words and phrases shall be as set out in this section:

A. Consumer or Customer. This term means the individual, partnership, or corporation identified on an approved application as the owner of property served or owner's representative.

B. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment. The city recognizes the following classes for the purpose of assigning a volume rate:

1. Commercial Class. Customers who occupy a premises for the purpose of buying, selling, trading, acquiring, disposing, storing, leasing articles, commodities, or property; or providing a service, craft, amusement, or recreation; or provide assemblage; or provide education of one hundred or less students; or provide lodging accommodations for transient persons.

2. Government Class. Customers that occupy premises that provide governmental services, institutional lodging or education for more than one hundred students.

3. Industrial Class. A customer that consumes at least an average of five hundred thousand gallons per month over any twelve-month period and the highest and lowest demand (measured in gallons per minutes) does not vary by more than ten percent from one-half the sum of the average demand for a thirty-minute interval preceding and succeeding the time of interest.
4. Multi-family Class. Customers that occupy premises where multi-unit dwellings, consisting of three or more units, located on a single property, provide housing for permanent residents.

5. Single Family Class. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.

C. Landlord Agreement. An agreement between the utility and the owner of a property whereas the owner allows the utility to establish an account in the name of the renter while retaining responsibility for unpaid charges.

D. Payment Agreement. This term means a written agreement, on city form, that prescribes the schedule of payment for past due amounts.

E. Plant Investment Fee. A one-time charge used to recover the pro-rata share of the capital cost for the construction and provision of the water system.

F. Plumbing Inspector. This term means a person designated by the city to inspect plumbing.

G. Rate-Rate Schedule. These terms mean water rates or fees set forth under the rate schedule adopted by the city council by resolution.

H. Regular Service Line-General Service Line. These terms refer to a service line or portion thereof that is constructed to provide water for uses other than temporary service or fire service.

I. Service Charge-Base Service Charge. An amount charged per connection based on the diameter size of service connection.

J. Service Line. This term means every part of the piping and appurtenances from the water main to the customer's side of the meter, including the corporation stop, curb stop, meter, meter isolation valves, check valve and connecting piping between these components.

K. Temporary Service. A temporary service means any service of water to a consumer for a period of time less than six months and likely not recurring.

L. Utility. This term means the city water department.

M. Volume Charge. The charge for volume of water delivered to the property served determined by meter reading or estimate based on an average of known volume usage.

N. Sharing of Costs. Subject to exceptions set forth in 13.04.600, for repairs to leaks in service lines between the main and the curb stop, the City and the customer will each pay 50% of the incurred cost. For repairs to leaks in service lines between the curb stop and
the customer’s structure, the customer will pay 70% of the cost and the City will pay 30% of the incurred costs.

13.04.030 Service area regulations.

The utility shall serve water to all customers within and outside the city limits of Columbia Falls in accordance with this chapter.

13.04.040 Service-Description.

A. Quantity. The utility shall keep its sources of supply and its distribution system in such a state of repair that it can reasonably meet the demand of its customer in reasonable conformity with applicable laws and regulations.

B. Quality. The utility shall reasonably follow all normal and standard operating procedures, construction procedures and maintenance procedures in order to insure that the water served the consuming public is of a quality that complies with applicable laws and regulations. The utility shall require that all contractors working on the system follow normal and standard work procedures and similarly comply with applicable laws and regulations.

C. Class of Service. The utility shall assign each customer to one of the following classes:

1. Single family;
2. Multi-family;
3. Commercial;
4. Government;
5. Industrial;

D. Types of Service. The following types of service will be provided by the utility based upon the circumstances of the use:

1. Metered rate;
2. Contracted service;
3. Temporary service.

E. Cost of Service. The utility shall charge all water users based on a service charge and volume charge in accordance with the rate schedule.

1. Service Charge. The service charge is not dependent upon the amount of water used by the customer. The charge is designed to recover utility billing costs; and portions of debt,
administration, maintenance and replacement costs.

2. Volume Charges. Volume charges are directly related to volume of water used and applicable to all water usage except contracted water or unmetered water used for fire suppression. Volume charges are designed to recover operating costs associated with water usage; and portions of debt, administration, maintenance and replacement costs not recovered by the service charge.

13.04.050 Service-Application.

A. New Applicant for Existing Service. All persons, organizations and/or entities wishing water service must be the owner of the property serviced or authorized by the owner to make application for such with the water utility upon application forms provided by the city.

B. New Applicant for New Service. Any applicant desiring service that includes a new service connection shall comply with Section 13.04.070.

C. Party Liability. Where two or more parties have jointly applied for water service at premises, each shall be jointly and severally liable for all bills and shall be billed by means of a single periodic bill to the party designated.

D. Applications. Applications shall include as a minimum the following information:

1. Date and place of application;
2. Location of premises to be served;
3. Date applicant will be ready for service;
4. Whether the premises have previously been supplied with water by the utility;
5. Purpose for which service is to be used;
6. Size of service desired;
7. Address to which bills are to be mailed or delivered;
8. Whether applicant is owner or tenant of, or agent for, the premises (if other than owner, a landlord agreement shall be provided);
9. Agreement of applicant to abide by all regulations of the utility;
10. Notice that the application will expire in one hundred eighty days and may be extended only by reapplication.

E. Change in Customer. Any change in the identity of the contracting customer at a premise
shall require a new application for water.

F. One Hundred Eighty Days to Connect. Each application for water connection, once approved by the public works director, is good for one hundred eighty days. One extension for an additional ninety days may be made upon payment of a reapplication fee according to the rate schedule.

G. Inspection Required. Each applicant for service that includes a new service connection and water permit must possess a building permit and an occupancy permit or, if under construction, verification from the plumbing inspector that the premises plumbing is reasonably compliant with the acceptable plumbing practices.

H. Landlord Agreement. The owner of a rental property may enter into a landlord agreement with the utility whereby the property owner agrees to allow the utility to establish an account in the name of the renter. The landlord may require the utility to collect a deposit from the tenant. Such an agreement does not reduce nor negate the owner's responsibility for unpaid charges. Such agreement shall be on forms provided by the utility.

I. Application Process. Within ten working days after a completed application is submitted to the public works director, the utility shall approve or disapprove the application. Additional time may be required if the utility is waiting for additional information such as fixture count or fire service requirements.

13.04.060 Service connection.

A. A separate curb box shutoff valve shall be provided on each service line on the utility side of the meter. Normally each service line shall be tapped into the main separately, but the utility may allow variance to this procedure. If it meets the following criteria:

1. Multiple units located on a single property, and all units billed to one customer may be serviced by one service line to the property and one meter.

2. Multiple units located on a single property, and each unit billed to a separate customer may be served by a one service line if each unit has a separate meter and a separate approved shutoff valve. Meters and shutoff valves to separate units will be installed in a location approved by the utility.

B. The customer shall install a stop and waste valve on the customer's side of the meter.


A. Water Permit.

1. Permit Required. No unauthorized person(s) shall make any connection to, or use, alter or disturb any part of the municipal water system without first obtaining a water permit from the city public works director. No water permit shall be issued unless the system to which a connection is sought has been inspected by the city and meets all applicable city
ordinances, rules and regulations and has been formally accepted by the city. The water permit application shall be on such forms as provided to the applicant by the city. Such water permits must be signed by the property owner.

2. Water Permit Fee. A new service water permit fee shall be charged by the utility for a new customer to connect to the utility. The amount of the fee shall be set forth under the rate schedule.

B. Utility to Make Taps. The utility shall make all service connection taps to the main, and inspect the service line after a service connection and water permit have been issued. Water service line covered prior to inspection shall be uncovered if requested by the city.

C. Connection Charges.

1. A charge for service connections shall be paid by the applicant to the utility for the city's costs of the connection, as set forth under the existing rate schedule.

2. The applicant shall be responsible for the city's material costs.

3. City will issue or deny a connection permit within ten days of connection charge payment. If the connection permit is denied payment will be reimbursed.

4. If connection is not made within one hundred eighty days of permit issuance, city will reassess connection charge and applicant will pay the difference between the current rate and amount paid.

D. Plant Investment Fee. A plant investment fee shall be charged by the utility upon the application for a new service connection. Such plant investment fee shall be as set forth in the rate schedule.

1. If the connection permit is denied, payment will be reimbursed.

2. If connection is not made within one hundred eighty days of permit issuance, city will reassess the plant investment fee and applicant will pay the difference between the current rate and rate paid.

E. Construction Specifications-Backflow Prevention. Service connections shall be constructed to the specifications and requirements of the city standards, including a backflow prevention valve or check valve installed in the service line on the consumer side of the meter.

13.04.080 Connections to property outside city limits.

A. Permission to Connect. The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner, be permitted to attach to the water distribution system of the city. Upon petition or application being made to the city by the owner of property, together with the payment of the fees, if
any, for such application, the city council shall determine whether to furnish water. Among other things the council shall consider the following: the effect upon public health and safety; whether such attachment will be in the best interests of the city and its residents; and the availability of water and proximity of city water infrastructure.

B. Connection Requirements. Upon approval of application the terms, conditions and requirements thereof shall be as follows:

1. Applicant shall perform the following:
   a. Pay all connection fees, water permit fee, and plant investment fee and other charges required for a new connection.
   b. Construct a service line in accordance with city standards.

2. If the applicant is contiguous to the city limit, the applicant shall execute a petition for annexation. If the applicant is not contiguous to the city limit, the applicant shall execute a waiver of protest to annexation. All applicants shall provide a waiver of protest for the creation of special improvement districts for water improvements, whether prior to or subsequent to the time that such premises would be annexed into the city, such petition and waiver to be in the form as prescribed by the city on file with the clerk of the city.

3. Pay to the city the volume and service charges for the furnishing of water as charged by the city for users within the city, plus an additional percent of that sum, established in the rate schedule, the consideration therefore being the furnishing of water to users outside the city limits.

4. The applicant shall provide, install and maintain in good condition an approved metering device to meter the water supplied to applicant. Such metering devices shall remain the exclusive property of the city.

5. Connect to city of Columbia Falls municipal sewer, if the city council, at its sole discretion, determines that the sewer main is reasonably proximate to the applicant’s property, sufficient sewer capacity is available to accept connection, and the requirement to connect is in the best interest of the sewer utility and the city.

13.04.090 Deposits-Generally.

A. The following types of consumers shall be required to make a deposit.

1. Renter. Where the owner has entered into a landlord agreement allowing an account in the name of the tenant and the agreement requires the utility to collect a deposit. The deposit shall be in accordance with the rate schedule for renter deposit.

2. Temporary User. A temporary user of water shall make a deposit that shall be returned upon discontinuance of use and payment of the bill. Such deposit shall be as set forth
under the rate schedule.

B. Refund. Deposits shall be refunded upon discontinuance of service, less the amount of any unpaid water bills. If the refund is under five dollars, a refund will not be issued.

13.04.100 Change in class, type or size of connection.

A. Prior to a change in the class, type or size of connection, the customer shall reapply as an applicant for new service connection in accordance with this chapter.

B. Customers supplied water in or prior to 1962 shall be allowed to continue to be furnished water provided that no change is made to the class, type or size of the service and use is not discontinued for a period greater than six months. In the event that any of these provisions are not met, the customer shall be required to reapply for service and comply with current requirements for connection and use of water.

C. A customer reapplying in accordance with this section shall be credited with having paid connection fees, permit fees and plant investment fees for the current connection and these shall be deducted from the cost of a larger connection except the physical and material costs shall be the actual cost. The utility shall not reimburse the customer's account any credit remaining after all fees are paid, for any reason.

13.04.110 Existing connections-Upgrading.

A. When Required. All service connections shall meet the current requirements and specifications of a new connection when any of the following occur:

1. There is a change in use of the property that warrants a new connection;

2. When the meter is changed due to wear or obsolescence;

3. When there is service line work performed that requires excavation of the service line or replacement of the service line or portions thereof.

13.04.120 Temporary service.

A. Meter Required. A meter, approved by the utility, shall be used in conjunction with a temporary use if at all practical to do so. If a meter is used the charge for the temporary water used shall be based on the rate for metered service. If a meter is not used, a special contract shall be created and a deposit may be collected prior to use.

B. Means of Supply. Water may be supplied as a temporary service through a temporary piping hookup or from a hydrant or spigot. Temporary service from a fire hydrant shall be intermittent for the purpose of providing water to a detached tank, such connections shall use approved fire hose connections installed in such a manner that can be quickly removed with standard fire hose tools.
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C. Approved Temporary Uses. Temporary service is allowed for uses such as a circus, bazaars, fairs, construction work, irrigation of vacant property, emergency water needs, and similar uses that due to their nature will not be used permanently.

13.04.130 Fire service connection.

A. Application Required. Service connections to fire suppression systems and fire hydrants may be made only after application and approval by the utility. The utility may require a special contract before such connection will be made. Such connection will require application for a water permit on such forms as provided to the applicant by the utility and payment of a water permit fee and new service connection charge. The utility will waive the plant investment fee for that portion of the connection provided exclusively for fire suppression; where the service line serves both general and fire service, the plant investment fee shall be based upon the general service line.

B. Changes Prohibited. The customer shall submit a new application and receive prior approval of the utility for any change, alteration or addition to the system or change in uses from those specified in the original application.

C. Size and Location. The utility shall approve the size and location of any connections made to its distribution mains for private fire protection service, and will, at the cost and expense of the customer, make the connection to its mains.

D. Usage. A private fire service connection is furnished for the sole purpose of supplying water for the extinguishment of fires, and the use of water from such a connection for any other purpose is absolutely forbidden, unless specifically authorized by the public works director as a temporary service or special contract.

E. Fire Service Connection-Liability of Utility. The extent of the rights of the private fire protection service customer is to receive, but only at a time of fire on his premises, such supply of water as shall then be available. The utility shall not be considered in any manner as insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

F. Water Source Outside Utility Prohibited. No pipe or fixtures connected with a private fire service served by the utility shall be connected with pipes or fixtures supplied with water from any other source.

G. Service Line.

1. Separate Line. Unless otherwise provided in a written agreement between the applicant and the utility, service lines for private fire protection service shall be distinct and separate from the regular or general water service line.

2. Combined Service Line. Where one service pipe is used for both general and fire
purposes, the meter shall be installed to serve the general purpose water. The charge for
general water service will be based on volume and service rates. The utility shall approve
the meter size. The applicant shall pay all costs of installing such meter. The utility shall
retain ownership of the meter. No adjustment will be made to the general water service
billing based on meter usage even if fire flows were recorded during the billing period.


1. The entire private fire service system on the customer's premises shall be installed and
maintained, including inspection and testing, by and at the expense of the customer and
shall be subject to the approval of the utility before the service is made effective, and at
such times thereafter as may be deemed necessary or appropriate by the utility.

2. Whenever a fire service system is to be tested, the customer shall notify the utility of such
proposed test, designating the day and hour when same is to be made. The utility may be
present during the test.

I. Tampering Prohibited. Hydrants and other fixtures connected with a private fire service
system may be sealed by the utility and such seals may be broken only in case of fire or as specially
permitted by the utility, and the customer shall immediately notify the utility of the breaking of any such
seal.

J. Violation of Contract. Violation of the special contract or of these regulations shall allow
the utility to void the contract and discontinue service, at its option.

13.04.140 Service connection-Abandonment.

A. If service is to be abandoned, it shall be done at the main and all costs incident to the
abandonment shall be borne by the property owners. Prior to any abandonment, an application shall be
made to the utility to abandon the service, the utility shall issue a work order therefore, and a copy of the
same shall be supplied to the utility clerk.

B. The city may consider a connection abandoned if the structure(s) on the premises served
have been destroyed or demolished; or service discontinued for more than sixty months. If so
abandoned, the property owner shall disconnect the service at the main and bear the cost of the work.

C. Reconnection of an abandoned service shall be considered a new connection.

13.04.200 Meter.

A. Required. A meter shall be installed on every regular service line. The utility shall specify
the size and type of meter to be used.

B. Installation and Cost. Installation, moving, or removal of a meter shall be performed only
if authorized by a work order issued by the utility clerk before the same is commenced. The utility shall
inspect all such work to insure it is done in accordance with the utility's specifications.
C. The property owner shall pay for the meter cost along with other tapping and connection fees. The utility shall retain ownership of the meter. Future replacement of the meter if due to malfunction, or upgrading for modernization by the utility shall be done without additional charge to the property owner for the meter. If the meter is changed at the request of the property owner to upgrade the service for a new or expanded use, then the property owner shall pay the cost of the new meter.

D. The meter shall be installed in either a meter pit, at the property line, or in the building being serviced. The remote reader device shall be installed at a location meeting utility specifications. Both the meter and reader shall be installed in an accessible location meeting utility standards. The property owner shall be responsible for protecting the meter from freezing and the meter and remote device from damage. Damage to the meter or device shall be repaired at the property owner’s expense. Charges for such repairs shall be based on actual labor, equipment, and materials used in making the repair. If placed in a meter pit, such pit shall meet utility standards.

E. Tampering with the meter shall be considered a violation of this chapter and shall be grounds for immediate discontinuance of service. Additional action may be taken by the utility for theft of water.

F. The utility shall have the right to read meters during regular working hours without notice. The utility shall have the right to inspect, replace, and maintain meters during regular working hours after reasonable notice is provided to the premises where located.

13.04.210 Testing facilities and operation.

A. The utility shall have on hand facilities and equipment necessary to test the standard type of meter which is in service in the utility system.

B. Before being installed for the use of any customer, every water meter, whether new, repaired or used, shall report volume within plus or minus two percent of test flow. A manufacturer's certified test may be accepted in lieu of the utility test of new or rebuilt meters.

C. Whenever, on installation, periodic or any other test, a meter is found to exceed a limit of two percent fast or slow, it shall be repaired or replaced.

D. The utility may seal meters. If so done, the breaking of such a seal by unauthorized persons or tampering with meter or meter piping is prohibited.

13.04.300 Billing.

A. General Purpose Charges. Bills for general purpose service connections shall be based on volume usage, multiplied by the rate per one thousand gallons, plus the base service charge, as set forth under the rate schedule. The full monthly base service charge is due for any portion of a month that the connection is in service.

B. Usage Determined. Meters shall be read by the utility monthly for the purpose of
determining usage. The utility shall attempt to read the meters at approximately the same time each month. However, no adjustment to bills shall be made for failure to read the meter at the same time each month. If meters cannot be read, the utility may estimate usage based upon an average of the previous three months or three months of similar season on the year previous, whichever is the larger volume.

C. Due Date. The bill shall be due within fifteen days after the same has been mailed by the utility, or the fifteenth of each month, whichever is later. If the bill is not paid within such time, it shall be considered delinquent.

D. Contents of Bill. Bills shall show the following items:

1. The amount of the bill;
2. The consumption of water in gallons or units for the current billing period;
3. The last meter reading;
4. The billing date;
5. The present meter reading date;
6. The previous meter reading date;
7. The delinquency charge;
8. Other charges.

