



**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET
TUESDAY, FEBRUARY 18, 2020
5:45 TO 6:00 PM**

1. Call to Order
2. Interview - Board of Park Commissioners
 - a. Carrielynn O'Reilly
3. Public Comment
4. Appointment
 - a. Board of Park Commissioners – One (1) position, complete term ending May 1, 2021, received one (1) letter of interest – Mayoral appointment

**CITY COUNCIL SPECIAL SESSION
CITY COUNCIL CONFERENCE ROOM
TUESDAY, FEBRUARY 18, 2020, 6:00 TO 7:00 PM**

5. 6:00 – Update on Central Recycling Center
6. 6:30 – Update on Baker Avenue Underpass
7. Public Comment
8. Direction for City Manager
9. Adjourn

PUBLIC NOTICE

VACANCIES ON CITY BOARDS/COMMITTEE



BOARD OF PARK COMMISSIONERS – One (1) position, term ending May 1, 2021. Applicants must have resided within the city limits for 2 years and within the State for 3 years and must be at least 21 years old. The Committee meets on the 2nd Tuesday in the evening.

ARCHITECTURAL REVIEW COMMITTEE – One (1) position, complete term 5/31/2020 or extend to 5/31/2023 at Council's discretion. Applicant shall be Montana licensed architect, or licensed design professional (architect, engineer or landscape architect), and shall either reside, are employed, own a business or own property within the corporate limits of the city of Whitefish, or in the 59937 zip code. The Committee meets 1st & 3rd Tuesday (April-October) and 1st Tuesday (November-March) at 8:15 a.m.

PARKING PERMIT IMPLEMENTATION COMMITTEE – Eight (8) or Nine (9) positions. Committee will provide suggestions and feedback with respect to a pilot parking permit program and potential residential parking permit program. The Committee consists of; One (1) daytime (8:00 a.m. to 3:00 p.m.) and One (1) nighttime (3:00 p.m. to 8:00 p.m.) employee of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the August 2018 Parking Study Area; One (1) or two (2) Owner(s) or Manager(s) of a retail establishment, bar, restaurant, professional office, or hotel/lodging establishment located in the August 2018 Parking Study Area; One (1) representative of the Whitefish School District; One (1) member residing in the August 2018 Parking Study Area; and One (1) member-at-large residing within City limits. Contact Michelle Howke, City Clerk for a copy of the Parking Study Area map.

BOARD OF ADJUSTMENTS - One (1) position, complete term ending 12/31/2021. Applicant shall reside within the corporate city limits of Whitefish. The Committee meets as needed, the first Tuesday of the month at 6:00 p.m.

BOARD OF APPEALS – One (1) position, term not designated. The Board of Appeals determines suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the International Building Code. Applicant must be qualified by experience or training to pass on matters pertaining to building construction. The Committee meets as needed.

IMPACT FEE ADVISORY COMMITTEE – One (1) positions. Applicants shall be a representative of the development community and shall reside or work within City limits. This Committee meets annually.

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk's Office at 418 E. 2nd St.; mail to P.O. Box 158, Whitefish, MT 59937, or email mhowke@cityofwhitefish.org by **Friday, February 21, 2020 at 5:00 pm**. Interviews will be held March 2, 2020. Letters of interest will be accepted until the positions are filled. If you have any questions, please call Michelle Howke, City Clerk at 863-2402 or visit the City's website: www.cityofwhitefish.org *THANK YOU FOR YOUR INTEREST*

Dear Whitefish City Clerk's Office,

I am interested in filling the current vacant position on the Board of Park Commissioners. I have lived in Whitefish since 1996 and have watched our city change as the Flathead Valley continues to grow. Many positive features have developed in our town over the last couple of decades through these changes including the beautification of our local parks and pedestrian walkways.

As a longtime resident, I feel it is my obligation to volunteer within our community and this board position fits into my current schedule as well as interests. My intentions are to support the current board members and programs, while staying cognizant on potential issues that may enhance or challenge the development of future park initiatives.

Thank you for your time and consideration. Please contact me with any questions or request for more information.

Best Regards,

Carrielynn O'Reilly
25 2nd St W
Whitefish, Mt. 59937
carrielynnoreilly@yahoo.com
(406)862-0799

Chapter 2

BOARD OF PARK COMMISSIONERS¹

2-2-1: BOARD CREATED; MEMBERSHIP:

The board of park commissioners must be composed of the mayor, or the mayor's designee, and six (6) other persons to be appointed by the mayor, with the approval of the city council. The seven (7) persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by Montana code 7-4-4301 for the office of mayor.

A. Term Of Office:

1. Except as provided in subsection A2 of this section, the term of office of each park commissioner shall be two (2) years from and after May 1 of the year in which he is appointed and until his successor is appointed and qualified.
2. Three (3) of the commissioners first appointed shall hold office for the period of one year from and after May 1 and until their successors are appointed and qualified.

B. Vacancy: Any park commissioner who shall refuse or neglect to attend three (3) meetings of the board between May 1 and April 30 of the following year shall be deemed to have vacated his office, and thereupon his successor may be appointed.

C. Compensation: No park commissioner shall receive compensation for his service rendered under the provisions of this chapter, but the actual and necessary expenses incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

D. Oath Of Office: Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Montana code 2-16-211. The oath shall be filed in the office of the city clerk. (Ord. 96-15, 2-18-1997)

2-2-2: ORGANIZATION OF BOARD:

A. On the second Tuesday in May in each year, the board of park commissioners shall meet and organize by electing one of their number president and one of their number vice president, who shall hold their offices, respectively, for the term of one year.

- B. The city clerk or the city clerk's designee shall be ex officio clerk of the board of park commissioners. (Ord. 96-15, 2-18-1997)

2-2-3: CONDUCT OF PARK BOARD BUSINESS:

- A. The board of park commissioners shall hold an annual meeting on the second Tuesday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice president, upon giving to each member of the board at least twenty four (24) hours' notice in writing of the time and place of holding such meeting.
- B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

- A. Officers: Except as provided in Montana code 7-16-4228(2), the president, and in the president's absence the vice president, shall preside at all meetings of the board. (Ord. 96-15, 2-18-1997; amd. 2003 Code)
- B. Park Board Minutes: The minutes of the meeting contained in the record book, when approved by the board, shall be prima facie evidence of the matters and things therein recited in any court of this state.
- C. Park Board Powers And Duties:
1. The board of park commissioners shall have the management and control of all parks belonging to the city.
 2. The board of park commissioners shall have the following powers and be charged with the following duties:
 - a. To lay out, establish, improve and maintain parkways, drives and walks in the parks of the city; and to determine when and what parks shall be opened to the public;
 - b. To plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city;

- c. If directed by the city council, to plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the streets, avenues, boulevards and public places in the city and for that purpose to establish and maintain nurseries for the growth of trees and plants;
- d. Upon receiving approval from the city council, to purchase or otherwise acquire, and sell or otherwise transfer, real property; to make plats thereof; and to file the same in the office of the city clerk;
- e. To provide written comments and recommendations to the city council prior to any action by the city council to acquire or transfer land used, or to be used, for a city park;
- f. To pay all obligations authorized to be incurred by the provisions of this part;
- g. To exercise all other powers incident to the duties enjoined by the provisions of this part. (Ord. 96-15, 2-18-1997)

2-2-5: CONTRACTS AND EMPLOYMENT:

- A. The board of park commissioners has the following powers and duties:
 - 1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and
 - 2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.
- B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.
- C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a ye and nay vote, which must be recorded in full in the minutes by the city clerk.
- D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)

Volunteer Committee List

PARK BOARD - WCC 2-2 - 2 YEAR TERMS - Mayoral Appointment confirmed by Council

2nd Tuesdays @ 7 pm

Councilor Frank Sweeney designee	PO Box 158	863-4848 (O)	
Councilor Ryan Hennen alternate	PO Box 158	270-6397	
Susan Schnee	135 Wedgewood Lane	863-9856	5/1/2020
Ron Brunk Chair	130 E 4th St.	862-6446 862-6858	5/1/2020
Ray Boksich	223 Columbia Ave	862-3430 212-0261	5/1/2020

Vacant **5/1/2021**

Terri Dunn	6211 D Shiloh Ave	862-8276 250-7182	5/1/2021
Jim DeHerrera Vice Chair	339 Fairway Drive	407-730-2424	5/1/2021

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on **Tuesday**, February 18, 2020, at **7:10 p.m.** at City Hall, 418 E. 2nd Street, 2nd Floor.

Ordinance numbers start with 20-03. Resolution numbers start with 20-06.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA
 - a) [Minutes](#) from February 3, 2020 Regular Session (p.19)
 - b) [FY20](#) Second Quarter Financial Reports (p.22)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) [Resolution No. 20-___](#); A Resolution updating the City of Whitefish's Rules and Regulations for Water, Sewer, and Garbage Utilities (p.30)
 - b) [Resolution No. 20-___](#); A Resolution revising fees charged for City utility services(p.117)
 - c) [Resolution No. 20-___](#); A Resolution to establish a fee for team recreation programs (p.120)
- 7) COMMUNICATIONS FROM CITY MANAGER
 - a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.125)
 - b) Other items arising between February 12th and 18th
- 8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
- 9) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)



The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.
- We are responsible for respectful and courteous dialogue and participation.
- We respect diverse opinions as a means to find solutions based on common ground.
- We encourage and value broad community participation.
- We encourage creative approaches to engage public participation.
- We value informed decision-making and take personal responsibility to educate and be educated.
- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.
- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.
- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09
February 20, 2007

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February 12, 2020

The Honorable Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and City Councilors:

Tuesday, February 18, 2020 City Council Agenda Report

There will be a Special Session at 5:45 to interview Carrielynn O'Reilly for the Board of Park Commissioners and then go into a work session at 6:00 to discuss the Central Recycling Center and review updates to the Baker Avenue Underpass project. Staff will provide information at the meeting. Food will be provided.

The regular Council meeting will begin at 7:10 p.m.

CONSENT AGENDA

- a) [Minutes](#) from February 3, 2020 Regular Session (p.19)
- b) [FY20](#) Second Quarter Financial Reports (p.22)

RECOMMENDATION: Staff respectfully recommends the City Council approved the Consent Agenda.

Items 'a and b' are administrative matters.

PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) [Resolution No. 20-](#) : A Resolution updating the City of Whitefish's Rules and Regulations for Water, Sewer, and Garbage Utilities (p.30)

From City Manager Dana Smith's staff report. Please note her staff report is for both items 'a and b'.

Introduction/History

The Rules and Regulations for the City of Whitefish Water, Sewer, and Garbage Services has been amended from time to time and governs water, sewer, and garbage services rendered to our customers. The Rules and Regulations provide clear policies for the Utility Department to follow and protects the City from unreasonable demands. These policies are intended to provide the maximum benefit and safety to public health and the well-being of all of our customers.

The Rules and Regulations were last updated for a minor amendment requiring consent to annexation as a condition of receiving services in 2014. During the years, staff tracks challenges that could be more effectively handled or issues that may be placing the City at an increased risk of litigation. Beginning in 2018, City staff began reviewing the Rules and Regulations with the intent to carry out a more substantial update to address some of the reoccurring challenges and issues.

At the City Council work session on November 4, 2019, City staff presented the current challenges and proposed significant changes to the Rules and Regulations. After the work session City Council gave staff direction to move forward with discussions regarding the proposed changes with property managers. City staff met with representatives from the larger property managers operating in Whitefish on December 15th and December 19th. Based on the meetings with the property managers, City staff agreed to amend the proposed changes to a more workable solution for property managers while ensuring the City will achieve efficiencies in operations.

On January 6, 2020, City staff presented updated proposed changes based on the meetings with property managers (see attached copy of Power Point presentation). City Council gave direction for City staff to proceed with the process to update the Rules and Regulations by preparing for a public hearing, including publishing the required public notice in accordance with Montana Code Annotated for any fee changes. The attached public notice was included in all utility bills mailed January 31st and was published in the Whitefish Pilot on January 29, February 5, and February 12, 2020.

Current Report

Included with this report is a red-line version of the Rules and Regulations. The Exhibit with the proposed resolution includes a clean version for easier reading. One can see from the red-line version that this update is one of the most substantial since 2011. The following highlights the major changes that will impact our current and future customers:

1. No deposit will be required for service. All current deposits will be applied to the customer accounts and refunded for all accounts set up in a renter's name. A form has been prepared for renters that want to assign his/her deposit over to their property manager.
2. All accounts must remain in the name of the owner or authorized property management company. A renter's name may be added to the resident field upon request by the property manager or owner via email. The City must be notified of any updates. Property managers will be responsible for pro-rating monthly utility bills between renters.
3. Owners or authorized property managers will receive the monthly utility bill. With an executed form, the utility bill may be sent to the mailing address for the property with the mailing address stating c/o "renter's name". Late notices will be sent to both owners or authorized property managers and the property's mailing address, if applicable.
4. Utility bills not paid by the 20th are considered delinquent. Late notices will be mailed on the 25th with no late fee assessed at that time, which is currently a \$10 fee and mailed on the 21st. Door tags will be hung on approximately the 29th of the month with a fee of \$25, which is an increase of \$15 from the current door tag fee. Water service will be turned off five days later with a \$50 fee, which is an increase of \$10 from the current \$40 turn off fee. The turn off fee includes the cost to turn water service back on after the account is paid in full.
5. The City will process billing for garbage service and be the primary contact for all billing related questions. We are currently negotiating this change and will ensure a smooth transition. Garbage service is currently billed on a quarterly basis by Republic Services. When the City begins billing it will be billed on a monthly basis on the same bill as your water and sewer service.

Other changes are primarily for clarification and clear documentation of our current policies and procedures. Implementation of these changes are expected to take up to five months as we will need to work through the deposits, accounts change overs, and applying summer averaging to all accounts. We will work with property managers and owners who rent their property and will provide a letter for them to use in notifying their owners and renters of the changes. Since we are in the process of negotiating with Republic Services, the Resolutions for the update to the Rules and Regulations and the changes to the Utility Fees will be effective upon execution of a new contract with Republic Services that returns billing of garbage services to the City. Implementation will be completed to by September 1, 2020, or five months after the effective date of the Resolutions.

Financial Requirement

There are no anticipated financial requirements as a result of these changes. In fact, we anticipate savings in supplies and materials, as well as the opportunity to redirect savings in staff time to auditing accounts and improving customer service. Revenues could be impacted slightly with the elimination of the initial late fee, but that will mostly be recouped by the higher door tag and turn off fees. Furthermore, we anticipate improved accounting of water loss and a quicker response to potential leaks.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 20-__ ; A Resolution updating the City of Whitefish’s Rules and Regulations for Water, Sewer, and Garbage Utilities.

This item is a quasi-judicial matter.

- b) [Resolution No. 20-__](#) ; A Resolution revising fees charged for City utility services (p.117)

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 20-__ ; A Resolution revising fees charged for City utility services.

This item is a quasi-judicial matter.

- c) [Resolution No. 20-__](#) ; A Resolution to establish a fee for team recreation programs (p.120)

From Parks and Recreation Director Maria Butts staff report.

Introduction/History

The Parks and Recreation Department has historically run a wide variety of youth recreation programs. Although we have had some adult programs in the past, the success and sustainability of these programs has eluded us. With the addition of the Recreation Programmer position to our team, we have been able to begin conceptualizing new offerings to serve our adult community. Recently, Recreation Coordinator Liz Records and Recreation Programmer Stephen Kostoff met with representatives from the Wave Aquatic and Fitness Center to discuss new opportunities for the Parks and Recreation Department to run adult programs, such as men’s basketball, at the Wave. Recreation staff would like to begin offering more team sport opportunities for both youth and adult recreation, but our current fee schedule is based strictly on individual participant rates. Therefore, staff has developed a tier system for new team recreation programs.

Current Report

Staff assessed the cost of each program, by evaluating staffing needs, supplies, and contracted services. Once we determined the cost of each program, we assessed the necessary level of participation in each program, from which we were able to determine a fee to recover associated costs. The schedule has been broken into tiers based on the typical number of participants on a team. By approving a tier schedule, staff will be able to try out a variety of recreational offerings without having to continually develop a new fee schedule for each program.

On February 11, 2020 the Park Board discussed the proposed fee schedule and unanimously moved to recommend the Whitefish City Council approve the proposed team recreation fee schedule.

The Whitefish Parks and Recreation Department advertised for a public hearing in the Daily Inter Lake on February 9, 2020 and February 16, 2020.

Financial Requirement

The implementation of the proposed fee increase should not require any additional financial resources.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 20-__ ; A Resolution to establish a fee for team recreation programs.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.125)
- b) Other items arising between February 12th and 18th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,



Dana Smith
City Manager

Table 1: Common Motions Used in a Meeting.¹

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed"	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

¹ Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

*** Refer to Robert's Rules of Order Newly Revised**

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to times limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

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WHITEFISH CITY COUNCIL

February 3, 2020

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Hartman, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Police Chief Dial and Fire Chief Page. Approximately five people were in the audience.

Mayor Muhlfeld moved agenda item 10a) to after agenda item 3) Communications from The Public.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Mike Jopek to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

Bradley Tutsch, 6430 Hwy 93 S, reported he is not being treated fairly and equally with the Police Department and he is looking for direction to deal with this issue.

10) COMMUNICATIONS FROM CITY ATTORNEY

- a) **Resolution No. 20-03; A Resolution approving the terms of ~~four~~three Public Recreational Trail Easements over private land for the Whitefish Trail (p.39)**

City Attorney Jacobs gave her staff report that is provided in the packet on the website. Mike Jopek and Heidi Van Everen with the Whitefish Legacy Partners (WLP) addressed the Council.

Mike Jopek Chairperson of the Whitefish Legacy Partners, reviewed the history of the Whitefish Legacy Partners and their partnership with the City of Whitefish.

Heidi Van Everen, Whitefish Legacy Partners Executive Director, asked for Council's support to continue the partnership and have the City hold three trail easements off of Big Mountain Road. This will be connecting the Holbrook parcel towards Hell Roaring Basin. This will be another step closer to "Closing the Loop" of the Whitefish Trail. She thanked the City for their support for making this a reality in the community. These easements are donated, and the private property owners are allowing WLP to design, construct, maintain and manage the trail.

Councilor Hartman made a motion, seconded by Councilor Qunell to approve Resolution No. 20-03; A Resolution approving the terms of ~~four~~three Public Recreational Trail Easements over private land for the Whitefish Trail. The motion passed unanimously.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

5) CONSENT AGENDA

- a) [Minutes](#) from January 21, 2020 Regular Session (p.13)
- b) [Ordinance No. 20-02](#); An Ordinance amending Chapter 10, Architectural Review Committee, of Title 2 of the Whitefish City Code to change its membership qualifications (Second Reading) (p.23)
- c) [Resolution No. 20-04](#); A Resolution denying a conditional use permit to develop two 18-unit apartment buildings at 1013 East 7th Street and 1022 East 8th Street (WCUP 19-24) (p.25)

Councilor Norton made a correction to the January 21, 2020 minutes on page 6, paragraph 7, change “A comments was made”. Councilor Sweeney made a motion, seconded by Councilor Hennen to approve the Consent Agenda as amended. The motion passed unanimously.

- 6) **PUBLIC HEARINGS** (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

None

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) of appointing a Rating and Selection Panel for the 2020 Transportation Plan Update (p.28)

Director Workman gave his staff report that is provided in the packet on the website. Councilor Feury made a motion, seconded by Councilor Sweeney to appoint Director Workman and Senior Engineer Hilding to the Rating Panel; and Director Workman, Senior Engineer Hilding and Mayor Muhlfeld to the Selection Panel for the 2020 Transportation Plan Update. The motion passed unanimously.

9) COMMUNICATIONS FROM PARKS AND RECREATION DIRECTOR

- a) [Consideration](#) of appointing a Rating Panel and a Selection Committee for the Irrigation and Landscape Design RFP Process (p.31)

Director Butts gave her staff report that is provided in the packet on the website. Councilor Qunell made a motion, seconded by Councilor Hennen to appoint Director Butts, Parks Foreman Bullemer and Councilor Sweeney to the Rating and Selection Panel for the Irrigation and Landscape Design RFP process. The motion passed unanimously.

10) COMMUNICATIONS FROM CITY CLERK

- a) [Resolution No. 20-05](#); A Resolution establishing the ~~Employee~~-Parking Permit Implementation Committee (p.34)

City Clerk Howke gave her staff report that is provided in the packet on the website and made a correction to the agenda to remove “Employee” from the Committee title. Councilor Hartman made a motion, seconded by Councilor Feury to approve [Resolution No. 20-05](#); A Resolution establishing the ~~Employee~~-Parking Permit Implementation Committee. The motion passed unanimously.

11) COMMUNICATIONS FROM CITY MANAGER

- a) [Written report](#) enclosed with the packet. Questions from Mayor or Council? (p.71)

None

- b) Other items arising between January 26th and February 3rd

Manager Smith met with the City Managers from Kalispell, Columbia Falls and the County Administrator. They talked about the 9-1-1 Funding Committees' recommendation to the 9-1-1 Administrative Board. The County has started discussing the recommendation to hold an election to create a district that would fund the 9-1-1 Center. The County has requested the City support the election and the process to move forward. There are discussions that will have to take place. This would be on the ballot in November.

Councilor Norton asked and Manager Smith stated the Viaduct Improvement goal pending the Downtown Whitefish Highway Study Plan. It is something we should probably consider. Director Workman mentioned there is potential budget allocation through the state for that project.

12) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Council Comment

Councilor Norton reported she is still hoping to follow up on transportation with the City and the schools. She said the river has been looking pretty with the breakup of the snow and ice. Councilor Feury congratulated Mayor Muhlfeld for being selected the Chamber of Commerce's Citizen of the Year. The Sustainable Tourism Management Committee discussed moving the work session to March 16th. Everybody be safe and sane during Winter Carnival Weekend.

Mayor Muhlfeld asked staff the progress regarding E-Scooters. Attorney Jacobs stated she is reviewing the code as a whole and looking to see if the current ordinances are adequate. She hopes to have a work session soon.

13) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

Mayor Muhlfeld adjourned the meeting at 7:53 p.m.

Mayor Muhlfeld

Attest:

Michelle Howke, Whitefish City Clerk



Staff Report

To: Mayor Muhlfeld and City Councilors
 From: Dana Smith, City Manager
 Date: February 11, 2020
 Re: 2nd Quarter (Mid-Year) Financial Report for Fiscal Year 2020

This quarterly financial report provides a summary version of the financial results of the City during the second quarter of fiscal year 2020. The first section is an overview of the City's financial condition specifically related to property tax supported funds. Subsequent sections provide further analysis and details of the second quarter ended December 31, 2019.

Financial Condition – Property Tax Supported Funds

An analysis of available cash in property tax supported funds provides an effective insight into the City's financial condition. The following table lists the FY18 second quarter cash balance in column (a), the FY19 second quarter cash balance in column (b) and the FY20 second quarter cash balance in column (c) for comparison purposes.

	Cash Balance in Property Tax Supported Funds			
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d (c-b)</i>
	Dec 31, 2017 Cash Balance	Dec 31, 2018 Cash Balance	Dec 31, 2019 Cash Balance	One Year Change
General	\$1,519,199	\$11,950,639	\$2,316,630	\$365,991
Parks & Recreation	\$47,341	(\$44,945)	\$67,162	\$112,107
Law Enforcement	\$62,390	\$60,538	\$103,507	\$42,968
Library	\$87,845	\$71,885	\$49,942	(\$21,943)
Fire & Ambulance	\$181,134	\$90,013	(\$68,866)	(\$158,879)
	\$1,897,909	\$2,128,131	\$2,468,375	\$340,244

Total cash in property tax supported funds as of December 31, 2019, increased by \$340,244 or 16% compared to the balance on December 31, 2018. The changes in each property tax supported fund from the prior year second quarter and the first quarter of FY20 are discussed in detail below.

