



## MEMORANDUM

**To:** Doug Russell, City Manager  
**Cc:** Charles Harball, City Attorney  
**From:** Susie Turner, Public Works Director  
**Subject:** Resolution 6064 - Resolution of Intent and Call for Public Hearing on Amendments to the Sewer Rate Schedules and Regulations  
**Date:** April 4, 2022

Evergreen Water and Sewer District on February 23, 2022, adopted an Ordinance with new rate and fee schedules for their services. Adopted in the Ordinance was a new Meter Fee of \$3.00 per account charged monthly to the City for meter data from each of the City's sewer customers connected to Evergreen Water for water service. Prior to the new Evergreen Meter fee being implemented, Evergreen provided the water meter information to the City as a courtesy, free of charge. The City uses the monthly data to bill for sewer usage, and currently does not have an alternative mechanism to obtain the data for the affected sewer customers. City customers affected by Evergreen's new meter fee include City sewer only customers within City annexed areas west of town adjacent to Whitefish Stage Road and Woodland Park Drive.

Correspondence from Evergreen Water and Sewer District 1 regarding the implementation of the new *Evergreen Meter* fee is enclosed for reference. The proposed City sewer regulation amendments reflect the *Evergreen Meter* rate of \$3.00 per account per month.

Pursuant to the statutory requirements, the Council must make all evidence to be relied upon in its determination available to the public and set the matter for a public hearing. The hearing, pursuant to *MCA 69-7-111* must be set no earlier than 28 days after the first publication. Therefore, the date of the hearing set by this resolution of intent is May 2, 2022.

This resolution is limited to advising to the public, Council's intent to act upon the proposed sewer rate schedules and regulation amendments, making the material available to the public and seeking public comment at the hearing. Action by the Council shall take place thereafter at a separate Council Meeting.

**RECOMMENDATION:** It is recommended that Council adopt Resolution 6064, calling for a public hearing on May 2, 2022, for the proposed adjustments to the Sewer Rate Schedule and Sewer Regulations.

**ALTERNATIVES:** Council can elect to amend or reject the resolution.

**ATTACHMENTS:** Resolution 6064 with Notice  
Sewer Rate Adjustment  
Evergreen Correspondence

**RESOLUTION NO. 6064**

**A RESOLUTION OF INTENT TO ADOPT CERTAIN AMENDMENTS TO THE REGULATIONS OF THE CITY SANITARY SEWER UTILITY BY ADDING A NEW METER FEE OF \$3.00 PER ACCOUNT CHARGED MONTHLY TO THE CITY FOR METER DATA FROM EACH OF THE CITY'S SEWER CUSTOMERS CONNECTED TO EVERGREEN WATER FOR WATER SERVICE AND CALLING FOR A PUBLIC HEARING.**

**WHEREAS**, the City of Kalispell owns, operates, and regulates a water utility as well as a sanitary sewer utility pursuant to the authority of Title 69, Chapter 7 of the Montana Code Annotated; and

**WHEREAS**, from time to time the City of Kalispell updates the regulations to its utilities to reflect changes in systems, processes, rates, fees, and legal requirements it is required to follow; and

**WHEREAS**, it is the intent of the City of Kalispell to amend certain parts of its regulations to reflect the additional monthly fee of \$3.00 charged to its City sewer users who receive their water from Evergreen Water to reimburse the City for the charges it must pay Evergreen Water for reading the water meters of those City sewer users; and

**WHEREAS**, pursuant to MCA 69-7-111 the City must publish a Resolution of Intent and hold a public hearing for the benefit of those affected by the proposed change in regulation, to take evidence at the public hearing and to consider such evidence prior to taking action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:**

**SECTION 1.** A public hearing is hereby called and shall be held on Monday, May 2, 2022, at 7:00 p.m. in the Council chambers on the proposed amendments to the regulations for the Kalispell City Water Utility.

**SECTION 2.** Notice of the public hearing shall be published according to the legal requirements of 69-7-111 MCA.

**PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, THIS 4TH DAY OF APRIL, 2022.**

\_\_\_\_\_  
Mark Johnson  
Mayor

ATTEST:

\_\_\_\_\_  
Aimee Brunckhorst, CMC  
City Clerk



Post Office Box 1997 - Kalispell, Montana 59903  
Telephone: (406) 758-7756  
[www.kalispell.com](http://www.kalispell.com) or [citycouncil@kalispell.com](mailto:citycouncil@kalispell.com)

April 6, 2022

To City Sewer - Evergreen Water Customers:

Evergreen Water and Sewer District on February 23, 2022, adopted an Ordinance with new rate and fee schedules for their services. Adopted in the Ordinance was a new Meter Fee of \$3.00 per account charged monthly to the City for meter data from each of the City's sewer customers connected to Evergreen Water for water service.

Prior to the new Evergreen Meter fee being implemented, Evergreen provided the water meter information for the City sewer customers to the City, as a courtesy, free of charge. Per the City of Kalispell Sewer Regulations "*Customers which are not connected to City water, but which discharge sewage into the city sanitary sewer shall have their water service metered. The metering shall be at the expense of the customer, including the meter, and be compatible with the City's metering system.*"

To accommodate for the new Evergreen Meter fee, the City is proposing updating the City's Sewer Regulation and fee schedule for City Sewer customers - Evergreen Water customers. The proposed City sewer regulation amendments reflect the Evergreen Meter rate of \$3.00 per account per month for City Sewer customers - Evergreen Water customers.

City customers affected by the new Evergreen Meter fee are City sewer only customers in City annexed areas west of town and adjacent to Whitefish Stage Road and Woodland Park Drive. A copy of the proposed updates for the Sewer Regulations, and Correspondence from Evergreen Water and Sewer District 1 regarding the implementation of the new Evergreen Meter fee can be obtained from the city's website at the following link:

<https://www.kalispell.com/679/Public-Hearings>

The enclosed notice provides information regarding the public hearing on this matter.

Sincerely,  
Aimee Brunckhorst, CMC  
City Clerk / Communications

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that on the 2nd day of May, 2022 at 7:00 o'clock p.m., in the Council Chambers, Kalispell City Hall, 201 First Avenue East, Kalispell, Montana, the City Council of the City of Kalispell shall hold a Public Hearing on proposed amendments to the Regulations of the city Water Utility.

It is the intent of the City of Kalispell to amend certain parts of its regulations to reflect the additional monthly fee of \$3.00 charged to its City sewer users who receive their water from Evergreen Water to reimburse the City for the charges it must pay Evergreen Water for reading the water meters of those City sewer users.