E. Payment Application. Payment for a utility bill shall be applied by the utility in the following manner: (1) first to any unpaid balance from previous billing, (2) second to current sewer charges, (3) last to current water charges.

F. Inclusion of Charges for Other Service. Bills for other services rendered by the utility may be included with the normal water usage bill.

G. Payment Plan for Large Bill. In cases where a customer is presented a water bill much larger than the previous month bill, for any reason, the customer may request a payment plan. The utility and the customer may enter into such a plan according to a written agreement signed by the customer. Such a plan may spread the unpaid portion of the bill over a period of time not to exceed six months. In such a case the utility shall charge a past due fee as set forth under the existing rate schedule.

H. Delinquency Charge. If a bill becomes delinquent, a penalty fee shall be added to the bill as set forth under the rate schedule.

I. Disputed Bills.

1. In cases where a customer disputes a bill, the account shall not be considered delinquent

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and subject to shutoff as long as the customer is taking all of the following steps:

a. Makes payment of the undisputed portion of the bill if such exists;

b. Has submitted the dispute in writing to the utility billing clerk for review.

i. If unsatisfied with the utility billing clerk's determination, the customer may submit the dispute in writing to the Finance Director, who within five business days of receiving such must make a determination.

ii. If dissatisfied with the Finance Director’s determination, then the customer may within five business days of receiving such submit the matter to the city manager, who within five business days of receiving such must make a determination.

iii. If dissatisfied with the manager's determination, the customer must within five business days of receiving such, submit the matter to the city council for resolution at the next regular council meeting. The council's determination on the matter shall be final.

2. A dispute, if being pursued diligently as outlined in this section, shall not become delinquent. But, if action on the dispute is not pursued, the bill shall become delinquent in thirty days.

3. Leakage in a system that results in a large bill is not a disputable item.

J. Adjustment for Meter Error.

1. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the customer's presence. A meter is accurate if reporting within plus or minus two percent of test flow.

2. In case the meter is found to be registering correctly, the cost of disconnecting, testing and reconnecting the meter shall be borne by the consumer.

3. In case the meter is found to be registering incorrectly, the amount deposited by the consumer will be credited to their account and a reasonable adjustment made for the overcharge, based upon the corrected meter reading for a period not to exceed six months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to, but not beyond such a date, or six months, whichever is the least.

13.04.330 Irrigation-When allowed.

In the interest of preventing waste and promoting conservation of water, the utility may specify
the hours and days during which irrigation will be permitted.

A. Notice. Utility will publish notice thereof in newspapers at the start of the irrigation restrictions, or whenever conditions require a change, and will prominently post such notice in its local office.

B. Failure to Comply. When the utility discovers any customer failing to observe the hours or days for irrigation service or wasting water, he shall deliver to such customer a copy of the notice of hours and days of irrigation and shall advise the customer of the wastage fee which is to be charged if water is wasted or the specified irrigation hours or days are not observed by the customer. If the customer is not at home the utility shall leave a notice of the violation at the customer's premises and it shall be deemed the customer has been adequately notified. If this customer fails to comply at any subsequent time in the irrigation season, utility may discontinue service without further notice.

13.04.340 Beautification program.

Wherever the city has caused to be installed a meter exclusively for the purposes of irrigation of properties for city beautification, billing shall be in accordance with such policy as adopted by the city council by resolution.

13.04.350 Special contracts.

A. The utility may enter into special contracts from time to time as the need arises.

B. Special contracts shall be used when the utility is serving water in the following ways:

1. Temporary service;
2. Bulk sales of water;
3. Fire service connections.

13.04.360 Resale of water prohibited.

Water furnished under approved rates by the utility shall not be resold or caused to be resold by any customer unless such customer is engaged in the business of distributing water as a public utility, water association or county water district, without the consent of the city. A consumer shall not supply water another premises by permanent or temporary connection to the customers premises. The utility may provide such a connection in special emergency cases.

13.04.400 Notice regulations.

A. Utility Notice. The utility shall give written notices to its water customers in the following circumstances except in the case of an emergency:
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1. Cutoff of service due to nonpayment of bills;
2. Temporary shutdown of main for repair or maintenance;
3. Violation of quality standards;
4. Failure of a customer to conform with the utilities regulations;
5. The occupant of a premises acts as the customer but has no approved application on file.

B. Customer Notice. The customer shall give written notice to the utility in the following circumstances:

1. Request for service (application serves as notice);
2. Request to discontinue service.

C. Written notices from the utility to the water customer or property owner shall be considered delivered if sent to the address on file with the utility.

D. A notice for discontinuance of service shall be a written notice and is delivered if presented to the customer in person or placed at the apparent front door of the premises served.

13.04.410 Service discontinuance by customer.

A. Notice by Customer Required. Every customer shall give the utility at least sixteen business hours notice, specifying the date on which it desires that service be discontinued. Until the utility has such notice, the customer shall be held responsible for all service rendered.

B. The utility shall shut off the water on the date specified by the customer for the service to be discontinued, unless a new customer has made application for service prior to the time that service is to be discontinued. If service has been discontinued and a request to reestablish water service has been received, a service turn-on fee shall be charged as set forth under the rate schedule.

C. Final Bill. When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge and usage in the amount of actual water used, and both billed as set forth under the rate schedule.

D. Temporary Discontinuance. Should the customer decide to discontinue the use of water temporarily, the utility, when notified to do so, shall shut off the water and charge a turn-off fee. Upon request for reconnection, the utility, when notified to do so, shall turn on the water and charge a turn-on fee. Turn-on and turn-off fees shall be as set forth under the rate schedule, unless the water was shut off due to an emergency or repair during regular business hours. These notices to the utility need not be in writing.
13.04.420 Service discontinuance by utility.

A. Generally. Service to a consumer may be discontinued in accordance with these regulations where the customer has committed the following acts or the following conditions exist at the premises serviced:

1. Nonpayment of utility bills;
2. Unsafe apparatus connected to the water system;
3. Fraud when providing required information to the utility for water service or using water in a manner or purpose not disclosed to the utility;
4. Noncompliance with these regulations.

B. Discontinuance by Utility Generally. The utility shall not discontinue service to any customer without first having provided the customer an opportunity to comply with its rules and regulations, or to pay for services rendered, unless the utility determines that the customer's actions have created an immediate danger to the safety of the water system.

C. Records. Record of all notices sent to a customer, trying to induce compliance with the utility's regulations shall be retained in accordance with city policy.

D. Discontinuance for Delinquency. Service to a customer shall only be discontinued after the following items have occurred in cases of delinquency:

1. The account is ten or more days delinquent;
2. The customer has been notified in writing that the account is delinquent and will be shutoff if payment is not made;
3. That a minimum of seven days has elapsed since the written notice was made;
4. That the day before the shutoff date, a second notice is delivered to the customer in person or delivered to the apparent front door of the premises. Such notice shall bear the current date and stipulate that the shutoff will occur the following day if the bill is not paid before ten a.m. that day. A fee shall be charged for this shutoff notice as set forth under the rate schedule.

E. Customer Options for Delinquent Accounts.

1. The delinquent account must be paid or an agreement made by ten a.m. on or before the date of shutoff. After such time and date, the shutoff fee will be charged even if the water was not physically turned off.
2. The customer and the utility may enter into an agreement that stipulates a payment schedule for all charges delinquent. The schedule may provide for a series of payments over a period not to exceed six months; a longer period must be approved by the city council.

3. If the customer fails to perform according to the agreement, a notice will be hung on the customer's door stating the water will be shut off the next business day unless the customer immediately complies with the agreement.

4. If the customer does not immediately comply with the agreement, the utility may discontinue service, require payment of all past due amounts, and refuse to enter into another agreement. Such refusal to enter into an agreement shall not extend beyond one year after the account has been made whole.

5. If the customer provides a check that is not honored, the customer, within twenty-four hours notice, shall deliver cash or a cashier's check for the amount of the not honored check. If the customer provides more than one not honored check during a twelve-month period, the utility may require payment by methods other than personal check.

F. Discontinuance for Violation of Rules. Service to a customer shall only be discontinued after the following steps have been taken in the case of violation of utility rules:

1. The customer has been notified in writing that the rules are being violated and that such violation must cease;

2. That a minimum of seven days has lapsed since the written notice was made if the violation does not create a health, safety or damage risk to the utility.

G. Shutoff Schedule.

1. Shutoffs shall not be done on Fridays, weekends, one day prior to a holiday, or on holidays;

2. The utility shall try to make all shutoffs in the morning hours, but in no case shall a shutoff be made after three p.m. on any day.

H. Immediate Discontinuance. If unauthorized use of water or, equipment tampering occurs, or a dangerous condition, including without limitation a cross connection, is found to exist on a customer's premises, the water may be shut off immediately upon notice, and the customer may be charged with a misdemeanor offense. For the purpose of this subsection, notice shall mean delivering a written notice to the occupant of the premises or placing such notice at a conspicuous point of ingress to the connected structure. Notice shall provide a brief description of the problem, a phone number of address to contact the city, and time and date of shutoff.
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13.04.430 Service reconnection.

A. When service is discontinued for any reason other than at the customer's request, a reconnect charge paid as set forth under the existing rate schedule.

B. When service is discontinued for nonpayment, all delinquent bills must be paid or an agreement to pay, acceptable to the utility, established before turn-on shall occur.

C. If service is discontinued at the request of the customer and the same customer later requests reconnection for the same service to the system, any fees that are determined to be due shall be added to the next monthly bill.

D. In the event that there is temporary shutoff by the utility for repair work or upgrading of the system, the user need not apply for a reconnection.

E. The utility may contact the owner or his agent, if other than the customer, at the expense of the owner, to notify them when water service is to be discontinued, or regarding other issues related to service.

13.04.440 Collection of delinquent accounts.

When payment of charges or bills for the use of water becomes delinquent, then, upon approval by the finance director, the utility shall be authorized to collect the delinquent account as authorized in state statute.

13.04.450 Request for immediate service.

A customer requesting utility service, at their premises, with less than sixteen business hours notice may result in the charging of an administrative fee as set forth under the rate schedule adopted by resolution.

13.04.500 Theft of service.

Any person, firm or corporation residing either inside or outside of the city who shall willfully turn-on the water line for a new service connection, or turn-on the water line after the same has been shutoff by or under the direction of the city or who shall unlawfully take water from the water system, shall be guilty of a misdemeanor.

13.04.510 Wasting of water prohibited.

The wasting of water by a customer shall be deemed a violation of these regulations because it increases the price each customer must pay for their water service and thereby is in effect a form of harm to other consumers on the system. A waste of water by either leakage or deliberate wasting may be cause for disconnection in accordance with this chapter.

13.04.520 Cross-connections.
If a cross-connection is found to exist in a customer's water system, the utility shall deem such a violation of safe operating procedure and may take any or all of the following steps:

A. Require plumbing changes to the system within a timely period;
B. Require immediate installation of backflow prevention equipment or methods in compliance with Chapter 13.24;
C. Require periodic inspections of the system;
D. Discontinue service until cross-connection is corrected.

13.04.600 Responsibility of consumer.

A. Except as otherwise provided in this Section, the water customer shall be responsible for the maintenance and repair of the service line located downstream from the city right-of-way, excepting normal wear of the meter. Any cost of repairs to the service line from the main to the city right-of-way, including the curb shutoff valve, shall be shared by the utility in those circumstances where it can be demonstrated that the necessary repairs are not the fault of the property owner. Such costs may include all materials and labor, whether the work is contracted or performed by city crews. All repair work must be completed by properly licensed contractors and the cost determined by obtaining a minimum of two quotes.

B. The utility shall approve the size of the service line and the type of valves and equipment installed as part of the service line, based on standards adopted by the utility.

C. Any tampering with the curb box shutoff valve or meter by unauthorized individuals may result in termination of service and prosecution as a misdemeanor offense.

D. If a portion of the repair costs are due in part to damage resulting from impacts of the water leaks to adjoining private property, multiple adjoining private properties, other utilities, or public infrastructure, the City will pay 100% of the costs to repair such additional portions of the repair costs.

E. The customer’s share of the cost of repairs may be paid over a period of 12 months on the regular utility bill, not subject to interest, or the customer may elect to have the cost of repairs placed on their property tax bill.

13.04.610 Times for inspection of service connection.

The utility may make inspections of a customer's service connections. Such inspections shall be made at the following times:

A. Customer Request. The utility shall check a house system for leaks if a customer requests such an inspection because of high water usage.
B. Cross-connections. The utility may inspect a customer service hookup for cross-connection and shall so inspect if a cross-connection is suspected or has been reported.

C. Service Line Inspection. The utility shall inspect all service lines prior to commencement of water service.

D. Meter Maintenance. The utility may inspect the operation of its meters as the need arises.

E. Hydrants. The utility may inspect hydrants on private fire service lines.

13.04.620 Access to customer property by utility.

A. The utility shall at all reasonable times have access to meters, service connections, and other property owned by it on the customer’s property, for the purpose of inspection, maintenance and operation. Where reasonable notice by the utility has been given, neglect or refusal on the part of the customer to provide reasonable access to their premises for the aforementioned purposes shall be deemed to be sufficient cause for discontinuance of service. The right to enter may be extended by the utility to persons contracted by the utility to perform work related to such inspection, maintenance and operation, provided that these persons are accompanied by an employee of the utility or bear identification issued by the city.

B. Every employee whose duties regularly require him to enter homes of customers shall carry on his person an identification card which contains a photograph of such employee, and which will identify him as an employee of the utility. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee.

13.04.630 Service interruption.

A. Utility Responsibility. The utility shall make reasonable efforts to avoid interruption of water service, and when such interruptions occur, shall reestablish service with reasonable diligence.

B. Notice. When interruption of service is scheduled, the utility shall make reasonable effort to notify in advance all customers who will be without water service. When notified of interruption, the utility shall give the customer its best information about when the interruption will occur and the expected duration of the interruption.

C. Liability. The utility shall not be liable to customers or others for failure or interruption of water service due to governmental regulations, court or commission orders, acts of a public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts, or without limitation by the foregoing, any other cause beyond the reasonable control of the utility.

13.04.640 Preventing frozen piping.

A. Mains. The utility may request customers to run their water service to protect the utility's mains from freezing. If such a request is made of a customer, the utility shall not charge for any water
usage which results because of the request over and above the normal usage of the customer.

B. Service Lines. Upon annual approval by the public works director, customers may run water to keep their water service lines from freezing. Once so approved, usage over and above the normal usage will not be billed for sewer. If they have not received approval for running water for the purpose of protecting the service line from freezing, the water usage shall be billed as regular usage in accordance with the rate schedule. Adjustments after-the-fact will not be made.

C. Cost Responsibility.

1. Mains. If a utility's main freezes and thereby causes a customer's service along that main to freeze, the utility shall bear the cost of thawing the main and the service line.

2. Service Lines. If a service line freezes, it shall be the responsibility of the customer to bear the cost of thawing the line.


A. The utility shall not be liable for damage to the customer's property by water delivered through the customer's facility and the utility shall not be liable for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is provided to the service line, either when turned on originally or when turned on after a temporary shutdown.

B. The utility shall not be held liable for damage to any water equipment on the customer's premises on account of loss of water, change in pressure or material carried by the water.

13.04.660 Repair of damage done by customer.

Damage to the utility's property shall be repaired by the utility at the expense of the customer.

13.04.670 Pressure drops.

Uses of large volumes of water by a customer, which may cause a pressure drop or shortage of water in the main serving the premises or adjacent areas, shall not occur prior to giving notice to the utility and receiving approval from the utility. Approval shall not be unreasonably withheld.

13.04.700 Records and reports.

A. Preservation of Records. All records required by this chapter shall be preserved by the utility in accordance with city requirements.

B. Such records shall be kept at the office of the utility and shall be open at all reasonable hours for examination.

C. Each customer shall be able to review their own account record during normal working hours and may obtain copies in accordance with city policy for providing copies.
13.04.710 Customer service information availability.

A. The utility shall, upon request, give its customers such information and assistance as is reasonable to the utility.

B. The utility shall furnish to the customer a copy of the utility's rate applicable to the type of service furnished to the customer, and to assist the customer in obtaining the rate which is most advantageous for his requirement for service. The utility shall also supply the customer, when requested, with a copy of the utility's rate schedule applicable to the type of service to be furnished.

C. The utility shall make available and post at its office for public viewing, a copy of the rates, and provide access to rules and regulations together with forms of agreement and applications applicable to the service area.

13.04.800 Miscellaneous charges and fees.

The following miscellaneous fees, set forth in a rate schedule as adopted by resolution, are approved:

A. Fees shall be charged for the connection and rental of water hydrant meters and there shall be a deposit charged for the use of the meters. The city may apply the deposit towards miscellaneous bill charges.

B. Charges for locating, providing access and reproducing records when a record request involves more than a single customer account or for a period exceeding the previous one year.

13.04.900 Main extension.

A. Main extension shall only be made in the service area or legal extension of such.

B. The utility shall be the sole determinant of the size and other pertinent specifications of all system extensions. General construction shall be in accordance with city specifications.

C. All main extensions plans shall be reviewed and approved by the utility and other required entities before construction shall begin.

D. In accordance with Chapter 13.20 of this code, all extensions to the system shall be paid for by the person or persons desiring such extension.

E. All areas petitioning for annexation to the city shall have water mains which are designed in accordance with city specifications and approved by the city. Emplacement may be accomplished before annexation, or an agreement to do such may be entered into as a requirement of annexation.
13.04.910 Undersized mains-Customer to upgrade.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the water main according to a written agreement signed by the customer and the city manager after approval by the city council. This contribution is in addition to any other fees required by the utility.

Chapter 13.08

SEWER USE REGULATIONS

13.08.010 Purpose.

The rules set out in this chapter are established for the purpose of defining a uniform manner in which the Columbia Falls sewer department will operate.

They are intended to insure adequate service to each sewer customer, to prevent unfair charges to the consumer, to protect the utility from unreasonable demands and to insure that all consumers are treated equitably through the application of these rules.

13.08.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

2. Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 m) outside the inner face of the building wall.

3. Building sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

4. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment.

5. Consumer or Customer. This term means the individual, partnership, or corporation
identified on an approved application as the owner of the property served or the owner's
designee.

6. Easement An acquired legal right for the specific use of land owned by others.

7. Equivalent dwelling unit (EDU). An estimate of the average volume of water that an
average single family residence will contribute to sewer volume as adopted in the rate
schedule.

8. Floatable oil. Oil, fat, or grease in a physical state such that it will separate by gravity
from wastewater by treatment in an approved pretreatment facility. A wastewater shall be
considered free of floatable fat if it is properly pretreated and the wastewater does not
interfere with the collection system.

9. Garbage. The animal and vegetable waste resulting from the handling, preparation,
cooking and serving of foods.

10. Green space. An area of lot adjacent to a fronting public street, not to exceed ten percent
of the total lot area, where vegetation, excluding nuisance, noxious weed and rank
vegetation, is sufficiently maintained in appearance by the application of irrigation water.