General Fund – The General Fund cash balance compared to a year ago has increased by \$365,991 or %19. The increase in cash balance is primarily due to the General Fund starting the fiscal year off with more cash than the prior year and the increased revenue from property taxes. As cash reserves in the General Fund continue to increase through future budget cycles, cash in the second quarter will also be expected to increase each year.

Parks & Recreation Fund – The Parks & Recreation Fund continues to see improvement in cash balance with positive cash balance returning in the second quarter. FY19 was unique decrease in cash due to the timing of the purchase of the bucket truck and the receipt of expected revenues. In addition, Whitefish Legacy Partners will be submitting a payment soon for operating and maintenance expenditures made in the first half of this fiscal year. Taking into consideration the \$25,868 due from Whitefish Legacy Partners, the cash balance for the Parks & Recreation Fund would be \$93,029. The improvement noted this year is

also attributed to the increase in transfers from the General Fund and the increase in the Parks and Greenway Maintenance Assessment.

Law Enforcement Fund – There was an overall increase in the cash balance of \$42,968, or 71%, compared to the December 31st balance in the prior year. The increase in cash balance is the result of increased transfers from the General Fund. Revenue also continued to exceed expenditures for the quarter by \$80,194 (H78). Furthermore, Whitefish School District’s contribution for the SRO position will be billed closer to the end of the year since we no longer have the COPS grant funding so that will further help offset costs that have been incurred to-date.

Library Fund – The Library Fund has continued to see a decrease in cash balance during the second quarter. The decrease of \$21,943 has increased from the 1st quarter and is due to expenditures continuing to exceed revenues. This trend has been on-going for the past three years due to required maintenance and the Library Board is aware of the situation. The decrease in cash balance is a concern and will need to be addressed when preparing for the FY21 Budget. Cash reserves are expected to be at an all-time low of \$7,410 at the end of FY20.

Fire & Ambulance Fund – The Fire and Ambulance Fund ended the second quarter of FY20 significantly lower than the prior year by \$158,879, or -177%. The balance has also remained negative since the first quarter. When having a negative cash balance, we must temporarily borrow from the General Fund to pay bills, which is not ideal. While a few issues that have caused an overall decrease such as starting the new fiscal year off with about \$20,000 less than the prior year and the City still waiting for a payment from the State of California to reimburse us for costs to send a crew to fight fires in California and backfill our positions locally, the main reason for the negative cash balance is due to the timing of the Fire Service Area semi-annual payment. We received \$149,636 from the Fire Service Area in January instead of December. Therefore, had the payment been received in December, that cash balance would have been positive and not as significantly down from the prior year. So, I’m happy to report that the concern for this Fund is not as significant as it may appear at first glance. However, that being said, the Fire and Ambulance Fund is budgeted to end the year with only \$2,598.

Summary of Property Tax Supported Funds – Overall the City’s finances continue to improve each year as we build reserves to ensure the City’s financial resilience for the next economic slow-down. I continue to recommend increasing our reserve balance to 20% of property tax supported funds, which is standard among many communities.

Financial Highlights

- We continue to see growth in the Municipal Court Fines and Forfeitures. These revenues are currently at 48% of the FY20 Budget (F13) and have increased 19% from the second quarter of the prior year (I13).
- Resort Tax collections are 64% of the FY20 Budget after the second quarter and total \$167,569 more than December 31, 2018. Overall, we continue to see growth in our collections so it is anticipated that by year-end we will have collected more than the prior year.
- Ambulance Service Charges are 51% of the budget, but down 8%, or -\$70,006 (H87). These revenues change based on call volume and types of calls, but we are at the expected revenue to budget so there is little concern with the decrease right now. We will continue to monitor this decrease in revenues due to the possibility of the trend continuing with interfacility transfer first going to the Evergreen Fire Department instead of the Whitefish Fire Department.

- License and permit revenues in the Building Code Fund (F131) are up about 48% from the prior year second quarter and total 105% of the FY20 Budget. The beginning half of FY20 has proven to be a very strong start for the fiscal year and it is anticipated to continue throughout the year. Columbia Falls Contract Revenue has now increased slightly from last year in the second quarter by about 9% and is about 93% of the budgeted revenue.
- With the new Impact Fee rates, revenue is down \$256,759 or 67% (I117). This change is expected since many of these rates significantly decreased. While projections for these revenues were difficult, the Impact Fee revenue is mostly tracking along with the FY20 Budget as follows: Paved Trails (35% of budget), Park Maintenance Building (346% of budget), Emergency Service Center (266% of budget), City Hall (26% of budget), and Stormwater (78% of budget).
- Water impact fees are at 114%, while wastewater impact fees are at 145% of the FY20 Budget. Like other impact fees the rates were changed before the start of the fiscal year, but Water was increased during FY20 due to increased capital needs. While it was anticipated that we would see an increase in revenue due to the increase in rates, these revenues also track with building permits, so these revenues are also much higher than projected.
- As of September 30, 2020, zoning plan review fees were at 104% of the expected revenue for FY20, while planning fees have slowed somewhat from the first quarter and are about 41% of the budget.
- Investment earnings continue to exceed the prior year second quarter, but we have seen a continued decrease in rates in recent months. This trend of growth over the prior year will likely slow as the Federal Reserve is likely to cut rates one more time before a likely stagnant period during the Presidential campaign/election. While investment earnings are a great source of income, it is not always a steady source. We continue to monitor our investing strategies as the State's Short-term Investment Pool (STIP) continues to decrease from the high of around 2.49% in February 2019 to 1.72% in December 2019. However, the 1.72% is still far from the 0.10% we were earning in 2014.

Expenditure Review

Total expenditures by fund were mostly at or below the anticipated percentage of budget authority to be used (40-55% for most funds) as of December 31, 2019. Of those that exceed expectations it was due to the timing of capital improvements or bulk orders of supplies for the remainder of the fiscal year.

In addition to the fund totals, a review of line-items revealed very few issues. The timing of weather and programs can also skew the percentage of budget used at the end of the second quarter. For example, more trail work and construction projects are completed during the first part of the fiscal year during the summer and fall months. We will continue to monitor operating supplies, repair and maintenance expenses, and overtime as these tend to be more heavily used line-items.

Capital expenditures in the Water and Wastewater Funds are higher than the prior year's second quarter. These amounts, however, will vary based on the projects in progress. During the second quarter, capital expenditures included the water treatment plant expansion project design, water main improvements, Glenwood Estates sewer improvements, and final design and engineering for the wastewater treatment plant upgrade. The wastewater treatment plan upgrade will primarily be financed with revenue bonds through the State Revolving Fund (SRF) loan program. We anticipate a bond resolution coming to the City Council for consideration in early April.

Financial Outlook

Overall the City's finances continue to improve with some minor areas to monitor during the remainder of the fiscal year. The City continues to see a good return on investments, the continuation of a strong building environment, and a steady increase in Resort Tax collections.

As we enter the early stages of the 5-Year Capital Improvement Plan update and begin preparing for the FY21 Budget, we look forward to the challenge of preparing a budget that not only provides for the expected levels of service from our visitors and citizens of Whitefish, but also takes into consideration the possibilities for growth and increased fortitude of the City's finances. The FY21 Budget will be unique as we address the sunset of our only Tax Increment Financing District.

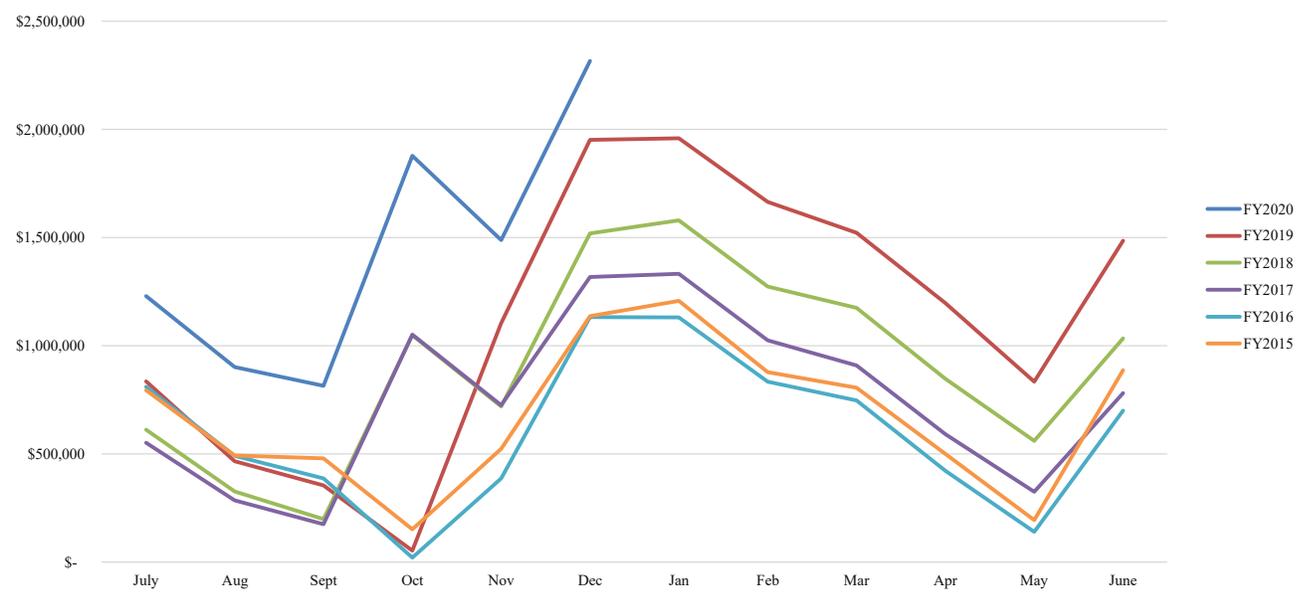
If you have any questions regarding this quarterly update or would like additional information, please email me at dsmith@cityofwhitefish.org or call me at 406-863-2406.

City of Whitefish
 Quarterly Financial Review
 Second Quarter of Fiscal Year 2020
 October 1, 2019 - December 31, 2019



	YTD Dec 31, 2017		YTD Dec 31, 2018		YTD Dec 31, 2019		Chng Prev YR	% Chng Prev Yr
	Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget		
General Fund Revenues								
Property Taxes	\$1,095,034	50%	\$1,156,400	50%	\$1,138,991	50%	(\$17,409)	-2%
Total Licenses and Permits	\$34,431	51%	\$86,289	72%	\$94,543	65%	\$8,254	10%
Intergovernmental Revenue	\$438,291	50%	\$446,355	50%	\$465,040	50%	\$18,685	4%
Charges for Services	\$182,133	73%	\$165,105	63%	\$190,509	74%	\$25,404	15%
Fines and Forfeitures	\$152,770	61%	\$147,169	42%	\$172,222	48%	\$25,052	17%
Miscellaneous	\$45,540	49%	\$40,693	46%	\$22,784	26%	(\$17,909)	-44%
Investment Earnings	\$16,683	62%	\$36,019	80%	\$49,949	59%	\$13,930	39%
Resort Tax Transfer In	\$1,176,819	100%	\$1,370,121	100%	\$1,395,289	100%	\$25,168	2%
Total General Fund Revenues	\$3,141,702	63%	\$3,448,151	64%	\$3,529,326	64%	\$81,175	2%
General Fund Expenditures								
Municipal Court	\$137,295	45%	\$150,510	49%	\$143,692	45%	(\$6,819)	-5%
Administrative Services	\$79,492	54%	\$60,397	41%	\$90,012	48%	\$29,615	49%
Legal Services	\$29,640	44%	\$31,257	44%	\$33,253	43%	\$1,996	6%
Community Planning	\$187,832	41%	\$238,500	45%	\$255,801	45%	\$17,301	7%
Transfer to Park Fund	\$350,561	50%	\$396,995	50%	\$409,302	50%	\$12,307	3%
Transfer to Law Enforcement Fund	\$1,146,343	50%	\$1,183,431	50%	\$1,272,618	50%	\$89,187	8%
Transfer to Fire Fund	\$364,763	50%	\$350,190	50%	\$426,546	50%	\$76,356	22%
Transfer to Library Fund	\$17,186	50%	\$17,186	50%	\$17,186	50%	\$0	0%
Cemetery/Other	\$64,062	43%	\$66,458	33%	\$47,458	22%	(\$19,000)	-29%
Total General Fund Expenditures	\$2,377,173	48%	\$2,494,924	48%	\$2,695,866	48%	\$200,943	8%
General Fund Revenues Less Expenditures	\$764,529		\$953,227		\$833,460		(\$119,767)	-13%
General Fund Operating Cash Balance	\$1,519,199		\$1,950,639		\$2,316,630		\$365,991	19%
Prop Tax Supported Funds (no General) Net	\$160,237		(\$64,969)		(\$126,952)		(\$61,984)	
Prop Tax Supported Funds (no General) Cash	\$378,710		\$177,492		\$151,744		(\$25,748)	
Total General & Prop Tax Supported Funds Net	\$924,767		\$888,258		\$706,507		(\$181,751)	
Total General & Prop Tax Supported Funds Cash	\$1,897,910		\$2,128,131		\$2,468,375		\$340,244	

General Fund Cash Balance Trend



	A	B	C	D	E	F	G	H	I
67	Property Tax Supported Funds	YTD Dec 31, 2017	% of Budget	YTD Dec 31, 2018	% of Budget	YTD Dec 31, 2019	% of Budget	Chng Prev YR	% Chng Prev Yr
68		Dollars		Dollars		Dollars			
70	Parks and Rec Operating Cash Balance	\$47,341		(\$44,945)		\$67,162		\$112,107	249%
71	Parks, Rec & Community Services Revenues	\$667,975	41%	\$757,212	46%	\$839,546	48%	\$82,334	11%
72	Parks, Rec & Community Services Exp.	\$726,618	44%	\$940,013	52%	\$847,422	49%	(\$92,591)	-10%
73	Revenues less Expenditures	(\$58,643)		(\$182,801)		(\$7,876)		\$174,925	
74									
75	Law Enforcement Operating Cash Balance	\$62,390		\$60,539		\$103,507		\$42,968	71%
76	Law Enforcement Revenues	\$1,224,459	49%	\$1,264,408	48%	\$1,377,783	49%	\$113,375	9%
77	Law Enforcement Expenditures	\$1,144,555	46%	\$1,233,631	47%	\$1,266,812	45%	\$33,181	3%
78	Revenues less Expenditures	\$79,903		\$30,777		\$110,971		\$80,194	
79									
80	Library Operating Cash Balance	\$87,845		\$71,885		\$49,942		(\$21,943)	-31%
81	Library Revenues	\$109,481	44%	\$119,249	48%	\$119,186	45%	(\$62)	0%
82	Library Expenditures	\$121,046	40%	\$125,179	41%	\$132,867	42%	\$7,688	6%
83	Revenues less Expenditures	(\$11,565)		(\$5,930)		(\$13,681)		(\$7,750)	
84									
85	Fire & Ambulance Cash Balance	\$181,134		\$90,013		(\$68,866)		(\$158,879)	-177%
86	Fire & Ambulance Taxes, Penalty and Interest	\$299,807	50%	\$315,447	52%	\$318,779	49%	\$3,332	1%
87	Ambulance Services Revenue	\$729,022	53%	\$860,387	58%	\$790,292	51%	(\$70,096)	-8%
88	Total Fire & Ambulance Revenue	\$1,630,333	49%	\$1,762,380	54%	\$1,674,270	46%	(\$88,110)	-5%
89	Fire & Ambulance Expenditures	\$1,479,792	45%	\$1,669,394	51%	\$1,890,636	51%	\$221,242	13%
90	Revenues less Expenditures	\$150,541		\$92,986		(\$216,367)		(\$309,352)	
91									
92	Total Property Tax Supported Funds (not including General Fund)								
93	Total Property Tax Supported Cash	\$378,710		\$177,492		\$151,744		(\$25,748)	-15%
94	Total Property Tax Supported Revenue	\$3,632,248		\$3,903,248		\$4,010,785		\$107,537	3%
95	Total Property Tax Supported Expenditures	\$3,472,010		\$3,968,217		\$4,137,737		\$169,520	4%
96	Revenues less Expenditures	\$160,237		(\$64,969)		(\$126,952)		(\$61,984)	
97									
98	Other Tax, Fee & Assessment Supported Funds								
99	Resort Tax Operating Cash Balance	\$2,372,241		\$2,213,632		\$2,135,282		(\$78,350)	-4%
100	Resort Tax Collections	\$2,399,531	65%	\$2,565,868	64%	\$2,733,437	64%	\$167,569	7%
101	Resort Tax Investment Earnings	\$9,740	150%	\$22,692	96%	\$20,811	50%	(\$1,881)	-8%
102	Resort Tax Expenditures and Transfers	\$1,711,728	46%	\$3,018,729	79%	\$3,650,944	67%	\$632,215	21%
103	Revenues less Expenditures	\$697,543		(\$430,169)		(\$896,696)		(\$466,527)	
104									
105	Street and Alley Operating Cash Balance	\$1,562,808		\$1,309,641		\$1,810,756		\$501,115	38%
106	Street and Alley Revenues	\$768,810	51%	\$872,505	55%	\$919,770	53%	\$47,265	5%
107	Street and Alley Expenditures	\$546,553	25%	\$627,306	38%	\$548,151	40%	(\$79,155)	-13%
108	Revenues less Expenditures	\$222,257		\$245,199		\$371,619		\$126,420	
109									
110	Tax Increment Operating Cash Balance	\$1,036,534		\$1,029,695		\$2,576,318		\$1,546,623	150%
111	Tax Increment Property Taxes, Penalty & Interest	\$3,028,370	50%	\$3,509,854	53%	\$3,614,600	48%	\$104,746	3%
112	Total Tax Increment Revenues	\$3,206,948	49%	\$3,684,404	49%	\$4,245,364	51%	\$560,960	15%
113	Tax Increment Expenditures & Transfers	\$2,109,343	32%	\$2,984,760	39%	\$2,352,590	26%	(\$632,170)	-21%
114	Revenues less Expenditures	\$1,097,605		\$699,644		\$1,892,774		\$1,193,130	
115									
116	Impact Fees Cash Balance	\$256,704		\$642,837		\$574,378		(\$68,459)	-11%
117	Impact Fee Collections - Revenues	\$166,848	89%	\$380,928	168%	\$124,169	71%	(\$256,759)	-67%
118	Impact Fee Collections - Expenditures	\$39,822	28%	\$31,140	7%	\$8,311	3%	(\$22,829)	-73%
119	Revenues less Expenditures	\$127,026		\$349,788		\$115,858		(\$233,930)	
120									
121	Street Lighting #1 Operating Cash Balance	\$46,177		\$61,842		\$35,227		(\$26,616)	-43%
122	Street Lighting District #1 (Rsdntl) Revenues	\$48,994	53%	\$53,783	47%	\$54,650	46%	\$868	2%
123	Street Lighting District #1 (Rsdntl) Exp.	\$37,988	40%	\$36,625	26%	\$62,541	72%	\$25,916	71%
124	Revenues less Expenditures	\$11,006		\$17,158		(\$7,891)		(\$25,049)	
125									
126	Street Lighting #4 Operating Cash Balance	\$15,077		\$24,797		\$77,257		\$52,460	212%
127	Street Lighting District #4 (Cmmrcial) Revenues	\$44,212	49%	\$47,770	51%	\$59,104	59%	\$11,334	24%
128	Street Lighting District #4 (Cmmrcial) Exp.	\$42,846	49%	\$21,810	33%	\$29,223	49%	\$7,413	34%
129	Revenues less Expenditures	\$1,366		\$25,960		\$29,882		\$3,921	
130									
131	Building Codes Operating Cash Balance	\$235,669		\$384,941		\$820,169		\$435,228	113%
132	License and Permits Revenues	\$254,482	58%	\$311,248	71%	\$461,150	105%	\$149,902	48%
133	Building Codes Expenditures without C. Falls	\$177,985	39%	\$202,365	46%	\$209,507	41%	\$7,142	4%
134	Columbia Falls Contract Revenues	\$39,943	67%	\$55,763	86%	\$60,683	93%	\$4,920	9%
135	Columbia Falls Contract Expenditures	\$23,576	44%	\$25,489	45%	\$26,861	45%	\$1,372	5%
136	Revenues less Expenditures	\$92,864		\$139,156		\$285,465		\$146,309	
137									
138	Stormwater Cash Balance	\$657,899		\$747,689		\$964,076		\$216,387	29%
139	Stormwater Revenues	\$39,296	53%	\$163,716	45%	\$220,420	49%	\$56,704	35%
140	Stormwater Expenditures	\$11,154	8%	\$81,307	19%	\$97,972	13%	\$16,665	20%
141	Revenues less Expenditures	\$28,142		\$82,409		\$122,448		\$40,039	

	A	B	C	D	E	F	G	H	I
		YTD		YTD		YTD			
	Enterprise Funds	Dec 31, 2017		Dec 31, 2018		Dec 31, 2019			
		Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget	Chng Prev YR	% Chng Prev Yr
146	Water Operating Cash Balance	\$2,931,831		\$4,703,805		\$5,725,451		\$1,021,646	22%
148	Water Debt Service & Reserve Cash Balance	\$1,426,465		\$1,345,911		\$1,597,513		\$251,602	19%
149	Water Impact Fee Cash Balance	\$1,446,482		\$1,145,336		\$1,311,411		\$166,075	15%
150	Water - Metered Water Sales	\$1,979,832	64%	\$1,983,438	57%	\$1,950,852	54%	(\$32,586)	-2%
151	Water - Metered Sales + Other Revenues	\$2,215,882	65%	\$2,871,214	75%	\$2,377,214	59%	(\$493,999)	-17%
152	Water - Operating Expenditures	\$898,910	45%	\$887,242	45%	\$906,007	46%	\$18,766	2%
153	Operating Revenues less Expenditures	\$1,316,973		\$1,983,972		\$1,471,207		(\$512,765)	
154									
155	Transfer for Haskill Basin C.E. Loan	\$587,881	65%	\$520,826	53%	\$671,332	64%	\$150,507	29%
156	Water Capital Expenditures	\$1,442,058	77%	\$293,663	19%	\$335,291	12%	\$41,628	14%
157	Water Debt Service	\$722,399	50%	\$733,209	50%	\$561,418	50%	(\$171,792)	-23%
158	Water Transfer to General Fund	\$52,972	100%	\$92,496	100%	\$107,692	100%	\$15,196	16%
159									
160									
161	Wastewater Operating Cash Balance	\$2,742,354		\$3,559,586		\$3,533,825		(\$25,761)	-1%
162	Wastewater Debt Reserve Cash Balance	\$268,973		\$268,973		\$268,973		(\$0)	0%
163	Wastewater Impact Fee Cash Balance	\$633,340		\$877,438		\$1,633,140		\$755,702	86%
164	Wastewater - Sewer Service Charges	\$1,608,559	54%	\$1,788,026	52%	\$1,912,051	48%	\$124,026	7%
165	Wastewater - Service Charges + Other Op. Revenues	\$1,782,018	55%	\$2,090,606	56%	\$2,526,183	57%	\$435,577	21%
166	Wastewater - Operating Expenditures	\$781,114	39%	\$851,426	44%	\$918,190	44%	\$66,764	8%
167	Operating Revenues less Expenditures	\$1,000,904		\$1,239,180		\$1,607,993		\$368,814	
168									
169	Non Operating Revenue	\$0	0%	\$0	0%	\$0	0%	\$0	0%
170	Wastewater Capital Expenditures	\$195,021	14%	\$287,011	7%	\$873,901	9%	\$586,890	204%
171	Wastewater Debt Service	\$164,584	50%	\$165,650	50%	\$164,629	49%	(\$1,021)	-1%
172									
173									
174	Solid Waste Operating Cash Balance	\$125,047		\$113,560		\$101,502		(\$12,058)	-11%
175	Solid Waste Revenues (Interest Only)	\$499	71%	\$934	104%	\$725	48%	(\$208)	-22%
176	Solid Waste Expenditures	\$6,747	30%	\$6,028	26%	\$6,283	38%	\$255	4%
177	Revenues less Expenditures	(\$6,247)		(\$5,094)		(\$5,558)		(\$463)	
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RESOLUTION NO. 20-___

A Resolution of the City Council of the City of Whitefish, Montana, Updating the City of Whitefish's Rules and Regulations for Water, Sewer and Garbage Utilities.