The proposed amendments can be viewed on the city's website at [www.kalispell.com/679/Council-Public-Hearings](http://www.kalispell.com/679/Council-Public-Hearings) or in the Public Works office at 201 First Avenue East, Kalispell. For further information contact: Public Works, P.O. Box 1997, Kalispell, MT, telephone: 758-7720.

Written comments may be submitted to the City Clerk at the above noticed meeting, or prior to the meeting either by mail at P.O. Box 1997, Kalispell, MT 59903, by email at [publiccomment@kalispell.com](mailto:publiccomment@kalispell.com) or in person at City Hall, 201 First Avenue East.

For further information contact the Public Works Department at (406) 758-7720.

Dated this 4th day of April, 2022.

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Aimee Brunckhorst, CMC  
City Clerk

Publish:      April 10, 2022  
                  April 17, 2022  
                  April 24, 2022



**RULES AND REGULATIONS  
GOVERNING SEWER SERVICE**

**Update Date**

**PUBLIC WORKS DEPARTMENT  
CITY OF KALISPELL, MONTANA**

## TABLE OF CONTENTS

<b>Purpose Rules and Regulations</b> .....	1
<b>Definitions</b> .....	1
<b>Records and Reports</b> .....	3
Preservation of Records.....	3
Filing of Rules, Regulations, and Rate Schedules.....	3
Financial and Statistical Report.....	4
<b>Customer Information</b> .....	4
Rates .....	4
Rules and Regulations .....	4
Posting.....	4
<b>Uses and Charges</b> .....	4
Free Sewage .....	4
Temporary Services.....	4
No City Water But City Sanitary Sewer .....	5
Usage Restriction .....	5
Annexation Required for Initiation or Continuation of Sewer Service.....	5
<b>Rate Establishment</b> .....	5
<b>Application for Sewer Service</b> .....	6
<b>Refusal to Serve Customer</b> .....	6
<b>Billing</b> .....	7
Method of Billing .....	7
Billing Periods and Payment .....	7
Opening and Closing Bills .....	7
Billing Information.....	7
Adjustment of Bills .....	8
Error in Billing .....	8
Dead Meters .....	8
<b>Complaints</b> .....	8
<b>Service Interruptions</b> .....	9
Notification of Scheduled Interruption.....	9
Emergency Interruption.....	9
Liability .....	9
Adjustment of Rate for Interruption.....	9

<b>Discontinuance of Service</b> .....	9
Vacation of Premises.....	9
Temporary Discontinuance .....	10
Discontinuance by Sewer Department .....	10
<b>Extension of Sewer Mains</b> .....	10
Cost of Extensions.....	10
Extension Agreement or Late-Coming Customer Fee .....	11
Standards of Installation.....	11
Oversizing Mains .....	11
Additional Extensions .....	11
<b>Service Lines and Connections</b> .....	11
Main Connections.....	11
Service Lines .....	11
Maintenance of Service Lines .....	12
<b>Abandonment of Service</b> .....	12
<b>Storm Drainage and Other Wastes Prohibited</b> .....	12
<b>Increased Concentration of Wastewater Pollutants</b> .....	12
<b>Private Mains</b> .....	13
<b>Regulation Amendments</b> .....	13

RULES AND REGULATIONS  
FOR THE  
KALISPELL SEWER DEPARTMENT

Rule I        Purpose of Rules and Regulations

The purpose of these rules and regulations is to set forth criteria to ensure adequate service, prevent unfair charges to the customer, and to protect the Kalispell Sewer Department from unreasonable demands.

The Kalispell Sewer Department is governed by the Kalispell City Council, hereinafter referred to as the City Council, and is under the direct supervision of the Director of Public Works. The adoption of these Rules and Regulations shall not preclude the City Council from altering or amending them, in whole or in part, or from requiring other or additional service, equipment, facility or standard, either upon complaint, upon its own motion or upon application of the Director of Public Works.

These Rules and Regulations do not in any way relieve the Kalispell Sewer Department from any of its duties under the laws of the State of Montana. The authority requiring the Rules and Regulations is contained in Title 69, Chapter 7, Montana Code Annotated.

Rule II        Definitions

The words or phrases used hereinafter shall mean as follows:

1. "City Council" means the duly elected governing body of the City of Kalispell, to include the Mayor.
2. "City Manager" means the duly appointed City Manager of the City of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
3. "City Sanitary Sewer" means the system operated by the Kalispell Sewer Department for the collection, conveyance, and treatment of sewage.
4. "City Water" means water furnished by the Kalispell Water Department.
5. "Collection Main" means sewer pipe owned, operated and maintained by the Sewer Department, which is used for the purposes of collecting and conveying wastewater



and sewage, and to which service connections are attached. A pressurized main or force main is not considered to be a collection main.

6. “Commercial Service” means any sewer usage other than solely for residential purposes except in a residence in which the resident operates a neighborhood business occupying less than thirty percent of the living area and which the water consumption for the business would be insignificant. Where a single structure has a neighborhood business exceeding the foregoing or has more than one business combined with a residence, the sewer service shall be considered “Commercial Service”. Commercial Service includes, but is not limited to: schools, hospitals, nursing homes, churches, hotels, motels, trailer parks, apartments, duplexes, condos, multi-plex units, and rooming housing with two or more rooms on a rental basis are considered Commercial services and not Residential.
7. “Customer” or “Consumer” means any individual, partnership, association, firm, public or private corporation or government agency, or any other user receiving sewer service. In the case of a tenant or landlord, the property owner is considered the customer or consumer.
8. “Developer” means any person, firm, corporation, or other entity that causes improvements to be made upon the land with said improvements requiring sewer service.
9. “Director of Public Works” means the Director of Public Works for the City of Kalispell or any person authorized by him/her to perform acts in his/her behalf.
10. “Domestic Sewage” is defined as the liquid waste collected from customers, residences, business buildings and institutions which contains organic matter associated with products consumed by humans.
11. “Extension Agreement/Latecomer Agreement” means an agreement between the City of Kalispell and a Developer which allows the Developer to connect onto an existing main owned by the City, and extend water or sewer service to the property of the Developer. The Agreement sets forth the value of the extended main and the charges for new customer connections to the extension main which are paid to the Developer. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.
12. “Force Main” or “Pressurized Main” is a pressurized sewer pipe owned, operated, and maintained by the Sewer Department, which is used for the purpose of conveying

sewage from lift stations to other sewer collection mains. No private sewer taps shall be made on city force mains.