11. Green space allowance. An estimate of water that is used for the purpose of irrigation and
not subject to sewer volume charges.

12. Industrial wastes. The wastewater from industrial processes, trade or business as
distinguished from domestic or sanitary wastes.

13. Main-City Main-Main Line-Main Piping. This term means the piping and appurtenances
located within a public right-of-way or city easement, constructed for the purpose of
collecting wastewater from approved connections.

14. Natural outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake,
or other body of surface or groundwater.

15. New Service Connection. This term means connection of a building on property that has
had no previous connection or has an abandoned connection.

16. On-site Sewerage Disposal-Private Wastewater Disposal. A sewage disposal system that
involves storing solid portions of the waste stream in a tank for anaerobic degradation
and draining liquids into the adjacent subsurface soils. Components include a septic tank
and drainfield or a cesspool.

19. Payment Agreement. This term means a written agreement, on city form, that prescribes
the schedule of payment for past due amounts.

20. Plant investment fee. A one-time charge used to recover the pro-rata share of the capital
cost for the construction and provision of the sewer system.

21. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of $10^{-7}$.

22. Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

23. Public sewer. A common sewer controlled by a governmental agency or public utility.

24. Public sewer available. This term means that the utility's main line sewer piping is present in a public right-of-way or easement that shares a common border with the customer’s property and the point of connection is within two hundred feet of the customer’s property line.

25. Rate-Rate Schedule. This term means sewer rates or fees set forth under the rate schedule adopted by the city council by resolution.

26. Sanitary sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

27. Sewage. See wastewater.

28. Sewer. A pipe or conduit that carries wastewater or drainage water.

29. Slug. This term means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

30. Storm drain (sometimes termed storm sewer). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

31. Suspended solids. Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in standard methods for the examination of water and wastewater and referred to as nonfilterable residue.

32. Service Charge-Base Service Charge. An amount charged per connection based on the equivalent dwelling unit methodology prescribed in the rate schedule.
33. Unpolluted water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

34. Utility. This term means the city sewer department.

35. Volume Charge. The charge for volume of sewer collected at the property served determined by monthly water meter reading or estimate based on an average of known volume usage.

36. Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

37. Wastewater facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

38. Wastewater treatment works. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or water pollution control plant.

39. Water course. A. natural or artificial channel for the passage of water either continuously or intermittently.

40. Winter Averaging. This term means the method of estimating sewer volume during months when water meter readings likely exclude water used for irrigation; being those months stated in the rate schedule.

13.08.030 Installation of facilities required in buildings.

A. The owner(s) of all buildings regularly occupied by humans for any purpose, situated within the city and abutting on any street, alley, or right-of-way where a public sanitary sewer is available, is required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within one hundred eighty days after date of official notice to do so.

B. Connection to the public sanitary sewer is required whenever there is a change in ownership of the property. The private wastewater system in use will be abandoned pursuant to City and MT Public Works Standards.

13.08.040 Sewer connection-Permit required.

A. No person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from public works director or designee. Such permit shall be issued to the applicant by the city upon forms approved
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by the city for such purposes.

B. Each applicant must pay the appropriate fees as set forth under the rate schedule. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least sixteen business hours before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the rate schedule.

1. City will issue or deny a connection permit within ten days of payment receipt. If connection is denied payment will be reimbursed.

2. If connection is not made within one hundred eighty days of permit issuance, city will reassess fees paid and applicant will pay the difference between the current rate and rate paid.

C. No sewer permit shall be issued unless the system to which a connection is sought has been inspected by the city, approved for use and formally accepted by the city.

13.08.050 Connections-Generally.

A. There shall be three classes of sewer connections:

1. Residential;

2. Other than residential;

3. Industrial.

B. Application for Service. The owner(s) or owner's agent shall make application on forms furnished by the city. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works director. Fees shall be charged as set forth under the rate schedule. Within ten working days after a completed application is submitted to the public works director, the utility shall approve or disapprove the application. Additional time may be required if the utility is waiting for additional information such as fixture count or system requirements.

C. Required information:

1. Provide a property address for service and a mailing address if different than the property address.

2. Each applicant for service to premises within the city limits, unless replacing an on-site septic system, must also provide a building permit number.

Each application, once approved by the public works director or designee, is valid for one hundred eighty days. One extension for an additional ninety days may be made upon payment of a reapplication fee according to the existing rate schedule.
D. Owner to Bear Costs of Construction. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s), unless expressly set forth otherwise in this code. The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

E. New Service Connection-Connection Charge. A fixed charge for service connections shall be paid by the property owner to the utility for the city's costs of the connection, as set forth under the rate schedule. In addition to the fixed charges, the property owner shall be responsible for the city's material costs as prescribed in the existing fee schedule.

F. New Service Connection-Plant Investment. A plant investment fee shall be charged by the utility upon the application for a new service connection. Such plant investment fee shall be as set forth in the rate schedule.

G. Metering of Water Required. Determination of sewer charges is based upon metering water consumption in accordance with the Columbia Falls municipal water regulations codified in Chapter 13.04 of this code. Property not connected to the city water system shall be considered for connection to the Columbia Falls municipal sewage system only upon concurrent application to connect to the water system. If a city water main is not available, this rule may be waived in the event that the measurement of sewage discharge by a private water well flow meter is a reasonable alternative to connection to the water utility. A determination of reasonableness shall be by the Columbia Falls public works director or designee, and shall be based upon consideration of the cost to install and maintain a private well and water flow meter versus the cost of the water main extension and the city's willingness to participate in the cost of that extension as provided in the Columbia Falls municipal water regulations.

H. Metering of Sewer Discharge. A sewer meter may be installed on the building sewer discharge line provided that the following conditions have been met:

1. The device shall comply with the utility's standards for type and installation;

2. The customer enters into a special contract with the utility.

13.08.060 Service deposits.

A. The following types of consumers shall be required to make a deposit but not if a deposit was made as a water customer:

Renter. Where the owner has entered into a landlord agreement allowing an account in the name of the tenant and the agreement requires the utility to collect a deposit. The deposit shall be in accordance with the rate schedule for renter deposit.

B. Refund. Deposits shall be refunded upon discontinuance of service, less the amount of any unpaid sewer bills. If the refund is under five dollars, a refund will not be issued.
13.08.070 Building sewer requirements.

A. Independent connection to be provided for each building. A separate and independent building sewer shall be provided for every building where sanitary facilities are required, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

B. Use of Existing Building Sewers. A new building may be connected to an existing building sewer only after the public works director determines it reasonably complies with all requirements of this chapter.

C. Construction to Comply with Standard. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state.

D. Construction to be Below Basement Floor. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the building sewer.

E. Inspection Prior to Connection. The applicant for the building sewer permit shall notify the public works director or designee when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the public works director or designee.

13.08.080 Connection construction.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, and the state. Any deviation from the prescribed procedures and materials must be approved by the public works director before installation.

13.08.100 Repairs to service lines.

Any cost of repairs to the service line from the main to the property line, including the tap, shall be shared equally by the city and the property owner, unless in the judgment of the public works director, the property owner or tenants or agents has contributed to the failure of the service line or has made improvements that have encroached on the maintenance easement in a manner that increases the cost of repair.

Such costs may include: all materials and labor cost necessary to excavate to the existing piping, materials and labor to repair or replace the piping, the cost of the TV inspection repair or replacement of
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sod and replacement of asphalt and concrete within the public street. Excluded are costs to move, repair or replace any improvements not part of the public infrastructure that encroach on the right-of-way or maintenance easement. The city, at its sole discretion, may perform such work or allow a third party to perform the work.

13.08.110 Information to be provided by user.

The public works director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

A. Wastewater discharge peak rate and volume over a specified time period;
B. Chemical analyses of wastewaters;
C. Information on raw materials, processes, and products affecting wastewater volume and quality;
D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials to sewer use control;
E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
F. Details of wastewater pretreatment facilities;
G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

13.08.160 Sewer connections outside the city limits.

A. Authority. The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner thereof, be permitted to attach to the sanitary sewerage collection system of the city. The city council, at its sole discretion shall make the determination after taking into consideration the public health and safety of the petitioner and those residing in adjacent premises; whether receiving raw sewerage from the premises of the applicant will be in the best interests of the city and its residents and not detrimental thereto; the availability or proximity of city mains, lines or pipes.

B. Terms and conditions. Upon city council determining that it will receive the raw sewerage from premises of applicant into the city's sanitary collection system, the terms, conditions and requirements thereof shall be as follows:

1. Applicant shall pay all costs in connection with the connection to city sewerage lines or mains, as required by the city, from time to time, and all connections shall be made in accordance with city regulations for connections, and shall be inspected and approved by the city prior to the usage thereof;
2. In the event it is necessary to construct pipes or lines from premises of applicant unto the city collection lines, pipes or mains, all costs in connection therewith, including excavation, pipe and laying the same shall be borne by the applicant;

3. The applicant shall execute a petition for annexation, as well as a waiver of protest for the creation of special improvement districts for sewer improvements, whether prior to or subsequent to the time that such premises would be annexed into the city, such petition and waiver to be in the forms as prescribed by the city and on file with the clerk of the city;

4. To pay to the city the regular charge for the receiving of sewerage for users outside the city as set forth in the rate schedule.

5. Any and all individuals and/or businesses who deposit raw sewage into the city's sanitary collection system shall be required to install a water meter to be used for billing purposes. Such water meter shall be installed according to the city's requirements and shall be paid for by the individual and/or business desiring to use the city's sanitary collection system. Such metering devices shall remain the exclusive property of the city.

C. Permit Required. Before applicant's premises shall be attached to the city's sanitary collection system, a permit shall be issued to the applicant by the city upon forms approved by the city for such purposes. Each applicant must pay the appropriate fees as set forth under the rate schedule. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least two business days before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the rate schedule.

13.08.170 Improvements to system-Cost recovery.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the sewer main according to a written agreement signed by the customer and the city manager. This contribution is in addition to any other fees required by the city as set forth under the rate schedule.

13.08.180 Owner to perform facilities maintenance.

Where pretreatment or flow-equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

13.08.190 Installation of observation facilities.

When required by the public works director, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the
wastes. Such structures shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the public works director. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**13.08.200 Private wastewater disposal-When permitted.**

A. When permitted. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

B. Permit-Required. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the public works director. A permit and inspection fee shall be paid to the city at the time the application is filed as set forth in the rate schedule.

C. Permit-Inspection. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the public works director.

D. Compliance Required. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Flathead County department of health and the Montana department of environmental quality. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. Sanitary Operation. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private systems shall be performed only by licensed operators. All licensed operators shall also obtain a city business license.

F. Article Provisions Not Exclusive. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any duly authorized authority.

**13.08.260 Connection with public system required-When.**

A. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

B. Properties, buildings or premises within the city of any type or nature whatsoever which have, an on-site sewerage disposal system in proper operating condition and a public sewer available
shall have the privilege of continuing to use these on-site systems until such time as any of the following occurs:
1. There is a change of ownership in the property.
2. At such time as public sewer becomes first available after July 1, 2004, to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer within one year in compliance with this chapter.
3. Any property within the city limits and any property annexed, by means other than petition or waiver of protest, to the city prior to January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2005.
4. Any property annexed, by means other than petition or waiver of protest, to the city on or after January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2008.
5. Any property annexed, by means other than petition or waiver of protest, to the city after July 1, 2004, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than five years after the date of annexation.
6. When the on-site sewerage disposal system is in a failed operating condition. Under such conditions no work, repairs, pumping or any other services may be performed upon any part of the system and mandatory hook-up or connection to the public sewer system is required. The required connection shall occur within thirty days of the discovery of the failed conditions or upon notice from the city to a property owner of the defect and a requirement to connect to the public sewer. In the event that any of the conditions set forth in this section which require mandatory connection occur during the winter or at another time when weather or soil condition prevents excavating in order to make the connection to the disposal system, the connection shall be done within thirty days after weather or soil conditions permit excavating for the purpose of connection.
System failure is defined as the occurrence of any of the following:
   i. Any break, malfunction or improper working of the system occurs, whether it be in a tank, drain field, or any connecting piping;
   ii. A septic tank, cesspool or other system requires pumping in order to keep it operable;
   iii. The on-site system becomes saturated, flooded or inoperable in that it no longer disposes of sewerage input thereto, causing the same to appear on the surface of the ground or draining away in any manner.
C. At the time of connection to the public system, any septic tanks, cesspools, and similar private wastewater disposal facilities shall be properly abandoned, cleaned of sludge and filled with suitable material as approved and inspected by the City.

13.08.300 Billing.

A. General Purpose Charges. Bills for general purpose service connections shall be based on water volume usage, multiplied by the rate per one thousand gallons, plus the base service charge, as set forth under the rate schedule. The full monthly base service charge is due for any portion of a month that the connection is in service.

B. Usage Determined. Water meters shall be read by the utility monthly for the purpose of determining usage. The utility shall attempt to read the meters at approximately the same time each
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month. However, no adjustment to bills shall be made for failure to read the meter at the same time each
month. If meters cannot be read, the utility may estimate usage based upon an average of the previous
three months or three months of similar season on the year previous, whichever is the larger volume.

C. Due Date. The bill shall be due within fifteen days after the same has been mailed by the
utility, or the fifteenth of each month, whichever is later. If the bill is not paid within such time, it shall
be considered delinquent.

D. Contents of Bill. The utility bill shall show the following items:

1. The amount of the bill;

2. The consumption or usage of water in gallons;

3. The last meter reading;

4. The billing date;

5. The present meter reading date;

6. The previous meter reading date;

7. The delinquency charge;

8. Other charges.

E. Payment Application. Payment for a utility bill shall be applied by the utility in the
following manner:

1. First to any unpaid balance from previous billing;

2. Second to current sewer charges;

3. Last to current water charges.

F. Inclusion of Charges for Other Service. Bills for other services rendered by the utility
may be included with the normal water usage bill.

G. Payment Plan for Large Bill. In cases where a customer is presented a sewer bill much
larger than the previous month bill, for any reason, the customer may request a payment plan. The utility
and the customer may enter into such a plan according to a written agreement signed by the customer.
Such a plan may spread the unpaid portion of the bill over a period of time not to exceed six months. In
such a case the utility shall charge a past due fee as set forth under the rate schedule.

H. Delinquency Charge. If a bill becomes delinquent, a penalty fee shall be added to the bill
as set forth under the rate schedule, unless such a fee was assessed for the same billing involving
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delinquent water charge.

I. Disconnect Notice Charge. If a second disconnect notice is delivered a second disconnect notice fee shall be added to the bill as set forth under the rate schedule, unless such a fee was assessed for the same billing involving delinquent water charge.

J. Disputed Bills.

1. In cases where a customer disputes a bill, the account shall not be considered delinquent as long as the customer is taking all of the following steps:

2. Makes payment of the undisputed portion of the bill if such exists.

3. Has submitted the dispute in writing to the utility billing clerk for review.

4. If unsatisfied with the utility billing clerk's determination, the customer may submit the dispute in writing to the Finance Director, who within five business days of receiving such must make a determination.

5. If dissatisfied with the Finance Director’s determination, then the customer may within five business days of receiving such submit the matter to the city manager, who within five business days of receiving such must make a determination.

6. If dissatisfied with the manager's determination, the customer must within five business days of receiving such submit the matter to the city council for resolution at the next regular council meeting. The council's determination on the matter shall be final.

7. If action on the dispute is not pursued diligently, the bill shall become delinquent in thirty days.

K. Water leakage in a system that is substantiated and results in a large sewer bill is a disputable item only if the utility can substantiate that the leaked water did not flow to the sewer. If the leak is discovered and repaired during the winter averaging period then the utility shall estimate an average not including the discovery period and may include periods outside the winter averaging period with reasonable exclusion of water used for irrigation.

L. Adjustment for Meter Error.

1. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the customer's presence.

2. In case the meter is found accurate, the cost of such testing and replacing of the meter shall be borne by the consumer.

3. In case the meter is found inaccurate, the amount deposited by the consumer will be
credited to their account and a reasonable adjustment made for the overcharge, based upon the corrected meter reading for a period not to exceed six months or the most recent period of winter averaging whichever is applicable.

4. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to, but not beyond such a date, six months or the most recent period of winter averaging, whichever is the least.

13.08.310 Delinquent bill collection.

When payment of charges or bills for the use of sewer becomes delinquent the utility may take the following action or combination of actions:

A. The finance director of the utility shall be authorized to collect the delinquent account as authorized by state statute.

13.08.320 Billing-Charges for new service.

When a new customer begins sewer service and such service is rendered for less than one month, the bill shall include the monthly service charge as set forth under the rate schedule.

Additionally, usage shall be billed in the amount of actual water used, according to the rate schedule.

13.08.330 Service discontinuance by customer-Final bill.

When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge as set forth under the rate schedule.

13.08.340 Winter averaging.

Single family residential customers shall be assessed for sewer volume charges based upon the volume of water used during the winter months prescribed in the rate schedule. If the premises are not occupied for a cumulative period exceeding ten days during an averaging month, the utility shall assume an estimated amount of two thousand gallons per person for that month. When approved by the utility to prevent freezing of mains or service lines, usage over and above the normal usage will not used to establish the winter average nor billed as sewer usage.

13.08.350 Green space allowance.

During the period of May through October meter readings, water used by residential customers for sprinkling and irrigation purposes will not be billed a sewer charge. All other customers with green space will not be billed a sewer charge if they make application with the utility and satisfactorily demonstrate that the water they use in excess of their average for the months of December, January and February is used exclusively.
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for sprinkling and irrigation purposes. If such application is not approved, the customer will be billed for all sewer charges. Winter averages for those customers not served by the utility during the months of December, January, and February will be set per household size as listed in the rate resolution. Multifamily winter averages will be maintained from the prior winter, in case of new owner(s), unless a change of use occurs.

For non-residential customers where routine averaging does not apply, the allowance shall be estimated by the utility based upon an approximation of qualifying area and a volume allowance, not to exceed two gallons per square foot per month.

The volume of water allotted monthly for green space shall establish a minimum volume charged for sewer in each of the months May through October; within this period when water use is less than the minimum, all water usage volume shall be charged for sewer; within this period when water use exceeds the minimum, the minimum volume shall be charged for sewer. The allowance shall continue provided that the green space appearance evidences the use of irrigation water and other maintenance efforts.

13.08.360 Change in customer.

Any change in the identity of a contracting customer at premises served by the sewer utility that is not also served by the water utility shall require a new application for sewer service. Failure to provide such information may result in the billing of an administrative fee according to the rate schedule.

13.08.370 Charge to water customers not connected to sewer.

A. In order to encourage connection to the city sewer system by those customers of the municipal water system not connected to the sewer system, such customers will be billed according to the rate schedule.