WHEREAS, as required by § 69-7-201, MCA, the City of Whitefish adopted Rules and Regulations for the operation of the City's water, sewer and garbage utilities pursuant to Resolution Nos. 90-20, 02-55, 03-32, 11-33, 11-60, 13-01, 13-05, and 14-47; and

WHEREAS, City staff spent a significant amount of time drafting proposed updates to the Rules and Regulations to address issues that have arisen over the years and to increase the efficiency of the utilities and the City itself; and

WHEREAS, at a public work session held November 4, 2019, the City Council received an oral report and presentation from City staff, invited public comment, and thereafter discussed the proposed updates to the Rules and Regulations; and

WHEREAS, City staff subsequently solicited input from property managers regarding certain proposed updates to the Rules and Regulations that have the potential to affect property managers and tenants; and

WHEREAS, at a public work session held January 6, 2020, the City Council received an oral report and presentation from City staff regarding changes to the proposed updates to the Rules and Regulations that were made after soliciting input from property managers, invited public comment, and thereafter directed staff to schedule a public hearing; and

WHEREAS, at a lawfully noticed public hearing held February 18, 2020, City Council reviewed a staff report, received an oral report from staff, invited public comment, and thereafter discussed the proposed updates to the Rules and Regulations; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt the proposed updates to the Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The City Council of the City of Whitefish hereby adopts the "Rules and Regulations for the City of Whitefish Water, Sewer and Garbage Services" attached hereto as Exhibit A.

Section 2: The "Rules and Regulations for the City of Whitefish Water, Sewer and Garbage Services" attached hereto as Exhibit A hereby supersede and replace all prior Rules and Regulations.

Section 3: This Resolution shall take effect on March 1, 2020, but only upon the condition that the City enter into a contract with Republic Services that returns billing for garbage services to the City.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, ON THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

**RULES AND REGULATIONS
FOR THE
CITY OF WHITEFISH
WATER, SEWER AND GARBAGE SERVICES**



ADOPTED BY RESOLUTION NO. 11-60 ON DECEMBER 5, 2011
AS AMENDED BY RESOLUTION NO. 13-01 ON JANUARY 22, 2013
AS AMENDED BY RESOLUTION NO. 13-05 ON MAY 6, 2013
AS AMENDED BY RESOLUTION NO. 14-47 ON OCTOBER 6, 2014
AS AMENDED BY RESOLUTION NO. 20-XX ON FEBRUARY XX, 2020

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SECTION 1: GENERAL APPLICABILITY

The Rules and Regulations of the City of Whitefish as amended and supplemented from time to time, will govern all Water, Sewer and/or Garbage Services rendered or to be rendered by the Utility Department. All Rules and Regulations describe below will be binding upon every customer and will constitute a part of the terms and conditions of every contract for water, sewer and garbage service whether expressly incorporated therein and regardless of whether a signed application for water, sewer and garbage is on file. It is understood that such rules are necessary to provide the maximum benefit and safety to the public health and well-being of customers.

The following policies, amended and updated from time to time, are by reference made part of these Rules and Regulations.

City of Whitefish Engineering Standards
Permanent Encroachment and Temporary Encroachment Permits
Water and Sewer Permits
Excavation Permits

Gender Statement:

For simplification purposes, the masculine gender pronoun used throughout these General Rules and Regulations represents all genders.

SECTION 2: AUTHORIZATION AND PURPOSE OF RULES AND REGULATIONS

1. These rules and regulations are intended to define good practice, which can normally be expected.
2. They are intended to ensure adequate service and to prevent unfair charges to the customer, and to protect the Whitefish Utility Department from unreasonable demands.
3. The Whitefish Utility Department is governed by the policies established by the Whitefish City Council and administered by the City Manager or designee and is under the direct supervision of the Utility Services Supervisor.
4. The adoption of these rules and regulations will in no way preclude the Whitefish City Council from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard upon complaint, upon its own motion, or upon the application of the water, sewer and garbage services. All customers are bound by these rules and regulations, as amended from time to time.
5. These rules and regulations will not relieve in any way the Whitefish Utility Department from any of its duties under the laws of the State of Montana.
6. The authority requiring the establishment of the rules and regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

SECTION 3: DEFINITIONS

Unless a different intent clearly appears from the context, the following words or phrases will mean:

1. "City Council" means the duly elected governing body of the City of Whitefish, to include the Mayor.
2. "City Manager" means the appointed City Manager of the City of Whitefish or any person authorized by him to perform acts on his behalf.
3. "City Engineering Standards" means those standards adopted by the City Council which pertain to the design, materials, and construction practices for water and sewer utilities.
4. "City Sewer" means the system operated by the City of Whitefish for the collection and treatment of sewage.
5. "City Water" means the system operated by the City of Whitefish for the treatment and distribution of water.
6. "Commercial Service" means any water, sewer and/or garbage usage other than solely for residential purpose, or for residential structures of greater density than a duplex. Where a single structure has combined business and residential usage the water and sewer service will be considered "Commercial Service." Schools, hospitals, clinics, nursing homes, churches, apartments, condominiums, and rooming houses having two or more rooms on a rental basis are considered "Commercial Services."
7. "Curb Box" means a vertical cast-iron sleeve, housing the curb stop (shut-off valve) for property's water and/or sewer service line.
8. "Curb Stop" or "Service Valve" means a fitting inserted in the service pipe near the property line for turning on or off water and/or sewer services to the premises supplied or to be supplied.
9. "Customer" means the owner of the recorded title of ownership of real estate property that is receiving any garbage, water and/or sewer service.
10. "Developer" means any individual, firm, corporation, or other entity who causes improvements to be made upon the land with said improvement requiring water and/or sewer service.
11. "Distribution Main," "Collection Main," or "Main" means a water or sewer pipe owned, operated, and maintained by the Public Works Department, which is used for the distribution of water or collection of sewage and to which service connections are made.

12. "Excavation Permit" means a permit required for all construction activities located within public right-of-way. The permit is issued by the Public Works Department to a licensed contractor.
13. "Meter" means a mechanical device used to measure and record the quantity of water and/or sewer supplied to the customer. The meter is the official recorder of the amount of water and/or sewer consumed by the customer.
14. "Meter Pit" or "Meter Vault" means the subsurface structure that houses a water meter, protecting the meter from damage and allowing the City easy access to the meter for maintenance, investigation, or reading. All new installation will be exterior meter pits and/or vaults approved by the Utility Department.
15. "Month" means a period between any two regular billing dates by the Utility Department for service rendered to a customer at his premises.
16. "Permittee" means any individual, firm, corporation, or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
17. "Plumber" means a master plumber licensed by the State of Montana and authorized to install and assume responsibility for contractual agreements pertaining to plumbing, and to secure any permits required for plumbing installations.
18. "Private Fire Protection Line" means a privately-owned water service line extending from the distribution main to and through a structure for which the sole purpose of use is the extinguishment of fire. A private fire protection system is the property of the customer; the City does not maintain any portion or component of the system.
19. "Private Main" means any water or sewer pipe not owned, operated and maintained by the City of Whitefish.
20. "Public Service Commission" means the Montana Public Service Commission.
21. "Public Works Director/City Engineer" means the duly appointed Public Works Director/City Engineer of the City of Whitefish or any person authorized by him or the City Manager to perform acts on his behalf.
22. "Residential Service" means water, sewer and/or garbage usage solely for residential purposes.
23. "Remote Radio Reading Device" means a device that works in conjunction with the water meter that assists the Utility Department in taking readings of water and/or sewer usage.
24. "Service Connection" or "Service Tap" means the tap at the distribution main or collection main which connects the customer's service pipe to the main.

25. "Service Pipe" or "Service Line" means the piping and appurtenances from the service connection at the main to the customer's premises.
26. "Theft of Service" means an act of obtaining or receiving water or sewer service from a fire hydrant, or other water and/or sewer source without permission from the City of Whitefish, and with intent to avoid payment.
27. "Utility Department" means the City of Whitefish department responsible for water, sewer and/or garbage billing.
28. "Utility Services Supervisor" means the duly appointed Supervisor who oversees all aspects of the Utility Department or any person authorized by him to perform acts on his behalf.

SECTION 4: RECORDS AND REPORTS

1. Preservation of Records. All records required by these rules and regulations, the State of Montana Water Quality Bureau, the Public Service Commission, the Environmental Protection Agency (EPA), and the Safe Drinking Water Act will be preserved in accordance with the "Rules to Govern the Preservation of Records of Public Utilities and Licensees", as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated April 1972, or appropriate State and Federal agency requirements. The records will be kept at the offices of the Utility Department, Public Works Department and/or City Clerk's office and will be open at reasonable hours for examination by the Public Service Commission or its representative or other State and Federal agency, as applicable.
2. Filing of Rules, Regulations and Rate Schedules. No rules, regulations, or schedules of rates, or modifications of the rules, regulations or schedules of rates, will be effective until adopted by the City Council after due process of law.

SECTION 5: CUSTOMER INFORMATION

1. Rates. The Utility Department personnel will explain to the customer during application for service, or whenever the customer requests, the rates applicable to the type of service furnished to the customer. Upon request, the Utility Department will supply the customer a copy of the current rate schedule.
2. Rules and Regulations. A copy of the rules and regulations of the Utility Department and any contracts, applications, or agreements applicable to the Utility Department will be maintained in the City Clerk's office for review and inspection by the public.

SECTION 6: APPLICATION FOR WATER AND/OR SEWER SERVICE

1. Free Service. The Utility Department will not supply free water, sewer and/or garbage service to any customer, public or private.

2. Introduction of Service Within Whitefish City Limits. Customers seeking the introduction or continuation of City water, sewer and/or garbage service within City limits must make application for City services at the Utility Department office on forms provided therefore, setting forth in the application all purposes for which water and/or sewer service will be used on the premises.
3. Introduction of Water or Sewer Service Outside Whitefish City Limits. Customers who want to connect to City water and/or sewer service to properties which are not within the City limits, must consent to annexation as a condition to receiving City services and make application as provided for under Section 6.2 above. The property owner's consent to annexation and application for water and/or sewer service will be accompanied by a petition for annexation and a development agreement, as applicable, and an application for zoning map amendment. All applications for the introduction or continuation of City services from outside the corporate limits of the City will require City Council approval.
4. Applications. All applications for the introduction of water, sewer and/or garbage service or the continuation of water, sewer and/or garbage service must be signed by the customer or their agent, duly authorized in writing prior to the initiation of development and/or new construction. If the customer authorizes the utility bill to be sent to a property manager, the customer will notify the Utility Department in writing with any change of authority. If the Utility Department determines that an existing City customer has not signed an application, or if a prior application has been lost, or no application is on file, the Utility Department may require the current customer to sign an application. Refusal to sign a current application, after reasonable notice, will be sufficient cause for discontinuance of service.
5. Application for Temporary Service. Water and/or sewer service for building, construction or other temporary purposes must be specially applied for. The method of connection and charges to the customer must be mutually agreed upon by the City and the customer or customer's agent before obtaining any service. The usage charge may be based on an agreeable estimate of water to be used at a rate commensurate with the rate schedule. The City reserves the right to require metering of such temporary use if the condition warrants. In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and meter, if required. Temporary water and/or sewer service, if granted, may be terminated by the City after three days prior written notice of termination has been personally delivered or mailed by first class mail, postage prepaid to the customer or the customer's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service.
6. Application for Private Fire Protection Service. Customers requesting private fire protection systems will make special application with the Fire Department. The size and location of fire protection system connections will be determined by the Public Works Department and as required by the protection system. The pipeline used for the system will be separate, with no interconnections between the service pipe and any other piping or fixtures within or outside the structure. The customer

will pay all costs of installation, operation, and maintenance of the system and the entire system will be subject to inspection, testing, and approval by the Public Works Department and/or Fire Department before service is made effective.

The extent of the rights of the private fire service customer is to receive, but only at times of fire on his premises, such supply of water as will then be available. The City of Whitefish will not be considered in any way an 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 the Utility will 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 any other cause whatsoever.

Hydrants or other fixtures connected to a private fire service system may be sealed by the Public Works Department and the seals may be broken only in case of fire or as specially permitted by the Public Works Department, and the customer will immediately notify the Public Works Department of the breaking of any seals.

Fire protection systems will have an approved backflow prevention device installed in accordance with the current Cross Connection Control Committee, Pacific Northwest Section AWWA *Cross Connection Control Manual Accepted Procedure and Practice*. Backflow prevention devices will be inspected and tested annually in accordance with Section 12.

Fire protection systems will not normally be metered. At the discretion of the Utility Services Supervisor a fire protection system may be metered to verify that the system is not being used for other water demands.

Whenever a fire service system is to be tested the customer will notify the Public Works Department and the Fire Marshal of the test, designating the day and hour when the test is to be made so that, if desired, the Fire Marshal and Public Works Department can have an inspector present during the test.

7. Change in Use. The customer agrees to obtain, in advance, the approval of the Utility Services Supervisor for any change, alteration or additions in the fixtures, openings and uses specified in the building or plumbing permit application.
8. Prior Responsibility. It is the responsibility of the applicant to contact the Public Works Department prior to making application to confirm there is a City owned main adjacent to the applicant's property. If no City owned main exists or there is not sufficient supply for the intended use, it is the applicant's responsibility to extend or install a main in accordance with Section 19 and Section 24.
9. Rights and Compliance. Upon approval of the application for service, the customer has the right to take and receive a supply of water, sewer and/or garbage service for the particular premises for the purposes specified in the application subject to compliance by the customer with these rules and regulations, as amended from time to time.

10. The Utility Department May Decline to Serve a Customer:

- a. Until the customer has complied with these rules and regulations, building permit requirements, and other City Ordinances and Resolutions.
- b. If, in the judgment of the Utility Services Supervisor, the customer's installation of piping, equipment or appurtenances is regarded as hazardous, wasteful, or of such character that satisfactory service cannot be given.
- c. The customer's system could cause damage or harmful effects City Water, City Sewer, or adjoining properties.
- d. The customer's system or a private water and/or sewer line serving the customer's property is leaking and the applicant or customer refuses to replace the line in accordance with the rules and regulations.
- e. For misrepresentation in the application and theft of service.

All refusals to serve will be made in writing to the customer by the Utility Department and/or the Public Works Department.

SECTION 7: COMPLAINTS

The Utility Department will make a full and prompt investigation of all complaints made by customers of the Utility Department and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Utility Department will notify the Finance Director for further investigation. If the customer remains unsatisfied, the customer will be notified of the privilege to appeal to the City Manager, City Council, or Consumer Service Representative of the Montana Consumer Counsel.

SECTION 8: PROVISIONS OF SERVICE

1. Limitations on Connections. No plumber or other person will be allowed to make connection with any conduit pipe or other fixture or to connect pipes when they have been disconnected, or to turn water on or off, on any premises served by the Utility Department, without permission from the Utility Department.
2. Cross Connections. No pipes or fixtures connected to the water supply of the City of Whitefish will be connected, directly or indirectly, to pipes or fixtures containing water from any other source.
3. Waste of Water. Waste of water is prohibited, customer's must keep their fixtures, private water mains, and service pipes in good working order and free of leaks at their own expense, and keep all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the Utility Department. When the Utility Department becomes aware of a leak in the private water main or service pipe of a customer, notice will be given allowing reasonable time for repairs

to be made. If the leak is in a private main, such notice will be to all customers served by the private main and such notice will identify all properties served by such private main, in order to facilitate a cooperative repair effort by such customers. If the repairs are not made within the allocated time and no time extension has been granted or applied for, the water may be shut off by the Utility Department without further notice.

4. Summer Watering and/or Separate Irrigation Meters. Customers with zero usage, inconsistent usage or nonconsecutive usage during the winter months of November through May will not receive an average for the summer months of June through October.

Customers will receive a reduced charge for water only for watering of lawns, gardens and landscaping and an averaged sewer charge during the five monthly billing periods from June through October, as follows:

- a. Single-family and Townhome units: Customers that do not have a separate irrigation meter will be allowed a monthly summer watering maximum of 12,000 gallons per month during the months of June through October for watering at a reduced rate, based on the average used during the seven monthly billing periods from November through May, up to a total of 60,000 gallons for the five summer watering months.
- b. Duplex, Multi-Family and other non-residential units: Customers that do not have a separate irrigation meter will not receive a summer watering maximum or a reduced rate for water and/or sewer.
- c. Customers that share one (1) water meter and do not have a separate irrigation meter will not receive a summer watering maximum or a reduced rate for water and/or sewer.
- d. Irrigation meters: The City will activate the billing services for irrigation meters June 1st and ending with the meter reading in October. Billing services for the irrigation systems will be deactivated between November and May. During the periods of deactivation, no base charge for the irrigation meters will be assessed to the customer. However, any water metered through an irrigation meter outside the summer watering season of June through October billing periods, will be billed at the normal water usage rates. A backflow prevention device is required in all instances to be installed in an irrigation system. When irrigation service is not turned on during June through October, base rates are still charged. Customers will notify the Utility Department of when they would like the separate irrigation meters to be turned on or turned off for the season.
- e. Commercial, Multi-Use and other non-residential customers who, at their own expense, install a separate irrigation meter for summer watering will be charged the base rate for the summer months of June through October, based on the size of meter installed. All water used, will be billed at the sprinkler rate. Any usage outside of the summer months will be billed for

that month. The Utility Department will furnish a sprinkler meter at cost to the customer.

5. Turn-on or Turn-off Service. Request for turn-on and turn-off services during regular business hours will be charged to the customer's account in accordance with the fee schedule. New construction accounts will not be charged for the initial turn-on for services, if the turn-on is made during regular working hours. For new construction or existing customers that request or require turn-on or turn-off services outside of regular working hours, a call-out fee instead of the turn-on and/or turn-off fee will apply.
6. Resale of Water. Water furnished by the City of Whitefish will not be resold or caused to be resold by any customer unless the customer is engaged in the business of distributing water as a public utility, as approved by the Public Service Commission.
7. Fire. In case of fire or an alarm of fire and while water is being used for the extinguishment of fires, the non-essential use of water, which may include for fountains or yard sprinkling, is prohibited. In the case of high wildland fire danger, yard sprinklers might be appropriate.
8. Access to Property. For the purpose of maintenance, operation, and inspection, the City of Whitefish personnel will at all reasonable times have access to meters, service connections, curb boxes, private mains, and any other property owned by the City which is on the customer's property. The Utility Department and the Public Works Department also reserve the right to inspect all plumbing connected to and with the supply of water for violation of use, or improper or illegal connections. Upon reasonable notice the customer will remove obstructions and contain pets so they do not impair ingress or egress or interfere with the work of the City of Whitefish personnel. If the customer refuses to allow access, remove obstructions or contain pets, it will be deemed to be sufficient cause for discontinuance of service.
9. Identification of Employees. Every employee of the City of Whitefish whose duties require the entering of the customer's premises will carry an identification card which identifies the employee as a representative of the City of Whitefish. The identification card will contain a photograph, City logo, and the department for which he is employed. The customer may deny access to the customer's premises while the customer calls the City to verify the authenticity of the identification and that the employee is working for the City of Whitefish and is on official business.
10. Storm Drainage and Other Wastes. No person will make connection of roof downspouts, exterior foundation drains, areaway drains, storm drains, sump pumps or other sources of surface runoff or groundwater to a building sewer, building drain, or any pipe which in turn is connected directly or indirectly to the sanitary sewer in accordance with Whitefish City Code Section 8-4-4(B).

No person will discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage to the sanitary sewer.

Customers that discharge surface runoff or groundwater to the sanitary sewer system will be charged a surcharge.

No person will discharge or cause to be discharged any toxic chemicals, petroleum products, hazardous wastes, or wastes other than domestic sewage, or approved industrial or commercial wastes to the sanitary sewer.

All the aforementioned discharges and wastes are illegal actions under Whitefish City Code Section 8-4-4 and are punishable by citations and fines as determined by the Municipal Court.

11. Above Normal Strength Sewage. The Utility Department will assess charges for above normal strength sewage discharged to the City sewer. Normal strength sewage will constitute 200 milligrams per liter (mg/l) biochemical oxygen demand (BOD), as determined by the 5-day BOD test, and 250 mg/l total suspended solids (TSS) performed by the Public Works Department.
12. Interior Plumbing and Fixtures. All plumbing connected, directly or indirectly, to the supply or service of the City's water and/or sewer system will conform to the installation requirements of the International Association of Plumbing and Mechanical officials *Uniform Plumbing Code* and these rules and regulations. Only Montana State licensed master plumbers or their representatives, with a current City Business License, will make any connections to or install any piping or fixtures connected directly or indirectly to the water supply or sewer system of the City of Whitefish as required by Section 37-69-301, MCA.

SECTION 9: RATE ESTABLISHMENT

1. Rates and Rate Adjustments. All rates and fee adjustments will be adopted by the City Council through the hearing process as provided by law. Rate increases for comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limits as provided in Section 69-7-201, MCA.
2. Rates Charged Against Property. The water, sewer and/or garbage rates will be charged against the property on which it is furnished, regardless of occupancy, and discontinued if for any cause any sums due therefore become delinquent. Service may not be turned on again until all such delinquencies and fees have been paid in full or suitable arrangements for payments have been made by the customer. If unsuccessful, however, the City is entitled to collect the remaining delinquency from the customer, even by placement of a property tax assessment on the property's tax bill.

SECTION 10: SERVICE LINES AND CONNECTIONS

1. New Tap Connection. The customer is responsible for the excavation from the point of intended use to the main and restoration of the excavated area to acceptable condition. The customer will supply the service clamp and corporation stop at the main. The customer's excavator will be required to obtain an excavation

permit from the Public Works Department before making any connections. The Public Works Department will tap the main for a fee in accordance with the fee schedule approved by City Council. On all other services the customer will bear the full expense for labor, equipment and materials involved in the tapping of the main. The Public Works Department will make all water taps without exception.

2. New Service Line Connection. The customer, at the customer's expense, will be responsible to install all piping and appurtenances, except the meter, from the main connection to the point of usage, and restore all surfaces to the conditions which existed before installation. The service line, curb stop and curb box will be in an accessible location in the public right-of-way or easement, as directed by the Utility Services Supervisor and the Public Works Department Inspector. There will be no branches made in the water service line between the City's main and the water meter. All piping and appurtenances will be installed, disinfected, and flushed in accordance with appropriate Montana Public Works standards.
3. Water and/or Sewer Permit to Install or Alter Service Line. Any and all new installation, repairs, replacement or alterations of service lines from the main and including the consumer's premises, will require a permit issued by the Utility Department. The permit will include the reason for the work and a description of the work to be performed. The permit will be issued to a Montana State licensed master plumber or his representative, for the property customer. The permit holder will be responsible for compliance with the City Engineering Standards, the *Uniform Plumbing Code*, these rules and regulations, and any other applicable rules and regulations.

Upon completion of all necessary work, the permittee will have the work inspected by a representative of the Public Works Department and/or Utility Department. The permittee will be required to submit to the inspector a suitable map - 8½ by 11-inch standard - showing the location of the meter pit, tap, clean-outs, curb box, and service line location and/or any changes of location of service line or appurtenances, or any other appropriate information. If the work requires excavation in a street, alley, public right-of-way, or public easement, an Excavation Permit will also be required.