13. “Industrial Waste” is defined as the liquid waste which has any other consistency than “Domestic Sewage”.
14. “Permittee” means any person, firm, corporation or other entity which obtains a written permit to cause construction work to be performed in accordance with the permit.
15. “Private Main” means any sewer pipe not owned, operated and maintained by the City of Kalispell to which more than one service line was originally connected.
16. “Public Service Commission” means the Montana Public Service Commission.
17. “Residential Service” means sewer usage solely for residential purposes.
18. “Service Connection” means the connection and or the tap at the collection main which connects the customer’s service pipe to the main.
19. “Service Pipe or “Service Line” means the piping from the service connection and or tap at the main to the customer’s premises.
20. “Sewer Department” means the City of Kalispell Sewer Department.
21. “Standards” shall mean the current “Standards for Design and Construction”, as adopted by the Kalispell City Council.
22. “Water Department” means the City of Kalispell Water Department.

Rule III      Records and Reports

1. Preservation of Records: All records required by these Rules shall be preserved by the Sewer Department 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.
2. Filing of Rules, Regulations, and Rate Schedules: No rules, regulations or schedules of rates or modification of the same, shall be effective until adopted by the City Council.

3. Financial and Statistical Report: The Sewer Department shall file annually a Financial and Statistical Report upon forms to be furnished by the Public Service Commission. This report shall be filed on or before October 31 of each year as set forth in Section 69-3-203 MCA.

Rule IV      Customer Information

1. Rates: Sewer Department personnel shall explain to the customer, during the application for service, or whenever the customer requests to do so, the Sewer Department's rates applicable to the type of service furnished to the customer. The Sewer Department shall supply the customer, when requested, with a copy of the Rate Schedule.
2. Rules and Regulations: A copy of the Rules and Regulations of the Sewer Department and any contracts and applications applicable to the Sewer Department shall be maintained in the office for inspection by the public.
3. Posting: A suitable placard in large type shall be exhibited in a conspicuous location, giving information to the customer that a copy of the Rules and Regulations of the Sewer Department and the schedule of rates are kept for their inspection. The information shall state that the Sewer Department is regulated by the Kalispell City Council and under the direct supervision of the Director of Public Works.

Rule V      Uses and Charges

1. Free Sewage: The Sewer Department shall not supply free sewer service to any customer.
2. Temporary Services: Sewage from construction, special projects, or other short-term usage must be applied for specially and shall be for a period no longer than six months. The usage charge shall be based on a water meter reading and the current Rate Schedule.

In all cases, the customer must pay for all charges necessary to provide the temporary service, including the removal of the service and water meter, if required. Temporary sewer service, if granted, may be terminated by the City after three days prior written notice of termination has been personally delivered or mailed to the owner's representative's last known address. Receipt of temporary service does not in any way entitle a customer to permanent service.

3. No City Water But City Sanitary Sewer: Customers which are not connected to City water, but which discharge sewage into the city sanitary sewer shall have their water service metered. The metering shall be at the expense of the customer, including the meter, and be compatible with the City's metering system. Kalispell Water Department personnel shall have access to the water meter for reading purposes. There will be no charge made for the water used, but the meter reading will be used as a basis for a sewer service charge. The Water Department reserves the right to check the customer's meter for accuracy. Meters which are found to be over 2% in error, in the customer's favor, shall be replaced or repaired by Water Department personnel, at the customer's expense.
4. Usage Restriction: The Sewer Department agrees to collect sewage from certain specified locations for a certain specified fee. Usage shall be in accordance with the City of Kalispell Ordinance No. 854 or its subsequent amending ordinance. If a customer supplies sewer services to other locations without written permission from the Director of Public Works, discharges sewage for other consistencies than those for which the customer is paying, or discharges prohibited waste it is a violation of the service contract. Upon discovery by the Sewer Department of a violation of usage, the customer shall be mailed a written notice of such offense. After 30 days from the date of mailing said written notice, the Department of Public Works may have the service discontinued until such time as the additional services furnished have been paid for or the violation rectified. In the case of fraudulent use or if a dangerous condition is found to exist on the customer's premises, services may be discontinued immediately, without advance notice. An example of a dangerous conditions is one which could cause damage to the city sanitary sewer system or one which could potentially allow containments to enter the city sanitary sewer system.
5. Annexation Required for Initiation or Continuation of Sewer Service: Any customer now receiving, or hereafter initiating, sewer service supplied by the Kalispell Sewer Department, shall be deemed to have consented to, and waived the right to protest, annexation to the City of Kalispell, as a condition of continuing or initiating said sewer service.

Rule VI      Rate Establishment

All rates and rate adjustments shall be adopted by the City Council through the Hearing Process as provided by law. The rates shall be in accordance with Exhibit "A" attached.

Rule VII      Application for Sewer Service

All customers desiring sewer service must make written application at the Sewer Department office on forms provided therefore, setting forth in said application the type of sewage to be discharged into the city sewage system. In cases where the customer is not the owner of the premises, the owner is primarily liable for payment for sewer service and the customer is jointly and severally liable for such payment. All applications for the collection of sewage from any premise must be signed by the property owner. Any change in the identity of the contracting customer at a premise will require a new application.

While the contracting user is a renter, leasee, or is not the property owner, an application for sewer service shall be made in the consumer's own name. The owner shall be primarily liable for payment of the sewer service and the renter or lease shall be jointly and severally liable for such payment. In such instance, the Sewer Department shall notify the property owner of the new service application and place the contracting user's name and date of service application as an endorsement on the property owner's application.

Special written applications must be made for service other than strictly domestic sewage.

It is the responsibility of the applicant to contact the Director of Public Works or City authorized representative, prior to making application to be sure that there is a sewer main adjacent to the applicant's property. If no main exists, it is the applicant's responsibility to install a main, in accordance with City Standards, at the applicant's expense.

All premises to be served which have not previously been served by the system will be assessed an impact fee. Impact fees are due and must be paid before service application may be approved.

Rule VIII      Refusal to Serve Customer

The Sewer Department may decline to serve an applicant:

- (1) Until the applicant has complied with these Rules and Regulations governing sewer service, or

(2) if, in the judgment of the Director of Public Works, the applicant's installation of piping, equipment, or appurtenances is regarded as potential health hazard or of such character that it is considered industrial waste or,

(3) if the applicant's system could cause damage or harmful effects to the Sewer Department's ability to satisfactorily treat such sewage within the limitations of the Kalispell Wastewater Treatment Plant.