B. All such customers not currently connected to the sewer system will be required to do so if any of the acts defined in Section 13.08.260 occur, and shall be required to make application for service and pay all necessary charges and fees for service (except as provided in subsection C of this section) according to the existing rate schedule.

C. The plant investment fee is waived for those customers who have been billed by the utility according to the provisions of subsection A of this section and who are required to connect to the city sewer system.

D. These fees apply to all water users connected to the sewer system and all others not connected but to whom the sewer system was available.

E. Those users not connected to the sewer system but to whom the system was available and had been paying fees will not be required to pay plant investment fees upon connection to the system.

F. New annexations as of January 1, 1998 not connected to sewer will not be charged for sewer until hooked up to the system and will be required to pay plant investment fees upon connection
The utility may enter into special contracts from time to time as the need arises.

### A. Special contracts may be implemented in the following cases:

1. Industrial sewage;
2. Bulk delivery to an approved discharge location;
3. Temporary service;
4. Sewer meters.

### B. Special contracts may be implemented only when approved by the city council after review by the city manager. Before approving a special contract the council shall find the following:

1. Conditions for the connection and/or usage patterns are substantially different from other connections and/or usage than are generally found in the system;
2. That the contract is in the best interest of the city;
3. That the contract specifically identifies the elements that make the conditions unique and provides that the contract will be amended or terminated when conditions change;
4. That the reimbursement schedule reasonably recovers all expenses associated with delivery of services;
5. That the contract requires periodic review and deliberate renewal.

### C. No statement contained in this chapter shall be construed as preventing any special contract or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

### 13.08.500 Prohibited wastewater discharge.

#### A. Prohibited Discharges Generally. It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

#### B. Surface Runoff or Groundwater Connections Prohibited. No person(s) shall make
connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary.

C. No person(s) shall discharge or cause to be discharged any unpolluted waters such as cooling water to any sewer. Unpolluted industrial cooling water or process waters may be discharged by special agreement approved by the city manager in accordance with rules of Montana department of environmental quality.

D. Private Sewage Haulers. It is unlawful to discharge any septic sludge or other sewage from private haulers into the city sewer system, including manholes, lift stations or directly at the sewer treatment plant, without a written agreement approved by the city. Such agreement may require an analysis of the sewage and the assessment of necessary fees.

13.08.510 Prohibitive wastewater discharges to treatment plant.

Under no circumstances shall any of the following pollutants be introduced from any source of nondomestic discharge to the city's publicly owned treatment works (POTW):

A. Any other pollutant which may cause pass-through or interference;

B. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty degrees Centigrade (one hundred forty degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;

C. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than five s.u., unless the treatment facilities are specifically designed to accommodate such discharges;

D. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

E. Any pollutant, including oxygen demanding pollutants (e.g. BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with any treatment process at the POTW;

F. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees Centigrade (one hundred four degrees Fahrenheit) unless the EPA, upon request of the POTW, approves alternate temperature limits;

G. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through at the POTW;

H. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW.
in a quantity that may cause acute worker health and safety problems;

I. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

J. Any specific pollutant which exceeds a local limitation established by the permittee in accordance with the requirements of 40 CFR Section 403.

13.08.530 Abuse of facilities prohibited.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest for such action.

13.08.600 Authority of public works director.

The city of Columbia Falls is hereby authorized to enforce any and all state and federal laws, statutes and regulations relating to the discharge of pollutants to the POTW.

13.08.610 Right-of-entry on private property.

The public works director and/or designee of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

13.08.620 Establishment of confidentiality.

The public works director or designee is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may withhold information considered confidential provided the withholding does not prevent the city from reaching a reasonably accurate determination.

13.08.640 Right-of-entry to easement.

The public works director and/or designee of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the easement.

13.08.650 Determination of sampling and testing methods.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of standard...
methods for the examination of water and wastewater published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the public works director.

13.08.700 Service of notice.

Any person found to be violating any provision of this chapter except shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13.08.710 Violation-Penalty.

Any person who shall continue any violation beyond the time limit provided for in Section 13.08.700, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

13.08.720 Violation-Liability.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

Chapter 13.10

PLANT INVESTMENT FEES

13.10.010 Purpose.

The city of Columbia Falls is served by a municipal water and sewer system. The utility monthly collects service fees from its customers to cover its operating expenses and indebtedness and reinvests unrestricted surplus in rehabilitating and upgrading the existing system. Neither system has a rate structure that contains a component that provides for enlarging the customer base.

The addition of new customers occurs along extended main line piping where the investment in infrastructure enlarges the service area but does not replace the capacity the system had prior to adding new customers (extra capacity).

The extra capacity is essential to any well operated system. It provides the redundancy necessary to allow the city to address maintenance and repair issues, and provides an ability to meet unusual seasonal demands and emergency demands simultaneously, both without severely reducing customer service.
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The city has chosen not to assess the cost of replacing the extra capacity at the time that the main is extended. The city intends to collect that cost from the new customer when they connect to the system. That cost is contained in the plant investment fee.

13.10.020 Definitions.

Terms found in this chapter may be defined below and/or defined in Chapters 13.04 and 13.08. With respect to terms in this chapter, where a conflict exists in definitions found herein and those found in Chapters 13.04 and 13.08, the definition provided in this chapter shall govern.

Commercial. Facilities providing space for retail and office space.

Commercial Laundry. Facility providing clothes washing and drying equipment for use, where less than eighty percent of the washing machines are available for general public use.

Daycare. Building providing supervision of children six years and younger with an occupant load of at least twenty persons, including employees.

Lodging. Provides sleeping facilities for transient person(s), where a water closet, sink and bathing fixtures are provided; applicable to a recreation vehicle park for parking spaces providing water and sewer.

Multi-family. Each dwelling unit in a multi-family complex. A complex is anything more than one dwelling unit on a single property.

Public Laundry. Facility providing clothes washing and drying equipment for use, where at least eighty percent of the washing machines are available for general public use.

Restaurant. Business preparing and serving food to general public with interior seating provided.

School. Building providing classrooms and administration for at least thirty persons including employees; student age five years or more.

Single Family. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.

13.10.030 Establishment of fee schedule.

The city council shall from time to time review the plant investment fee schedule and shall by resolution adopt a fee schedule.

13.10.050 Applicability to new connections.

Other than property excepted in this chapter and Chapters 13.04 and 13.08, owners connecting to the water and/or sewer shall pay to the respective utility, a plant investment fee as prescribed in the plant investment fee rate schedule.
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13.10.060 Change in class, type or size of connection.

A. Prior to a change in the class, type or size of connection, the customer shall reapply as an applicant for new service connection.

B. Change in Use. The utility may require the owner to pay a new plant investment fee for an existing connection where conditions of service are significantly changed from the use under which the connection application was approved. Significant means that the volume and/or peak demand have increased sufficiently that city approved plumbing standards would recommend a larger service line, that the increase is sustained for at least two consecutive months and likely to recur from year to year.

C. A customer paying a new plant investment fee for an existing connection or reapplying for a new service connection shall pay the utility the difference between the cost of the new connection and the cost for the current connection if the new connection cost is greater than the current connection cost. The utility shall not reimburse the customer's account if the new connection cost is less than the cost of the current connection. The cost of both the current and new connection shall be based upon the current rate schedule applied to the size and use of the current connection and new connection.

13.10.070 Method of payment.

The owner shall make full payment of the plant investment fee using one of the following methods:

A. Pay a lump sum amount equal to the full amount of the plant investment fee prior to connection to the system.

B. Enter into a payment plan contract with the utility that meets the following prescription:

1. Contract shall be on a form provided by the city.

2. The plant investment fee principal shall be paid in annual payments not to exceed five payments.

3. The first payment shall be paid with the connection application plus an administrative fee.

4. The plant investment fee interest shall be calculated annually, using simple interest applied to the outstanding balance and billed annually with the principle. Interest shall be one percent more than the percent equal to the CPI-U (consumer price index) as published by the U.S. Department of Labor for the preceding period January 1 through December 31.

5. The contract shall stipulate that the agreement runs with the property. If the owner fails to make payment, the service to the property shall be terminated ten days after notice and the full amount of the outstanding principal and interest shall be paid in full prior to reestablishment of service.
Chapter 13.12

SEWER SERVICE CHARGES

13.12.010 Purpose.

The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. BOD, TSS, phosphorus, and volume shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class.


The city, or its city engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

13.12.030 Cost of service allocations.

A. In developing a schedule of charges for wastewater service, costs of service shall be allocated to customer classes according to the service requirements of each class. Cost allocations shall take into account the volume of wastewater contributed, strength of wastewater, number of customers and other relevant factors. The following classes of service shall be recognized by the utility: single family, multifamily, commercial, government, and industrial.

1. Volume costs shall vary directly with quantity of wastewater contributed. Strength costs include costs associated with biochemical oxygen demand (BOD), total suspended solids (TSS) and phosphorus (P), Oil and Grease (O & G), and Total Nitrogen. Customer costs shall vary in proportion to the number of customers served by the system.

2. Service rates:
   a. Service Charge. The service charge shall recover all utility billing costs such as billing and collecting costs and meter maintenance and customer related l/l costs.
   c. Extra Strength Surcharge. Customers that have sewage concentrations that exceed the following thresholds: biochemical oxygen demand, two hundred eighty mg/l; total suspended solids, three hundred fifty-five mg/l; and phosphorus, eight mg/l; oil and grease, one hundred mg/l; and total nitrogen, fifty seven mg/l shall be
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charged an extra strength surcharge.

13.12.050 User classes.

Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The city council may classify industrial, commercial, and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD.


The city shall establish Operating Rules and Regulations, in accordance with state regulations.

13.12.110 Prohibited discharges-Payment for increased costs required.

A. The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is prohibited.

B. Each user which discharges any toxic pollutants, grease, fats, oils and heavy metals which cause an increase in the cost of managing the effluent, influent, raw sewerage or the sludge of the treatment works shall pay for such increased costs.

C. No persons shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources or surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

13.12.120 Sewer charges during established sprinkling months.

During the period of approximately April 15th through October 15th, water used by residential customers for sprinkling and irrigation purposes, as provided by Section 13.04.480, will not be billed a sewer charge. Commercial customers with greenspace will not be billed a sewer charge if they make application with the water and sewer superintendent and satisfactorily demonstrate that the water they use in excess of their average for the months of December, January and February is used exclusively for sprinkling and irrigation purposes. If such application is not approved, the customer will be billed for all sewer charges. Winter averages for those customers not served by the utility during the months of December, January, and February will be set per household size as listed in the rate resolution. Multifamily winter averages will be maintained from the prior winter, in case of new owner(s), unless a change of use occurs.
13.12.130 Sewer service charges-Failure to pay.

Failure to pay the sewer service charges as required by this code, and according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall, may result in suspension of service, or for those customers not connected to the city water system, shall constitute a misdemeanor, punishable by a fine of no more than five hundred dollars and imprisonment of no more than six months for each offense. A delinquent billing fee and second notice fee may be added to such delinquent bills according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.


When a new customer begins sewer service and such service is rendered for less than one month, the bill shall include the monthly service charge as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. Additionally, usage shall be billed in the amount of actual water used, according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

13.12.150 Service discontinuance by customer-Final bill.

When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. In addition, usage shall be billed in the amount of actual water used, according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

13.12.160 Improvements to system-Cost recovery.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the sewer main according to a written agreement signed by the customer and the city manager. This contribution is in addition to any other fees required by the city as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

Chapter 13.16

SEWER CONNECTIONS FOR PROPERTY OUTSIDE THE CITY LIMITS

13.16.010 Authority.

The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner thereof, be
permitted to attach such buildings, premises or structures to the sanitary sewerage collection system of the city. Upon petition or application being made to the city by the property owner of premises beyond the city limits, the city council shall determine whether to receive raw sewerage from such building, premises or structure, after taking into consideration the public health and safety of the residence in, on and upon such premises and contiguous thereto, including the adjoining premises, whether in or beyond the city limits; whether there are other remedies to a problem on such premises; whether through on-site sewerage disposal systems to remedy the problem; whether a present on-site sewerage disposal system can or may be repaired, replaced or reconstructed to alleviate a sewerage disposal problem on premises of applicant; whether receiving raw sewerage from the premises of the applicant will be in the best interests of the city and its residents and not detrimental thereto; the availability or proximity of city mains, lines or pipes to receive raw sewerage from the premises of the applicant.

13.16.020 Connections to property outside city limits-Requirements.

Upon a determination by the city council that it will permit premises beyond the city limits to be attached to the city's sewer system, the terms, conditions and requirements thereof shall be as follows:

A. Applicant shall pay all costs in connection with the connection to city sewer lines or mains, as required by the city, from time to time, and all connections shall be made in accordance with city regulations, and shall be inspected and approved by the city prior to usage thereof.

B. In the event it is necessary to construct pipes or lines from the premises of applicant to the city mains, pipes or lines, all costs in connection therewith, including excavation, pipe and laying the same shall be borne by the applicant.

C. The applicant shall execute a petition for annexation and provide a waiver of protest for the creation of special improvement districts for water or sewer improvements, whether prior to or subsequent to the time that such premises would be annexed into the city, such petition and waiver to be in the forms as prescribed by the city and on file with the clerk of the city.

D. To pay to the city the regular charge for the furnishing of sewer as charged by the city for users within the city, plus an additional twenty-five percent of that sum, the consideration therefore being the furnishing of sewer to users outside the city limits.

E. Any and all individuals and/or businesses who deposit raw sewage into the city's sanitary collection system shall be required to install a water meter to be used for billing purposes. Such water meter shall be installed according to the city's requirements and shall be paid for by the individual and/or business desiring to use the city's sanitary collection system. The applicant shall maintain in good condition any such metering device, and shall pay for any damage to or repair of any such device. Such metering devises shall remain the exclusive property of the city.
13.16.030 Permit required.

Before applicants' premises shall be attached to the city's sanitary collection system, a permit shall be issued to the applicant by the city upon forms approved by the city for such purposes. Each applicant must pay the appropriate fees as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least sixteen business hours before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

Chapter 13.20

WATER AND SEWER MAIN EXTENSIONS

13.20.005 Purpose.

The water and sewer system is constructed as a network of interconnected main lines; usually in a grid pattern; following the general layout of city right-of-ways. Water mains are dependent upon a series of loops; this configuration efficiently provides nearly constant pressure and uninterrupted flow. The sewer mains are connected in a manner that maximizes potential for gravity flow and minimizes reliance upon lift stations. The mains and connections are constructed at least to a minimum standards prescribed by the state of Montana. After construction, approval and acceptance of the mains, right-of-way and right-of-way easements are dedicated to the city.

Each developer of property, that requires municipal water or sewer must construct a piping system that fully serves their property and extends the piping throughout the development in a manner that provides both an extension of the piping network and the potential for further extension of the network.

Frequently a project is not immediately adjacent to existing water or sewer mains. In these situations the developer must extend the mains through areas owned by others who may not wish to participate in the construction of such mains.

The developer is entitled to enter into an agreement with the city that may recover an equitable portion of the cost of extending mains though areas that are without such service and an equitable portion of the cost of constructing mains of a size larger than the minimum required by state standard when larger than required to serve his development.

This chapter provides the method of assessment for such recovery of costs.
13.20.010 Definitions.

For purposes of this chapter, the following words shall have the meanings set out in this section:

A. Developer. This term means any person, persons or entity that is the owner of the project that has been approved by the utility to construct mains that will utilize city water or sewer service.

B. Extension Developer. This term means a developer that has entered into a reimbursement agreement with the city within six months after acceptance of the main by city.

C. Eligible Total Cost. This term means the cost of engineering, permitting, inspection and construction of a main within the undeveloped service area that meets the minimum standard necessary to serve such area, and a portion of the undeveloped service area right-of-way cost, less any portion of the cost that was reimbursed the developer by the utility or other(s) contributing to the initial cost of the extension.

D. Main. This term means piping, appurtenances, fire hydrants, pump stations, manholes, or any other parts of a water or sewer system necessary to permit service to a property or properties.

E. Service Line. This term means piping connected to the main to provide service to the premises.

F. Terminus Point. This term means the location(s) of the end of the extended main(s) available for future extension.

G. Undeveloped Service Area. This term means the area immediately adjacent to or fronting the main between the existing terminus point and the developer's project that would likely be serviced by connecting a service line to the main.

13.20.015 Responsibility for cost.

A. The developer shall be responsible for the entire cost of the extension of the main, required to meet the minimum standard or required to meet the needs of the development, in order to furnish water or sewer service.

B. If new customers either inside or outside the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the existing main according to a written agreement approved by the city council.

C. The utility may require the developer to install facilities larger than the minimum required by standard and necessary to service developer's project. If the utility desires such a change, it shall enter into an agreement with the developer, prior to construction, to reimburse the developer for additional cost the developer will incur in constructing the change.
D. Whenever any applicant for water or sewer service desires to make a service line connection to a water main or sewer main constructed by an extension developer, such applicant shall have the obligation, in addition to other obligations provided for, to make payment to the extension developer. Such payment shall be an apportioned share of the eligible total cost of the main, calculated in accordance with this chapter.

E. Whenever any developer desires to make an extension of a water main or sewer main and such an extension will connect to a main already constructed by an extension developer at his expense, to standards higher than the minimum required and standards higher than those required to provide service to the extension developer, such new developer shall have the obligation, in addition to other obligations provided for, to make payment to the extension developer. Such payment shall be an apportioned share of the cost of the main directly related to constructing to a higher standard, calculated in accordance with this chapter.

13.20.020 Construction to be in accordance with specifications.

A. Developers making such an extension of water mains or sewer mains shall carry out such construction and emplacement of water or sewer mains in accordance with specifications furnished by the city.

B. Persons making such an extension shall construct the extended main to the furthermost perimeter of the developer's property, along public right-of-way or easements, in a manner determined by the utility that delivers required service to the developer while providing terminus points where potential extensions to other developments are likely to occur within the succeeding twenty-year period and included on the utility service extension plan.