4. Maintenance of Service Lines. The customer, at the customer's expense, will maintain all service lines beyond the City's curb stop, in good condition, operable, and free from leaks. Failure to do so may be cause for discontinuance of service. It is the customer's responsibility to repair any leaks in customer's portion of the service line immediately upon discovery or notification by the City. Leaks in buried iron piping or other material that does not comply with existing City Engineering Standards will require replacement from the curb stop to the building. The Public Works Department will maintain service lines from the City owned main to and including the City's curb stop.
5. Maintenance of Curb Boxes. It is the responsibility of the customer to maintain the curb box in good working condition and accessible at all times. If the customer requests a service disconnect and the service cannot be turned off by the Utility Department due to a damaged or inaccessible curb box, the service will not be

disconnected until the customer makes the necessary repairs. If the Utility Department needs to disconnect a service in accordance with Section 15 and the curb box is damaged or inaccessible, the City may make necessary repairs and charge the cost of all labor and materials to the customer.

6. Size and Location. The size and location of all service lines will be determined by the Utility Services Supervisor based on the *Uniform Plumbing Code, M22 - Sizing Water Service Lines and Meters*, American Water Works, and these rules and regulations.
7. Separate Service Lines. Single Family Residential homes will have a single service line, meter, meter pit and curb stop.

Duplexes under the same ownership are required to have one (1) meter, service line, meter pit/vault and one curb stop.

Townhomes will be required to have separate service lines for water and sewer, separate meters, meter pits/vaults and separate curb stops/box.

In large developments, such as Multi-Unit developments, large commercial or industrial establishments, condominiums and mixed-use developments, which are located on a single parcel of land under ownership by a single entity or under a Homeowners Association (HOA) will have a single meter, service line, meter pit/vault and curb stop/box.

Accessory apartments, accessory buildings or accessory uses, as defined by the zoning regulations, may not be required to have separate services if the following conditions are met:

- a. The property remains under single ownership; and
 - b. The property cannot be further subdivided into separate dwelling units.
8. Abandonment of Service. When a lot or parcel is developed to a permitted use, all duplicated, excess, and/or unused services and fire services, including stub-outs will be abandoned at the main at no cost to the City. Whenever a building served by water and/or fire suppression services ceases to exist, all services will be abandoned at the main. The services to an established fire suppression system designed to protect the structure will not be abandoned without notification to the insurance carrier and the Fire Marshal. The sanitary sewer will be abandoned within 5 feet of the property line as approved by the Public Works Department.

The monthly base rate billing for water or sewer service will be discontinued for a building if the following conditions are met.

- a. The respective utility service line is abandoned in a manner acceptable to the Utility Services Supervisor; or
- b. All plumbing fixtures, including water valves, are permanently removed from the building in a manner approved by the Public Works Department. Such

approval will be issued before the work is performed and the completed work will be inspected and approved by City personnel. The inspection fee will be paid, and the City will approve the work before monthly billing is discontinued. The customer will continue to be responsible for maintenance of the water and/or sewer service lines that remain connected to the City utility.

Evidence of subsequent water use will be sufficient grounds to resume monthly billing.

9. Water and Sewer Service Line Replacement. Whenever additional fixtures and/or improvements are made to a property that require an increase in the service line size, and or meter size, the Utility Department will require replacement of the entire service line and the replacement of the meter that is inside of the building to an outside meter pit or meter vault. Any time that repairs for leaks are required to water, sewer and fire service lines, and the material does not conform to the City Engineering Standards, the entire service line must be replaced from the main to the premises and the meter that is inside of the building will be moved to an outside meter pit or meter vault. If any customer fails or refuses to comply, it will be enough cause for discontinuance of service.

SECTION 11: METERING

1. Providing Meters. All water furnished by the City, except as provided by these rules and regulations, will be metered. Upon payment of all fees in accordance with the rate schedule, these rules and regulations, and applicable City Ordinances and Resolutions, the Utility Department will provide, operate, and maintain all such meters, except as provided by these rules and regulations.
2. Size of Meters. The Utility Services Supervisor, or his designee, will be the sole judge of the size of any meter installed. Judgment will be based on comparative usage of the facility to be served to other similar type facilities served, or by the flow demand of the facility to be serviced in accordance with American Water Works Association *Manual M22, Sizing Water Service Lines and Meters*.
3. Replacement of Meters. The Utility Department may replace, or remove for testing, any meter it deems necessary.
4. Location of Meters. All new meters will be installed outside of the structure being served, unless approved by the Utility Services Supervisor. Meters will be installed in a meter pit or meter vault approved by the Utility Department in front of the premises to be served, adjacent to the edge of a street right-of-way or utility easement accessible to the City.

Meter pits or vaults will not be installed in driveways, streets, parking lots, and sidewalks.

All meters which, as of the effective date of these Rules and Regulations, that are located inside of buildings or in meter settings which the City deems to be unsafe or inaccessible for City employees may be moved to a more suitable locations at the discretion of the Public Works Director/City Engineer, and at the expense of the property customer.

The Customer will provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be located where they are easily accessible for reading and repair purposes. The meter must be located as nearly as practical to the point of entry to the structure and will be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage will be paid by the customer.

When a meter is located inside a house or building the Utility Department may install a remote meter for meter reading on the exterior of the house or building. The remote meter will, to the degree possible, be located on the driveway side of the house, between four and five feet above grade and within two feet of the corner of the house. If a fence or other barrier connects at the corner of the house the Utility Department may, at its discretion, require the relocation of the remote meter to the front side of the house.

Any object which obstructs the reading of the remote meter as determined by the Utility Department will, at the discretion of the Utility Services Supervisor and after notice to the customer, result in relocation of the remote register to a more accessible location, or removal of the obstacle. Obstructions may include, but not be limited to, fences, shrubbery or other plant items, building or other natural or manmade materials. A remote meter situated at a height which allows it to periodically be covered by snow will be considered obstructed.

5. Meter Testing. The Utility Department will have apparatus and equipment for testing the accuracy of all meters 2-inch in size or less. For testing meters larger than 2-inches, the meters may be sent to a qualified shop or laboratory for testing.
6. Meter Accuracy. Whenever a meter is found to exceed a limit of two percent - fast or slow - it must either be replaced or adjusted to register as near one hundred percent as commercially practical. A manufacturer's certified test will be acceptable for the accuracy of all new meters.
7. Sealing. All meters will be sealed by the Utility Department Meter Technician. The breaking of seals by unauthorized persons or tampering with any portion of the meter or meter piping will be a violation of these rules and regulations. If the seals of a meter, the meter, or meter piping show signs of tampering, the meter will be resealed by the Utility Department and notice will be given the customer that the meter, meter piping and/or meter seals have been tampered with and that tampering is a violation of these rules and regulations.

If the meter, meter piping, and/or meter seals are further tampered with the Utility Department may charge and bill the customer a fee for each subsequent violation. The fee will be added to and treated as part of the customer's utility bill. The fee

will represent the estimated cost of meter inspection, repair, testing and resealing. The water will be shut off to the property until the fee is paid and a reasonable estimate of water received has been charged and payment received by the Utility Department. All expenses incurred by the Water Utility to discontinue service and subsequent reconnection will be paid by the customer.

8. Metering of Multiple Unit Dwellings. In the cases of accessory apartments, accessory buildings, mobile home parks, trailer courts, apartment houses, town houses, condominiums, rooming houses, malls or similar situations where individual metering is not practical and a single owner or association of owners is primarily responsible for payment of water use, the Water Utility Department will require only one meter to service all units and will send only one bill. If payment is not kept current the entire service may be discontinued in accordance with Section 15.

Multiple properties serviced by a private main will be required to have one primary meter to service all units. An association of owners is required to be created as the entity primarily responsible for the payment of services. Each individual property will not be billed separately.

9. Separate Services. All separately metered services must be controlled by a separate curb stop and curb box located in the public right-of-way or easement provided for such purpose. Where metered accounts exist without separate, approved curb stops and boxes, the Utility Department may require the installation of separate services from the City owned main to the meter, as a condition of service. Where multiple metered accounts exist on one service, controlled by one curb stop, the Utility Department may require the installation of separate services from the City owned main to the meter, or other acceptable remedy that assures prompt payment of utility charges. In all existing cases where multiple meters exist on a single service line and City curb stop, the account(s) will be maintained in the name of one owner, or association of owners, if applicable, who will be responsible for payment of all the bills connected to the single service line.
10. City Sewer; No City Water. Customers who are not on City water, but who discharge sewage into the City sewer will, at the expense of the customer, have their water service metered. The meter readings will be used as a basis for sewer service charge. The Utility Department will have access to the meter for inspection, testing and reading purposes. The customer's licensed master plumber will install an approved meter prior to receiving sewer service. All sewer only service needs to be provided with an operable shutoff located in the public right-of-way or easement accessible by City Personnel.

SECTION 12: BACKFLOW PREVENTION AND CROSS-CONNECTION

1. Cross-Connection. It is the purpose and intent of these rules and regulations to protect the community potable water system from the possibility of contamination or pollution by isolating within its customers' private water distribution system or systems, such contamination or pollutants which backflow into the water distribution system. No pipes or fixtures, connected to the water supply of the City of Whitefish system will be connected directly or indirectly, to pipes or fixtures containing water from another sources.

2. Requirements for New and Existing Customers. All new and existing customers served by City Water will be required to install a backflow prevention device, approved by the Public Works Director/City Engineer.

Backflow prevention devices must be installed in accordance with the latest edition of the *Cross-Connection Control Manual* of the USC Foundation for Cross Control and Hydraulic Research, *Cross Connection Control Manual Accepted Procedure and Practice*, Pacific Northwest Section AWWA. As required in the "Uniform Plumbing Code, an approved Thermal Expansion Tank (along with relief valves) will be installed whenever a backflow prevention device is present in the system line.

3. Size and Type. The size and type of all backflow prevention devices will be determined by the Public Works Director/City Engineer or his designee based upon the size of service and the degree of hazard that exists or can be expected to exist on the premises served.

4. Testing and Maintenance. Testing of devices on commercial or multi-family and/or residential accounts will be the responsibility of the customer. The frequency of testing will be yearly in accordance with accepted industry practices and/or Ordinances adopted by the City Council.

5. Secondary Backflow Prevention Devices. A secondary backflow device will be installed immediately following the inlet gate valve after the service line has entered the structure, or in accordance with the manufactures' specifications, to facilitate removal for testing, repair or replacement. All installation, maintenance, testing, repair or replacement of backflow prevention devices installed in addition to the devices required by these rules and regulations, will be the responsibility of, and at the expense of, the customer.

6. Liability. The backflow prevention devices installed under this rule are intended for the protection of the potable water supply and distribution system of the City of Whitefish and in no way relieve the customer from liability or requirements to install backflow prevention devices under the *Uniform Plumbing Code* or other Building Codes that may apply.

SECTION 13: FLAT RATES

Flat rates may be charged for each water and/or sewer service in circumstances where customers do not provide for prompt installation or replacement of service lines, meters and/or meter pit/vaults. The flat rate will be added to the customers' utility account until such time the work is completed. Any time water or sewer service is discontinued for any reason to a customer not currently metered, the customer will be required to make provision for the installation of a meter, service line and meter pit/vault before the Utility Department will turn the service back on.

SECTION 14: SERVICE INTERRUPTIONS

1. Notification of Scheduled Interruption. Every customer affected by a scheduled interruption of service will be notified in advance of all programmed work. Notice will be made at least twenty-four hours in advance in the form of personal contact, electronic notification, or a door tag placed on the entranceway for schedule interruptions.
2. Emergency Interruption. The Public Works Department will make diligent effort to avoid interruptions of service and, when interruptions occur, will re-establish service as soon as possible. When emergency repairs, such as main breaks or fire hydrant damage, become necessary a concerted effort will be made by the Public Works Department to repair the cause without total disruption of service except for that period when complete shut off may be required due to the nature of the damage.

Notification of affected customers may not be possible; however, every effort will be made by the Public Works Department to have an announcement made by electronic media if the period of total interruption of service is expected to last more than four hours.

3. Liability. The City of Whitefish will not be liable to customers or others for failure, or interruption of water service due to main breaks, acts of God, governmental regulations, court or Public Service Commission orders, acts of a public enemy, strikes or labor disputes, accidents weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of the City of Whitefish or its personnel.
4. Adjustment of Rates for Interruptions. Interruptions of service due to any of the foregoing reasons or for frozen facilities of the customer will not render the Utility Department liable for any adjustment in the bill.

SECTION 15: DISCONTINUANCE OF SERVICE

1. Vacation of Premises. Any customer who is about to vacate any premises supplied with service by the Utility Department, or for any reason wishes to have service discontinued, will give at least twenty-four hours' notice to the Utility Department.

Notice will specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holidays unless the customer agrees, in writing, to pay the call-out fee. A service to an established fire protection system will not be disconnected without notification by the customer to the property insurance carrier and the Fire Marshal.

2. Temporary Discontinuance. At the request of the customer to have the water turned off for the winter, if the property is vacant, or for other reasons, the customer will be charged the turn-off fee. In the event the curb stop cannot be turned off for any reasons, the Utility Department will notify the owner of the reason for not turning off service.
3. Discontinuance by the Utility Department. The customer will comply with all applicable rules and regulations, including the paying of bills.

Service will only be discontinued for violations or the failure to comply with City requirements, Ordinances, codes, or rules or regulations if such termination is specifically authorized by City Ordinance, after written notice has been mailed by regular mail to the customer that the violation of rules must cease; provided, however, that where fraudulent use of water is detected, or where the Utility's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. If the customer, upon notification, does not comply with the written notice within ten calendar days, the Utility Department will discontinue service. The Utility Department will keep record of all notices.

Service will be discontinued for nonpayment of bills after the bills become delinquent in accordance with Section 21. The date of disconnection will be no less than ten calendar days following the mailing of notification. The Utility Department will keep record of all notices.

The Utility Department will not discontinue service on Fridays, Saturdays, Sundays, City holidays, or if an emergency affecting health exists. A written statement from a physician or health agency must be presented to the Utility Department prior to the date of disconnection or it will be assumed no health condition exists and the City of Whitefish cannot be held liable.

4. Year-Round Base Rate. The monthly base rate for water, sewer and/or garbage service will apply to all accounts during the discontinuance of service, except as provided under Section 10.8 of these Rules.
5. Charge for Reconnection. Whenever the supply of water is disconnected, or scheduled for disconnection, for violation of these rules and regulations, dangerous conditions, or fraudulent usage, the offending situation will have to be rectified to the satisfaction of the Utility Department and payment of a turn-off fee, plus any late payment penalties and all other charges for service, including current balances, must be paid before the water will be reconnected.

SECTION 16: CHANGES IN CHARACTER OF SERVICE

In the event the Water Treatment Plant makes changes in the system which would cause a 10 pound per square inch (psi) or more increase or decrease in the system pressure the Public Works Department will notify the affected customers. The customer will be responsible for the adjustment of appliances and equipment, or installation of pressure reduction devices to accommodate the change in system pressure.

SECTION 17: FREEZING AND PREVENTION OF FREEZING

1. Mains. If the Public Works Department determines there is a danger of mains freezing, they may request customers, individually or within a specific area, to run sufficient water to prevent freezing. The request will be in writing with specific information as to the volume of water to be run. Customers thus requested will not be billed for the excess used for prevention of freezing during the request period. Their billing will be based on the amount used during the same billing period the previous year, or in the case of new customers the billing will be based on the base rate for meter size plus a reasonable estimate of normal usage. The Public Works Department will notify the affected customers when the period of freezing threat is over, and the normal billing rate will become effective the next billing period.

In the event a main does freeze the Public Works Department will be responsible for all costs in thawing the City main and repairing any damage to the City main.

2. Service Lines. The customer is responsible for the prevention of freezing of the service line and appurtenances. If freezing does occur to the service line the customer will bear the expense of thawing, replacement, or repair of the damaged piping, appurtenances and equipment, to include meters or other equipment owned by the Utility Department. Thawing will be accomplished only by a licensed plumber using methods approved by the Public Works Department. It is the responsibility of the customer to properly drain their water lines to prevent freezing when the water has been shut off for any reason.
3. Meters. The Customer will provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be easily accessible for reading and repair purposes. The meter must be located at the point of entry to the structure and will be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage will be paid by the customer.

SECTION 18: FIRE HYDRANTS

Fire hydrants, except those on private fire protection lines and mains, are the property of the City of Whitefish which will have the responsibility for their maintenance and repair.

SECTION 19: EXTENSION OF MAINS

1. Application for Extension. Customers or developers who have requested water and/or sewer service in an area not presently served by a City-owned main must first make application for a main extension on a form provided by the Public Works Department and the Montana Department of Environmental Quality. The application will be submitted to the Public Works Director/City Engineer or his designee and will contain all pertinent information as required by the application. Requests for extension by developers of subdivisions will also conform to the subdivision rules and regulations.
2. Approval of Extensions. All applications for extension will be reviewed and approved by the Public Works Director/City Engineer and forwarded to the City Manager, along with recommendations for approval or disapproval, for his review and final disposition. Approval of any extensions of the water and sewer mains will be discretionary and based on the merits of each case.
3. Construction. An engineering report, along with necessary plans and specifications for the extension, will be submitted to the Public Works Director/City Engineer and the Department of Environmental Quality for review and approval pursuant to Section 75-6-112, MCA, and the rules of the Department. All construction and materials will conform to applicable City standards. A preconstruction conference will be required prior to any construction activities.
4. Proximity of Water and Sewer Mains to Buildings or Structures. In accordance with the current editions of the *Uniform Plumbing Code* and the *Uniform Plumbing Code Illustrated Training Manual*, all water or sewer trenches deeper than and running parallel to the footing of a building or structure will be beyond the load bearing area of the structure's foundation and at least forty-five (45) degrees away from the footing, unless otherwise approved by the Public Works Director/City Engineer or his designee.

No water or sewer main will be installed under any building, structure or wall, unless otherwise approved by the Public Works Director/City Engineer or his designee. No building, structure, wall or obstruction will be installed over an existing water or sewer main, or in a location which causes an existing water or sewer main to be within the load bearing or less than forty-five (45) degrees away from a footing, unless otherwise approved by the Public Works Director/City Engineer or his designee.
5. Inspection and Engineer Certification. The Public Works Department will make necessary inspections to ensure compliance with plans, specifications, and City standards. The cost of inspections will be borne by the customer or developer based on the estimated cost of the extension. The inspection fee will be agreed to prior to final approval of the extension application. In addition to any inspection by the Public Works Department the project engineer will be required, within ninety days of completion of the extension, to submit to the Public Works Department a certificate of compliance with the plans and specifications, along with a full and suitable set of "as built" plans and specifications.

6. Liability. The customer or developer will be liable for any and all claims for damage caused during construction and proper operation and function of all piping, valves, valve boxes, fire hydrants, manholes, lift stations or other appurtenances for a period of two years from date of receipt of compliance as provided for above, or from the date of introduction of the first service, whichever is later. If the main extension is a portion of a total improvements plan, the Public Works Department may require the one-year guarantee or liability period to commence after all improvements have been installed and the project is determined to be complete. The starting date for the notice of the liability period will be given to the customer or developer by the Public Works Director/City Engineer.
7. Dead Ends. Dead ends in the distribution or collection system will be avoided to the extent possible. If dead ends are unavoidable even on a temporary basis, the developer may, at the discretion of the Public Works Director/City Engineer, be required to provide facilities for flushing the line.
8. Cost of Extension. All costs of extension will be borne by the customer or developer, except as specifically provided for in an Extension Agreement.
9. Extension Agreements. If deemed appropriate and necessary, the City of Whitefish may enter into an Extension Agreement with a customer or developer. Extension agreements will be in accordance with policies established by the City Council.

SECTION 20: BILLING

1. Billing Periods. Meters for all accounts will be read at monthly or other regular intervals. The date of the month for reading any meter will be as close as practical to the same date of the previous reading. The billing will likewise be monthly or other regular interval, with the date of mailing of the bill as near as practical to the date of mailing of the previous bill.
2. Billing Information. Bills will be sent to the address on file for the customer or authorized property manager, if applicable. For rental properties, the bill may be sent to the address of the property upon written request by the customer or authorized property manager. An occupant name may be added or changed upon request by the customer or authorized property manager. Bills will show the customer name, c/o occupant name, if applicable, meter readings at the beginning and the end of the period for which the bill is rendered, the billing date, the number of gallons supplied and the date upon which payment will be overdue.
3. Multiple Unit Billing. In all cases where there is more than one unit, dwelling, commercial enterprise, or the like, as provided for in Section 11.8, one bill only will be rendered for payment of water, sewer, and/or garbage service. The bill will be payable by the customer or association of owners. Failure to make payment will subject the entire service to discontinuance as provided for in Section 15.

4. Adjustment of Bills. The customer, at the customer's request, will be instructed on how to read the water meter. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer will notify the Utility Department within ten days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter the customer, upon depositing an amount sufficient to cover the cost of the meter removal and testing, may demand that the meter be removed and tested for accuracy and may demand that the testing be done in the presence of the customer. The customer who desires to be present for the testing will bear any and all costs incurred by the customer to be present. If the meter is found to be registering correctly (within two percent of true recording) or in favor of the customer, the deposited amount will be forfeited to the Utility Department. If the meter is found to be recording incorrectly (over two percent of true recording) against the customer the Utility Department will refund the deposit and refund the overcharge, based on a true recording, for a period of six months, or for a lesser period if the date of cause can be established from records related to the cause.
5. Adjustment for Water Leaks. All water that passes through a water meter will be charged, whether used, wasted, or caused by theft, vandalism, construction, negligence, or leakage, regardless if the property is occupied, unoccupied or vacant property.
6. Request for Sanitary Sewer Bill Adjustment Required. Each account is eligible to receive one (1) adjustment during a twelve (12) month period for a metered underground or outdoor leak that does not go into the sewer system. The Utility Department must be notified of a leak or high usage within ten (10) days of the billing date. The number of billing periods eligible for adjustments is limited to a maximum of two (2) consecutive billing periods. Once the leak has been identified and repaired, a leak adjustment request form along with the appropriate documentation may be submitted for an adjustment to be considered. A copy of a plumber's repair bill must accompany the adjustment request within thirty (30) days of such repair, stating why such adjustment should be considered. Completion of a leak adjustment request does not guarantee an adjustment will be made to your City utility bill. All requests are evaluated on a twelve (12) month average usage for the billing period. The account must remain current and bills paid by due date to avoid additional service charges. If a credit is issued, it will be posted to your account and reflected on your utility bill. No adjustments for filling a swimming pool, hot tub, washing vehicles, new landscape (new sod or new trees) etc. will be permitted.
7. Error in Billing. If an error in billing or meter reading has been made, the Utility Department may recover any amounts undercharged and must refund any over-collection for the previous six months, as applicable.
8. Dead Meters. If a meter is found not to register for any period, the Utility Department will compute the water used as follows:

- a. For customers who have been served for over one year: the amount billed will be based on the same consumption as that for the same period the previous year(s).
- b. For customers who have been served for less than one year: the amount billed will be based on the consumption for the previous billing period.

Exceptions will be made to this rule if the facts reasonably show that either method does not yield the correct consumption for the period the meter is inoperative.

9. Vicious Animals. In the event the Meter Technician is unable to enter a yard to read a water meter due to the presence of a dog or other animal the meter reader believes may cause physical harm, the meter for that customer will not be read. Instead, the meter reader will report the incident on the meter record book and the customer's water consumption will be estimated sufficiently high to assure adequate payment for the water consumed.

At the discretion of the Utility Department the remote meter will be relocated to accommodate the Meter Technician.

SECTION 21: PAYMENT OF BILLS

Utility Bills are mailed out monthly and are payable in full upon receipt with a due date of the 20th day. On the 25th day, the customer will be notified in writing by the City of its intent to disconnect services at the subject premises by first class mail. The notice of service disconnection shall be mailed to the customer and the occupant at the customer's request. The notice will clearly indicate the delinquent amount, date of the scheduled door tag and fee, and the date of service disconnection and turn-off fee, unless suitable payment arrangements are made in writing between the Utility Department and the property owner. Partial payment of utility bills will be divided among all utility charges owed to the City of Whitefish.