In the event the Sewer Department refuses to serve an applicant under the provisions of this rule, the Sewer Department shall inform the applicant that the applicant may submit the question of refusal to serve to the City Council for their review and decision.

Rule IX      Billing

1. Method of Billing: The billing for domestic sewage shall be based on the comparative volume of flow, as determined by water meter readings, except that (1) fixed charges will be assessed in accordance with the Rate Schedule, and (2) there will be no charge for water passing through the meter which is reasonably determined to be used for water sprinkling. The billing for industrial wastes and high strength wastes shall be based on the water meter reading plus an increased amount, as determined by the City of Kalispell ordinance to cover the special or increased cost of treating said waste at the Wastewater Treatment Plant.
2. Billing Periods and Payment: The charges for municipal sewer services shall be billed at least monthly. To meet unusual conditions, such as discontinuances, the utility may render bills for service at other than the aforementioned intervals. The date of the month for reading any meter shall be, as close to practical, to the same date as the preceding reading. The billing dates shall likewise be monthly, with a date of mailing of said bill as near as practical to the date of mailing of the previous bill. In cases of leased property, all billing shall be sent to the tenant and property owner, unless the property owner agrees to be billed directly. Except for customers covered by Rule V (3), the bill for sewer service will be combined with the bill for water usage. Payment must be made for the total due for both water and sewer to constitute full payment for either.
3. Opening and Closing Bills: Opening and closing bills for sewer service will be computed in accordance with the rate applicable to the service, by amount of water used and the fixed charge, on a pro-rated basis of the number of days in the period of question to the number of days in the normal billing period.

4. Billing Information: Bills shall show the water meter readings at the beginning and the end of the period for which the bill is rendered, the date of the meter reading, the number of gallons supplied, and the date upon which payment is overdue.
5. Adjustment of Bills: If the customer believes the meter reading shown on the bill is incorrect by comparing previous billings and current readings, the customer shall notify the Sewer Department within five days of receipt of the billing in question. In case of a dispute as to the accuracy of the meter owned by the Water Department, the customer, upon depositing the amount set forth in the City of Kalispell Water Rate Schedule, may request that said meter be removed and tested in accordance with the Rules and Regulations of the Kalispell Water Department.

If the meter is not owned by the Water Department, the customer, at the customer's expense, shall determine the accuracy of the water meter if the customer disputes the accuracy of the meter. If the Sewer Department disputes the accuracy of said meter, the Sewer Department, at the Sewer Department's expense, may determine the accuracy of said meter and if said meter is found to be inaccurate over two percent in favor of the customer, the customer shall make the necessary repairs, at the customer's expense, to bring the meter into tolerance or replace said meter. Billing adjustments shall be made for inaccurate meters in the same manner and in accordance with the Rules and Regulations of the Kalispell Water Department.

6. Error in Billing: if an error in billing or meter reading has been made, the City may recover any undercharge or must refund any over-collections for the previous six months, as applicable.
7. Dead Meters: If a meter is found not to register for any period, the Water Department shall compute the water used as follows:
  - a. For customers who have been served for over one year, the amount billed shall be based on the same consumption use as occurred during the same period the previous year.
  - b. For customers who have been served for less than one year, the amount billed shall be based upon water used for the last billing period.

Exceptions will be made to the rule if the facts reasonably show that either method does not give the correct consumption for the period.

The Sewer Department shall make a full and prompt investigation of all complaints made by its customers and report the results thereof to the customer. If the complaint is not rectified to the satisfaction of the customer, the Sewer Department shall notify the customer of the privilege to appeal to the City Manager or City Council.

Rule XI        Service Interruptions

1. Notification of Scheduled Interruption: Every customer affected by an interruption in service shall be notified in advance of all programmed work. Such notice shall be made at least 18 hours in advance in the form of personal contact, or a notification tag placed on the entrance way for interruptions affecting 24 or fewer customers. For interruptions affecting a larger area than the foregoing, the notification may be in the form of the foregoing or a notification over the electronic media at least twice prior to 18 hours before interruption.
2. Emergency Interruption: In the event of an emergency interruption, the Sewer Department shall re-establish service as soon as possible. When emergency repairs, such as main breaks, plugged mains, etc., becomes necessary, a concerted effort shall be made by the Sewer Department to repair the cause without total disruption of service, except for that period when complete shutoff may be required due to the nature of the damage. Notification of affected customers may not be possible. However, every effort shall be made by the Sewer Department to have an announcement sent over the electronic media if the period of total interruption is expected to be more than four hours.
3. Liability: The Sewer Department shall not be liable to customers or others for failure or interruption of service due to main breaks, routine maintenance and operations, plugged mains, 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 Sewer Department Personnel.
4. Adjustment of Rate for Interruption: Interruptions of service due to any of the foregoing or for the customer's frozen facilities shall not render the City liable for any adjustment in the bill.

Rule XII        Discontinuance of Service



1. Vacation of Premises: Any customer who is about to vacate any premise supplied with service, or for any reason, wishes to have service discontinued, shall give at least a 24-hour notice to the Sewer Department. Notice shall specify the date on which discontinuance is desired. When a customer receives water service from the Kalispell Water Department, the notice for discontinuance to the Water Department is sufficient notice for the Sewer Department.
2. Temporary Discontinuance: Notification to the Water Department of the desire to temporarily disconnect water service will be sufficient notice to discontinue sewer charges.
3. Discontinuance by Sewer Department: The Sewer Department shall make a diligent effort to induce the customer to comply with all Rules and Regulations, including payment of bills. When payment becomes delinquent as indicated by a past due notice on current billing, the customer shall have ten days after the billing notice to comply by making payment. If payment is not made, the Water Department or Sewer Department will place a notice upon the premises that water furnished by the Water Department cannot be wasted into the Sewer Department's mains. Said notice shall state the date when the water shall be shut off. The Water Department or Sewer Department shall not be liable for failure of the customer to see such notice or for disappearance of the notice from the premises. The Sewer Department shall keep record of all notices. The Water Department or Sewer Department shall not discontinue service for non-payment on Friday, Saturday, Sunday, a day prior to a holiday, or if an emergency affecting health exists. A written statement from a physician or health agency must be presented to the Sewer Department within five days, if such claim of emergency is made.