13.20.030 Determination of payment shares.

A. Prior to construction of a project which the developer seeks reimbursement, the developer shall meet with the city to establish an agreement, approved as to form by the city, that provides the following tenets:

1. Identifies the developer(s) and address of notice;

2. Identifies the property, by legal description, that is the developer's project and will be serviced by the main;

3. Identifies any adjacent property, by legal description, that is immediately adjacent to or fronting the extended main and will likely be connected to the main;

4. Identifies location of the main terminus point(s) where the utility's terminus points exist and proposed terminus points where other future extension(s) may occur;

5. Provides a place to enter the eligible total cost of the project, which developer will provide, for review and acceptance by the city, when the project is completed by the developer and accepted by the utility;
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6. Identifies the amount, if any, that the city will contribute to the cost of the mains to reimburse the developer for constructing attributes that the city demands beyond those necessary to serve the developer;

7. Includes one of the following options as the method of apportioning reimbursement to the service area parcels for future service line connections to the main:
   a. If parcels are reasonably similar in size and similarly zoned then the eligible total cost of the main(s) shall be divided by the total quantity of lots in the undeveloped service area and that amount shall be apportioned to each.
   b. If parcels are dissimilar in size but similar in proportion of frontage to area and similar in zoning, then the total cost of a main shall be divided by the total horizontal length, measured in feet, of that main and each parcel shall be apportioned a share equal to the length, in feet or portions thereof, that the parcel fronts the main times the cost per linear foot.
   c. If parcels are dissimilar in zoning and/or size then apportionment shall be based upon the benefit provided each parcel. The calculation of benefit shall consider the zoning, area and frontage. The zoning consideration shall assume the following: the project most benefits those properties with the higher potential demand; residential, commercial, industrial is the ranking of zones in order of increasing potential demand.
   d. Stipulates that the total amount the developer may recoup shall not exceed more than the eligible total cost. The amount reimbursed may be derived from service line connections not included in the service area or qualified reimbursements for connection of extended mains.
   e. Stipulates that the agreement shall terminate after ten years from the date of signing.
   f. Stipulates that the developer is responsible for notifying the city of any change in ownership of the agreement.
   g. Stipulates that the city shall not issue service line connection permits or allow connections to the mains covered by the agreement without obtaining evidence that the developer has with been reimbursed or has waived reimbursement.

13.20.050 City to own improvements.

Upon completion of main extensions and approval and acceptance by the city, the developer shall cede ownership of the mains, and service lines within the right-of-way, and the developer shall dedicate the right-of-way to the city, or if within an easement, assign the easement to the city, unless the
city refuses ownership.

The developer delivers these in exchange for permission to connect the main to the utility. Such assignment shall not negate nor reduce the developer's warranty for work or material in construction of the main, appurtenances and service lines.

Chapter 13.24
CROSS-CONNECTION CONTROL PLAN

13.24.010 Purpose.

A. The purposes of this program are: (1) to protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user’s premises because of some undiscovered or unauthorized cross-connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and sources of contamination; (4) to prevent future cross-connections. This program is adopted pursuant to MCA 75-6-103(2)(K) and Administrative Rules of Montana, Title 17, Chapter 38, Rule 17.38, Subchapter 3 The city of Columbia Falls water department has adopted the program with the knowledge and approval of the Montana Department of Environmental Quality (DEQ).

B. It is not permissible for any person, firm, or corporation at any time to make or maintain or cause any cross-connection between plumbing pipes or water fixtures being served with water by the city of Columbia Falls water department and any other source of supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City of Columbia Falls.


A. Approved backflow prevention assembly or device. An assembly or device approved by the department.
B. Back pressure. Any increase of water pressure in the downstream piping system above the supply pressure at a point where backflow could occur.
C. Back siphonage. A form of backflow caused by a reduction in supply pressure which causes a negative or sub-atmospheric pressure to exist in the water system.
D. Backflow. The undesirable reversal of water flow or the reversal of water flow containing other liquids, gases or other substances from a connected source that flows into the distribution pipes of the public water supply system.
E. Backflow prevention assembly. An apparatus that consists of a backflow prevention device, two shutoff valves, and appropriate test ports.
F. Backflow prevention device An apparatus designed to prevent backflow.
G. Certified backflow prevention assembly tester. A person who holds a current certificate issued by a certification program of any state authorizing the person to test backflow prevention assemblies or who holds a current certificate from the American Society of Sanitary Engineers or the American Backflow Prevention Association.
H. Cross-connection. As defined in 75-6-102, MCA.
I. Degree of hazard. The level of risk created by either a pollutant (non-health hazard) or a contaminant (health hazard), as derived from an assessment of the materials that may come in contact with the distribution system through a cross-connection.
J. Health hazard. A condition that causes or creates a potential for water contamination that may cause disease or have other physical or toxic effects on humans.
K. Non-health hazard. A condition that causes or creates a potential for water quality degradation but does not constitute a health hazard.

13.24.030 Cross-connection protection requirements.

(1) A cross-connection on a public water supply system must be eliminated by the disconnection of the cross-connection whenever reasonably practicable. Whenever elimination of a cross-connection is not reasonably practicable and the cross-connection creates a health or non-health hazard, the hazard must be eliminated by the insertion into the piping of an approved backflow prevention assembly or device in accordance with (2).
(2) For the cross-connections identified below, the following types of approved backflow prevention assemblies or devices must be used:
   (a) A health hazard created by a cross-connection that may be subject to back pressure must be eliminated by an approved reduced pressure principle backflow prevention assembly (RP) or an air-gap.
   (b) A health hazard created by a cross-connection that may be subject to back siphonage, but not subject to back pressure, must be eliminated by an approved air-gap, pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), atmospheric vacuum breaker (AVB), or a reduced pressure principle backflow prevention assembly (RP).
   (c) A non-health hazard created by a cross-connection that may be subject to back pressure and back siphonage must be eliminated, at a minimum, by an approved double check valve assembly (DC). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).
   (d) A non-health hazard created by a cross-connection that may be subject to back siphonage, but is not subject to back pressure, must be eliminated, at a minimum, by an approved double check valve assembly (DC), pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), or an atmospheric vacuum breaker (AVB). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).
(3) Backflow prevention assemblies and devices must be approved by the department.
(4) A backflow prevention assembly or device must be installed and maintained, at a minimum, in accordance with the manufacturer's specifications.
SECOND AND FINAL READING

(5) This rule applies to piping between water systems outside of any building and to piping within any building, including cross-connections in plumbing systems.

(6) The department may not approve a plan for the construction of a public water supply system containing provisions for cross-connection unless provisions for the protection of the public water supply are demonstrated in the plan.

13.24.040 Voluntary Cross-Connection Control Programs: Standards and Requirements for Cross-Connection Control

(1) The city shall operate the program in assurance with the requirements of ARM 17.38.310 or its successor;
(a) the program provides for elimination of cross-connections, health hazards, and non-health hazards, and for installation and maintenance of backflow prevention assemblies or devices in accordance with ARM 17.38.305;
(b) the program provides that backflow prevention assemblies or devices must be inspected and tested, at least annually, in accordance with the "Manual of Cross-Connection Control", incorporated by reference in ARM 17.38.302; and
(c) the program provides that inspection and testing of backflow prevention assemblies or devices must be performed by a certified backflow prevention assembly tester as defined by the state of Montana.

13.24.050 Administrative procedures.

A. Water System Survey.
1. The city of Columbia Falls may review any request for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the city of Columbia Falls upon request for review of possible cross-connection hazards as a condition of service for new service connections. If the city of Columbia Falls determines that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted. In addition, where multiple water systems exist on the user’s premises, pipelines shall be identified by the user to clearly distinguish between the systems. This will be done in a manner acceptable to the city of Columbia Falls. Outlets of water systems shall be posted as deemed necessary to protect the potable water supply and the health of the public.
2. It is the responsibility of the water user to notify the city of a cross-connection; if city is not notified, the water user may be subject to penalty as set by Resolution.
3. The city of Columbia Falls water department will conduct surveys of the customers’ premises in order to eliminate existing cross-connections. These surveys will be conducted on a priority basis, generally beginning with those identified as having the highest degree of hazard as outlined in Section 5 of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research Manual of Cross-Connection Control10th Edition or its successor.
3. The city of Columbia Falls water department may, at its discretion, require an inspection or re-inspection for cross-connection hazards on any premise to which it serves water. Conditions that warrant re-inspection may include, but are not limited to: change of ownership, change of business/use, addition or replacement of equipment, a backflow incident, etc. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install

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the backflow prevention assembly the city of Columbia Falls water department considers necessary.

B. Customer Notification--Assembly Installation.
1. The city of Columbia Falls water department will notify the water user of the survey findings, listing any corrective actions to be taken. A period of sixty days will be given to complete all corrective actions required, including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the sixty day period allowed. The second notice will give the water user a two week period to take the required corrective action. If no action is taken within the two week period, the city of Columbia Falls water department may terminate water service to the affected water user until the required corrective actions are taken and inspected by the city of Columbia Falls water department personnel.

C. Customer Notification--Testing and Maintenance. The city of Columbia Falls water department will notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the assembly tested. A second notice shall be sent to each user who does not have their backflow prevention assembly tested as prescribed in the first notice within the thirty day period allowed. The second notice will give the water user a two week period to have their backflow prevention assembly tested. If no action is taken within the two week period, the city of Columbia Falls water department may terminate water service to the affected water user until the backflow assembly is tested and/or repaired and the necessary forms are submitted to the city of Columbia Falls water department. (Ord. 624 § 1(part), 2000)

D. Residential Testing: Beginning with Spring 2014, the city will facilitate the testing of approved residential backflow assemblies by requesting proposals for services and the cost of the test shall be added to the customers’ water utility bill as set by Resolution.

13.24.060 Water service termination.

A. General.
1. When the city of Columbia Falls water department encounters water uses that represent a clear and immediate hazard to the public water supply that cannot be immediately abated, the city of Columbia Falls water department may institute the procedure for discontinuing the city of Columbia Falls water department service.

B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to the following items:
1. Refusal to install a required backflow prevention assembly;
2. Refusal to test or maintain a backflow prevention assembly;
3. Refusal to repair a faulty backflow prevention assembly;
4. Refusal to replace a faulty backflow prevention assembly;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and the system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary system;
8. A situation which presents an immediate health hazard to the public water supply system.

C. Water Service Termination Procedures.
1. For conditions 1,2,3, or 4, the city of Columbia Falls water department may terminate service to a customer’s premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.
2. Conditions 5,6,7, or 8 are deemed an immediate threat to public health and the city of Columbia Falls water department may take the following steps:
   a. Make reasonable effort to advise water user of intent to terminate water service;
   b. Immediately terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been completed and approved by the city of Columbia Falls water department.
3. Any and all costs associated with termination of water service shall be borne by the water user. A reconnection fee may also be assessed.
ORDINANCE NO. 795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 15 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Title Amended: Title 15 Buildings and Construction of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 2nd DAY OF DECEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:
ABSENT:

_________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF DECEMBER, 2019.

_________________________________
Mayor

ATTEST:

_________________________________
City Clerk
15.04.010 Adoption of model technical codes and administrative regulations.

A. The current editions of the building, electrical, plumbing, fire, the abatement of dangerous buildings, housing and mechanical codes, swimming and spa code, wildland-urban interface code, and all accompanying appendices, amendments and modifications adopted by the Building and Measurement Standards Bureau, Montana Department of Labor and Industry (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the Building and Measurement Standards Bureau, shall be adopted by reference by Administrative Order of the city manager as authorized by Section 50-60-301(1)(b), MCA, except for any exceptions noted in this chapter or any regulations not applicable to local government jurisdictions. These codes are applicable to all buildings within the building code enforcement area of the city of Columbia Falls, Montana, including but not limited to, residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by Section 50-60-102(1)(a), MCA.

The adopted building codes shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city.

The adopted mechanical code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing
appliances within the city.

The adopted plumbing code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any plumbing system within the city.

The adopted electrical code shall regulate and control the design, construction, installation, quality of materials, erections, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any electrical system within the city.

The adopted International Swimming Pool and Spa Code shall regulate and control the standards for pool and spa construction within the city.

The adopted International Wildland-Urban Interface Code shall regular and control the standards for construction, alteration, repair, addition, change-of-use or remodeling of any building, structure, or premises within the designated wildland-urban interface within the city.

B. One copy of each code shall be on file in the office of the city clerk.

C. Any codes or amendments adopted by the Building and Measurement Standards Bureau which apply to local governmental jurisdictions, including the adoption of the latest editions of the model technical codes or applicable Administrative Rules of Montana, shall become effective in the city upon order of the city administrator within three days after the date that the bureau notifies the city of said amendments.

15.04.020 Permit fees.

All fees of any kind or nature whatsoever allowed or required under this title or under any code adopted pursuant to this title, shall be as adopted by the city council by resolution and on file and available for public inspection at the office of the City Clerk.

15.04.030 Board of appeals.
In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the city council such new legislation as is consistent herewith.

15.04.040 Copies on file.

One copy of each of the codes shall be available at city hall for inspection by the public.

Chapter 15.28 – updated by Ordinance 755, 2015
Still requires formatting to City Municipal Code

SECTION 1. TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS

1.1 FLOODPLAIN HAZARD MANAGEMENT REGULATIONS
These regulations are known and may be cited as the “Floodplain Hazard Management Regulations;” hereinafter referred to as “these regulations.”

1.2 STATUTORY AUTHORITY
  1. Floodplain and Floodway Management is incorporated in Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations and is further described in Montana Administrative Rule (ARM) 36, Chapter 15.

  2. The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

1.3 FINDINGS OF FACT
  1. Flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas have been delineated and designated by order or determination of the Department of Natural Resources and Conservation (DNRC) pursuant to MCA 76-5-201 et.seq.

  2. These regulations have been reviewed by Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The Montana Department of Natural Resources and Conservation has found the regulations acceptable in meeting the Department minimum standards. The Federal Emergency Management Agency finds that these regulations are adequate and consistent with the comprehensive
1.4 PURPOSE
The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business and public service interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to

7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

1.5 METHODS TO REDUCE LOSSES
In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;

2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;

3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;

4. Regulate filling, grading, dredging and other development which may increase flood damage;

5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;

6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;

7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and

8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.
1.6 REGULATED AREA
These regulations apply only to the flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas which are more fully and specifically described in Section 4. Requirements and approvals for alterations to the Regulated Flood Hazard Area are specified in Section 4. The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

1.7 FLOODPLAIN ADMINISTRATOR
A Floodplain Administrator is hereby officially appointed and is the responsibility of the office of Columbia Falls City Manager and/or Designee. The Floodplain Administrator’s duty is to administer and implement the provisions of these regulations. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and business within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

1.8 COMPLIANCE
Development, New Construction, Alteration or Substantial Improvement may not commence without full compliance with the provisions of these regulations.

1.9 ABROGATION AND GREATER RESPONSIBILITY
It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning or other regulations in effect. However, where these regulations impose greater restrictions, the provision of these regulations must prevail. (44 CFR 60.1(d))

1.10 REGULATION INTERPRETATION
In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes. (44 CFR 60.1)

1.11 WARNING AND DISCLAIMER OF LIABILITY
These regulations do not imply that land outside the Regulated Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for
any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

1.12 SEVERABILITY
If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of these regulations.

1.13 DISCLOSURE PROVISION
All property owners or their agents in the Regulated Flood Hazard Areas shall notify potential buyers or their agents that such property, including any permitted uses transferred, is located within the Regulated Flood Hazard Area and is subject to regulation and any permitted uses that are transferred. Information regarding Regulated Flood Hazard Area and the repository for Floodplain maps is available in the Floodplain Administrator’s office.

(ARM 36.15.204(2)(g))

1.14 AMENDMENT OF REGULATIONS
These regulations may be amended after notice and public hearing in regard to the amendments to these regulations. The amendments must be found adequate and acceptable by DNRC and FEMA to be effective and must be submitted for review at least 30 days prior to official adoption.

1.15 PUBLIC RECORDS
Records, including permits and applications, elevation and flood proofing certificates, certificates of compliance, fee receipts, and other matters relating to these regulations must be maintained by the Floodplain Administrator and are public records and must be made available for inspection and for copies upon reasonable request. A reasonable copying cost for copying documents for members of the public may be charged and may require payments of the costs before providing the copies. (44 CFR 60.3(b)(5)(iii) & 44 CFR 59.22 (a)(9)(iii))

1.16 SUBDIVISION REVIEW
Within the Regulated Flood Hazard Area, subdivisions including new or expansion of existing manufactured home parks, must be designed to meet the following criteria:

1. The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;

2. Locations for future structures and development must be reasonably safe from flooding; (44CFR 60.3(a)(4))

3. Adequate surface water drainage must be provided to reduce exposure to flood hazards; (44 CFR 60.3 (a)(4)(iii))
4. Public utilities and facilities such as sewer, gas, electrical and water systems must be located and constructed to minimize or eliminate flood damage; and (44 CFR 60.3(a)(4)(ii))

5. Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area. (44 CFR 60.3(b))

1.17 DISASTER RECOVERY
In the event of a natural or man-made disaster, the Floodplain Administrator should participate in the coordination of assistance and provide information to structure owners concerning Hazard Mitigation and Recovery measures with the Federal Emergency Management Agency, Montana Disaster Emergency Services, Montana Department of Natural Resources and Conservation, and other state, local and private emergency service organizations.

Upon completion of cursory street view structure condition survey within the Regulated Flood Hazard Area, the Floodplain Administrator shall notify owners that a permit may be necessary for an alteration or substantial improvement before repair or reconstruction commences on damaged structures because of damages caused by natural or man-made disasters such as floods, fires or winds.

Owners should be advised that structures that have suffered substantial damage and will undergo substantial improvements require a floodplain application and permit and must be upgraded to meet the minimum building standards herein during repair or reconstruction.((MCA 76-5-404(3)(b) (ARM 36.15.702) (44 CFR 60.3(c)(2 and 3))
Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

**100-year Flood** – One percent (1%) annual chance flood. See Base Flood

**Alteration** – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

**Appurtenant Structure** – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

**Artificial Obstruction** – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))
**Base Flood (Flood of 100 Year Frequency)** – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

**Base Flood Elevation (BFE)** – The elevation above sea level of the Base Flood in relation to the National Geodic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5))

**Basement** – Any area of a building, except a crawl space, as having its Lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

**Building** – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (44 CFR 59.1)

**Channel** – The geographical area within either the natural or artificial banks of a watercourse or drain way. (MCA 76-5-103(2))

**Crawl Space** – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

**DNRC** – Montana Department of Natural Resources and Conservation

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR59.1)

**Elevated Building** – A building that has no Basement and that has it lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace is considered an elevated building. (NFIP Insurance Manual, Rev. May 2013)

**Enclosure** – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

**Encroachment** – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

**Encroachment Analysis** – A hydrologic and hydraulic analysis performed by an engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

**Establish** – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))
Existing Artificial Obstruction or Nonconforming Use – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

FEMA – Federal Emergency Management Agency

Flood Fringe – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

Flood of 100 Year Frequency (Base Flood) – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

Floodplain – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

Floodway – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

Floodplain Administrator – Community official or representative appointed to administer and implement the provisions of this ordinance.

Flood Proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. ((44 CFR 59.1)

Letter of Map Change (LOMC) – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

Letter of Map Amendment (LOMA) – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

Letter of Map Revision Based on Fill (LOMR-F) – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit
pursuant to these regulations. Placement of fill does not remove the development from
the Regulated Flood Hazard Area or these regulations.

**Letter of Map Revision (LOMR)** – An official FEMA amendment to the currently
effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map based on a
physical change to the floodplain of the Special Flood Hazard Area. It is issued by
FEMA and changes flood zones, delineations, and elevations on the FEMA Flood
Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood
Insurance Study. It must be preceded by an approved alteration of the designated
floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard
Area.