SECTION 22: PRIVATE MAINS

1. The City will have no obligation to maintain, test, repair or replace private mains, and the City will not be liable or responsible for any damage caused by water leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, repairing and replacing a private main. All customers served by a private main are advised to replace such line with a properly designed and installed main. The City will not allow any new connections to a private main.
3. If in the judgment of the Utility Services Supervisor and/or the Public Works Director/City Engineer a private main has become hazardous, or is leaking, or could damage or cause harmful effects to the water, sewer system, to customers, or to neighboring property owners or residents, the Utility Services Supervisor

and/or Public Works Director/City Engineer will give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Utility Services Supervisor and/or Public Works Director/City Engineer will allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Utility Services Supervisor and/or Public Works Director/City Engineer determines that it is not feasible or practical to remediate the private main, reasonable notice will be given to such customers of the need to install a new main or connect to an existing main. If any customer fails or refuses to conduct the needed maintenance, testing, repair or replacement, or fails or refuses to install a new main or connect to an existing main, it will be sufficient cause for discontinuance of service and the City may make necessary repairs and charge the cost of all labor and materials to the customer(s).

SECTION 23: LATECOMER AGREEMENTS AND FEES

1. If the City is contractually obligated to collect a latecomer fee from a customer who connects to the City's water and/or sewer system, the City may refuse to allow such customer to connect to such system until the fee is paid to the City, or in the discretion of the City, until payment of such fee is adequately secured.
2. If the City requires a customer to connect to a main and the City is contractually obligated to collect a latecomer fee, the City will provide reasonable notice to such customer of the need to pay such fee. The City requires that the fee be paid in a single lump sum.

SECTION 24: REQUIRED CONNECTION TO CITY SERVICES

If a City water main is readily available within a distance of 200 feet of the property line for connection, the property must connect to City Water as a new water source or as a replacement for a failed private water source. A connection is considered not readily available if:

1. The cost of the connection, as determined by the City, is greater than three times the cost of the installation of the private water system;
2. Connection to the public system is physically impractical; or
3. Necessary easements cannot be obtained.

Requirements to connect to City Sewer is governed by the Flathead County Regulations for Onsite Sewage Treatment Systems.

Staff Report



To: Mayor Muhlfeld and City Councilors
From: Dana Smith, City Manager
Date: February 8, 2020
Re: Updating the Rules and Regulations for Water, Sewer, and Garbage Services and Approving Changes to Fees for Utility Services

Introduction/History

The Rules and Regulations for the City of Whitefish Water, Sewer, and Garbage Services has been amended from time to time and governs water, sewer, and garbage services rendered to our customers. The Rules and Regulations provide clear policies for the Utility Department to follow and protects the City from unreasonable demands. These policies are intended to provide the maximum benefit and safety to public health and the well-being of all of our customers.

The Rules and Regulations were last updated for a minor amendment requiring consent to annexation as a condition of receiving services in 2014. During the years, staff tracks challenges that could be more effectively handled or issues that may be placing the City at an increased risk of litigation. Beginning in 2018, City staff began reviewing the Rules and Regulations with the intent to carry out a more substantial update to address some of the reoccurring challenges and issues.

At the City Council work session on November 4, 2019, City staff presented the current challenges and proposed significant changes to the Rules and Regulations. After the work session City Council gave staff direction to move forward with discussions regarding the proposed changes with property managers. City staff met with representatives from the larger property managers operating in Whitefish on December 15th and December 19th. Based on the meetings with the property managers, City staff agreed to amend the proposed changes to a more workable solution for property managers while ensuring the City will achieve efficiencies in operations.

On January 6, 2020, City staff presented updated proposed changes based on the meetings with property managers (see attached copy of Power Point presentation). City Council gave direction for City staff to proceed with the process to update the Rules and Regulations by preparing for a public hearing, including publishing the required public notice in accordance with Montana Code Annotated for any fee changes. The attached public notice was included in all utility bills mailed January 31st and was published in the Whitefish Pilot on January 29, February 5, and February 12, 2020.

Current Report

Included with this report is a red-line version of the Rules and Regulations. The exhibit for the proposed resolution includes a clean version for easier reading. One can see from the red-line version that this update is one of the most substantial since 2011. The following highlights the major changes that will impact our current and future customers:

1. No deposit will be required for service. All current deposits will be applied to the customer accounts and refunded for all accounts set up in a renter's name. A form has been prepared for renters that want to assign his/her deposit over to their property manager.
2. All accounts must remain in the name of the owner or authorized property management company. A renter's name may be added to the resident field upon request by the property manager or owner via email. The City must be notified of any updates. Property managers will be responsible for pro-rating monthly utility bills between renters.
3. Owners or authorized property managers will receive the monthly utility bill. With an executed form, the utility bill may be sent to the mailing address for the property with the mailing address stating c/o "renter's name". Late notices will be sent to both owners or authorized property managers and the property's mailing address, if applicable.
4. Utility bills not paid by the 20th are considered delinquent. Late notices will be mailed on the 25th with no late fee assessed at that time, which is currently a \$10 fee and mailed on the 21st. Door tags will be hung on approximately the 29th of the month with a fee of \$25, which is an increase of \$15 from the current door tag fee. Water service will be turned off five days later with a \$50 fee, which is an increase of \$10 from the current \$40 turn off fee. The turn off fee includes the cost to turn water service back on after the account is paid in full.
5. The City will process billing for garbage service and be the primary contact for all billing related questions. We are currently negotiating this change and will ensure a smooth transition. Garbage service is currently billed on a quarterly basis by Republic Services. When the City begins billing it will be billed on a monthly basis on the same bill as your water and sewer service.

Other changes are primarily for clarification and clear documentation of our current policies and procedures. Implementation of these changes are expected to take up to five months as we will need to work through the deposits, accounts change overs, and applying summer averaging to all accounts. We will work with property managers and owners who rent their property and will provide a letter for them to use in notifying their owners and renters of the changes. Since we are in the process of negotiating with Republic Services, the Resolutions for the update to the Rules and Regulations and the changes to the Utility Fees will be effective upon execution of a new contract with Republic Services that returns billing of garbage services to the City. Implementation will be completed to by September 1, 2020, or five months after the effective date of the Resolutions.

Financial Requirement

There are no anticipated financial requirements as a result of these changes. In fact, we anticipate savings in supplies and materials, as well as the opportunity to redirect savings in staff time to auditing accounts and improving customer service. Revenues could be impacted slightly with the elimination of the initial late fee, but that will mostly be recouped by the higher door tag and turn off fees. Furthermore, we anticipate improved accounting of water loss and a quicker response to potential leaks.

Recommendation

Staff respectfully recommends that the City Council approve Resolution No. 20-__. A Resolution Updating the City of Whitefish's Rules and Regulations for Water, Sewer, and Garbage Utilities. If the Resolution updating the Rules and Regulations is approved, staff respectfully recommends that the City Council approve Resolution 20-__, A Resolution revising fees charged for City utility services.

RULES AND REGULATIONS

FOR THE

CITY OF WHITEFISH

WATER, ~~WASTEWATER~~ SEWER AND GARBAGE UTILITY SERVICES



ADOPTED BY RESOLUTION NO. 11-60 ON DECEMBER 5, 2011
AS AMENDED BY RESOLUTION NO. 13-01 ON JANUARY 22, 2013
AS AMENDED BY RESOLUTION NO. 13-05 ON MAY 6, 2013
AS AMENDED BY RESOLUTION NO. 14-47 ON OCTOBER 6, 2014
AS AMENDED BY RESOLUTION NO. 20- ON FEBRUARY , 2020

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RULES AND REGULATIONS

FOR THE

CITY OF WHITEFISH

WATER, WASTEWATER AND GARBAGE UTILITY

~~ADOPTED BY RESOLUTION NO. 11-60 ON DECEMBER 5, 2011
AS AMENDED BY RESOLUTION NO. 13-01 ON JANUARY 22, 2013
AS AMENDED BY RESOLUTION NO. 13-05 ON MAY 6, 2013
AS AMENDED BY RESOLUTION NO. 14-47 ON OCTOBER 6, 2014~~

RULE I SECTION 1: GENERAL APPLICABILITY

~~The following Rules and Regulations of the City of Whitefish shall constitute a part of the contract with every consumer or customer of City garbage, water and/or sewer service as amended and supplemented from time to time, shall will govern all Water, Sewer and/or Garbage Utility Services rendered or to be rendered by the Utility Department. All Rules and Regulations describe below will be binding upon every customer and will constitute a part of the terms and conditions of every contract for water, sewer and garbage service whether expressly incorporated therein or not or whether or not and regardless of whether a signed application for water, sewer and garbage is on file. It is understood that such rules are necessary to provide the maximum benefit and safety to the public health and well-being of customers. as the public uses the services. A copy of the Rules and Regulations shall be on file in the offices of the City Clerk and Water and Wastewater Utility of the City of Whitefish for inspection and review upon request.~~

~~The following polices, amended and updated from time to time, are by reference made part of these Rules and Regulations.~~

~~City of Whitefish Engineering Standards
Permanent Encroachment and Temporary Encroachment Permits
Water and Sewer Permits
Excavation Permits~~

~~Gender Statement:~~

~~For simplification purposes, the masculine gender pronoun used throughout these General Rules and Regulations represents all genders.~~

RULE II SECTION 2: AUTHORIZATION AND PURPOSE OF RULES AND REGULATIONS

1. These rules and regulations are intended to define good practice, which can normally be expected.

2. They are intended to ~~insure~~ensure adequate service and to prevent unfair charges to the customer, and to protect the Whitefish ~~Water and Wastewater Utility Department~~ from unreasonable demands.
3. The Whitefish ~~Water and Wastewater Utility Department~~ is governed by the policies established by the Whitefish City Council and administered by the City Manager or designee and is under the direct supervision of the ~~Water and Wastewater Utility Services~~ Supervisor.
4. The adoption of these rules and regulations ~~shall~~will in no way preclude the Whitefish City Council from altering or amending them in whole or in part, or from requiring any other or additional service, equipment, facility, or standard upon complaint, upon its own motion, or upon the application of the ~~Water and Wastewater water, sewer and garbage Utility services~~. All ~~consumers~~/customers are bound by these rules and regulations, as amended from time to time.
5. These rules and regulations ~~shall~~will not relieve in any way the Whitefish ~~Water and Wastewater Utility Department~~ from any of its duties under the laws of the State of Montana.
6. The authority requiring the establishment of the rules and regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

~~RULE III SECTION 3:~~ DEFINITIONS

Unless a different intent clearly appears from the context, the following words or phrases ~~shall~~will mean:

1. "~~City Council Manager~~" means the duly elected governing body of the City of Whitefish, to include the Mayor, appointed City Manager of the City of Whitefish or any person authorized by him/her to perform acts in his/her behalf.
2. "~~City Manager Council~~" means the appointed City Manager of the City of Whitefish or any person authorized by him/her to perform acts on his/her behalf, duly elected governing body of the City of Whitefish, to include the Mayor.
3. "~~City Engineering Standards Sewer~~" means those standards adopted by the City Council which pertain to the design, materials, and construction practices for water and sewer utilities, the system operated by the Whitefish Water and Wastewater Utility for the collection and treatment of sewage.
4. "~~City Sewer Standards~~" means the system operated by the City of Whitefish for the collection and treatment of sewage, those standards adopted by the City Council which pertain to the design, materials, and construction practices for water and wastewater utilities.
5. "~~City Water~~" means the system operated by the City of Whitefish Water and Wastewater Utility for the treatment and distribution of water.

6. "Commercial Service" means any water, sewer and/or garbage ~~or sewer~~ usage other than solely for residential purpose, or for residential structures of greater density than a duplex. Where a single structure has combined business and residential usage the water and sewer service shall will be considered "Commercial Service." Schools, hospitals, clinics, nursing homes, churches, apartments, condominiums, and rooming houses having two or more rooms on a rental basis are considered "Commercial Services."
7. "Curb Box" means a vertical cast-iron sleeve, housing the curb stop (shut-off valve) for property's water and/or sewer service line.
8. "Curb Stop" or "Service Valve" means a fitting inserted in the service pipe near the property line for turning on or off water and/or sewer services to the premises supplied or to be supplied.
- 7.9. "Customer" or "Consumer" means the owner of the recorded title of ownership of real estate property that is receiving any garbage, water and/or sewer service.
- 8.10. "Developer" means any individual, firm, corporation, or other entity who causes improvements to be made upon the land with said improvement requiring water and/or sewer service.
9. ~~"Director of Public Works/City Engineer" means the duly appointed Director of Public Works/City Engineer of the City of Whitefish or any person authorized by him/her or the City Manager to perform acts in his/her behalf.~~
- 10.11. "Distribution Main," "Collection Main," or "Main" means a water or sewer pipe owned, operated, and maintained by the Whitefish Water and Wastewater Utility Public Works Department, which is used for the distribution of water or collection of sewage and to which service connections are made.
- 11.12. "Excavation Permit" means a permit required for all construction activities located within public right-of-way. The permit is issued by the Public Works Department to a licensed contractor.
- 12.13. ~~"Latecomer Fees" means an amount of money that the City is contractually obligated to collect from a City water and/or sewer customer and to remit to a Developer who has installed mains or other capital facilities.~~ "Meter" means a mechanical device used to measure and record the quantity of water and/or sewer supplied to the customer. The meter is the official recorder of the amount of water and/or sewer consumed by the customer.
- 13.14. "Meter Pit" or "Meter Vault" means the subsurface structure that houses a water meter, protecting the meter from damage and allowing the City easy access to the meter for maintenance, investigation, or reading. All new installation ~~shall will~~ be exterior meter pits and/or vaults approved by the Utility Department.
- 14.15. "Month" means a period between any two regular billing dates by the Utility Department for service rendered to a customer at his/~~her~~ premises.

- 15-16. "Permittee" means any individual, firm, corporation, or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
- 16-17. "Plumber" means a master plumber licensed by the State of Montana and authorized to install and assume responsibility for contractual agreements pertaining to plumbing, and to secure any permits required for plumbing installations.
- 17-18. "Private Fire Protection Line" means a privately-owned water service line extending from the distribution main to and through a structure for which the sole purpose of use is the extinguishment of fire. A private fire protection system is the property of the customer; the Water Utility City does not maintain any portion or component of the system.
- 18-19. "Private Main" means any water or sewer pipe not owned, operated and maintained by the City of Whitefish ~~to which more than one service line was originally connected. A list of private mains that are connected to the City's water and/or sewer system is attached as Appendix 1. Appendix 1 is not exclusive, and the City reserves the right to identify any additional private mains.~~
- 19-20. "Public Service Commission" means the Montana Public Service Commission.
- 20-21. "Public Works Director/City Engineer" means the duly appointed Public Works Director/City Engineer of the City of Whitefish or any person authorized by him/~~her~~ or the City Manager to perform acts on his/~~her~~ behalf.
- 21-22. "Residential Service" means water, ~~or sewer~~ and/or garbage usage solely for residential purposes.
- 22-23. "Remote Radio Reading Device" means a device that works in conjunction with the water meter that assists the Utility Department in taking readings of water and/or sewer usage.
- 23-24. "Service Connection" or "Service Tap" means the tap at the distribution main or collection main which connects the customer's service pipe to the main.
- 24-25. "Service Pipe" or "Service Line" means the piping and appurtenances from the service connection at the main to the customer's premises.
- 25-26. "Theft of Service" means an act of obtaining or receiving water ~~or sewer~~ service from a fire hydrant, or other water and/or sewer source without permission from the City of Whitefish, and with intent to avoid payment.
- 26-27. "Utility Department" means the City of Whitefish department responsible for water, sewer and/or garbage billing.

~~27-28. "Utility Operation Supervisor" means the duly appointed supervisor who oversees the operation, construction and maintenance of the water distribution and sewer collection systems. Or any person authorized by him/her to perform acts on his/hers/or behalf.~~

~~28. "Water Utility" or "Wastewater Utility" or "Water and Wastewater Utility" means the City of Whitefish Water and Wastewater Utility.~~

29. "~~Water and Wastewater~~Utility Services Supervisor" means the duly appointed Supervisor who oversees all aspects of the Utility Department of the Whitefish ~~Water and Wastewater Utility~~ or any person authorized by him/her to perform acts on his/her behalf.

RULE IV SECTION 4: RECORDS AND REPORTS

1. Preservation of Records. All records required by these rules and regulations, the State of Montana Water Quality Bureau, the Public Service Commission, the Environmental Protection Agency (EPA), and the Safe Drinking Water Act ~~shall~~will be preserved in accordance with the "Rules to Govern the Preservation of Records of Public Utilities and Licensees", as prescribed by the National Association of Regulatory Utility Commissioners (NARUC), dated April 1972, or appropriate State and Federal agency requirements. The records ~~shall~~will be kept at the offices of the ~~Water and Wastewater Utility Department, Public Works Department~~ (and/or City Clerk's) office and ~~shall~~will be open at reasonable hours for examination by the Public Service Commission or its representative or other State and Federal agency, as applicable.

2. Filing of Rules, Regulations and Rate Schedules. No rules, regulations, or schedules of rates, or modifications of the rules, regulations or schedules of rates, ~~shall~~will be effective until adopted by the City Council after due process of law.

~~3. Annual Financial Report. The Water and Wastewater Utility shall make a report annually to the Public Service Commission and furnish a copy thereof to the Montana Consumer Counsel. The report shall set forth the rates and numbers of users of each service and classification, all rate increases, and the total income and expenditures of the Water and Wastewater Utility as provided in Section 69-3-203, MCA.~~

RULE V SECTION 5: CUSTOMER INFORMATION

1. Rates. ~~Water and Wastewater~~The Utility Department personnel ~~shall~~will explain to the customer during application for service, or whenever the customer requests, the rates applicable to the type of service furnished to the customer. Upon request, the ~~Water and Wastewater~~Utility Department ~~shall~~will supply the customer a copy of the current rate schedule.

~~1.2.~~ Rules and Regulations. A copy of the rules and regulations of the ~~Water and Wastewater~~Utility Department and any contracts, applications, or agreements

applicable to the ~~Water and Wastewater~~ Utility Department shall will be maintained in the City Clerk's office for review and inspection by the public.

~~3. Posting. The Water and Wastewater Utility shall exhibit, in a conspicuous location, a suitable placard in large type, giving information to the customer that a copy of the rules and regulations and a schedule of rates of the Water and Wastewater Utility are available for their inspection. The placard shall also state that the Water and Wastewater Utility is regulated by the City Council and under the direct supervision of the Water and Wastewater Utility Supervisor.~~

RULE VI SECTION 6: APPLICATION FOR WATER AND/OR SEWER SERVICE

1. Free Service. The ~~Water and Wastewater~~ Utility Department shall will not supply free water, sewer and/or sewer-garbage service to any customer, public or private.
2. Introduction of Service Within Whitefish City Limits. ~~Property owners~~ Customers seeking the introduction or continuation of City water, sewer and/or sewer-garbage service within City limits must make application for City services at the ~~Water and Wastewater~~ Utility Department office on forms provided therefore, setting forth in the application all purposes for which water and/or sewer service will be used on the premises.
3. Introduction of Water or Sewer Service Outside Whitefish City Limits. ~~Property owners~~ Customers ~~that will~~ who want to connect to City water, and/or sewer and/or sewer-garbage service to properties which are not within the City limits, must consent to annexation as a condition to receiving City services and make application as provided for under ~~Rule VI(2) Section 6.2~~ above. The property owner's consent to annexation and application for water, and/or sewer and/or sewer-garbage service will be accompanied by a petition for annexation and a development agreement, as applicable, and an application for zoning map amendment. All applications for the introduction or continuation of City services from outside the corporate limits of the City ~~shall~~ will require City Council approval.
4. Applications. All applications for the introduction of water, sewer and/or sewer-garbage service or the continuation of water, sewer and/or sewer-garbage service must be signed by the ~~property owner~~ customer or their agent, duly authorized in writing, ~~if applicable,~~ prior to the initiation of development and/or new construction. If the ~~owner~~ customer authorizes the utility bill to be sent to a property manager ~~or tenant,~~ the owner-customer will notify the City-Utility Department in writing with any change of authority ~~or occupancy.~~ If the City-Utility Department determines that an existing City customer has not signed an application, or if a prior application has been lost, or no application is on file, the City-Utility Department may require the current customer to sign an application. Refusal to sign a current application, after reasonable notice, ~~shall~~ will be sufficient cause for discontinuance of service. ~~All customers are bound by these rules and regulations whether or not the customer has signed an application.~~

5. Application for Temporary Service. Water and/or sewer service for building, construction or other temporary purposes must be specially applied for. The method of connection and charges to the customer must be mutually agreed upon by the City and the owner-customer or owner's-customer's agent before obtaining any service. The usage charge may be based on an agreeable estimate of water to be used at a rate commensurate with the rate schedule. The ~~Water and Wastewater Utility~~City reserves the right to require metering of such temporary use if the condition warrants. In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and meter, if required. Temporary water and/or sewer service, if granted, may be terminated by the City after three days prior written notice of termination has been personally delivered or mailed by first class mail, postage prepaid to the owner's customer or the owner's-customer's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service. "~~Ord. No. 03-23~~"

6. Application for Private Fire Protection Service. Customers requesting private fire protection systems ~~shall will~~ make special application with the Fire Department. The size and location of fire protection system connections will be determined by the ~~Water and Wastewater Utility~~ Public Works Department and as required by the protection system. The pipeline used for the system ~~shall will~~ be separate, with no interconnections between the service pipe and any other piping or fixtures within or outside the structure. The customer ~~shall will~~ pay all costs of installation, operation, and maintenance of the system and the entire system ~~shall will~~ be subject to inspection, testing, and approval ~~of by~~ the ~~Water and Wastewater Utility~~ Public Works Department and/or Fire Department before service is made effective ~~and at such time thereafter as may be deemed necessary or appropriate by the Water Utility~~.

The extent of the rights of the private fire service customer is to receive, ~~but only at times of fire on his/her premises,~~ such supply of water as ~~shall will~~ then be available. The ~~Water Utility~~ City of Whitefish shall will not be considered in any way an 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 the Utility ~~shall will~~ 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 any other cause whatsoever.

Hydrants or other fixtures connected to a private fire service system may be sealed by the ~~Water Utility~~ Public Works Department and the seals may be broken only in case of fire or as specially permitted by the ~~Water Utility~~ Public Works Department, and the customer ~~shall will~~ immediately notify the ~~Water Utility~~ Public Works Department of the breaking of any seals.

Fire protection systems ~~shall will~~ have an approved backflow prevention device installed in accordance with the current Cross Connection Control Committee, Pacific Northwest Section AWWA "~~Cross Connection Control Manual Accepted~~"

Procedure and Practice." Backflow prevention devices will be inspected and tested annually in accordance with Section 12.

Fire protection systems will not normally be metered ~~but may be charged as a service according to size as prescribed in the rate schedule.~~ At the discretion of the Water-Utility Services Supervisor a fire protection system may be metered to verify that the system is not being used for other water demands.

Whenever a fire service system is to be tested the customer shall will notify the Water-Utility Public Works Department and the Fire Marshal of the test, designating the day and hour when the test is to be made so that, if desired, the Water-Utility may Fire Marshal and Public Works Department can have an inspector present during the test.