Rule XIII      Extension of Sewer Mains

1. Cost of Extensions: It shall be the responsibility of the developer or property owner to extend and pay all costs thereof, for all main extensions from the existing city facilities to the site of development in accordance with all City Standards. Under certain circumstances, the Kalispell City Council may determine that it is appropriate to approve and enter into a Developers Extension Agreement with the developer or property owner to provide for the reimbursement of costs associated with construction of the infrastructure which exceeds the size or capacity of Standard requirements for the development. This agreement sets forth the value of the extended main, the charges for new customer connections to the extension main, and allows the developer to recover costs associated with the extension of said utility service for Standard improvements greater than required to serve the

development. The said Agreement must be adopted by Resolution of the City Council and signed by the Mayor and the Developer.

2. Extension Agreement or Late-Coming Customer Fee: If the City has become contractually obligated to collect a latecomer fee from a customer who connects to a main extension associated with an agreement, the City may refuse to allow such customer to connect to the extension until the fee is paid. If such customer fails or refuses to pay such fee when required, it shall be sufficient cause for discontinuance of service. Customers who connect to the system after the extension is complete and who did not share in the cost of the extension shall pay the main extender a pro rata share of the costs as defined in the agreement.
3. Standards of Installation: All mains, appurtenances and auxiliary piping shall be designed and installed in accordance with the City Standards.
4. Oversizing Mains: A Developers Extension Agreement may be established, upon approval of Council, for main extensions that exceed the size and capacity as required for the development in accordance with City Standards. However, if the City requires the customer or developer extending the main to install a larger size main than required by City Standards, the City shall pay the difference in cost between the larger main required by the City, and the size of main required by said standards.
5. Additional Extensions: The City reserves the right to further extend the mains installed by foregoing customers. The City also reserves the right to charge future main extenders, for their pro-rated share of the cost for the oversizing of the City's infrastructure. Such pro-rated cost shall be based on volume of flow contributed by the development for which the line was further extended, versus the volume of flow of which the oversized portion of the existing main could handle.

Rule XIV      Service Lines and Connections

1. Main Connections: The customer shall perform all necessary excavation over and around the main and make the service line connection to the main. The customer shall obtain a permit from the Department of Public Works before making said excavation and tap. All work shall be performed in accordance with City Standards and accepted by Public Works prior to backfill.
2. Service Lines: The customer, at the customer's expense, shall install all piping and appurtenances, from the main connection to the point of usage, and restore all

surfaces to the condition which existed before the installation. All piping, appurtenances, and surface restoration shall be installed and tested in accordance with City Standards. Installation of a back-water apparatus may be required upon review by the Sewer Department. Structures containing two or more residences under separate ownership shall have separate service lines from the main for each residence. Structures containing two or more residences or commercial uses that are rental units under common ownership shall have one service line for all occupants within a single structure.

3. Maintenance of Service Lines: The customer shall maintain, at the customer's expense, all service appurtenances, including the tap at the main, in a good condition, free from inflow, infiltration, root intrusion, and exfiltration. Failure to do so shall be cause for discontinuance of service. It is the customer's responsibility to repair all deficiencies in the service line immediately.

Rule XV Abandonment of Service

When a lot or parcel is developed to a permitted use, all duplicate, excess, and/or unused services, including stub-outs, shall be abandoned at the main at no cost to the City. Aggregation of parcels will trigger abandonment of unused services. Whenever a building served by sewer ceases to exist, services shall be abandoned at the main. At the discretion of the Sewer Department, however, and depending upon whether sewer service is anticipated to be renewed within one year, abandonment may not be required.

Rule XVI Storm Drainage and other Wastes Prohibited

No person shall make connection of roof downspouts, exterior foundation drains, area drains, sump pumps, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the city sanitary sewer. No commercial services shall discharge condensate water to the city sanitary sewer. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to the city sanitary sewer. No septic sewage shall be introduced into the city sanitary sewer system. No prohibited wastes as defined in city code and ordinances shall be discharged into the sanitary sewer system.

Rule XVII Increased Concentration of Wastewater Pollutants

The Department of Public Works considers the normal domestic strength concentrations to be 250 parts per million (PPM) Bio-Chemical Oxygen Demand

(BOD), 250 PPM Total Suspended Solids (TSS), 40 PPM Total Nitrogen (TN), 7 PPM Total Phosphorus (TP), 100 PPM Fats, Oils, and Grease (FOG). The Sewer Department shall assess a surcharge rate for all non-residential customers (including but not limited to Districts, commercial, and industrial) discharging concentrations of BOD, TSS, TN, TP, and FOG greater than the normal domestic strength in accordance with the City Ordinance and Rate Schedule.

#### Rule XVIII Private Mains

1. The City shall have no obligation to maintain, test, repair or replace private mains, and the City shall not be liable or responsible for any damage caused by sewer leaking from a private main.
2. All customers served by a private main are jointly and severally liable and responsible for maintaining, testing, and repairing. All customers served by a private main are advised to replace such line with a properly designed and installed main.
3. If in the judgment of the Sewer Department a private main has become hazardous, or could damage or cause harmful effects to the sewer system, to customers, or to neighboring property owners or residents, the Sewer Department shall give reasonable notice of the problem and the needed maintenance, testing, repair or replacement. The Sewer Department shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. If the Sewer Department determines that it is not feasible or practical to remediate the private main, the Sewer Department shall give reasonable notice to such customers of the need to install a new main, or connect to an existing main, in the discretion of the Sewer Department. The Sewer Department shall allow a reasonable time for such work, based on the severity of the condition giving rise to such notice. The Sewer Department may, in their 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 be sufficient cause for discontinuance of service.

#### Rule XIX Regulation Amendments

The City Council may adopt, establish or change policies which define and govern the action of the Sewer Department personnel on specific and special conditions. The said policy shall not conflict with any of the Rules and Regulations contained herein. The decision of the City Council to adopt, establish or change such policies shall be made by a motion duly adopted and approved and filed with the City Clerk.

UTILITY SCHEDULE FOR SEWER

EFFECTIVE Update

PAGE NO. 1

**SCHEDULE A**

**RESIDENTIAL AND COMMERCIAL SERVICE**

Available for: User premises located within the City Limits

Fixed charge per meter per month	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>
Charge:	\$8.44	\$11.19	\$12.65	\$14.22	\$15.21	\$15.80	\$16.28	\$16.77
Rate: per thousand gallons/no minimum*								
All consumption	\$4.78	\$6.34	\$7.17	\$8.06	\$8.62	\$8.95	\$9.22	\$9.50

\*Water billed per Sprinkling rate or separately metered for Sprinkling not subject to Sewer fee.