**Conditional Letter of Map Revision (CLOMR)** – A FEMA letter of approval for a
proposed physical change that when completed would propose to change the flood zones,
delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood
Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent
LOMR. The CLOMR may be considered in an evaluation by DNRC and the Floodplain
Administrator during consideration of a proposed alteration to the Regulated Flood
Hazard Area.

**Lowest Floor** – Any floor of a building including a basement used for living purposes, storage,
or recreation. This includes any floor that could be converted to such a use. ((ARM
36.15.101(14)) (44 CFR 59.1))

**Manufactured Home Park or Subdivision** – Includes the construction of facilities for servicing
the manufactured home lots and at a minimum includes the installation of utilities, the
construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR
59.1)

**Manufactured or Mobile Home** – A building that may be residential or non-residential, is
transportable in one or more sections, built on a permanent chassis, and designed to be used with
or without a permanent foundation when connected to the required utilities and includes park
trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive
days. (ARM 36.15.101(15))

**New Construction** – Structures for which the commencement of clearing, grading, filling, or
excavating to prepare a site for construction occurs on or after the effective date of these
regulations and includes any subsequent improvements to such structures. (ARM 36.15.101(20))
(44 CFR 59.1)

**New Manufactured Home Park Or Subdivision** – A manufactured home park or subdivision
for which the construction of facilities for servicing the lots on which the manufactured homes
are to be affixed includes at a minimum, the installation of utilities, the construction of streets,
and either final site grading or the pouring of concrete pads and is completed on or after the
effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

**Non-Residential** – Buildings including manufactured homes that are not residential including
commercial, agricultural, industrial buildings and accessory buildings. See Residential.
**Owner** – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

**Person** – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

**Recreational Vehicle** – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling. (44 CFR 59.1)

**Regulated Flood Hazard Area** – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. (MCA 76-5-103(4)), (MCA 76-5-103(10), (ARM 36-15-101(11))

**Residential Building** – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are non-residential.

**Riprap** – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

**Scour Depth** – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

**Special Flood Hazard Area** – Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and flood insurance premium rates. The FEMA flood hazard area zone designation or flood risk potential is as illustrated on FEMA’s Flood Hazard Boundary Map or Flood Insurance Rate Map.

**Structure** – Any Artificial Obstruction.

**Sub grade Crawlspace** – A Crawlspace foundation enclosure that has its interior floor no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade on all sides. A foundation exceeding either dimension is a Basement. (NFIP Insurance Manual, Rev. May 2013)
**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

**Substantial Improvement** – Any repair, reconstruction or improvement of a structure where the cost equals or exceeds fifty percent (50) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred;

1. Substantial improvement is considered to occur when the first construction of any wall, ceiling, floor or other structural part of the building commences;
2. The term does not include:
   1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
   2. Any alteration of a structure listed on the national register of historic places or state inventory of historic places. (ARM 36.15.101(21)) (44 CFR 59.1))

**Suitable Fill** – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

**Variance** – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations by an approval pursuant Section 12. (ARM 36.15.101(23))

**Violation** – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)
SECTION 3. FORMS AND FEES

3.1 Forms The following forms may be required by the Floodplain Administrator:

1. Floodplain Permit Application Form – The “Joint Application for Proposed Work in Montana’s Steams, Wetlands, Regulated Flood Hazard Areas, and Other Water Bodies”, or other designated application form. A completed FEMA MT-1 form may be required to accompany the application when required by the Floodplain Administrator.

2. Floodplain Permit Compliance Report – A report required to be submitted by the Applicant to the Floodplain Administrator once the permitted project in the Regulated Flood Hazard Area is completed or within the designated time stipulated on the Floodplain permit. A compliance report including an elevation and or flood proofing certificate may be required where specified for the purpose of documenting compliance with the requirements of the permit.

3. Floodplain Variance Application Form – An application submitted by the Applicant to the Floodplain Administrator to initiate a proposed variance from the requirements of these regulations as described in Section 12.

4. Floodplain Appeal Notice Form – A form submitted by the Applicant or an aggrieved party to initiate the appeal process described in Section 13.

5. Floodplain Emergency Notification Form – A written notification form required pursuant to Section 11 of these regulations.

6. Official Complaint Form – A form that may be used by any person to notify the Floodplain Administrator of an activity taking place that appears to be noncompliant with the requirements of these regulations.

3.2 Fees

See Columbia Falls Fee Schedule for applicable fees for various Floodplain Permit Reviews.
SECTION 4. REGULATED FLOOD HAZARD AREA

4.1 REGULATED FLOOD HAZARD AREAS

1. The Regulated Flood Hazard Areas are the 100-year floodplains illustrated and referenced in the following specific studies and reports described as follows:

November 4, 2015 FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Maps (Firms) for the City Columbia Falls and unincorporated areas within one mile of the City Limits as determined by the City of Columbia Falls and Flathead County’s Interlocal Agreement.

FIRM Panels include all or portions of following Maps:

- 30029C1115J Effective Date: November 4, 2015
- 30029C1120G Effective Date: September 28, 2007
- 30029C1410J Effective Date: November 4, 2015
- 30029C1430J Effective Date: November 4, 2015
- 30029C1435J Effective Date: November 4, 2015

2. The Regulated Flood Hazard Areas specifically described or illustrated in the above referenced studies and maps of the 100-year floodplain have been delineated, designated and established by order or determination by the DNRC pursuant to 76-5-201 et.seq., MCA.

3. Use allowances, design and construction requirements specifically in Sections 5, 6, 9, and 10 in these regulations vary by the specific Floodplain areas including areas identified as Floodway and Flood Fringe within the Regulated Flood Hazard Area.

4.2 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES

1. The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in this Section are a guide for determining whether property is within the Regulated Flood Hazard Area.

2. A determination of the outer limits and boundaries of the Regulated Flood Hazard Area or the Flood Fringe and Floodway within the Regulated Flood Hazard Area includes an evaluation of the maps as well as the particular study data referenced in this Section. Supporting study material for Base Flood Elevations takes precedence over any map illustrations if it exists.

3. The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical field regulatory boundary of the Regulated Flood Hazard Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))
4. The Floodway boundary where identified within the Floodplain is as illustrated on the referenced maps and studies. Since the Floodway boundary is a study feature, the location of the boundary may be physically located by referencing the study data to a ground feature. The Floodplain Administrator’s interpretation of the boundary and decision may be appealed as set forth in Section 13.

5. The Floodplain Administrator may request additional information described below to determine whether or not the proposed development is within the Regulated Flood Hazard Area:

1. Where Base Flood Elevations exist, the property owner may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development is subject to these regulations. (ARM 36.15.501(6))

2. Where Base Flood Elevations do not exist, the property owner may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.

3. The Floodplain Administrator’s interpretation of the boundaries and decision may be appealed as set forth in Section 13.

6. Any owner or lessee of property who believes his property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to the Floodplain Administrator for a determination if the property is appropriately located. Scientific or technical information submitted to FEMA by an owner to affect the insurance rating for insurance purposes may be considered by the Floodplain Administrator. A determination by the Floodplain Administrator is independent of any determination by FEMA for insurance purposes.

4.3 ALTERATION OF REGULATED FLOOD HAZARD AREA

1. Revisions or updates to the specific maps and data that alter the established Floodplains or Floodway of the Regulated Flood Hazard Area require DNRC approval pursuant to 75-5-203, MCA. An alteration of the Regulated Flood Hazard Area is a DNRC approved amendment to the DNRC order that originally delineated and designated the 100-year floodplain and is the basis of the Regulated Flood Hazard Area referenced in Section 4.1.2. A DNRC approved alteration consists of revisions or updates to the specific maps and data of the referenced studies in this Section and forms the basis for an amendment to the Regulated Flood Hazard Area in these regulations; (ARM 36.15.505)
2. Any change to the Regulated Flood Hazard Area as a result of a DNRC alteration is effective upon amendment to the Regulated Flood Hazard Area described in Section 4.1.1;

3. Substantial natural physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)

4. Any Floodplain permit application for a proposed development or artificial obstruction must be denied until a DNRC alteration pursuant to 76-5-203, MCA is approved if it causes an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway.

5. To propose an alteration a petition must be submitted to DNRC and must include the following information:

   1. Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5)

   2. Evidence of notice to all property and land owners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))

   3. Information that demonstrates that alternatives are not feasible; (44 CFR 65.12(2))

   4. Information that demonstrates that development is for a public use or benefit; and

   5. Any other supporting information and data as needed for approvals. 

(ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3)) (44 CFR 65.12)

6. The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;

7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an alteration or an amendment of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary; and
8. Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area. (ARM 36.15.505(2))

9. A floodplain permit implementing the physical change cannot be approved until a CLOMR has been issued by FEMA.
SECTION 5. USES ALLOWED WITHOUT A PERMIT WITHIN THE REGULATED FLOOD HAZARD AREA

5.1 - GENERAL. Existing artificial obstructions or nonconforming uses established before land use regulations pursuant to Section 76-5-301, MCA were effective, are allowed without a permit. However, alteration or substantial improvement of an existing artificial obstruction or nonconforming use requires a floodplain permit. Maintenance of an existing artificial obstruction or nonconforming use does not require a floodplain permit if it does not cause an alteration or substantial improvement. (MCA 76-5-404(3)

5.2 OPEN SPACE USES. The following open space uses shall be allowed without a permit in the Regulated Flood Hazard Area, provided that such uses are not prohibited by any other regulation or statute, do not require structures, and do not require fill, grading, excavation or storage of materials or equipment: ((ARM 36.15.601) (ARM 36.15.701)(1) (MCA 76-5-401)

1. Agricultural uses, not including related structures, such as tilling, farming, irrigation, ranching, harvesting, grazing, etc; ((ARM 36.15.601(1)(a)) (MCA 76-5-401(1))

2. Accessory uses, not including structures, such as loading and parking areas, or emergency landing strips associated with industrial or commercial facilities; ((ARM 36.15.601(1)(b)) (MCA 76-5-401(2),))

3. Forestry, including processing of forest products with portable equipment; ((ARM 36.15.601(1)(d)) (MCA 76-5-401(4)))

4. Recreational vehicle use provided that the vehicle is on the site for fewer than 180 consecutive days and the vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; (44 CFR 60.3(c)(14))

5. Residential uses such as lawns, gardens, parking areas, and play areas; ((ARM 36.15.601(1)(e)) (MCA 76-5-401(5)))

6. Maintenance of the existing state of an existing open space uses including preventive maintenance activities such as bridge deck rehabilitation and roadway pavement preservation activities. Maintenance cannot increase the external size or increase the hazard potential of the existing open space use; (MCA 76-5-404(3)(b))

7. Public or private recreational uses not requiring structures such as picnic grounds, swimming areas, boat ramps, parks, campgrounds, golf courses, driving ranges, archery ranges, wildlife management and natural areas, alternative livestock ranches (game farms), fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; (ARM 36.15.601(a)(c)) (MCA 76-5-401,))
8. Fences that have a low impact to the flow of water such as barbed wire fences and wood rail fences, and not including permanent fences crossing channels. Fences that have the potential to stop or impede flow or debris such as a chain link or privacy fence requires a floodplain permit and meet the requirements of Section 9.11; (ARM 36.15.601(2)(b)) (MCA 76-5-401))

9. Addition of highway guard rail, signing and utility poles that have a low impact to the flow of water along an existing roadway.

10. Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells and with the top of casing 18” above the Base Flood Elevation. ((ARM 36.15.601(2)(a)) (MCA 76-5-401) (ARM 36.21.647))
SECTION 6. PROHIBITED USES, ACTIVITIES AND STRUCTURES WITHIN THE REGULATED FLOOD HAZARD AREA

6.1 FLOODWAY  The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations pursuant to Section 76-5-301, MCA have been adopted: (MCA 76-5-404(3))

1. A building for residential or non-residential purposes; (MCA 76-5-403(1), (ARM 36.15.605)(1a)), (ARM 36.15.605(2b), (ARM 36.15.605(2)(a)).

2. A structure, fill, or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed when it is a component to a permitted use allowed in these regulations; (MCA 76-5-403(2)).

3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))

4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3))). Note: The Flathead City County Health Department prohibits new on-site sewage disposal systems (septic tanks and drainfields) within the Regulated Flood Hazard Area (100-year Floodplain).

5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))

6. Cemeteries, mausoleums, or any other burial grounds.

6.2 FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITHOUT A FLOODWAY  The following artificial obstructions and nonconforming uses are prohibited in the Flood Fringe or Regulated Flood Hazard Area without a Floodway, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

1. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3))). Note: The Flathead City County Health Department prohibits new on-site sewage disposal systems (septic tanks and drainfields) within the Flood Fringe (100-year Floodplain).
2. Storage of toxic, flammable, hazardous or explosive materials; (ARM 36-15-703(2))

3. The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods;

4. Cemeteries, mausoleums, or any other burial grounds; and

5. Critical facilities, including buildings and associated structures that provide essential community care and emergency operation functions such as schools, hospitals, nursing home facilities, fire stations and police stations. (44CFR 60.22(a)(2))
SECTION 7. FLOODPLAIN PERMIT APPLICATION REQUIREMENTS

7.1 GENERAL

1. A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area; (44 CFR 60.1) (MCA 76-5-404) (ARM 36.15.204(2)(a))

2. A Floodplain permit is required for artificial obstructions, developments and uses not specifically listed in Sections 9 and 10, except as allowed without a Floodplain permit in Section 5, or as prohibited as specified in Section 6, within the Regulated Flood Hazard Area;

3. Artificial obstructions and nonconforming uses in a Regulated Flood Hazard Area not exempt under Section 5 are public nuisances unless a Floodplain permit has been obtained; (MCA 76-5-404(1))

4. A Floodplain permit is required for an alteration of an existing artificial obstruction or nonconforming use that increases the external size or increases its potential flood hazard and not exempt under Section 5; (MCA 76-5-404(3)(b)) (ARM 36.15.204(2)(a))

5. A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and

6. Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

7.2 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION

1. A Floodplain permit application shall include, but is not limited to the following:

1. A completed and signed Floodplain Permit Application;

2. The required review fee;

3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the Regulated Flood Hazard Areas and if applicable the Floodway boundary; (MCA 76-5-405) (ARM 36.15.216))

4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show
that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))

5. Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Sections 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))
SECTION 8. FLOODPLAIN PERMIT APPLICATION EVALUATION

8.1 FLOODPLAIN PERMIT APPLICATION REVIEW

1. The Floodplain Administrator shall review and evaluate the Floodplain permit application and shall approve, approve with conditions, or deny the application within (60 days) of receipt of a correct and complete application. (MCA 76-5-405(2))

2. The Floodplain Administrator shall determine whether the Floodplain permit application contains the applicable elements required in these regulations and shall notify the applicant of the Floodplain Administrator's determination.

3. If the Floodplain permit application is found to be missing the required elements and if the applicant corrects the identified deficiencies and resubmits the Floodplain application, the Floodplain Administrator shall notify the applicant whether the resubmitted Floodplain application contains all the elements required by these regulations, as applicable.

4. This process shall be repeated until the applicant submits a completed Floodplain permit application containing all the elements required by these regulations, or the application is withdrawn.

5. If after a reasonable effort the Floodplain Administrator determines that the Floodplain application remains incomplete, the Floodplain Administrator shall deny the Floodplain permit application and notify the applicant of missing elements. No further action shall be taken on the Floodplain permit application by the Floodplain Administrator until the Floodplain permit application is resubmitted.

6. A determination that a Floodplain permit application is correct and complete for review does not ensure that the Floodplain permit application will be approved or conditionally approved and does not limit the ability of the Floodplain Administrator to request additional information during the review process.

8.2. NOTICE REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATIONS:

1. Upon receipt of a complete application for a Floodplain permit, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the Floodplain permit application and shall:

   1. Publish the notice at least once in a newspaper of general circulation in the area; (ARM 36.15.204(2)(c))

   2. Serve notice by first-class mail upon adjacent property owners; (ARM 36.15.204(2)(c))
3. Serve notice to the State National Flood Insurance Program Coordinator located in DNRC by the most efficient method. Notice to other permitting agencies or other impacted property owners may be provided; and

4. Prior to any alteration or relocation of a watercourse in the Regulated Flood Hazard Area, additionally provide notice to FEMA and adjacent communities. (44 CFR 60.3 (b)(6))

2. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity. (ARM 36.15.204(2)(c))

8.3 FLOODPLAIN PERMIT CRITERIA

1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))

2. A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.

3. The Floodplain Administrator shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334.(44 CFR 60.3(a)(2)

8.4 DECISION

1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of his action and the reasons thereof within (60 days) of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e))

2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

8.5 FLOODPLAIN PERMIT CONDITIONS AND REQUIREMENTS
Upon approval or conditional approval of the Floodplain permit application, the Floodplain Administrator shall provide the applicant with a Floodplain permit with applicable specific requirements and conditions including but not limited to the following:

1. The Floodplain permit will become valid when all other necessary permits required by Federal or State law are in place; (44 CFR 60.3(a)(2))

2. Completion of the development pursuant to the Floodplain permit shall be completed within one year from the date of Floodplain permit issuance or a time limit commensurate with the project construction time line for completion of the project or development. The applicant may request an extension for up to an additional year. The request must be made at least 30 days prior to the permitted completion deadline;

3. The applicant shall notify subsequent property owners and their agents and potential buyers of the Floodplain development permit issued on the property and that such property is located within a Regulated Flood Hazard Area and shall record the notice with the Floodplain Administrator; (ARM 36.15.204(2)(g))

4. The applicant shall maintain the artificial obstruction or use to comply with the conditions and specifications of the permit;

5. The applicant shall allow the Floodplain Administrator to perform on site inspections at select intervals during construction or completion;

6. The applicant shall provide periodic engineering oversight and/or interim reports during the construction period to be submitted to the Floodplain Administrator to confirm constructed elevations and other project elements;

7. The applicant shall submit a compliance report including certifications where required and applicable including flood proofing, elevation, surface drainage, proper enclosure openings and materials to the Floodplain Administrator within 30 days of completion or other time as specified;

8. The applicant shall submit an annual performance and maintenance report on bank stabilization or other projects utilizing maturing vegetative components to the Floodplain Administrator for a period of 5 years or a time specified in the permit; or

9. The applicant shall submit evidence of a submittal of a FEMA Letter of Map Revision (LOMR) to FEMA and applicable fees within 6 months of project completion and proceed with due diligence for acceptance of the document and necessary supporting materials by FEMA. (44 CFR 65.3)
SECTION 9. DEVELOPMENT REQUIREMENTS IN THE FLOODWAY

9.1 USES REQUIRING PERMITS  Artificial obstructions including alterations and substantial improvements, specifically listed in Sections 9.3 to 9.15 may be allowed by permit within the Floodway, provided the General Requirements in Section 9.2 and the applicable requirements in Sections 9.3 to 9.15 are met.