7. Change in Use. The customer agrees to obtain, in advance, the approval of the Water and Wastewater-Utility Services Supervisor for any change, alteration or additions in the fixtures, openings and uses specified in the building or plumbing permit application.
8. Prior Responsibility. It is the responsibility of the applicant to contact the Water and Wastewater-Utility Public Works Department prior to making application to confirm there is a City owned main adjacent to the applicant's property. If no City owned main exists or there is not sufficient supply for the intended use, it is the applicant's responsibility to extend or install a main in accordance with ~~Rule XX~~ Section 19 and Section 24: "Extension of Mains".
9. Rights and Compliance. Upon approval of the application for service, the ~~consumer~~ customer has the right to take and receive a supply of water, sewer and/or garbage discharge sewer service for the particular premises for the purposes specified in the application subject to compliance by the ~~consumer~~ customer with these rules and regulations, as amended from time to time.
10. The Water and Wastewater-Utility Department May Decline to Serve a Customer:
 - a. Until the customer has complied with these rules and regulations, building permit requirements, and other City Ordinances and Resolutions and regulations of the City of Whitefish;
 - b. If, in the judgment of the Water and Wastewater-Utility Services Supervisor, the customer's installation of piping, equipment or appurtenances is regarded as hazardous, wasteful, or of such character that satisfactory service cannot be given; ~~or~~
 - c. The customer's system could cause damage or harmful effects to ~~the Water and Wastewater City of Whitefish Utility's system~~ City Water, City Sewer, or adjoining properties;
 - d. The customer's system or a private water and/or sewer line serving the customer's property is leaking and the applicant or customer refuses to

~~repair the leak~~ replace the line in accordance with the rules and regulations;
or

e. For misrepresentation in the application and theft of service.

All refusals to serve ~~shall~~ will be made in writing to the customer by the ~~Water and Wastewater Utility Department and/or the Public Works Department.~~

RULE VII SECTION 7: COMPLAINTS

The ~~Water and Wastewater Utility Department~~ shall ~~will~~ make a full and prompt investigation of all complaints made by customers of the ~~Water and Wastewater Utility Department~~ either directly, through the City Manager, or through the Montana Consumer Counsel, and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the ~~Water and Wastewater Utility Department~~ shall ~~will~~ notify the Finance Director for further investigation. If the customer remains unsatisfied, the customer will be notified of the privilege ~~to~~ of appeal to the City Manager, City Council, or Consumer Service Representative of the Montana Consumer Counsel.

RULE VIII SECTION 8: PROVISIONS OF SERVICE

1. Limitations on Connections. No plumber or other person ~~shall~~ will be allowed to make connection with any conduit pipe or other fixture or to connect pipes when they have been disconnected, or to turn water on or off, on any premises served by the ~~Water and Wastewater Utility Department,~~ without permission from the ~~Water and Wastewater Utility Department.~~
2. Cross Connections. No pipes or fixtures connected to the water supply of the ~~Water Utility City of Whitefish~~ will be connected, directly or indirectly, to pipes or fixtures containing water from any other source.
3. Waste of Water. Waste of water is prohibited, ~~and consumers~~ customer's must keep their fixtures, private water mains, and service pipes in good working order and free of leaks at their own expense, and keep all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the ~~Water Utility Department.~~ When the ~~Water Utility Department~~ becomes aware of a leak in the private water main or service pipe of a customer, notice will be given allowing reasonable time for repairs to be made. If the leak is in a private main, such notice ~~shall~~ will be to all customers served by the private main and such notice ~~shall~~ will identify all properties served by such private main, in order to facilitate a cooperative repair effort by such customers. If the repairs are not made within the allocated time and no time extension has been granted or applied for, the water may be shut off by the ~~Water Utility Department~~ without further notice.
4. Summer Watering and/or Separate Irrigation Meters. ~~Where the customer wants their service discontinued for any period of time during the year, or have no usage for any given month, these customers shall not receive a reduced rate or no annual~~

~~average for summer watering during the five monthly periods for June through October in accordance with the rate schedule. Customers with zero usage, inconsistent usage or nonconsecutive usage during the winter months of November through May will not receive an average for the summer months of June through October.~~

~~Customer shall notify the Water and Wastewater Utility, stating the date of water shut-off and the date of water turn-on. When services are disconnected, the Water and Wastewater Utility shall still charge the customer a monthly base rate for water, sewer, garbage and any usage. The Water and Wastewater Utility shall charge for turning the water on in accordance with the rate schedule.~~

~~Residential c~~Customers will receive a reduced charge for water only for watering of lawns, gardens and landscaping and an averaged sewer charge during the five monthly billing periods from June through October, as follows:

a. Single-family ~~residential and Townhome~~ units: ~~Single-family residential~~
~~C~~customers that do not have a separate irrigation meter will be allowed a monthly summer watering maximum of 12,000 gallons per month during the months of June through October for watering at a reduced rate, based on the average used during the seven monthly billing periods from November through May, up to a total of 60,000 gallons for the five summer watering months.

b. ~~Duplex, Multi-Family and other non-residential~~ units: ~~Multi-family residential~~
~~c~~Customers that do not have a separate irrigation meter will not receive a summer watering maximum or a reduced rate for water and/or sewer.

~~c. Customers that share one (1) water meter and do not have a separate irrigation meter will not receive a summer watering average maximum or a reduced rate for water and/or sewer.~~

~~ed.~~ Irrigation meters: The City will activate the billing services for irrigation meters ~~between June 1st and ending with the meter reading in October, and will deactivate the b~~ Billing services ~~to for~~ the irrigation systems ~~will be deactivated~~ between November and May.— During the periods of deactivation, no base charge for the irrigation meters will be assessed to the ~~property owners customer~~. However, any water metered through an irrigation meter outside the summer watering season ~~of~~ June through October billing periods, ~~shall will~~ be billed at the normal water usage rates. A backflow prevention device is required in all instances to be installed in an irrigation system. ~~When irrigation service is not turned on during June through October, base rates are still charged. Customers will notify the Utility Department of when they would like the separate irrigation meters to be turned on or turned off for the season.~~

~~de.~~ Commercial, ~~Multi-Use~~ and ~~other non-residential~~ customers who, at their own expense, install a separate irrigation meter for summer watering will be

charged the base rate for the summer months of June through October, based on the size of meter installed. All water used, will be billed at the sprinkler rate. Any usage outside of the summer months will be billed for that month. The Water Utility Department will furnish a sprinkler meter at cost to the ~~commercial and residential~~ customer.

~~5. Conservation Fee. In the interest of preventing waste and promoting conservation of water, the Water Utility may, if conditions require, specify the hours and days during which sprinkling will be permitted. Upon determining that conservation of water is advisable, the Water Utility will publish a notice in newspapers and will prominently post notice in its offices. The Water Utility will make reasonable determination, based upon existing facts, whether a customer is using water in a wasteful manner or failing to observe the hours and days for sprinkling service. Upon determining that a customer is wasting water or failing to observe the hours and days for sprinkling, the Water Utility will deliver to the customer a copy of the notice of hours and days of sprinkling and shall advise the customer of the "conservation fee" which is to be charged if water is wasted or the specified sprinkling hours and days are not observed. If the customer cannot be contacted at the time the Water Utility discovers the customer's waste of water or failure to observe sprinkling hours, the Water Utility shall leave notice of the violation at the customer's door and it shall be deemed the customer has been adequately notified. If the customer is found to be wasting water or otherwise failing to observe sprinkling hours at any subsequent time in the sprinkling season, the Water Utility may charge and bill the customer a "conservation fee" for each day of violation. The "conservation fee" shall be added to and treated as part of the customer's utility bill. All expense incurred by the Water Utility to discontinue service and subsequent reconnection shall be paid by the customer.~~

~~6.5. Turn-on or Turn-off Service. A service charge shall be levied to turn-on water service for any customer; provided, however, that service turn-on for any customer whose service is being returned after disconnection due to non-payment of bills, for violation of the utility rules and regulations, or for fraudulent use of water shall be charged in accordance with the rate schedule. Request for turn-on and turn-off services during regular business hours will be charged to the customer's account in accordance with the fee schedule. New Construction accounts will not be charged for ~~at~~ the initial turn-on for services, if the turn-on is made during regular working hours. For new construction or existing ~~customers~~ that request or require turn-on or turn-off service outside of regular working hours will be charged the call-out fee instead of the turn-on and/or turn-off fee.~~

~~7.6. Resale of Water. Water furnished by the Water Utility City of Whitefish shall will not be resold or caused to be resold by any customer unless the customer is engaged in the business of distributing water as a public utility, as approved by the Public Service Commission.~~

~~8.7. Fire. In case of fire or an alarm of fire and while water is being used for the extinguishment of fires, the non-essential use of water, which may include for~~

fountains or yard sprinkling, is prohibited. In the case of high wildland fire danger, yard sprinklers might be appropriate.

9-8. Access to Property. For the purpose of maintenance, operation, and inspection, ~~The Water and Wastewater Utility City of Whitefish~~ personnel ~~shall will~~ at all reasonable times have access to meters, service connections, curb boxes, private mains, and any other property owned by the City which is on the customer's ~~premises, for the purpose of maintenance, operation, and inspection~~ property. The ~~Water and Wastewater Utility Department and the Public Works~~ Department also reserves the right to inspect all plumbing connected to and with the supply of water for violation of use, or improper or illegal connections. Upon reasonable notice the customer ~~shall will~~ remove obstructions and contain pets so they do not impair ingress or egress or interfere with the work of the ~~Water and Wastewater Utility City of Whitefish~~ personnel. If the customer refuses to allow access, remove obstructions or contain pets ~~for official Utility purposes~~, it ~~shall will~~ be deemed to be sufficient cause for discontinuance of service. ~~The customer shall have the right to verify the identity of the person seeking access.~~

10-9. Identification of Employees. Every employee of the ~~Water and Wastewater Utility City of Whitefish~~ whose duties require the entering of the customer's premises ~~shall will~~ carry an identification card which identifies the employee as a representative of the ~~Water and Wastewater Utility City of Whitefish~~. The identification card ~~shall will~~ contain a photograph, City logo, and the department for which he is employed ~~pertinent information necessary to identify the employee, including a photograph together with the telephone number of the Water and Wastewater Utility~~. The customer may deny access to the customer's premises while the customer calls the ~~City Water and Wastewater Utility~~ to verify the authenticity of the identification and that the employee is working for the ~~Water Utility City of Whitefish~~ and is on official business.

11-10. Storm Drainage and Other Wastes. No person ~~shall will~~ make connection of roof downspouts, exterior foundation drains, areaway drains, storm drains, sump pumps or other sources of surface runoff or groundwater to a building sewer, building drain, or any pipe which in turn is connected directly or indirectly to the sanitary sewer ~~of the Wastewater Utility~~ in accordance with Whitefish City Code Section 8-4-4(B); Whitefish City Code.

No person ~~shall will~~ discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage to the sanitary sewer ~~of the Wastewater Utility~~.

Customers that discharge surface runoff or groundwater to the sanitary sewer system will be charged ~~for such volume as can be reasonably estimated based on site specific conditions~~ a surcharge. ~~The charges will be in accordance with the established rate structure applicable to the customer.~~

No person ~~shall will~~ discharge or cause to be discharged any toxic chemicals, petroleum products, hazardous wastes, or wastes other than domestic sewage, or

approved industrial or commercial wastes to the sanitary sewer ~~of the Wastewater Utility.~~

All the aforementioned discharges and wastes are illegal actions under Whitefish City Code Title Section 8, Chapter 4, Section 4 of the Whitefish Municipal City Code and are punishable by citations and fines as determined by the Municipal Court.

~~12-11.~~ Above Normal Strength Sewage. The ~~Wastewater Utility Department~~ will assess charges for above normal strength sewage discharged to the City sewer. Normal strength sewage ~~shall will~~ constitute 200 milligrams per liter (mg/l) biochemical oxygen demand (BOD), as determined by the 5-day BOD test, and 250 mg/l total suspended solids (TSS) performed by the Public Works Department. ~~The charges shall be in accordance with the established rate schedule.~~

~~13-12.~~ Interior Plumbing and Fixtures. All plumbing connected, directly or indirectly, to the supply or service of the ~~Water and Wastewater Utility City's water and/or sewer system shall will~~ conform to the installation requirements of the International Association of Plumbing and Mechanical officials "Uniform Plumbing Code" and these rules and regulations. ~~None but City licensed, Only~~ Montana State licensed master plumbers or their representatives, with a current City Business License, will shall make any connections to or install any piping or fixtures connected directly or indirectly to the water supply or sewer ~~service system~~ of the City of Whitefish as required by Section 37-69-301, MCA.

RULE XI SECTION 9: RATE ESTABLISHMENT

1. Rates and Rate Adjustments. All rates and ~~rate fee~~ adjustments ~~shall will~~ be adopted by the City Council through the hearing process as provided by law. Rate increases for comparable classifications and zones outside the municipal boundaries may not exceed those set within the municipal limits as provided in Section 69-7-201, MCA.
2. Rates Charged Against Property. The water, sewer and/or garbage sewer rates ~~shall will~~ be charged against the property on which it is furnished, regardless of occupancy, and discontinued; if for any cause any sums due therefore become delinquent, ~~service Service~~ may ~~be shut off from the property and not be~~ turned on again until all such delinquencies and fees have been paid in full or suitable arrangements for payments have been made by the property ownercustomer. ~~In the case of leased property, the City and customer shall exercise reasonable efforts to collect any delinquency from the tenant, including use of the tenant's deposit.~~ If unsuccessful, however, the City ~~shall be is~~ entitled to collect the remaining delinquency from the ~~property ownercustomer,~~ even by placement of a property tax lien assessment on the property's tax bill. ~~No change of tenants shall affect the application of this Rule.~~

RULE X SECTION 10: SERVICE LINES AND CONNECTIONS

- Main-New Tap Connection. The customer is responsible for the excavation from the point of intended use to the main and restoration of the excavated area to acceptable condition. The customer will supply the service clamp and corporation stop at the main. The customer's excavator will be required to obtain an excavation permit from the Public Works Department before making any connections. All excavations in public right of way or easement require a permit issued by the Director of Public Works/City Engineer or his designate. For residential and commercial water services the Water Utility shall install a service clamp and corporation cock at the main as well as The Public Works Department will tap the main for a fee in accordance with the rate-fee schedule approved by City Council. On all other services the customer shall-will bear the full expense for labor, equipment and materials involved in the tapping of the main. The Water Utility Public Works Department will make all water taps without exception.
- New Service Lines Connection. The customer, at the customer's expense, shall will be responsible to install all piping and appurtenances, except the meter, from the main connection to the point of usage, and restore all surfaces to the conditions which existed before installation. ~~The service line, water curb stop cock and curb box shall-will~~ be in an accessible location in the public right-of-way or easement, as directed by the Water Utility Services Supervisor and the Public Works Department Inspector. ~~There shall-will~~ be no branches made in the water service line between the City's ~~curb stop and the meter~~ main and the water meter. All piping and appurtenances shall-will be installed, disinfected, and flushed in accordance with appropriate City-Montana Public Works standards.
- Water and/or Sewer Permit to Install or Alter Service Line. Any and all new installation, repairs, replacement or alterations of service lines from the main and including to the consumer's premises ~~or consumer's meter,~~ shall-will require a permit issued by the Water and Wastewater Utility Department. The permit shall will include the reason for the work and a description of the work to be performed. The permit ~~shall be obtained and signed by a City licensed,~~ will be issued to a City licensed and a Montana State licensed master plumber or his representative, for the property customer owner. ~~The permit holder of the City license shall-will~~ be primarily responsible for compliance with the City Engineering Standards, the Uniform Plumbing Code, these rules and regulations, or-and any other applicable rules and regulations.

Upon completion of all necessary work, the permittee ~~shall-will~~ have the work inspected by a representative of the Water and Wastewater Utility Public Works Department and/or Utility Department, ~~then return the permit to the Water and Wastewater Utility office along~~ The permittee will be required to submit to the inspector with a suitable map - 8½ by 11-inch standard - showing the location of the meter pit, tap, clean-outs, curb box, and service line location and/or any changes of location of service line or appurtenances, or any other appropriate information. ~~If the work requires excavation in a street, alley, public right-of-way, or public easement, an "Excavation Permit" shall-will~~ also be required.

4. Maintenance of Service Lines. The customer, at the customer's expense, ~~shall will~~ maintain all ~~private water mains and service lines, service piping and appurtenances, between beyond~~ the City's ~~water main or curb stop and the customer's premises meter,~~ in good condition, operable, and free from leaks. Failure to do so may be cause for discontinuance of service. It is the customer's responsibility to repair any leaks in customer's portion of the service lines ~~or their private water mains~~ immediately upon discovery ~~or notification by the City.~~ Leaks in buried iron piping or other material that does not comply with existing City Engineering Standards shall will require replacement from the ~~City curb stop to the meter to the homebuilding.~~ The City Water Public Works Department ~~shall will~~ maintain service lines from the City owned mains to and including the City's curb stop.

5. Maintenance of Curb Boxes. It is the responsibility of the customer to maintain the curb box in good working condition and accessible at all times. If the customer requests a service disconnect and the service cannot be turned off by the Utility Department due to a damaged or inaccessible curb box, the service will not be disconnected until the customer makes the necessary repairs. If the Utility Department needs to disconnect a service in accordance with Section 15.1, discontinuance by the Utility Department, and the curb box is damaged or inaccessible, the City may make necessary repairs and charge the cost of all labor and materials to the customer.

5.6. Size and Location. The size and location of all service lines will be determined by the ~~Water and Wastewater Utility Services Supervisor based on the "Uniform Plumbing Code," "M22 - Sizing Water Service Lines and Meters—Third Edition," Manual of Water Supply Practices American Water Works,~~ and these rules and regulations.

7. Separate Service Lines. ~~Service lines shall be so arranged that the supply of each separate building, house, or premises, is controlled by a separate curb cock and curb box, except as provided for by these rules and regulations—Single Family Residential homes will have a single service line, meter, meter pit and curb stop.~~

Duplexes under the same ownership are required to have one (1) meter, service line, meter pit/vault and one curb stop.

Townhomes will be required to have separate service lines for water and sewer, separate meters, meter pits/vaults and separate curb stops/box.

In large developments, such as Multi-Unit developments, large commercial or industrial establishments, condominiums and mixed-use developments, which are located on a single parcel of land under ownership by a single entity or under a Homeowners Association (HOA) will have a single meter, service line, meter pit/vault and curb stop/box.

~~In the case of a~~ Accessory apartments, accessory buildings or accessory uses, as defined by the zoning regulations, ~~separate services~~ may not be required to have separate services if the following conditions are met:

- a. The property remains under single ownership; and
- b. The property cannot be further subdivided into separate ~~the~~ dwelling units.

8. Abandonment of Service. ~~When a lot or parcel is developed to a permitted use, all duplicated, excess, and/or unused services and fire services, including stub-outs will be abandoned at the main at no cost to the City.~~ Whenever a building served by water ~~and sanitary sewer~~ and/or fire suppression services ceases to exist, ~~both all services shall will~~ be abandoned at the main. The services to an established fire suppression system designed to protect the structure will not be abandoned without notification to the insurance carrier and the Fire Marshal. The sanitary sewer ~~shall will~~ be abandoned at the main within 5 feet of the property line as approved by the Public Works Department. ~~Abandonment of the water service shall require disconnection at the water main. At the discretion of the Water and Wastewater Utility, however, and depending upon whether water service is anticipated to be renewed within one year, temporary removal from service may be controlled with an operative curb stop.~~

The monthly base rate billing for water or sewer service will be discontinued for a building if the following conditions are met. ~~Evidence of subsequent water use shall will be sufficient grounds to resume monthly billing.~~

- a. The respective utility service line is abandoned in a manner acceptable to the ~~Water~~ Utility Services Supervisor; or
- b. All plumbing fixtures, including water valves, are permanently removed from the building in a manner approved by the Public Works Department. Such approval ~~shall will~~ be issued before the work is performed and the completed work ~~shall will~~ be inspected and approved by City personnel. The inspection fee ~~shall will~~ be paid, and the City ~~shall will~~ approve the work before monthly billing is discontinued. The ~~property owner customer shall will~~ continue to be responsible for maintenance of the water and/or sewer service lines that remain connected to the City utility.

Evidence of subsequent water use will be sufficient grounds to resume monthly billing.

9. Water and Sewer Service Line Replacement. Whenever additional fixtures and/or improvements are made to ~~the a~~ property that require an increase in the service pipe-line size, and or meter size, the ~~Water and Wastewater Utility Department~~ will require replacement of the entire service line and the replacement of the meter that is inside of the building to an outside meter pit or meter vault. Any time that repairs for leaks are required to water, sewer and fire service lines, and the material does not conform to the existing City Engineering Standards, the entire service line

must be replaced from the main to the premises and the meter that is inside of the building shall will be moved to an outside meter pit or meter vault. If any customer fails or refuses to comply, it will be enough cause for discontinuance of service.

RULE XI-SECTION 11: METERING

1. Providing Meters. All water furnished by the ~~Water Utility City~~, except as provided by these rules and regulations, shall will be metered. Upon payment of all fees in accordance with the rate schedule, these rules and regulations, and applicable City ~~Ordinances and Resolutions~~, the ~~Water Utility Utility Department~~ shall will provide, operate, and maintain all such meters, except as provided by these rules and regulations.
2. Size of Meters. The ~~Water Utility Utility Services Supervisor, or his/her designee,~~ shall will be the sole judge of the size of any meter installed. Judgment shall will be based on comparative usage of the facility to be served to other similar type facilities served, or by the flow demand of the facility to be serviced in accordance with American Water Works Association *Manual M22, "Sizing Water Service Lines and Meters."*
3. Replacement of Meters. The ~~Water Utility~~ Department may replace, or remove for testing, any meter it deems necessary.
4. Location of Meters. All new meters shall will be installed outside of the structure being served, unless approved by the ~~Water Utility Services Supervisor~~. Meters shall will be installed in a meter pit or vault meter vault approved by the ~~Water Utility~~ Department:
 - a. ~~(1)~~ in front of the premises to be served, adjacent to the edge of a street right-of-way or utility easement accessible to the ~~Water Utility City~~;
 - b. ~~(2)~~ meter pits or vaults may will not be installed in driveways, streets, parking lots, and sidewalks.

All meters which, as of the effective date of these Rules and Regulations, that are located inside of buildings or in meter settings which the City deems to be unsafe or inaccessible for City employees may be moved to a more suitable locations at the discretion of the Public Works Director/City Engineer, and at the expense of the property ~~owner~~ customer.

The Customer shall will provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be located where they are easily accessible for reading and repair purposes. The meter must be located as nearly as practical to the point of entry to the structure and shall will be isolated by gate valves to facilitate removal for testing. The cost of repairs to meters caused by freezing or other damage shall will be paid by the customer.

When a meter is located inside a house or building the ~~Water~~ Utility Department may install a remote meter for meter reading on the exterior of the house or building. The remote meter ~~shall will~~, to the degree possible, be located on the driveway side of the house, between four and five feet above grade and within two feet of the corner of the house. If a fence or other barrier connects at the corner of the house the ~~Water~~ Utility Department may, at its discretion, require the relocation of the remote meter to the front side of the house.

Any object which obstructs the reading of the remote meter as determined by the ~~Water~~ Utility Department shall will, at the discretion of the ~~Water~~ Utility Services Supervisor and after notice to the customer, result in the relocation of the remote register to a more accessible location; or the removal of the obstacle. Obstructions may include, but not be limited to, fences, shrubbery or other plant items, building or other natural or manmade materials. A remote meter situated at a height which allows it to periodically be covered by snow ~~shall will~~ be considered obstructed.

5. Meter Testing. The ~~Water~~ Utility Department shall will have apparatus and equipment for testing the accuracy of all meters 2-inch in size or less. For testing meters larger than 2-inches, ~~the apparatus and equipment may be owned and operated by the Water Utility, or~~ the meters may be sent to a qualified shop or laboratory for testing. ~~The Water Utility shall have a regular program for testing all meters and shall keep an accurate record of the date and results of testing of each meter.~~

6. Meter Accuracy. Whenever a meter is found to exceed a limit of two percent - fast or slow - it must either be replaced or adjusted ~~so as~~ to register as near one hundred percent as commercially practical. A manufacturer's certified test will be acceptable for the accuracy of all new meters.