**MULTIPLE USERS**

Number of units will not be a factor in the rate formula.

**Special Terms and Conditions**

1. Out of City rate 1.25 times the in-City rate.

UTILITY SCHEDULE FOR SEWER

EFFECTIVE Update

PAGE NO. 2

**SCHEDULE B**

**RESIDENTIAL AND COMMERCIAL**

Available for: Users of the system NOT SERVED by the City Water Utility but within the City limits of Kalispell

Rate: Premises discharging sewage into the system from water service originating from other than metered City Water must install a meter, at user's expense, to provide a measure of usage.

This provision covers all outside sources of water including wells and outside water systems.

The charge for sewer services: same as Schedule A

The charge for sewer service for Evergreen Water District customers: same as Schedule A with an additional Evergreen Meter Fee of \$3.00 per customer per month. Evergreen Meter fee will reflect Evergreen's charge to the City and may be adjusted if or when Evergreen District changes their fee schedule.

In the case of temporary absence of metering, usage will be estimated.

At the date of the adopting of this Schedule there are wells supplying commercial and industrial premises, these are required to be metered. Until this metering is accomplished, the sewer discharge from those premises will be determined from the capacity of the pump delivering the water and hours of operation of the pump. In the case of restaurants and bars, etc., served in the same manner, sewer volume may be determined by comparison with a like situation now metered.

**MULTIPLE USERS**

Number of units will not be a factor in the rate formula.

Special Terms and Conditions

1. Out of City Rate 1.25 times the in-City rate.

UTILITY SCHEDULE FOR SEWER

EFFECTIVE Update

PAGE NO. 3

SCHEDULE C

Where it has been determined that the analyte concentration of TP (Total Phosphorus), TN (Total Nitrogen), BOD (Bio-Chemical Oxygen Demand) and TSS (Total Suspended Solids) are present in sewage discharged by a District, Commercial, or Industrial User, a surcharge will be made as determined herein:

The Utility will consider the normal domestic strength waste component of sewage to be 7 PPM TP, 40 PPM TN, 250 PPM BOD and 250 PPM TSS. Surcharges will be assessed to all users discharging at concentrations, which exceed the component of waste as indicated above:

**Strength Surcharge Costs – Over Limit > than (mg/L) of:**

	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Bio-Chemical Oxygen Demand (\$/Lbs) > 250	\$0.24	\$0.16	\$0.17	\$0.18	\$0.19	\$0.20	\$0.21	\$0.22
Suspended Solids (\$/Lbs) > 250	\$0.22	\$0.71	\$0.74	\$0.78	\$0.81	\$0.83	\$0.86	\$0.89
Phosphorus (\$/Lbs) > 7	\$0	\$6.10	\$6.40	\$6.72	\$6.96	\$7.17	\$7.39	\$7.61
Nitrogen (\$/Lbs) > 40	\$0	\$1.25	\$1.31	\$1.38	\$1.43	\$1.47	\$1.51	\$1.56

Surcharge costs will be calculated based on the analyte strength (PPM) and wastewater rate of flow. Flow used in the surcharge calculation shall be the total monthly flow. If an effluent flow meter is not used or is not operational, the monthly water usage taken during the City's water meter reading will be used to determine flow. The total surcharge cost will be the summation of each of the analytes surcharge costs and lab analytical costs for a monthly billing period.

If the concentration of these pollutants is less than that of normal domestic strength waste, the User shall not receive a surcharge nor receive a credit.

Special Terms and Conditions

1. Out of City rate 1.25 times the in-City rate.



*Evergreen*  
**Water & Sewer**  
**DISTRICT 1.**

130 Nicholson Drive  
Kalispell, MT 59901  
Phone: 406-257-5861  
Email: [info@evergreenwaterdistrict.com](mailto:info@evergreenwaterdistrict.com)

RESOLUTION  
2022-02

RESOLUTION ADOPTING INCREASES IN WATER AND SEWER RATES  
AND CHANGES IN FEES

WHEREAS, the Board of Directors of Flathead County Water District #1 - Evergreen is required by Montana Law, 7-13-2301(2)(a)(i) and (ii), MCA, to annually review the District's rates and fees to determine that the income and revenue is adequate each year for the payment of reasonable expenses of operation and maintenance of the facilities and the administration of the District; and

WHEREAS, the Board of Directors, pursuant to 7-13-2301(2)(a)(iv), MCA, must annually review its rates to determine that the income and revenue is adequate each year for the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities as may be determined necessary from time to time by the Board of Directors; and,

WHEREAS, the Board of Directors reviewed the financial records of the District through June 30, 2021, as well as expected expenditures in the current fiscal year pertaining to water and sewer revenues and expenses as well as the respective reserve accounts; and,

WHEREAS, the present rates and fees are not sufficient to cover the expenses and maintain the required reserves needed for expenditures for depreciation and replacement as determined by the Board of Directors,

WHEREAS, on January 19, 2022, the Board of Directors adopted Resolution 2022-01, a Notice of Intent to Raise Rates and Fees; and

WHEREAS, pursuant to the Resolution and in compliance with Montana law, notices of such proposed increases were published in the Daily Interlake and sent to all the customers of the District and registered property owners within the District boundaries; and

WHEREAS, the Board of Directors has conducted a public meeting and has received public comments in compliance with Montana law; and

WHEREAS, the Board of Directors, having duly considered all comments and information pertaining to the proposed increases in water and sewer rates and changes in fees, has determined that it is in the best interest of the District to adopt such increases and changes.

NOW THEREFORE BE IT RESOLVED on this **23<sup>rd</sup> day of February 2022**, that the Board of Directors hereby adopts this Resolution to increase the water and sewer rates and make changes in fees, as set forth on the attached Exhibit A. The new rates are effective as of March 1, 2022. The new fees are effective as of the date of this Resolution.