9.2 GENERAL REQUIREMENTS  An application for a permit shall meet the following requirements:

1. All projects shall be designed and constructed to ensure that they do not adversely affect the flood hazard on other properties and are reasonably safe from flooding;

2. All projects shall assure that the carrying capacity of the Floodway is not reduced. All projects in the Floodway shall meet the following:

   1. Demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment to the Base Flood Elevation; and

   2. The allowable encroachment to the Base Flood Elevation is 0.00 feet, and no significant increase to the velocity or flow of the stream or water course unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4.3 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; and

   ((ARM 36.15.604) (ARM 36.15.505) (ARM 36.15.605(b)) (44 CFR 60.3(a)(3 and 4)) (44CFR 65.12(a))

3. An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:

   1. The danger to life and property due to backwater or diverted flow caused by the obstruction or use; ((MCA 76-5-406(1)) (ARM 36.15.216(2)(a)))

   2. The danger that the obstruction or use may be swept downstream to the injury of others; ((MCA 76-5-406(2)) (ARM 36.15.216(2)(b)))

   3. The availability of alternative locations; ((MCA 76-5-406(3)) (ARM 36.15.216(2)(c))

   4. Construct or alter the obstruction or use in such manner as to lessen the flooding danger; ((MCA 76-5-406(4)) (ARM 36.15.216(2)(d)))
5. The permanence of the obstruction or use and is reasonably safe from flooding; ([MCA 76-5-406(5) (ARM 36.15.216(2e))]

6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use; ([MCA 76-5-406(6)) (ARM 36.15.216(2f))]

7. Relevant and related permits for the project have been obtained; ([44 CFR 60.3(a)(2))]

8. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and ([MCA 76-5-406(7)) (ARM 36.15.216(2)(g))]

9. The safety of access to property in times of flooding for ordinary and emergency services. ([44 CFR 60.22 (c)(7))]

9.3 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS

provided, in addition to the requirements of Section 9.2, that:

1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; ([ARM 36.15.602(1)(a))]

2. The excavation meets all applicable laws and regulations of other local and state agencies; and ([ARM 36.15.602(1)(b))]

3. Excavated material may be processed on site but is stockpiled outside the Floodway. ([ARM 36.15.602(1)(c))]

9.4 RAILROAD, HIGHWAY AND STREET STREAM CROSSINGS, including other transportation related crossings provided, in addition to the requirements of Section 9.2, that:

1. Crossings are designed to offer minimal obstructions to the flood flow; ([ARM 36.15.602(2))]

2. Where failure or interruption of public transportation facilities would result in danger to public health or safety and where practicable and in consideration of FHWA Federal-Aid Policy Guide 23CFR650A:

   1. Bridge lower chords shall have freeboard to at least two (2) feet above the Base Flood Elevation to help pass ice flows, the base flood discharge and any debris associated with the discharge; and

   2. Culverts shall be designed to pass the Base Flood discharge and maintain at least two (2) feet freeboard on the crossing surface;
3. Normal overflow channels, if possible are preserved to allow passage of sediments to prevent aggradations; and

4. Mid stream supports for bridges, if necessary, have footings buried below the maximum scour depth.

9.5 LIMITED FILLING FOR ROAD AND RAILROAD EMBANKMENTS, including other transportation related embankments not associated with stream crossings and bridges provided, in addition to the requirements of Section 9.2, that:

1. The fill is suitable fill;

2. Reasonable alternate transportation routes outside the floodway are not available; and (ARM 36.15.602(3))

3. The encroachment is located as far from the stream channel as possible. (ARM 36.15.602(3))

9.6 BURIED OR SUSPENDED UTILITY TRANSMISSION LINES provided, in addition to the requirements of Section 9.2, that:

1. Suspended utility transmission lines are designed such that the lowest point of the suspended line is at least six (6) feet higher than the Base Flood Elevation; (ARM 36.15.602(4))

2. Towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; (ARM 36.15.602(4))

3. Alternatives such as alternative routes, directional drilling, and aerial crossings are considered when technically feasible; and

4. Utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum scour depth determined by an engineer for the Base Flood. (ARM 36.15.602(4))

9.7 STORAGE OF MATERIALS AND EQUIPMENT provided, in addition to the requirements of Section 9.2, that:

1. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or (ARM 36.15.602(5)(a))

2. The material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted. (ARM 36.15.602(5)(b))
9.8 DOMESTIC WATER SUPPLY WELLS provided, in addition to the requirements of Section 9.2, that:

1. They are driven or drilled wells located on ground higher than surrounding ground to assure positive drainage from the well; (ARM 36.15.602(6))

2. They require no other structures (e.g. a well house); (ARM 36.15.602(6))

3. Well casings are water tight to a distance of at least twenty five (25) feet below the ground surface and the well casing height is a minimum of two (2) feet above the Base Flood Elevation or capped with a watertight seal and vented two (2) feet above the Base Flood Elevation; ((ARM 36.15.602(6))

4. Water supply lines have a watertight seal where the lines enter the casing; (ARM 36.15.602(6))

5. All pumps and electrical lines and equipment are either of the submersible type or are adequately flood proofed; and (ARM 36.15.602(6))

6. Check valves are installed on main water lines at wells and at all building entry locations. ((44 CFR 60.3 (a)(5)) (ARM 36.15.602(6)))

9.9 BURIED AND SEALED VAULTS FOR SEWAGE DISPOSAL IN CAMPGROUNDS AND RECREATIONAL AREAS provided, in addition to the requirements of Section 9.2, demonstrate approval by Montana Department of Environmental Quality and local health and sanitation permits or approvals. ((44 CFR 60.3(a)(6)) (ARM 36.15.602(7)))

9.10 PUBLIC AND PRIVATE CAMPGROUNDS provided, in addition to the requirements of Section 9.2, that:

1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))

2. The project meets the accessory structures requirements in this Section;

3. No dwellings or permanent mobile homes are allowed; (ARM 36.15.602(8))

4. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; and (44 CFR 60.3(c)(14))

5. There is no large-scale clearing of riparian vegetation within 50 feet of the mean annual high water mark where possible, except for boat ramps and fire mitigation.

9.11 STRUCTURES ACCESSORY OR APPURTEANANT to permitted uses such as boat docks, loading and parking areas, marinas, sheds, emergency airstrips, permanent fences crossing
channels that may impede or stop flows or debris, picnic shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 9.2, that:

1. The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))

2. The structures will have low flood damage potential; (ARM 36.15.602(9))

3. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))

4. The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))

5. Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;

6. Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Section 10; (ARM 36.15.602(9))

7. The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))

8. The structures do not require fill and/or substantial excavation;

9. The structures or use cannot be changed or altered without permit approval; and

10. There is no clearing of riparian vegetation within 50 feet of the mean annual high water mark, except for boat ramps and fire mitigation.

9.12 CONSTRUCTION OF OR MODIFICATIONS TO SURFACE WATER DIVERSIONS provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and includes:

1. Measures to minimize potential erosion from a Base Flood; and (ARM 36.15.603(3)(b))

2. Designs and plans that demonstrate any permanent structure in the stream is designed to safely withstand up to the Base Flood considering the forces associated with hydrodynamic and hydrostatic pressures including flood depths, velocities, impact, ice buoyancy, and uplift forces associated with the Base Flood. ((ARM 36.15.603(3)(c) ((CFR 60.3(a)(3) (CFR 60.3(d)(3))

9.13 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice,
buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

1. **LEVEE AND FLOODWALL** construction or alteration:
   1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
   2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
   3. Must meet state and federal levee engineering and construction standards and be publically owned and maintained if it protects structures of more than one landowner; and (ARM 36.15.505(1)(c)(ii)and (iii))
   4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 4.3.

2. **STREAM BANK STABILIZATION, PIER AND ABUTMENT PROTECTION** projects:
   1. Must be designed and constructed using methods and materials that are the least environmentally damaging yet practicable, and should be designed to withstand a Base Flood once the project’s vegetative components are mature within a period of up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period;
   2. Materials for the project may be designed to erode over time but not fail catastrophically and impact others. Erosion, sedimentation, and transport of the materials may be designed to be at least similar in amount and rate of existing stable natural stream banks during the Base Flood;
   3. Must not increase erosion upstream, downstream, across from or adjacent to the site in excess of the existing stable natural stream bank during the Base Flood; and (ARM 36.15.606(1)(b))
   4. Materials for the project may include but are not limited to riprap, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials.

3. **CHANNELIZATION PROJECTS** where the excavation and/or construction of an channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:
1. Not increase the magnitude, velocity, or elevation of the Base Flood; and

2. Meet the requirements of Section 9.13.2.
   (ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

4. DAMS:
   1. The design and construction shall be in accordance with the Montana Dam Safety Act and applicable safety standards; and

   2. The project shall not increase flood hazards downstream either through operational procedures or improper hydrologic/hydraulic design.  (ARM 36.15.606(1)(d)

9.14 STREAM AND BANK RESTORATION projects intended to reestablish the terrestrial and aquatic attributes of a natural stream and not for protection of a structure or development provided, in addition to the requirements of Section 9.2, that:

   1. The project will not increase velocity or erosion upstream, downstream, across from or adjacent to the site; (ARM 36.15.606(1)(b))

   2. Materials may include but are not limited to boulders, rock cobble, gravel, native stream bed materials, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials and that reasonably replicates the bed and bank of the natural stream;

   3. Erosion, sedimentation, and transport of the materials are not more than the amount and rate of existing natural stream banks during the Base Flood; and

   4. The project may be designed to allow vegetative materials to mature within a period up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period.

9.15 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY any alteration or substantial improvement to an existing building must meet the requirements of Section 9.2 and the applicable requirements in Section 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))
SECTION 10. DEVELOPMENT REQUIREMENTS IN THE FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITH NO FLOODWAY

10.1 USES REQUIRING PERMITS – All uses allowed by permit in the Floodway shall also be allowed by permit within the Flood Fringe or Regulated Flood Hazard Area with no Floodway. Such uses are subject to the requirements in Section 9, with the exception of the encroachment limit of Section 9.2.2. Instead, such uses are subject to the encroachment limits of this Section 10.2.9.

Except for prohibited artificial obstructions in Section 6.2, all other artificial obstructions including new construction, substantial improvements, alterations to residential, and nonresidential structures including manufactured homes, and related suitable fill or excavation shall be allowed by permit and are subject to the requirements in this Section and General Requirements of Section 9.2, with the exception of the encroachment limit of Section 9.2.2. (ARM 36.15.701(2))

10.2 GENERAL REQUIREMENTS An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

1. **Base Flood Elevation** Where necessary to meet the appropriate elevation requirement in these regulations, the Base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in Section 4, a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;

2. **Flood Damage** Structures must be constructed by methods and practices that minimize flood damage and structures must be reasonably safe from flooding; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(iii)))

3. **Surface Drainage** Adequate surface drainage must be provided around structures;

4. **Materials** Structures must be constructed with materials resistant to flood damage; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(ii))

5. **Artificial Obstructions** Structures, excavation or fill must not be prohibited by any other statute, regulation, ordinance, or resolution; and must be compatible with subdivision, zoning and any other land use regulations, if any; (ARM 36.15.701(3)(a)) ((ARM 36.15.701(3)(b))

6. **Anchoring** All construction and substantial improvements must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;(44CFR 60.3(a)(3)
7. **Certification** Certification by an engineer, architect, land surveyor, or other qualified person must accompany the application where required including for an encroachment analysis, adequacy of structural elevations, Base Flood Elevation determinations, flood-proofing, enclosure flood openings and design and construction to withstand the hydrodynamic forces and hydrostatic pressures of flood depths, velocities, impact, buoyancy, uplift forces associated with the Base Flood and surface drainage. A certification is not intended to constitute a warranty or guarantee of performance, expressed or implied; ((ARM 36.15.606(1) (ARM 36.15.702(2)(c)) (ARM 36.15.801(3)(b)) (44 CFR 60.3(c)(3 &4)) (44 CFR 60.3 (d)(3)))

8. **Access** Structures may be required to have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations for structures;

9. **Encroachment Analysis**

1. All applications in the Regulated Flood Hazard Area without a Floodway must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis except as provided in following paragraph 4, Section 10.2.9.4, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; ((ARM 36.15.604) (44 CFR 60.3(a)(3))

2. The maximum allowable encroachment is certified to be at or less than 0.5 feet increase to the Base Flood Elevation unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; ((ARM 36.15.604) (ARM 36.15.505) (44 CFR 60.3(c)(13)))

3. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area; and

4. Although all other development standards herein apply, a minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodplain, involve fill, grading, excavation or storage of materials or equipment and also is certified by an engineer to not exceed the allowable encroachment.

10. **Electrical Systems Flood Proofing** All electrical service materials, equipment and installation for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary
equipment must be located at least two feet above the Base Flood Elevation; (ARM 36.15.901(1)(a))

2. Portable and movable electrical equipment may be placed below the Base Flood Elevation, provided that the equipment can be disconnected by a single plug and socket assembly of the submersible type; (ARM 36.15.901(1)(b))

3. The main power service lines must have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Regulated Flood Hazard Area or two feet above the Base Flood Elevation; and (ARM 36.15.901(1)(c))

4. All electrical wiring systems installed below the Base Flood Elevation must be suitable for continuous submergence and may not contain fibrous components. (ARM 36.15.901(1)(d))

11. **Heating and Cooling Systems Flood Proofing** Heating and cooling systems for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Float operated automatic control valves must be installed so that fuel supply is automatically shut off when flood waters reach the floor level where the heating and cooling systems are located; (ARM36.15.902(1)(a))

2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the Base Flood Elevation; (ARM36.15.902(1)(b))

3. Electrical Systems flood proofing must be met; and (ARM36.15.902(1)(c))

4. Furnaces and cooling units must be installed at least two (2) feet above the Base Flood Elevation and the ductwork installed above the Base Flood Elevation.

12. **Plumbing Systems Flood Proofing** Plumbing systems for uses in the Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Sewer lines, except those to a buried and sealed vault, must have check valves installed to prevent sewage backup into permitted structures; and (ARM 36.15.903(1)(a))

2. All toilets, stools, sinks, urinals, vaults, and drains must be located so the lowest point of possible flood water entry is at least two (2) feet above the Base Flood Elevation. (ARM 36.15.903(1)(b))

13. **Structural Fill Flood Proofing** Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:
1. The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;

2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an engineer;

4. No portion of the fill is allowed within the floodway;

5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters; and

14. **Wet Flood Proofing** Building designs with an enclosure below the lowest floor must be certified to meet the following:

   1. Materials used for walls and floors are resistant to flooding to an elevation two (2) feet or more above the Base Flood Elevation; (ARM 36.15.702(2)(a))

   2. The enclosure must be designed to equalize hydrostatic forces on walls by allowing for entry and exit of floodwaters. Opening designs must either be certified by an engineer or architect or meet or exceed the following:

      1. Automatically allow entry and exit of floodwaters through screens, louvers, valves, and other coverings or devices;

      2. Have two (2) or more openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area below the Lowest Floor, except if the enclosure is partially subgrade, a minimum of 2 openings may be provided on a single wall; and

      3. Have the bottom of all openings no higher than one (1) foot above the higher of the exterior or interior adjacent grade or floor immediately below the openings. (44 CFR 60.3(c)(5)) (NFIP Insurance Manual, Rev. May 2013)

15. **Dry Flood Proofing** Building designs that do not allow internal flooding must be certified according to these regulations to meet the following:

   1. Building use must be for non-residential use only and does not include mixed residential and non-residential use;
2. Be Flood Proofed to an elevation no lower than two (2) feet above the Base Flood Elevation;

3. Be constructed of impermeable membranes or materials for floors and walls and have water tight enclosures for all windows, doors and other openings; and

4. Be designed to withstand the hydrostatic pressures and hydrodynamic forces resulting from the Base Flood and the effects of buoyancy. 

16. **Elevation of the Lowest Floor** Elevating the lowest floor may be by either suitable fill, foundation wall enclosure, stem walls, pilings, posts, piers, columns or other acceptable means; ((MCA 76-5-402(2)(b)) (44 CFR 60.3(b)(8)) (44 CFR 60.3(c)(6)))

17. **Crawl Spaces** Crawl space foundation enclosures including sub grade crawlspace enclosures below the lowest floor must meet the wet flood proofing requirements and be designed so that the crawl space floor is at or above the Base Flood Elevation. Crawl space foundations must have an inside dimension of not more than five (5) feet from the ground to the top of the living floor level and a sub grade crawlspace must also have the interior ground surface no more than two (2) feet below the exterior lowest adjacent ground surface on all sides. A sub grade foundation exceeding either dimension is a basement;

18. **Manufactured Home Anchors** For new placement, substantial improvement or replacement of manufactured homes for residential or nonresidential use including additions, the chassis must be secure and must resist flotation, collapse or lateral movement by anchoring with anchoring components capable of carrying a force of 4,800 pounds and as follows:

1. For manufactured homes less than fifty (50) feet long, over-the-top ties to ground anchors are required at each of the four (4) corners of the home, with two additional ties per side at intermediate locations; or

2. For manufactured homes more than fifty (50) feet long, frame ties to ground anchors are required at each corner of the home with five (5) additional ties per side at intermediate points; and

19. **Access** Access for emergency vehicles may be required.

**10.3 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS**

New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:
1. **Elevation of the Lowest Floor** The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))

2. **Enclosure** Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and

3. **Recreation Vehicles** Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

### 10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS

New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to this Section. The Lowest Floor may be wet proofed provided the use is limited to only parking, loading and storage of equipment or materials not appreciably affected by floodwater; ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))

2. **Enclosure** Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section;

3. **Manufactured homes** Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and

4. **Agricultural structures** Agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock, and not intended for human habitation are exempt from the elevation requirement, dry or wet flood proofing, but shall:

   1. Be located on higher ground and as far from the channel as possible;

   2. Offer minimal obstruction to flood flows;

   3. Be adequately anchored to prevent flotation or collapse;

   4. Where electrical, heating and plumbing systems are installed, meet the flood proofing requirements in Sections 10.2.10, 10.2.11, and 10.2.12; and
5. Meet the elevation or dry flood proofing requirements if the structure is an animal confinement facility.

((ARM 36.15.602(9) (ARM 36.15.701(3)(e)) (ARM 36.15.702(2)))
SECTION 11.  EMERGENCIES

11.1 General

1. Emergency repair and replacement of severely damaged artificial obstructions and development in the Regulated Flood Hazard Area, including public transportation facilities, public water and sewer facilities, flood control works, and private projects are subject to the permitting requirements of these regulations. (ARM 36.15.217)

2. The provisions of these regulations are not intended to affect other actions that are necessary to safeguard life or structures during periods of emergency.

11.2 Emergency Notification and Application Requirements

1. The property owner and or the person responsible for taking emergency action must notify the Floodplain Administrator prior to initiating any emergency action in a Regulated Flood Hazard Area normally requiring a Floodplain permit. An Emergency Notification Form must be submitted to the Floodplain Administrator within five (5) days of the action taken as a result of an emergency.