7. Sealing. All meters ~~which the Water Utility deems to be within the prescribed accuracy shall will~~ be sealed by the ~~Water~~ Utility Department Meter Technician. The breaking of seals by unauthorized persons or tampering with any portion of the meter or meter piping ~~shall will~~ be a violation of these rules and regulations. If the seals of a meter, the meter, or meter piping show signs of tampering, the meter ~~shall will~~ be resealed by the ~~Water~~ Utility Department and notice ~~shall will~~ be given to the customer that the meter, meter piping and/or meter seals have been tampered with and that tampering is a violation of these rules and regulations.

If the meter, meter piping, and/or meter seals are further tampered with the ~~Water and Wastewater~~ Utility Department may charge and bill the customer a fee for each subsequent violation. The fee ~~shall will~~ be added to and treated as part of the customer's utility bill. The fee ~~shall will~~ represent the estimated cost of meter inspection, repair, testing and resealing. The water will be shut off to the ~~customer~~ property until the fee is paid and a reasonable estimate of water ~~actually~~ received has been charged and payment received by the ~~Water and Wastewater~~ Utility Department. All expenses incurred by the Water Utility to discontinue service and subsequent reconnection ~~shall will~~ be paid by the customer.

8. Metering of Multiple Unit Dwellings. In the cases of accessory apartments, accessory buildings, mobile home parks, trailer courts, apartment houses, town houses, condominiums, rooming houses, ~~emporium shops~~, malls or similar situations where individual metering is not practical and a single owner or association of owners is primarily responsible for payment of water use, the Water Utility Department ~~may~~ will require only one meter to service all units and will send only one bill. If payment is not kept current the entire service may be discontinued in accordance with Rule XV Section 15. ~~Metering under these conditions will be based on the merits of each case.~~

Multiple properties serviced by a private main will be required to have one primary meter to service all units. An association of owners is required to be created as the entity primarily responsible for the payment of services. Each individual property will not be billed separately.

9. Separate Services. All separately metered services must be controlled by a separate curb stop and curb box located in the public right-of-way or easement provided for such purpose. Where metered accounts exist without separate, approved curb stops and boxes, the ~~Water and Wastewater~~ Utility Department may require the installation of separate services from the City owned main to the meter, as a condition of service. Where multiple metered accounts exist on one service, controlled by one curb stop, the ~~Water and Wastewater~~ Utility Department may require the installation of separate services from the City owned main to the meter, or other acceptable remedy that assures prompt payment of utility charges. In all existing cases where multiple meters exist on a single service line and City curb stop, the account(s) ~~shall~~ will be maintained in the name of one owner, or association of owners, if applicable, who ~~shall~~ will be responsible for payment of all the bills connected to the single service line.

10. City Sewer; No City Water. Customers who are not on City water, but who discharge sewage into the City sewer ~~shall~~ will, at the expense of the customer, have their water service metered. The meter readings ~~shall~~ will be used as a basis for sewer service charge. The ~~Water and Wastewater~~ Utility Department ~~shall~~ will have access to the meter for inspection, testing and reading purposes. The customer's licensed master plumber ~~shall~~ will install an approved meter prior to receiving sewer service. All sewer only service needs to be provided with an operable shutoff located in the public right-of-way or easement accessible ~~only~~ by the Water and Wastewater Utility City Personnel.

RULE XII SECTION 12: BACKFLOW PREVENTION AND CROSS-CONNECTION
(AR 17.38.301) (MC 75-6-102)

1. Cross-Connection. It is the purpose and intent of these rules and regulations to protect the community potable water system from the possibility of contamination or pollution by isolating within its customers' private water distribution system or systems, such contamination or pollutants which backflow into the water distribution system. No pipes or fixtures, connected to the water supply of the City

of Whitefish system will be connected directly or indirectly, to pipes or fixtures containing water from another sources.

- ~~4.2.~~ Requirements for New and Existing Customers. All new and existing customers ~~not previously~~ served by ~~the City of Whitefish "Water"~~ Water Utility requesting introduction of water service to their premises, ~~shall~~ will be required to install a ~~suitable~~ backflow prevention device, approved by the ~~Director of Public Works Director/-or~~ City Engineer or the Water and Wastewater Utility Supervisor.

~~Commercial accounts shall have an approved b~~Backflow prevention devices must be installed in accordance with the current Cross Connection Control Committee, latest edition of the "Cross-Connection Control Manual of the USC Foundation for Cross Control and Hydraulic Research," Pacific Northwest Section AWWA "Cross Connection Control Manual Accepted Procedure and Practice, AWWA Pacific Northwest Section." ~~As required in the "Uniform Plumbing Code, an approved Thermal Expansion Tank (along with relief valves) will be installed whenever a backflow prevention device is present in the system line.~~

- ~~2.~~ Location. ~~The backflow prevention device shall be installed immediately following the inlet gate valve and preceding the meter, or in accordance with manufacturer's specifications, to facilitate removal for testing, repair or replacement.~~

3. Size and Type. The size and type of all backflow prevention devices ~~shall~~ will be determined by the ~~Water and Wastewater Utility Public Works Director/-or~~ City Engineer or theirhis designatee based upon the size of service and the degree of hazard that exists or can be expected to exist on the premises served.

- ~~54.~~ Testing and Maintenance. Testing of devices on commercial or multi-family and/or residential accounts ~~shall~~ will be the responsibility of the customer. The frequency of testing ~~shall~~ will be yearly in accordance with accepted industry practices and/or Ordinances adopted by the City Council.

- ~~65.~~ Secondary Backflow Prevention Devices. A secondary backflow device will be installed immediately following the inlet gate valve after the service line has entered the structure, or in accordance with the manufactures' specifications, to facilitate removal for testing, repair or replacement. All installation, maintenance, testing, repair or replacement of backflow prevention devices installed in addition to the devices required by these rules and regulations, ~~shall~~ will be the responsibility of, and at the expense of, the customer. ~~The frequency of testing shall be in accordance with accepted industry practices or ordinances adopted by the City Council.~~

- ~~76.~~ Liability. The backflow prevention devices installed under this rule are intended for the protection of the potable water supply and distribution system of the ~~Water Utility City of Whitefish~~ and in no way relieve the customer from liability or requirements to install backflow prevention devices under the *Uniform Plumbing Code* or other Building Codes that may apply.

RULE XIII SECTION 13: FLAT RATES

~~Prohibited. No new flat rate users will be allowed by the Water and Wastewater Utility; all new customers will be required to install meters.~~

1. Flat Rates Charges. Flat rates may be charged for each water and/or sewer service in circumstances where customers do not provide for prompt installation or replacement of service lines, meters and/or meter wells pit/vaults. The ~~minimum~~ flat rate ~~shall will~~ be ~~determined by applying the applicable rates based on an estimate of the volume used added to the customers' utility account until such time the work is completed.~~ Any time water or sewer service is discontinued for any reason to a customer not currently metered, the customer ~~shall will~~ be required to make provision for the installation of a meter, service line and meter pit/vault before the ~~Water and Wastewater Utility~~ Department will turn the service back on.

~~Any time that a new application for water service is required by these rules and regulations, the customer shall be required to provide for the installation of a meter before the application will be approved or service provided.~~

RULE XIV SECTION 14: SERVICE INTERRUPTIONS

1. Notification of Scheduled Interruption. Every customer affected by a scheduled interruption of service ~~shall will~~ be notified in advance of all programmed work. Notice ~~shall will~~ be made at least ~~eighteen~~ twenty-four hours in advance in the form of personal contact, electronic notification, or a ~~notification door~~ tag placed on the entranceway for scheduled interruptions ~~affecting twenty four or fewer customers.~~ ~~For interruptions affecting more than twenty four customers the Water and Wastewater Utility will attempt to make personal contact with, or otherwise notify commercial customers and shall make notification over the electronic media for all other affected customers at least twice prior to interruption of service.~~
2. Emergency Interruption. The ~~Water and Wastewater Utility~~ Public Works Department ~~shall will~~ make diligent effort to avoid interruptions of service and, when interruptions occur, ~~shall will~~ re-establish service as soon as possible. When emergency repairs, such as main breaks or fire hydrant damage, become necessary a concerted effort ~~shall will~~ be made by the ~~Water and Wastewater Utility~~ Public Works Department to repair the cause without total disruption of service except for that period when complete shut off may be required due to the nature of the damage.

Notification of affected customers may not be possible; however, every effort ~~shall will~~ be made by the ~~Water and Wastewater Utility~~ Public Works Department to have an announcement ~~sent on the~~ made by electronic media if the period of total interruption of service is expected to last more than four hours.

3. Liability. The ~~Water and Wastewater Utility~~ City of Whitefish ~~shall will~~ not be liable to customers or others for failure, or interruption of water service due to main breaks, acts of God, governmental regulations, court or Public Service

Commission orders, acts of a public enemy, strikes or labor disputes, accidents weather conditions, acts of third parties, droughts, or, without limitation by the foregoing, any other cause beyond the reasonable control of the ~~Water and Wastewater Utility~~ City of Whitefish or its personnel.

4. Adjustment of Rates for Interruptions. Interruptions of service due to any of the foregoing reasons or for frozen facilities of the customer ~~shall~~ will not render the ~~Water and Wastewater Utility~~ Department liable for any adjustment in the bill.

RULE XV SECTION 15: DISCONTINUANCE OF SERVICE

1. Vacation of Premises. Any customer who is about to vacate any premises supplied with service by the ~~Water and Wastewater Utility~~ Department, or for any reason wishes to have service discontinued, ~~shall~~ will give at least twenty-four hours' notice to the ~~Water and Wastewater Utility~~ Department. Notice ~~shall~~ will specify the date on which discontinuance is desired. Discontinuance will not be made on Saturday, Sunday, or Holidays unless the customer agrees, in writing, to pay the ~~actual cost of turn-off~~ call-out fee. A service to an established fire protection system will not be disconnected without notification by the customer to the property insurance carrier and the Fire Marshal.
2. Temporary Discontinuance. ~~Should the customer desire temporary discontinuance of service the Water and Wastewater Utility shall, when notified in writing, shut off the water at the curb stop. In the event the curb stop cannot be closed for reasons beyond the control of the Water and Wastewater Utility, the Water Utility shall notify the customer of the reasons for not discontinuing service. At the request of the property owner/customer to have the water turned off for the winter, or if the property is vacant, or for other reasons, the customer will be charged the turn-off fee. etc., and if~~ In the event the curb stop cannot be turned off for any reasons, the Utility Department will notify the owner of the reason for not turning off service.
3. Discontinuance by the ~~Water and Wastewater Utility~~ Department. The customer will comply with all applicable rules and regulations, including the paying of bills.

Service ~~shall~~ will only be discontinued for violations of ~~these rules or~~ for the failure to comply with ~~other~~ City ~~project~~ requirements, ~~e~~ Ordinances, codes, or rules or regulations if such termination is specifically authorized by City ~~Ordinance~~ Ordinance, after written notice has been mailed by regular mail to the customer ~~by the Water and Wastewater Utility~~ that the violation of rules must cease; provided, however, that where fraudulent use of water is detected, or where the ~~Water and Wastewater~~ Utility's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the customer's premises, the water may be shut off without advance notice. If the customer, upon notification, does not comply with the written notice within ten calendar days, the ~~Water and Wastewater~~ Utility Department ~~shall~~ will discontinue service. The ~~Water~~

~~and Wastewater Utility Department shall will~~ keep record of all notices. ~~"Ord. No. 03-23"~~

Service ~~shall only will~~ be discontinued for nonpayment of bills after the bills become ~~ten or more days delinquent in accordance with Section 21~~. ~~The utility bill contains lines for "charges", "past due", "balance", and "current charges". If the customer has not paid or made suitable arrangements with the Water and Wastewater Utility for payment, the Water and Wastewater Utility shall mail by regular mail a notice indicating the amount due and the date of disconnection. Accounts with charges for service not paid by the 20th day of the month shall be assessed a late payment penalty to defray the cost of administering delinquent accounts, including mailing of late notices.~~ The date of disconnection ~~shall will~~ be no less than ten calendar days following the mailing of notification ~~excluding the date of mailing~~. The ~~Water and Wastewater Utility Department shall will~~ keep record of all notices. ~~In the case of a property manager or a tenant, all of the notices regarding delinquent accounts or potential discontinuance of service shall be sent to the customer and property manager or tenant.~~

The ~~Water and Wastewater Utility Department~~ will not discontinue service on Fridays, Saturdays, Sundays, ~~national City~~ holidays, or if an emergency affecting health exists. A written statement from a physician or health agency must be presented to the ~~Water and Wastewater Utility Department~~ prior to the date of disconnection or it will be assumed no health condition exists and the ~~Water and Wastewater City of Whitefish~~ cannot be held liable.

4. Year-Round Base Rate. The monthly base rate for water, sewer and/or garbage service ~~shall will~~ apply to all accounts during the discontinuance of service, except as provided under ~~Rule X~~ Section 10.7 of these Rules.
5. Charge for Reconnection. Whenever the supply of water is ~~turned off disconnected~~, or scheduled for ~~turn off disconnection~~, for violation of these rules and regulations, ~~including nonpayment of bills~~, dangerous conditions, or fraudulent usage, the offending situation ~~shall will~~ have to be rectified to the satisfaction of the ~~Water and Wastewater Utility Department~~ and payment of a ~~service charge turn-off fee~~, plus any late payment penalties and all other charges for service, ~~including current balances~~, must be paid before the water will be ~~turned on reconnected~~.

RULE XVI SECTION 16: CHANGES IN CHARACTER OF SERVICE

In the event the Water ~~Utility Treatment Plant~~ makes changes in the system which would cause a 10 pound per square inch (psi) or more increase or decrease in the system pressure the ~~Water Utility Public Works Department shall will~~ notify the affected customers. The customer ~~shall will~~ be responsible for the adjustment of appliances and equipment, or installation of pressure reduction devices to accommodate the change in system pressure.

RULE XVIII: ADEQUACY OF FACILITIES

~~The Water and Wastewater Utility shall construct, operate, and maintain its entire water supply and sewage collection system, but not private mains, in a condition that will furnish safe, adequate and continuous service. The Water and Wastewater Utility shall comply with the rules of the United States Environmental Protection Agency and the Montana State Department of Health and Environmental Sciences governing purity of water, testing of water and sewer effluent, quality of effluent, operation of treatment plants and all other rules they may prescribe pursuant to law, having as their ultimate end the purity of water and quality of effluent.~~

RULE XVIII SECTION 17: FREEZING AND PREVENTION OF FREEZING

1. Mains. If the ~~Water and Wastewater Utility~~ Public Works Department determines there is a danger of mains freezing, they ~~Water and Wastewater Utility~~ may request customers, individually or within a specific area, to run sufficient water to prevent freezing. The request ~~shall will~~ be in writing with specific information as to the volume of water to be run. Customers thus requested will not be billed for the excess used for prevention of freezing during the request period. Their billing will be based on the amount used during the same billing period the previous year, or in the case of new customers the billing will be based on the base rate for meter size plus a reasonable estimate of normal usage. The ~~Water Utility~~ Public Works Department shall will notify the affected customers when the period of freezing threat is over, and the normal billing rate will become effective the next billing period.

In the event a main does freeze the ~~Water and Wastewater Utility~~ Public Works Department shall will be responsible for all costs in thawing the City main and repairing any damage to the City main.

2. Service Lines. The customer is responsible for the prevention of freezing of the service line and appurtenances. If freezing does occur to the service line the customer ~~shall will~~ bear the expense of thawing, replacement, or repair of the damaged piping, appurtenances and equipment, to include meters or other equipment owned by the ~~Water and Wastewater Utility~~ Department. Thawing ~~shall will~~ be accomplished only by a licensed plumber using methods approved by the ~~Water and Wastewater Utility~~ Public Works Department. It is the responsibility of the customer to properly drain their water lines to prevent freezing when the water has been shut off for any reason.
3. Meters. The Customer ~~shall will~~ provide adequate protection of the meter from frost or other damage. Existing meters that are located inside a building must be ~~located where they are~~ easily accessible for reading and repair purposes. The meter must be located as nearly as practical to at the point of entry to the structure and ~~shall will~~ be isolated by gate valves to facilitate removal for testing. The cost

of repairs to meters caused by freezing or other damage ~~shall~~ will be paid by the customer.

RULE XIX SECTION 18: FIRE HYDRANTS

Fire hydrants, except those on private fire protection lines and mains, are the property of the ~~Water and Wastewater Utility City of Whitefish~~ which ~~shall~~ will have the responsibility for their maintenance and repair.

RULE XX SECTION 19: EXTENSION OF MAINS

1. Application for Extension. Customers or developers who have requested water and/or sewer service in an area not presently served by a City-owned main must first make application for a main extension on a form provided by the ~~Water and Wastewater Utility Public Works Department and the Montana Department of Environmental Quality~~. The application ~~shall~~ will be submitted to the ~~Director of Public Works~~ Director/City Engineer or ~~his the Assistant City Engineer~~ designee and ~~shall~~ will contain all pertinent information as required by the application. Requests for extension by ~~subdividers developers of subdivisions~~ shall will also conform to the subdivision rules and regulations.
2. Approval of Extensions. All applications for extension ~~shall~~ will be reviewed and approved by the Public Works Director/City Engineer and forwarded to the City Manager, along with recommendations for approval or disapproval, for his review and final disposition. Approval of any extensions of the ~~Water and Sewer Wastewater Utility~~ mains ~~shall~~ will be discretionary and based on the merits of each case.
3. Construction. An engineering report, along with necessary plans and specifications for the extension, ~~shall~~ will be submitted to the Public Works Director/City Engineer and the Department of Environmental Quality for review and approval pursuant to Section 75-6-112(4), MCA, and the rules of the Department. All construction and materials ~~shall~~ will conform to applicable City standards. A preconstruction conference ~~shall~~ will be required prior to any construction activities.
4. Proximity of Water and Sewer Mains to Buildings or Structures. In accordance with the current editions of the *Uniform Plumbing Code* and the *Uniform Plumbing Code Illustrated Training Manual*, all water or sewer trenches deeper than and running parallel to the footing of a building or structure ~~shall~~ will be beyond the load bearing area of the structure's foundation and at least forty-five (45) degrees away from the footing, unless otherwise approved by the Public Works Director/City Engineer or his designee.

No water or sewer main ~~shall~~ will be installed under any building, structure or wall, unless otherwise approved by the Public Works Director/City Engineer or his designee. No building, structure, wall or obstruction ~~shall~~ will be installed over an

existing water or sewer main, or in a location which causes an existing water or sewer main to be within the load bearing or less than forty-five (45) degrees away from a footing, unless otherwise approved by the Public Works Director/City Engineer.

5. Inspection and Engineer Certification. The ~~Water and Wastewater Utility Public Works Department~~ shall will make necessary inspections to ~~insure~~ ensure compliance with plans, specifications, and City standards. The cost of inspections ~~shall will~~ be borne by the customer or developer based on the estimated cost of the extension. The inspection fee ~~shall will~~ be agreed to prior to final approval of the extension application. In addition to any inspection by the ~~Water and Wastewater Utility Public Works Department~~ the project engineer ~~shall will~~ be required, within ninety days of completion of the extension, to submit to the ~~Water and Wastewater Utility Public Works Department~~ a certificate of compliance with the plans and specifications, along with a full and suitable set of "as built" plans and specifications.
6. Liability. The customer or developer ~~shall will~~ be liable for any and all claims for damage caused during construction and proper operation and function of all piping, valves, valve boxes, fire hydrants, manholes, lift stations or other appurtenances for a period of one year from date of receipt of compliance as provided for above, or from the date of introduction of the first service, whichever is later. If the main extension is a portion of a total improvements plan, the ~~Water and Wastewater Utility Public Works Department~~ may require the one-year guarantee or liability period to commence after all improvements have been installed and the project is determined to be complete. The starting date for the notice of the liability period ~~shall will~~ be given to the customer or developer by the ~~Director of Public Works Director/City Engineer or Water and Wastewater Utility Supervisor~~.
- ~~7. Compliance with Facility Plan. All main extensions shall conform to the City of Whitefish Water and Wastewater Facility Plan, as adopted or amended by the City Council.~~
- ~~8.7.~~ Dead Ends. Dead ends in the distribution or collection system ~~shall will~~ be avoided to the extent possible. If dead ends are unavoidable even on a temporary basis, the developer may, at the discretion of the ~~Water and Wastewater Utility Supervisor Public Works Director/City Engineer~~, be required to provide facilities for flushing the line.
- ~~9.8.~~ Cost of Extension. All costs of extension ~~shall will~~ be borne by the customer or developer, except as specifically provided for in an Extension Agreement.
- ~~10.9.~~ Extension Agreements. If deemed appropriate and necessary, the City of Whitefish may enter into an Extension Agreement with a customer or developer. Extension agreements ~~shall will~~ be in accordance with policies established by the City Council.

RULE XXI-SECTION 20: BILLING

1. Billing Periods. Meters for all ~~customers shall~~ accounts will be read at monthly or other regular intervals, ~~except specific customers having other periods of reading due to unusual circumstances.~~ The date of the month for reading any meter ~~shall~~ will be as close as practical to the same date of the previous reading. The billing ~~shall will~~ likewise be monthly or other regular interval, with the date of mailing of the bill as near as practical to the date of mailing of the previous bill. ~~In the case of leased property, all billing shall be sent to the tenant and property owner, unless the property owner agrees to be billed directly.~~
2. Billing Information. Bills will be sent to the address on file for the customer or property manager, if applicable. For rental properties, the bill may be sent to the address of the property upon written request by the customer or property manager. An occupant name may be added or changed on the account if requested by the customer or property manager. Bills ~~shall will~~ show the customer name, c/o occupant name if applicable, meter readings at the beginning and the end of the period for which the bill is rendered, the billing date, the number of gallons supplied and the date upon which payment ~~shall will~~ be overdue.
3. Multiple Unit Billing. In all cases where there is more than one unit, dwelling, commercial enterprise, or the like, as provided for in ~~Rule XII Section 11.(8) and Section 20.3 "Metering of Multiple Unit Dwelling", is served through a common meter,~~ one bill only ~~shall will~~ be rendered for payment of water, ~~or sewer service, and/or garbage service.~~ The bill ~~shall will~~ be payable by the ~~owner customer~~ or association of owners. Failure to make payment ~~shall will~~ subject the entire service to discontinuance as provided for in ~~Rule XVI Section 15.~~ ~~No provision shall be made for empty units unless the service to the unit is controlled by an approved curb stop and curb box and the Water Utility maintains absolute control of the turning off and on of the unit and the Water Utility has turned the water off at the request of the customer.~~
4. Adjustment of Bills. The customer, at the customer's request, will be instructed on how to read the water meter. If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer ~~shall will~~ notify the ~~Water and Wastewater Utility Department~~ within ten days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter the customer, upon depositing an amount sufficient to cover the cost of the meter removal, and testing, may demand that the meter be removed and tested for accuracy and may demand that the testing be done in the presence of the customer. The customer who desires to be present for the testing ~~shall will~~ bear any and all costs incurred by the customer to be present. If the meter is found to be registering correctly (within two percent of true recording) or in favor of the customer, the deposited amount ~~shall will~~ be forfeited to the ~~Water and Wastewater Utility Department.~~ If the meter is found to be recording incorrectly (over two percent of true recording) against the customer the ~~Water Utility Department shall will~~ refund the deposit and refund the overcharge, based on a true recording, for a

period of six months, or for a lesser period if the date of cause can be established from records related to the cause.

5. Adjustment for Water Leaks. All water that passes through a water meter will be charged, whether used, wasted, or caused by theft, vandalism, construction, negligence, or leakage, regardless if the property is occupied, unoccupied or vacant property.