Flathead County District #1 – Evergreen  
Board of Directors

By:   
John T. Fallon, Board President

Attest   
Cynthia S. Murray, Secretary

Evergreen Water and Sewer District Proposed water and Sewer Rates

Sewer Rates-Current

Estimated Sewer Bill based on Various Usage Levels (000 gallons)

Meter Size	Current Base Charge	Volume Charge (\$/000s)	1	2	3	4	5	6	7	8	9	10
All	\$11.49	\$8.65	\$20.14	\$28.79	\$37.44	\$46.09	\$54.74	\$63.39	\$72.04	\$80.69	\$89.34	\$97.99

Sewer Rates-Proposed

Estimated Sewer Bill based on Various Usage Levels (000 gallons)

Meter Size	Proposed Base Charge	Volume Charge (\$/000s)	1	2	3	4	5	6	7	8	9	10
3/4"	\$12.41	\$9.33	\$21.74	\$31.08	\$40.41	\$49.74	\$59.08	\$68.41	\$77.75	\$87.08	\$96.41	\$105.75
1"	\$14.06	\$9.33	\$23.40	\$32.73	\$42.06	\$51.40	\$60.73	\$70.07	\$79.40	\$88.73	\$98.07	\$107.40
1 1/2"	\$18.20	\$9.33	\$27.53	\$36.87	\$46.20	\$55.54	\$64.87	\$74.20	\$83.54	\$92.87	\$102.20	\$111.54
2"	\$23.16	\$9.33	\$32.50	\$41.83	\$51.17	\$60.50	\$69.83	\$79.17	\$88.50	\$97.83	\$107.17	\$116.50
3"	\$45.91	\$9.33	\$55.25	\$64.58	\$73.92	\$83.25	\$92.58	\$101.92	\$111.25	\$120.58	\$129.92	\$139.25
4"	\$71.97	\$9.33	\$81.31	\$90.64	\$99.97	\$109.31	\$118.64	\$127.98	\$137.31	\$146.64	\$155.98	\$165.31
6"	\$142.29	\$9.33	\$151.63	\$160.96	\$170.29	\$179.63	\$188.96	\$198.29	\$207.63	\$216.96	\$226.30	\$235.63
8"	\$241.57	\$9.33	\$250.90	\$260.23	\$269.57	\$278.90	\$288.23	\$297.57	\$306.90	\$316.24	\$325.57	\$334.90

Water Rates-Current

Estimated Water Bill based on Various Usage Levels (000 gallons)

Meter Size	Current Base Charge	Volume Charge (\$/000s)	1	2	3	4	5	6	7	8	9	10
All	\$6.33	\$1.28	\$7.61	\$8.89	\$10.17	\$11.45	\$12.73	\$14.01	\$15.29	\$16.57	\$17.85	\$19.13

Water Rates-Proposed

Estimated Water Bill based on Various Usage Levels (000 gallons)

Meter Size	Proposed Base Charge	Volume Charge (\$/000s)	1	2	3	4	5	6	7	8	9	10
3/4"	\$7.09	\$1.28	\$8.37	\$9.65	\$10.93	\$12.21	\$13.49	\$14.77	\$16.05	\$17.33	\$18.61	\$19.89
1"	\$8.03	\$1.28	\$9.31	\$10.59	\$11.87	\$13.15	\$14.43	\$15.71	\$16.99	\$18.27	\$19.55	\$20.83
1 1/2"	\$10.40	\$1.28	\$11.68	\$12.96	\$14.24	\$15.52	\$16.80	\$18.08	\$19.36	\$20.64	\$21.92	\$23.20
2"	\$13.23	\$1.28	\$14.51	\$15.79	\$17.07	\$18.35	\$19.63	\$20.91	\$22.19	\$23.47	\$24.75	\$26.03
3"	\$26.23	\$1.28	\$27.51	\$28.79	\$30.07	\$31.35	\$32.63	\$33.91	\$35.19	\$36.47	\$37.75	\$39.03
4"	\$41.12	\$1.28	\$42.40	\$43.68	\$44.96	\$46.24	\$47.52	\$48.80	\$50.08	\$51.36	\$52.64	\$53.92
6"	\$81.29	\$1.28	\$82.57	\$83.85	\$85.13	\$86.41	\$87.69	\$88.97	\$90.25	\$91.53	\$92.81	\$94.09
8"	\$138.01	\$1.28	\$139.29	\$140.57	\$141.85	\$143.13	\$144.41	\$145.69	\$146.97	\$148.25	\$149.53	\$150.81

Combined-Current

Estimated Combined Water and Sewer Bill based on Various Usage Levels (000 gallons)

Meter Size	1	2	3	4	5	6	7	8	9	10
All	\$27.75	\$37.68	\$47.61	\$57.54	\$67.47	\$77.40	\$87.33	\$97.26	\$107.19	\$117.12

Combined-Proposed

Estimated Combined Water and Sewer Bill based on Various Usage Levels (000 gallons)

Meter Size	1	2	3	4	5	6	7	8	9	10
3/4"	\$30.11	\$40.73	\$51.34	\$61.95	\$72.57	\$83.18	\$93.80	\$104.41	\$115.02	\$125.64
1"	\$32.71	\$43.33	\$53.94	\$64.55	\$75.17	\$85.78	\$96.39	\$107.01	\$117.62	\$128.24
1 1/2"	\$39.21	\$49.83	\$60.44	\$71.05	\$81.67	\$92.28	\$102.89	\$113.51	\$124.12	\$134.74
2"	\$47.01	\$57.63	\$68.24	\$78.85	\$89.47	\$100.08	\$110.69	\$121.31	\$131.92	\$142.54
3"	\$82.76	\$93.37	\$103.99	\$114.60	\$125.21	\$135.83	\$146.44	\$157.06	\$167.67	\$178.28
4"	\$123.71	\$134.32	\$144.93	\$155.55	\$166.16	\$176.78	\$187.39	\$198.00	\$208.62	\$219.23
6"	\$234.20	\$244.81	\$255.43	\$266.04	\$276.65	\$287.27	\$297.88	\$308.50	\$319.11	\$329.72
8"	\$390.19	\$400.80	\$411.42	\$422.03	\$432.65	\$443.26	\$453.87	\$464.49	\$475.10	\$485.71

## Public Hearing

Purpose: **Discuss Water and Sewer Rates and Fee Increases**

Date: **Wednesday, February 23, 2022**

Time: **7:00 AM**

Where: **Evergreen Water District Shop**

Comments and questions can be sent by e-mail to [info@evergreenwaterdistrict.com](mailto:info@evergreenwaterdistrict.com) or by contacting the District Office (406) 257-5861

Flathead County Water District No. 1 - Evergreen  
130 Nicholson Drive  
Kalispell, Montana