2. Unless otherwise specified by the Floodplain Administrator, within 30 days of initiating the emergency action, a person who has undertaken an emergency action must submit a Floodplain Permit Application that describes what action has taken place during the emergency and describe any additional work that may be required to bring the project in compliance with these regulations.

3. A person who has undertaken an emergency action may be required to modify or remove the project in order to meet the permit requirements.
SECTION 12. VARIANCES

12.1 GENERAL - A variance from the minimum development standards of these regulations may be allowed. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218))

12.2 VARIANCE APPLICATION REQUIREMENTS:

1. Prior to any consideration of a variance from any development standard in these regulations, a completed Floodplain Permit application and required supporting material must be submitted.

2. Additionally, supporting materials in a Variance application specific to the variance request including facts and information addressing the criteria in this Section must be submitted.

3. If the Floodplain permit application and Variance application is deemed not correct and complete, the Floodplain Administrator shall notify the applicant of deficiencies within a reasonable time not to exceed 30 days. Under no circumstances should it be assumed that the variance is automatically granted.

12.3 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE APPLICATION Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2.

12.4 EVALUATION OF VARIANCE APPLICATION

1. A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:

   1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))

   2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))

   3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;

   4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))

6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))

7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))

8. Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))

9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))

10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

2. An exception to the variance criteria may be allowed as follows:

1. For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or (44 CFR 60.6(a).

2. For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program. (44 CFR 60.6(a))

12.5 DECISION

1. The Board of Adjustment, shall:

1. Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

2. Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 60 days of a complete application.

3. If approved, attach conditions to the approval of Floodplain permit and Variance
including a project completion date and inspections during and after construction.

4. Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance. (44CFR 60.6(a))

5. Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DNRC. (44 CFR 60.6(a)(6) & MCA 76-5-405)

12.6 JUDICIAL REVIEW
Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction.
SECTION 13. ADMINISTRATIVE APPEALS

13.1 GENERAL An administrative appeal may be brought before the Board of Adjustment for review of the Floodplain Administrator’s order, decision to grant, condition or deny a floodplain permit or interpretation of the Regulated Flood Hazard Area boundary.

13.2 APPEALS REQUIREMENTS The following provisions apply to administrative appeals:

1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator’s decision being appealed;

2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator’s decision or order;

3. Appeals must be received within 30 days of the date of the decision or order of the Floodplain Administrator; and

4. Additional information specific to the appeal request may be requested by the review panel.

13.3 NOTICE AND HEARING

1. Notice of the pending appeal and hearing shall be provided pursuant to Section 8.2. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.

2. A public hearing on the appeal must be held within 30 days of the Notice unless set otherwise.

13.4 DECISION
A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator’s decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

13.5 JUDICIAL REVIEW
Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.
SECTION 14. ENFORCEMENT

14.1 INVESTIGATION REQUEST  An investigation to determine compliance with these regulations for an artificial obstruction or nonconforming use within the Regulated Flood Hazard Area may be made either on the initiative of the Floodplain Administrator or on the written request of three titleholders of land which may be affected by the activity. The names and addresses of the persons requesting the investigation shall be released if requested. (MCA 76-5-105)(2)

14.2 NOTICE TO ENTER AND INVESTIGATE LANDS OR WATERS  The Floodplain Administrator may make reasonable entry upon any lands and waters for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. (MCA 76-5-105(1))

1. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner’s agent, lessee, or lessee’s agent whose lands will be entered.

2. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property.

3. If the owners do not respond, cannot be located or refuse entry to the Floodplain Administrator, the Floodplain Administrator may initiate a Search Warrant.

14.3 NOTICE TO RESPOND AND ORDER TO TAKE CORRECTIVE ACTION  When the Floodplain Administrator determines that a violation may have occurred, the Floodplain Administrator may issue written notice to the owner or an agent of the owner, either personally or by certified mail. Such notice shall cite the regulatory offense and include an order to take corrective action within a reasonable time or to respond by requesting an administrative review by the Floodplain Administrator.

14.4 ADMINISTRATIVE REVIEW  The order to take corrective action is final, unless within five (5) working days or any granted extension, after the order is received, the owner submits a written request for an administrative review by the Floodplain Administrator. A request for an administrative review does not stay the order.

14.5 APPEAL OF ADMINISTRATIVE DECISION  Within ten (10) working days or any granted extension of receipt of the Floodplain Administrator’s decision concluding the administrative review, the property owner or owner’s agent may appeal the decision pursuant to Section 13.

14.6 FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION  If the owner fails to comply with the order for corrective action, remedies may include administrative or legal actions, or penalties through court.
14.7 OTHER REMEDIES  This section does not prevent efforts to obtain voluntary compliance through warning, conference, or any other appropriate means. Action under this part shall not bar enforcement of these regulations by injunction or other appropriate remedy.
SECTION 15. PENALTIES

15.1 DECLARATION TO THE FEDERAL FLOOD INSURANCE ADMINISTRATOR Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)

The Floodplain Administrator shall provide the Federal Insurance Administrator the following:

1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;

2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;

3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

5. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.
CITY OF COLUMBIA FALLS
CORRESPONDENCE LIST
COUNCIL MEETING
November 18, 2019

11/14/19 Letter from US Dept. of Agriculture-The Flathead National Forest, Hungry Horse-Glacier View Ranger District, prepared an updated environmental assessment, draft decision notice, finding of no significant impact, and response to comments for the Crystaql Cedar Project.

11/04/19 Letter from MDOT –Upcoming resurfacing project on the North Fork Road next year.

11/04/19 Raffle tickets for the Chamber of Commerce on sale now.
DATE: November 15, 2019
TO: Mayor and City Council
FROM: Sandy Carlson, Finance Director
       Susan M. Nicosia, City Manager


Attached are the following condensed monthly reports for your review. Reports reflect activity from July 1, 2019 through October 31, 2019.

We have completed 33.33% of the fiscal year. The accounting system has been updated to include all budgetary information including line items as prepared by the City Manager and approved by Council. Reserves within the cash report have been updated to reflect the current budgeted amounts.

First report:
Summary of Revenues Budget and Actual for the Month of October and Year to Date. In total, we have received 18% of total revenues budgeted compared to 20% for the prior year.

Second report:
Summary of Expenditures Budget and Actual for the Month of October and Year to Date. There are no significant variances from anticipated expenditures/expenses. In total, we have committed 14% of the total expenditure budget compared to 18% for the prior year.

Third report:
Detail revenue and expenditures/expense for the General Fund, Water Operating Fund, and Sewer Operating Fund. These reports show detail totals of revenues by source and expenditures/expense by activity.

- The General Fund has incurred ($427,860) more in expenditures than revenues through October 2019, compared to ($431,104) last year for the same time period.
- The Water Fund reflects revenues exceeding expenses by $154,575 to date compared to $188,406 in the prior year.
- The Sewer Fund reflects YTD revenues exceeding expenses by $114,042 compared to $144,876 in the prior year.

Fourth report:
The Cash Balance report for October 2019 has been provided as a separate report for your review. Total reconciled cash/investments equal $8,132,478 compared to $7,494,973 from one year ago. The City as of October 31, 2019 had invested $5,794,660 in STIP (October average rate was 1.97057% - decreasing from prior months), $254,666 in Glacier Bank, MBS various term investments of $2,083,152 with rates ranging from 1.5% to 2.0%.

Should you have any questions on these reports or any financial matter, please do not hesitate to contact me via email: carlsons@cityofcolumbiafalls.com or by phone at 406-892-4327.
<table>
<thead>
<tr>
<th>Fund</th>
<th>Received Current Month</th>
<th>Received YTD</th>
<th>Estimated Revenue</th>
<th>Revenue To Be Received</th>
<th>% Received</th>
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<td>390,348.05</td>
<td>2,887,496.00</td>
<td>2,497,147.95</td>
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<td>20,512.69</td>
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<td>-%</td>
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<td>2311 TEDD-INDUSTRIAL PARK</td>
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<td>70.28</td>
<td>0.00</td>
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<td>-%</td>
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<td>998.75</td>
<td>4,372.05</td>
<td>173,028.00</td>
<td>168,655.94</td>
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<td>2394 BUILDING CODE ENFORCEMENT FUND</td>
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<td>199.72</td>
<td>1,477.81</td>
<td>30,619.00</td>
<td>29,141.19</td>
<td>5 %</td>
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<td>1,143.36</td>
<td>11,953.76</td>
<td>359,823.00</td>
<td>347,869.24</td>
<td>3 %</td>
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<td>2700 CEDAR CREEK TRUST</td>
<td>2,180.77</td>
<td>8,694.19</td>
<td>141,243.00</td>
<td>132,548.81</td>
<td>6 %</td>
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<tr>
<td>2820 GAS TAX FUND</td>
<td>7,985.42</td>
<td>31,541.68</td>
<td>94,625.00</td>
<td>63,083.32</td>
<td>33 %</td>
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<td>2821 Special Road/Street Allocation Program</td>
<td>0.00</td>
<td>77,448.50</td>
<td>77,448.00</td>
<td>-6.50</td>
<td>100 %</td>
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<td>2917 CRIME VICTIMS ASSISTANCE FUND</td>
<td>483.50</td>
<td>1,641.50</td>
<td>6,000.00</td>
<td>4,158.50</td>
<td>31 %</td>
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<td>3020 GO Street Improvements</td>
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<td>2,769.97</td>
<td>87,696.00</td>
<td>84,926.03</td>
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<td>3534 SID 34 FUND - 5th Avenue Water Main</td>
<td>0.94</td>
<td>249.17</td>
<td>5,715.00</td>
<td>5,465.83</td>
<td>4 %</td>
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<tr>
<td>3536 SID 36 FUND - Talbott &amp; 4th Avenue Water Main</td>
<td>2.91</td>
<td>233.57</td>
<td>3,801.00</td>
<td>3,567.43</td>
<td>6 %</td>
</tr>
<tr>
<td>3538 SID 38 FUND - Riverwood</td>
<td>34.58</td>
<td>125.71</td>
<td>29,721.00</td>
<td>29,635.29</td>
<td>0 %</td>
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<td>4000 CAPITAL PROJECTS FUND - Building Improvements</td>
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<td>373.57</td>
<td>116,000.00</td>
<td>115,626.43</td>
<td>0 %</td>
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<td>4010 CAPITAL PROJECTS FUND - Parks Improvements</td>
<td>663.50</td>
<td>2,411.74</td>
<td>8,500.00</td>
<td>6,088.26</td>
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<td>4020 CAPITAL PROJECTS FUND - General Equipment</td>
<td>326.74</td>
<td>24,721.49</td>
<td>173,063.00</td>
<td>148,361.51</td>
<td>14 %</td>
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<tr>
<td>4040 CAPITAL PROJECTS FUND - Street Construction</td>
<td>786.52</td>
<td>2,890.83</td>
<td>2,500.00</td>
<td>-390.83</td>
<td>116 %</td>
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<td>5210 WATER ENTERPRISE FUND</td>
<td>53,195.56</td>
<td>342,406.71</td>
<td>2,314,171.00</td>
<td>1,971,764.29</td>
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<td>5211 WATER CAPITAL EXPANSION</td>
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<td>33,324.55</td>
<td>165,000.00</td>
<td>131,675.45</td>
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<td>5310 SEWER ENTERPRISE FUND</td>
<td>90,615.04</td>
<td>403,289.12</td>
<td>1,190,688.00</td>
<td>787,398.88</td>
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<td>5311 SEWER CAPITAL EXPANSION</td>
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<td>24,594.77</td>
<td>170,000.00</td>
<td>145,405.23</td>
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<td>7120 FIRE RELIEF DISABILITY/PENSION FUND</td>
<td>172.85</td>
<td>4,042.90</td>
<td>69,134.00</td>
<td>65,091.10</td>
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Grand Total: 259,582.08 1,450,766.03 8,248,301.00 6,797,534.97 19 %
<table>
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<th>Fund</th>
<th>Committed Current Month</th>
<th>Committed YTD</th>
<th>Original Appropriation</th>
<th>Current Appropriation</th>
<th>Available Appropriation</th>
<th>Committed %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 GENERAL FUND</td>
<td>186,560.57</td>
<td>818,208.03</td>
<td>3,255,384.00</td>
<td>3,255,384.00</td>
<td>2,437,175.97</td>
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<td>2310 TAX INCREASE DISTRICT FUND</td>
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<td>0.00</td>
<td>194,138.00</td>
<td>194,138.00</td>
<td>194,138.00</td>
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<td>2372 EASEMENT MEDICAL LEVY</td>
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<td>0.00</td>
<td>200,450.00</td>
<td>200,450.00</td>
<td>200,450.00</td>
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<tr>
<td>2394 BUILDING CODE ENFORCEMENT FUND</td>
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<td>130,796.00</td>
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<td>2400 SPECIAL LIGHTING DISTRICT FUND</td>
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<td>49,883.00</td>
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<td>2500 SPECIAL STREET MAINTENANCE DISTRICT FUND</td>
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<td>104,162.61</td>
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<td>468,913.00</td>
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<tr>
<td>2700 CEDAR CREEK TRUST</td>
<td>0.00</td>
<td>0.00</td>
<td>174,223.00</td>
<td>174,223.00</td>
<td>174,223.00</td>
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<tr>
<td>2820 GAS TAX FUND</td>
<td>0.00</td>
<td>23,656.00</td>
<td>164,703.00</td>
<td>164,703.00</td>
<td>141,047.00</td>
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<tr>
<td>2821 Special Road/Street Allocation Program</td>
<td>76,931.02</td>
<td>76,931.02</td>
<td>77,448.00</td>
<td>77,448.00</td>
<td>516.98</td>
<td>99%</td>
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<tr>
<td>2917 CRIME VICTIMS ASSISTANCE FUND</td>
<td>270.00</td>
<td>1,358.00</td>
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<td>6,000.00</td>
<td>4,642.00</td>
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<td>2940 CDG-ROME INVESTMENT PARTNERSHIP PROGRAM</td>
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<td>0.00</td>
<td>120,508.00</td>
<td>120,508.00</td>
<td>120,508.00</td>
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<tr>
<td>3020 GO Street Improvements</td>
<td>0.00</td>
<td>20,832.69</td>
<td>87,987.00</td>
<td>87,987.00</td>
<td>67,154.32</td>
<td>24%</td>
</tr>
<tr>
<td>3534 SID 34 FUND - 5th Avenue Water Main</td>
<td>0.00</td>
<td>0.00</td>
<td>5,715.00</td>
<td>5,715.00</td>
<td>5,715.00</td>
<td>0%</td>
</tr>
<tr>
<td>3536 SID 36 FUND - Talbott &amp; 4th Avenue Water</td>
<td>0.00</td>
<td>0.00</td>
<td>3,801.00</td>
<td>3,801.00</td>
<td>3,801.00</td>
<td>0%</td>
</tr>
<tr>
<td>3538 SID 38 FUND - Riverwood</td>
<td>0.00</td>
<td>0.00</td>
<td>29,731.00</td>
<td>29,731.00</td>
<td>29,731.00</td>
<td>0%</td>
</tr>
<tr>
<td>4000 CAPITAL PROJECTS FUND - Building</td>
<td>0.00</td>
<td>0.00</td>
<td>140,000.00</td>
<td>140,000.00</td>
<td>140,000.00</td>
<td>0%</td>
</tr>
<tr>
<td>4010 CAPITAL PROJECTS FUND - Parks Improvements</td>
<td>0.00</td>
<td>0.00</td>
<td>165,000.00</td>
<td>165,000.00</td>
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<td>4020 CAPITAL PROJECTS FUND - General Equipment</td>
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<td>152,200.00</td>
<td>152,200.00</td>
<td>152,200.00</td>
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<tr>
<td>4040 CAPITAL PROJECTS FUND - Street Construction</td>
<td>0.00</td>
<td>6,800.76</td>
<td>307,589.00</td>
<td>307,589.00</td>
<td>300,788.24</td>
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<td>5210 WATER ENTERPRISE FUND</td>
<td>45,145.70</td>
<td>187,831.80</td>
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<td>2,396,475.00</td>
<td>2,208,643.12</td>
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<td>0.00</td>
<td>800,000.00</td>
<td>800,000.00</td>
<td>800,000.00</td>
<td>0%</td>
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<tr>
<td>5310 SEWER ENTERPRISE FUND</td>
<td>82,208.78</td>
<td>289,247.45</td>
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<td>1,946,313.00</td>
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<td>5311 SEWER CAPITAL EXPANSION</td>
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<td>114,300.00</td>
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<td>7120 FIRE RELIEF DISABILITY/PENSION FUND</td>
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<td>0.00</td>
<td>69,134.00</td>
<td>69,134.00</td>
<td>69,134.00</td>
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Grand Total: 423,547.84 1,566,602.94 11,060,691.00 11,060,691.00 9,494,038.06 14%
## 1000 GENERAL FUND

### REVENUE

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<thead>
<tr>
<th>Description</th>
<th>Beginning</th>
<th>Debit</th>
<th>Credit</th>
<th>Net Change</th>
<th>Ending Balance</th>
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<td>2,800.88</td>
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<td>311020 Personal Property Taxes</td>
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<td>53.27</td>
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<td>19,059.06</td>
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<td>312000 Penalty &amp; Interest on Delinquent</td>
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<td>195.61</td>
<td>1,452.04</td>
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<td>322010 Alcoholic Beverage Licenses and</td>
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<td>322020 Professional Business Licenses</td>
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<td>334122 DNRC Grant</td>
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<td>5,259.46</td>
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<td>337350 Flathead County (SRO)</td>
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<tr>
<td>337360 School District #6 (SRO)</td>
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<td>341000 General Miscellaneous (Copies,</td>
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**Total REVENUE**: 326,888.56

5.00 63,484.49 63,479.49 290,348.05

### EXPENDITURES

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Total EXPENDITURES  631,647.46  187,248.58  688.01  186,560.57  818,208.03

Revenue less Expenditures Current Month ( 123,081.08)
Revenue less Expenditures Year to Date ( 427,859.98)
### 5210 Water Enterprise Fund

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Revenue less Expenditures Current Month 8,049.06
Revenue less Expenditures Year to Date 154,574.83
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Revenue less Expenditures Current Month | 8,406.26 |
Revenue less Expenditures Year to Date | 114,041.67 |
Grand Total Revenue less Expenditures Current Month | 106,624.96 |
Grand Total Revenue less Expenditures Year to Date | 159,243.48 |
### CITY OF COLUMBIA FALLS

**Cash Report**

For the Accounting Period: 10/19

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**3534 SD 34 FUND - 5th Avenue Water Main**
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*** Transfers In and Transfers Out columns should match. There are a couple exceptions to this: 1) Canceled Electronic Checks and 2) Payroll Journal Vouchers that include local deductions set up with receipt accounting. Please see cash reconciliation procedure in manual or call for more details.
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October 2019
Monthly Activity Report
Columbia Falls Police Department