5.6. Request for Sanitary Sewer Bill Adjustment Required. Each account is eligible to receive one (1) adjustment during a twelve (12) month period for a metered underground or outdoor leak that does not go into the sewer system. The Utility Department must be notified of a leak or high usage within ten (10) days of the billing date. The number of billing periods eligible for adjustments is limited to a maximum of two (2) consecutive billing periods. Once the leak has been identified and repaired, a leak adjustment request form along with the appropriate documentation may be submitted for an adjustment to be considered. A copy of a plumber's repair bill must accompany the adjustment request within thirty (30) days of such repair, stating why such adjustment should be considered. Completion of a leak adjustment request does not guarantee an adjustment will be made to your City utility bill. All requests are evaluated on a twelve (12) month average usage for the billing period. The account must remain current and bills paid by due date to avoid additional service charges. If a credit is issued, it will be posted to your account and reflected on your utility bill. No adjustments for filling a swimming pool, hot tub, washing vehicles, new landscape (new sod or new trees) etc. will be permitted.

6.7. Error in Billing. If an error in billing or meter reading has been made, the Water and Wastewater Utility Department may recover any amounts undercharges or and must refund any over-collection for the previous six months, as applicable.

7.8. Dead Meters. If a meter is found not to register for any period, the Water Utility Department shall will compute the water used as follows:

- a. For customers who have been served for over one year: the amount billed shall will be based on the same consumption as that for the same period the previous year(s).
- b. For customers who have been served for less than one year: the amount billed shall will be based on the consumption for the previous billing period.

Exceptions will be made to this rule if the facts reasonably show that either method does not yield the correct consumption for the period the meter is inoperative.

~~8. Partial Payments. Partial payment of utility bills shall be divided among all utility charges owed to the City of Whitefish.~~

~~9. Deposits. Before water will be furnished to a new consumer a cash deposit shall be required. The Water and Wastewater Utility shall collect a deposit of one~~

~~hundred fifty dollars (\$150) for garbage, water and sewer service. The deposit will be refundable upon termination of service and collection of final payment in full. Any customer moving to, and applying for service at another location within the City's service area will be required to submit a new deposit even if they have had their deposit returned at their most previous residence. No interest shall accrue to deposits held by the City. "Res. No. 03-32"~~

~~The deposit will be deposited with the City Treasurer who will issue a receipt to the customer submitting the deposit. The deposit shall be held as security for payment for water and sewer service provided the consumer. When any consumer moves from the City or discontinues taking water from the City, they shall give notice to the Utility Clerk who shall request a final meter reading. Upon obtaining a final meter reading, the consumer's deposit shall be returned, less the amount required to pay the final bill.~~

~~Nothing in this section shall be construed as waiving any lien created by statute for delinquent and unpaid charges for water or sewer service.~~

~~40-9. Vicious Animals. In the event the Mmeter reader Ttechnician is unable to enter a yard to read a water meter due to the presence of a dog or other animal the meter reader believes may cause physical harm, the meter for that customer will not be read. Instead, the meter reader shall will report the incident on the meter record book and the customer's water consumption shall will be estimated sufficiently high to assure adequate payment for the water consumed.~~

~~At the discretion of the Water and Wastewater Utility Department the Rremote Mmeter shall will be relocated to accommodate the Mmeter tTechnician or the customer shall be given the opportunity to arrange for performing his own meter reading.~~

RULE XXII SECTION 21: PAYMENT OF BILLS

~~Bills are due and payable in full upon receipt. A bill not paid within twenty days of the billing date is considered delinquent and service may be discontinued in accordance with Rule XV unless a suitable payment schedule is made in writing between the City and the property owner; provided, however, that no outstanding balance shall be permitted to exceed the amount of the deposit. Utility Bills are mailed out monthly and are due and payable in full upon receipt with a due date of the 20th day. -five- On the 265th day, the property ownercustomer will be notified in writing by the City of its intent to disconnect services at the subject premises by first class mail. The letternotice of pending service disconnection shall be mailed to the ownercustomer and the occupant at the ownerscustomer's request. and iThe notice twill clearly indicate the delinquent amount, date of the scheduled door tag and fee, -and the date of turn of turn-offservice disconnection and turn-off fee, unless suitable payment arrangements are made in writing between the Utility Department and the property owner. Partial Payments- Partial payment of utility bills will be divided among all utility charges owed to the City of Whitefish.~~

RULE XXIII-SECTION 22: PRIVATE MAINS

1. ~~Except as provided in subsection 2, below, the~~ The City ~~shall~~ will have no obligation to maintain, test, repair or replace private mains, and the City ~~shall~~ will not be liable or responsible for any damage caused by water leaking from a private main.
2. ~~The Whitefish Public Works Department (PWD) will provide labor, equipment and materials to assist in the repair of private water mains connected to the Whitefish water system under the following terms. A water main is defined as a water pipe serving more than one building or customer. The private water mains in question are indicated on a map on file at the PWD.~~

~~The PWD will provide up to eight (8) hours of field assistance per year, up to a total market value of two thousand dollars (\$2,000.00) for labor, equipment, materials, and incidental expenses. Assistance will be available for one (1) repair incident during each calendar year. The work will be performed during a single day. The work will be performed during regular working hours, unless the Public Works Director determines an emergency exists.~~

~~The PWD will replace no more than one (1) valve and/or ten (10) feet of pipe and install no more than two (2) repair clamps for each incident. The PWD will work only on water mains located in the public right of way or in an acceptable private right of way or easement that provides adequate space and legal authority for City crews to enter and work on the site.~~

~~The Public Works Director may decline to perform repairs that expose the City to exceptional liabilities or unusually challenging circumstances, as determined by the Director.~~

- ~~3.2.~~ All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, repairing and replacing a private main. All customers served by a private main are advised to replace such line with a properly designed and installed main. The City will not allow any new connections to a private main.
- ~~4.3.~~ If in the judgment of the Water and Wastewater Utility Services Supervisor and/or the Public Works Director/City Engineer a private main has become hazardous, or is leaking at an unacceptable rate, or could damage or cause harmful effects to the Water and sewer Wastewater Utilities system, to customers, or to neighboring property owners or residents, the Utility Services Supervisor and/or Public Works Director/City Engineer ~~shall~~ will give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Utility Services Supervisor and/or Public Works Director/City Engineer ~~shall~~ will allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Utility Services Supervisor and/or Public Works Director/City Engineer determines that it is not feasible or practical to remediate the private main, ~~the Supervisor shall give~~ reasonable notice shall will be given to such customers of the need to install a new main, or connect to an existing main in the

~~discretion of the Supervisor. The Supervisor shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The Supervisor may, in his discretion, grant extensions of time. If any customer fails or refuses to conduct the needed maintenance, testing, repair or replacement, or fails or refuses to install a new main or connect to an existing main, it shall will be sufficient cause for discontinuance of service and the City may make necessary repairs and charge the cost of all labor and materials to the customer(s).~~

RULE XXIV SECTION 23: LATECOMER AGREEMENTS AND FEES

1. If the City ~~has become~~ is contractually obligated to collect a latecomer fee from a customer who connects to the City's water and/or sewer system, the City may refuse to allow such customer to connect to such system until the fee is paid to the City, or in the discretion of the City, until payment of such fee is adequately secured.
2. If the City requires a customer to connect to a main and the City is contractually obligated to collect a latecomer fee, the City ~~shall will~~ shall will provide reasonable notice to such customer of the need to pay such fee. The City ~~may requires~~ requires that the fee be paid in a single lump sum ~~or may, upon request, allow the payment to be in installments, or otherwise secured. If such customer fails or refuses to pay such fee when required, or if the customer defaults in the payment of any installment, or otherwise breaches any written payment agreement with the City, it shall be sufficient cause for discontinuance of service.~~

SECTION 24: REQUIRED CONNECTION TO CITY SERVICES

If a City water main is readily available within a distance of 200 feet of the property line for connection, the property must connect to City Water as a new water source or as a replacement for a failed private water source. A connection is considered not readily available if:

1. The cost of the connection, as determined by the City, is greater than three times the cost of the installation of the private water system, or
2. Connection to the public system is physically impractical, or
3. Necessary easements cannot be obtained.

Requirements to connect to City Sewer is governed by the Flathead County Regulations for Onsite Sewage Treatment Systems.

RULES & REGULATIONS: WATER, SEWER, & GARBAGE

CITY COUNCIL WORK SESSION

JANUARY 6, 2020



RULES & REGULATIONS UPDATE

- Meetings with Property Managers
- New Proposed Changes
- Other Implementation Considerations
- Benefits from New Proposed Changes
- Recommended Next Steps
- Comments & Questions

MEETINGS WITH PROPERTY MANAGERS

- Meetings were held on December 16th and December 20th
 - Property Managers in Attendance: Five Star Rentals & Property Management, Whitefish Property Management, The Landlord, At Your Service Property Management, and Anne Moran, Property Manager
- Based on our discussions and working together to produce a workable solution, staff has new recommended updates to the Rules and Regulations.

NEW PROPOSED CHANGES

Original Proposal

- Eliminate all customer deposits

New Proposal

- Eliminate all customer deposits
- Deposits applied to account for all renters and then issue refund immediately (no credit balance allowed)
- Allow for transfer of deposit to Property Management Company with a signed form received from current Tenant

NEW PROPOSED UPDATE REGARDING UTILITY ACCOUNTS

Original Proposal

- All accounts remain in name of owner or property management company

New Proposal

- All accounts will remain in the name of the owner or authorized property management company
- A tenant's name will be added or updated in the Resident account field upon request of the property manager or owner via email notification
- Property Managers will be responsible for pro-rating the monthly utility bill among renters

NEW PROPOSED UPDATE REGARDING UTILITY ACCOUNTS

Original Proposal

- Utility bills will only be sent to the owner or property management company

New Proposal

- With a completed form by the owner or property manager, the City will mail the bill directly to the property's mailing address. Example:

Property Management, Inc.
c/o Jane Doe
123 ABC Street
Whitefish, MT 59937

- Can still opt-in to having a copy sent to both Owner/Property Manager address and property's mailing address
- Late notices will be sent to both Owner/Property Manager address and property's mailing address

NEW PROPOSED UPDATE REGARDING UTILITY ACCOUNTS

Original Proposal

- An additional month is proposed to elapse prior to turn-off of water service and changes to billing process will also eliminate mailing of a late notice

New Proposal

- Delinquent after the 20th of the month.
- Extension of late notice mailing from the 21st to the 25th with no \$10 late fee
- Door tag timing remains the same at about the 29th of the month and fee increases to \$25 (\$10 more than current)
- Turn-off 5 days later with a \$50 fee (\$10 more than current)

NEW PROPOSED UPDATE REGARDING UTILITY ACCOUNTS

Original Proposal

- City will process billing for garbage service and be the primary customer service contact

New Proposal

- City will process billing for garbage service and be the primary customer service contact
- Care will be taken to ensure a smooth transition as it is currently billed on a quarterly basis to property owners

OTHER IMPLEMENTATION CONSIDERATIONS

- If approved, changes will be effective immediately with all existing accounts to be transitioned to owner or authorized property management company by September 1, 2020.
- Refunds of deposit will be processed immediately for all accounts already in the owner's names. For tenant accounts a 30-day window will be provided to all for the submission of the deposit assignment forms, unless an account is closed due to a change in tenants.
- Property management companies can work with our Utility Billing Clerks on the implementation timing if a specific date prior to September 1st is preferred for all of their accounts.
- The City will assist in the transition by sending a letter notifying property managers of the changes, which can then be passed on to their owners.
- As a benefit to our customers dealing with this change, summer averaging estimates will be used for all qualified single-family rental homes based on the prior two years usage if implementation is completed prior to June 1st.

BENEFITS FROM NEW PROPOSED CHANGES

- More efficient and cost-effective services for our customers
- Reduced risk of litigation for the City
- Customers will no longer need \$150 to sign-up for service
- Reduced staff time managing an average of 182 account transfers per month – changes in tenant name is much less a burden than creating a new account a processing final reads, deposit refunds, etc.
- Cost savings from elimination of renter forms, deposit tickets/receipts
- Qualified owners/tenants will save money due to applicability of summer averaging

BENEFITS FROM NEW PROPOSED CHANGES

- Billing for garbage service becomes significantly more manageable as it is a fixed rate with no proration required
- Utility customers will receive one bill for water, sewer, and garbage service
- Staff can track water usage more accurately and narrow down leaks for customers in a timelier manner
- More time will be dedicated to managing and auditing all the City's 4,800+ accounts and the backflow prevention program
- Possible reduction in future increases in rates for all accounts as additional staff may be required without these changes

RECOMMENDED NEXT STEPS

- Negotiate with Republic Services for garbage billing to be done by the City and create transition plan with the quarterly billing vs. monthly billing
- Notice and schedule a public hearing at a City Council meeting for possible adoption of the resolution and proposed changes of the Rules and Regulations.



COMMENTS & QUESTIONS?

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RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, Montana, revising fees charged for City utility services.

WHEREAS, § 69-7-101, MCA, grants the governing body of a municipality the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by municipal utility systems; and

WHEREAS, the City of Whitefish charges its utility customers certain fees for services; and

WHEREAS, the City has not updated certain fees charged for utility services since 2011; and

WHEREAS, in the process of drafting the updates to the Rules and Regulations for the operation of the City's water, sewer and garbage utilities, City staff reviewed the fees charged for utility services and recommended changes to ensure the fees are reasonable and related to the City's actual, current cost of providing the services, as set forth in Exhibit A; and

WHEREAS, as required by § 69-7-111, MCA, public notice of the City's proposed revisions to certain fees for utility services was published on January 29, February 5 and February 12, 2020, and proper notice was mailed to persons served by the City at least seven (7) days and not more than thirty (30) days prior to the hearing, and

WHEREAS, at a lawfully noticed public hearing on February 18, 2020, after reviewing the written staff report, receiving an oral report, and inviting public comment, the City Council found the proposed fees set forth in Exhibit A to be reasonable and related to the actual, current cost of providing utility services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The proposed utility fees set forth in Exhibit A are hereby approved.

Section 2: This Resolution shall take effect on March 1, 2020, but only upon the condition that the City enter into a contract with Republic Services that returns billing for garbage services to the City.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

Exhibit A

Utility Fees	Current Rate	New Rate
<i>Delinquent Account Fees:</i>		
1st Late Fee	\$10.00	\$0.00
Door Tag Fee	\$15.00	\$25.00
Turn off Fee for Delinquent Account	\$40.00	\$50.00
<i>Other Fees:</i>		
Deposit for Service	\$150.00	\$0.00
Turn-on or Turn-off Service Fee	\$25.00	\$25.00
Call-out Fee (outside regular business hours)	\$60.00	\$100.00
Flat Rate per Utility	\$100.00	\$125.00
Return Check or ACH Fee	\$25.00	\$25.00
Meter Tampering Fee	Labor and Materials	Labor and Materials
Data Logging Fee	\$0.00	\$10.00
Customer Requested Meter Read	\$0.00	\$10.00
Inspection Fee	\$20.00	\$50.00

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RESOLUTION NO. 20-___

A Resolution of the City Council of the City of Whitefish, Montana, to establish a fee for team recreation programs.

WHEREAS, §§ 7-1-4123(7) and 7-6-4013, MCA, empower municipalities to impose a fee for the provision of a service and grant municipalities the authority to regulate, establish and change fees and classifications that are imposed for services, which must be reasonable and related to the cost of providing such a service; and

WHEREAS, § 7-16-4201, MCA, and §§ 2-2-4, and 7-3-1, Whitefish City Code, authorize the Board of Park Commissioners to protect, manage and control City parks and grounds and to make all rules for the use of the parks by the public; and

WHEREAS, following notice, public comment, and review of staff reports, at a lawfully noticed public meeting on February 11, 2020, the Board of Park Commissioners reviewed a fee schedule for team recreation programs, having determined such fees to be reasonable and related to the cost of providing City services; and

WHEREAS, as required by § 7-6-4013, MCA, notice of a public hearing before the City Council at its February 18, 2020 meeting with respect to the proposed team recreation fee schedule was published on February 9, 2020 and February 16, 2020; and

WHEREAS, at a lawfully noticed public hearing on February 18, 2020, after receiving public comment, reviewing staff reports, and having considered the cost of operation and equipment and the use of public parks, facilities and grounds, the Whitefish City Council reviewed the recommendations made by the Board of Park Commissioners with respect to a team recreation program fee schedule and found the fee schedule to be reasonable and related to the cost of providing City services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The fee schedule attached hereto as Exhibit A is hereby adopted.

Section 2: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____ 2020.

John M. Muhlfeld, Mayor

ATTEST:

Michelle Howke, City Clerk

Youth Team Recreation Programs		
5 Person Team Registration	Example: Basketball Tournament	\$300 per team
6 Person Team Registration	Example: Volleyball Tournament	\$400 per team

Adult Team Recreation Programs		
2 Person Team Registration	Examples: Cornhole, Pickleball, etc.	\$75 per team
3 Person Team Registration	Example: 3 on 3 Basketball Games	\$200 per team
4 Person Team Registration	Example: Volleyball Games	\$250 per team
5 Person Team Registration	Example: Basketball Games	\$350 per team
6 Plus Person Team Registration	Example: Softball League	\$450 per team



February 12, 2020

Mayor Muhlfield and City Councilors
City of Whitefish
Whitefish, Montana

Recommendation to Adopt Resolution 20- , Implementing a Team Recreation Fee Schedule

Introduction/History

The Parks and Recreation Department has historically run a wide variety of youth recreation programs. Although we have had some adult programs in the past, the success and sustainability of these programs has eluded us. With the addition of the Recreation Programmer position to our team, we have been able to begin conceptualizing new offerings to serve our adult community. Recently, Recreation Coordinator Liz Records and Recreation Programmer Stephen Kostoff met with representatives from the Wave Aquatic and Fitness Center to discuss new opportunities for the Parks and Recreation Department to run adult programs, such as men's basketball, at the Wave. Recreation staff would like to begin offering more team sport opportunities for both youth and adult recreation, but our current fee schedule is based strictly on individual participant rates. Therefore, staff has developed a tier system for new team recreation programs.

Current Report

Staff assessed the cost of each program, by evaluating staffing needs, supplies, and contracted services. Once we determined the cost of each program, we assessed the necessary level of participation in each program, from which we were able to determine a fee to recover associated costs. The schedule has been broken into tiers based on the typical number of participants on a team. By approving a tier schedule, staff will be able to try out a variety of recreational offerings without having to continually develop a new fee schedule for each program.

On February 11, 2020 the Park Board discussed the proposed fee schedule and unanimously moved to recommend the Whitefish City Council approve the proposed team recreation fee schedule.

The Whitefish Parks and Recreation Department advertised for a public hearing in the Daily Inter Lake on February 9, 2020 and February 16, 2020.

Financial Requirement

The implementation of the proposed fee increase should not require any additional financial resources.

Recommendation

I, along with the City of Whitefish Park Board of Commissioners, respectfully recommend that the City Council adopt Resolution 20- implementing a fee schedule for team recreation programs.

Sincerely,
Maria Butts
Parks, Recreation, and Community Services Director

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CITY MANAGER'S REPORT

February 11, 2020



MEETINGS

Last Wednesday, I attended the *2020 Economic Outlook Seminar: Finding Good Workers* presented by Northwestern Energy and the UM Bureau of Business and Economic Research via webinar. Just a few highlights I would like to share:

- Montana experienced 2.7% growth in nonfarm earnings in 2019. It is expected from 2020 through 2023 that growth will decline from 2.3% to 1.5%. Overall Montana growth is low compared to our neighboring states in the West. For Flathead County there has been a decline since 2017 with 2019 likely being around 1.7% nonfarm earnings, which is lower than the BBER's predication of 3.6%. There is a better outlook for 2020 and a slower decline to about 2.7% by 2023. So, while there is a projected slow down, Flathead County will remain a strong place of growth for the State over the next few years. It was noted that residential construction will be the wild card.
- The real estate market is expected to remain strong with low interest rates helping to drive demand. However, affordability will continue to get worse. For Flathead County, 38% of renters and 26% of homeowners are currently cost burdened by housing according to the BBER and the U.S. Census Bureau.
- Tight labor markets will continue and are impacted by various factors including demographics, skills, generational changes, and number of those participating in the labor market. Companies all over continue to struggle with this issue and raising wages may not grow the workforce to the levels needed to fill the jobs available.

Senior Planner, Wendy Compton-Ring, and I met with Libby Starling, Manager for Community Development for the Federal Reserve Bank of Minneapolis on Monday, February 11th. Libby wanted to learn more about our Legacy Homes Program and shared with us how they could be a resource to our community and others facing similar challenges. They are currently working with the City of Minneapolis who recently established inclusionary zoning and they are acting as the third party to analyze the impacts of the new requirements. We are to have another great resource when it comes to affordable housing.

NEXT COUNCIL MEETING

The next City Council meeting will be held Monday, March 2nd. The work session will include possible interviews for the new Parking Permit Program Implementation Committee followed by an update from Homeward and the Strategic Housing Committee on the proposed development at the City's snow lot.

Respectfully submitted,



Dana M. Smith, CPA
City Manager

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

received
2/17/2020

February

17, 2020

City of Whitefish

Attn: Dana Smith, City Manager

Craig Workman, Public Works Director

Please review water averaging

We are very prudent with our Water usage. However, when we leave for a couple of months (and using less water) then we are penalized in the summer with higher sewer rates because we aren't eligible for averaging. It doesn't make sense to us. Why not just be charged for the basic minimal charges for service or what we actually use. Most other utility companies charge basically for consumption, e.g. electricity or gas.

Thanks,

Donald and Marianne Hanson

██████████. Whitefish, Mt 59937

Michelle, I trust you to share
this as you see fit

Dear Mayor Mulfield, Michelle
Houk, Eric, the Water
Dept, Gals, City Clerks for
the Courts, & Council Members,
Mary Berry, and fellow citizens,

As many of you know I lost
my ability to work,
recreate, socialize, etc, in
a heart beat when working
at City beach, May 1994.

To all citizens who have
been debilitatingly injured,
have chronic severe pain,
age issues & poverty thru
no fault of your own,
I hope to speak for
all marginalized folks who
are in the struggle of
your life trading water
just to cover the basics.

In my case I was hit &
run over by a drunk
truck & boat trailer by
simply asking for his
boat-launch fee.

I ask the powers that be to
consider the rate hikes &
the hardships they cause

received
2/12/2020

us who have responsibilities
& no or very little resources,
and not further challenge
our already difficult struggles
& further marginalize us by
the same rate hikes as
middle-to-upper class fellow
citizens.

Like many of us I was
drown to white just for
the goodness of the people,
the human kindness & lack
of pretension.

Thank you all for your
hard work & consideration

Sincerely,

Getchen M Kirsh

Thanks Michelle!



No computer / no cell

Michelle Howke

From: Tara Zimmerman
Sent: Tuesday, February 18, 2020 1:21 PM
To: Michelle Howke
Subject: Fwd: City Concern



Hi Michelle,

I hope you are having a wonderful 2020 so far! I had sent an email to the city manager and to the mayor. (See below) The mayor said I should send it over to you and you could pass it along to City Council.

Thanks so much,
Tara Zimmerman

Begin forwarded message:

From: Tara Zimmerman
Date: February 16, 2020 at 8:00:05 PM MST
To: dsmith@cityofwhitefish.org
Subject: City Concern

Hi Dana,

My husband and I have been full time residents of Whitefish for about 6 months since moving here from Tampa, Florida. We absolutely fell in love with the area when we visited here several times on vacation. Since moving here, we have wanted to immerse ourselves into the community. We have recently opened a business here, I am serving on the Board of Directors for Suncrest Subdivision and on the Board of Adjustment for City Council.

We have been downtown several times since the Winter Carnival parade and it has been very concerning how much trash/litter has been left behind on the streets since then. I wanted to reach out to you to see if there is something that can be done regarding this. I would be more than happy to help with setting up something (a volunteer group, etc) to keep this from being an issue in the future.

Thank you in advance for your time and I look forward to hearing from you.

Sincerely,
Tara Zimmerman

EXTERNAL SENDER verified by City of Whitefish IT