Return Service Requested

PRSR MTGT  
U.S. Postage  
**PAID**  
Kalispell MT  
Permit #93

CITY OF KALISPELL  
PO BOX 1997  
KALISPELL, MT 59903-1997

59903\$1997 8022



## New and Revised Fees to Cover District Costs

### Consecutive Connection Failed Samples

Old Fee	\$100.00	
New Fee	\$250.00	Plus cost of each required test sample

### Connection Fee for Fire Systems

Old Fee	None	
New Fee	\$1,000.00	

### HOA Single Family Billed Water - Sewer Billed through Master Meter

Old Fee	None	
New Fee		Sewer base fee based on the number of metered connections

### RV Park Sewer Billed through Wepps

Old Fee	\$11.49	Base per WEPP
New Fee		Base per WEPP will equal total number of WEPPS divided by total number of connections

### Delinquent Shut Off Fees

Old Fee	\$25.00	To reconnect after disconnection
New Fee	\$25.00	For delivery of Door Hanger Shut Off Notice
	\$50.00	For reconnection after disconnection

### Returned Check Fee

Old Fee	\$8.00	
New Fee	\$25.00	

### Extra Cost of Septic Pumping

Old Fee	None	
New Fee	COST	Extra charges over regular pumping charges for the individual tank due to clean-up of wipes, hygiene products, hypo-needles, and trash.

### Auxiliary Dwellings Units

Old Fee	None	For water service
New Fee	\$500.00	One time water fee per dwelling, RV Site, etc. in conjunction with addition of meter pit.

### 3/4" through 2" Tap Fees

Old Fee	\$ 3,000.00	3/4" & 1" Taps
Old Fee	\$3,500.00	1 1/2" & 2" Taps
New Fee	\$5,000.00	For taps 3/4" through 2" plus all additional applicable costs

### Sewer Tap Fee

Old Fee	\$2,500.00	
New Fee	\$250.00	Plus Time and Material

### City Of Kalispell

Old Fee	None	
New Fee	\$3.00	Per account monthly charged to the City of Kalispell for each of the City's sewer customers connected to Evergreen Water for water service.

### Developer Review Fees

Old Fee	\$750.00	Plus \$500.00 for each additional review after initial and responding review
New Fee	\$2,000.00	Plus fees that are the same as DEQ schedule for Developer plan review fees.

## NEW and REVISED FEES TO COVER COSTS

### **Commercial**

**Consecutive Connection Samples** – When mobile home parks fail their Bac-T samples, DEQ requires the District to source test to prove that the District was not the fault of the failed sample. The District charges \$100.00 for this sampling. We propose a \$250.00 fee plus the actual cost of each required sample. The resampling could be one test or seven depending on wells running at time Consecutive Connection test was taken.

**Connection Fees on New Fire Systems** – Fire systems have not ever paid a connection fee but cause a high demand on the water system if used. Time is spent when system goes in also as the fire systems are treated as mains, chlorinated, flushed, and sampled. Proposed is \$1000.00 connection fee to recover those costs paid one time. Fire systems are billed once a year depending on size of service for the water availability.

**HOA Sewer Customers** – HOAs covering single family residences where HOA pays through a single sewer meter pay only one base fee instead of a base fee tied the number of residences on the sewer system. Proposed is to charge the HOA a base fee times the residential or commercial connections that are metered through single meter. (Example 50 connected lots, X \$11.49 = \$574.50 charged base fee on the single meter). Proposed, that accounts billed through WEPP Systems such as campgrounds not a water customer, be billed a base on each space available for use such as each mobile home lot, each admin and operations building, and each rentable RV Space. (Example 110 spaces divided by 10 WEPPS X Base fee = \$126.39 Base per WEPP).

### **Commercial and Residential**

**Shut off fees** – Currently we send mailed notices, hang door hangers, and if not paid, shut off services and bill \$25.00 reconnect fee if shut off. The District pays the postage (administrative) delivers door hangers (Field) and only collects a fee if shut off. Proposed is \$25.00 per door hanger hung and raise the reconnect fee to \$50.00 to cover both administrative and field time. Owners are responsible for renter's fees if unpaid.

**Returned Check Fee** – Currently the District is billed \$4.00 for returned checks by the bank. That amount is doubled (\$8.00) and billed to the customer. The District does not have a lot of returned checks, but it takes time to deal with them. We propose a \$25.00 returned check fee. Owners are responsible for renter's fees if unpaid.

**Extra Septic Pumping Costs** - Currently the District gets charged for added labor due to the pumper's having to clean up hygiene products, hypo-needles, trash, and wipes from their dump sites. Proposed is charging the added costs to the tanks to those accounts that cause the added labor. Most generally the pumpers makes notes on the returned paperwork. Owners are responsible for renter's fees if unpaid.

**Auxiliary Dwellings** – Currently the District charges an added fee for sewer for the additional user and requires installation of a meter pit. We do not charge a fee for the additional water user for auxiliary dwellings. Proposed is a \$500.00 one-time fee for the water connection.

**Taps ¾" through 2" Costs** – Currently the District charges \$3000.00 to \$3500.00 for tap fees. The District is not totally recovering cost associated with tapping. Proposed is to raise the tapping fees for ¾" through 2" taps to \$5000.00 across the board in addition to billing customers for all other applicable costs pertaining to each tap, such as permits, road replacement, traffic control, etc.

**Sewer Tap Fees** – Currently the District charges \$2500.00 for sewer taps. Most sewer taps are not time consuming or inside properties. Proposed is to bill \$250.00 base fee plus time and material.

## **City**

**Meter Reading Fee** – Currently we read approximately 906 meters for City of Kalispell sewer customers, (Village Greens, Fairway, River View, Buffalo Stage, Glacier Commons, Moe's Run, Whitefish Stage, Village Plaza, a few in Hillcrest, and 3 accounts for Anderson Masonry). As a courtesy, we have been doing this without charge to the City even though we have costs to provide this information. Proposed is a \$3.00 per month per account fee to the City for reading the meters, working with the billing software to extract the information, maintenance on the meters, and a portion of the reading equipment and meters, including replacement costs.

## **Developer Plan Review Fees**

Currently we bill developers a \$750.00 fee for initial plan review and one edit review. Any reviews thereafter the District charges an additional \$500.00 each. The District is not recovering its cost and proposed is adopting a DEQ style review fee. The proposed revised review fee schedule is attached as follows: