

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

#### JOINT SUBCOMMITTEE ON LONG-RANGE PLANNING

**Call to Order:** By **CHAIRMAN ERNEST BERGSAGEL**, on January 27, 1995, at 8:00 A.M.

#### ROLL CALL

**Members Present:**

Rep. Ernest Bergsagel, Chairman (R)  
Sen. Ethel M. Harding, Vice Chairman (R)  
Sen. B.F. "Chris" Christiaens (D)  
Rep. Matt McCann (D)  
Rep. Tom Zook (R)

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** Nan LeFebvre, Legislative Fiscal Analyst  
Jane Hamman, Office of Budget & Program Planning  
Tracy Bartosik, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: Treasure State Endowment Program  
HB 11  
Executive Action: None

*Note: Evaluation, recommendations, and descriptions of the following projects can be found in the "Treasure State Endowment Program (TSEP)" binder. (Exhibit 1, 1-25-95)*

**CHAIRMAN ERNEST BERGSAGEL** stated the following projects are all below the funding line and most likely will not receive funding.

#### HEARING ON HB 11 TREASURE STATE ENDOWMENT PROGRAM

##### CITY OF FAIRVIEW

##### Water System Improvements, page 100

**Jim Edgecomb**, Department of Commerce (DOC), said the city of Fairview is requesting \$500,000 for water system improvements. The improvements include replacement of leaking pipes and the 40-year-old 100,000 gallon elevated storage tank with an on-ground

tank of greater storage capacity, and the installation of water meters on residential and commercial property. He said the DOC recommends this project for funding because the applicant lacks the ability to borrow and already has very high water and wastewater rates. The application ranks 16th out of 21 projects.

**SEN. LARRY TVEIT** spoke in support of this request. He said Fairview has serious problems with the water and cannot afford to pay for this project themselves.

**REP. BETTY LOU KASTEN** voiced her support of this project.

**REP. BILL REHBEIN** wishes to go on record as supporting this project.

**Bryan Cummins, Mayor, Fairview**, said the City has been improving their water system for 6 years. He said they have some "very aggressive" earth that eats the metal water mains.

**CHAIRMAN BERGSAGEL** asked what they pay for water and sewer rates. **Mr. Cummins** said they pay \$32.00 for the two together.

**Brian Milne, Civil Engineer for the City of Fairview**, testified in support of this grant request and submitted a handout of information to the committee. **EXHIBIT 1**

**Gloria Paladichuk, Richland County**, asked for the committee's support and emphasized Fairview's poor financial situation.

#### DAWSON COUNTY

##### Painting of Bell Street Bridge, page 117

**Robb McCracken, DOC**, said the Bell St. Bridge in Glendive has rust and corrosion of the steel superstructure. The TSEP grant request would fund the stripping of all paint and rust from the steel surfaces of the bridge. He said DOC feels the painting is primarily for cosmetic reasons and does not pose a health or safety threat to the community. DOC is not recommending funding for this project. There is a minimum match requirement of 50% and the applicant's match only reaches 42.25%. This application ranks 20th out of 21 projects.

#### RICHLAND COUNTY

##### Lone Tree Dam Rehabilitation, page 122

**Jim Edgecomb** said Richland County is requesting \$431,250 for the rehabilitation of the Lone Tree Dam, which is privately owned. The project will consist of improvements and modifications to bring the privately-owned dam into compliance with DNRC standards. He said this application is not an eligible application for TSEP funding. The reasons for this have been listed and explained on page 122 of the "TSEP" binder. DOC

recommends no funding for this project. This project is ranked 21 out of 21 projects.

**REP. BILL REHBEIN** said the safety of the people in the town of Sydney needs to be considered when looking at this project. The present landowner cannot afford to pay for this project. He asked for the committee's support of the grant request.

**Brian Milne, Interstate Engineering**, said there is recommended funding for this project from the Department of Natural Resources and Conservation (DNRC). He presented a handout of information to the committee. **EXHIBIT 2** He feels this project could fall under the storm sewer category.

**REP. TOM ZOOK** said it is understood that there is a real need for this project, but the legislature is precluded from acting and funding it because it is privately-owned and does not qualify for TSEP. He asked why they are not seeking other avenues of funding. **REP. REHBEIN** said they are seeking other avenues and the rehabilitation of the dam will not benefit the private owner.

**CHAIRMAN BERGSAGEL** asked if they have looked into creating a flood control or water district and taking over ownership of these reservoirs. **REP. REHBEIN** said no, that has not been done. He said the owners of the dam are willing to turn over the operation of the dam, but not the ownership.

**CHAIRMAN BERGSAGEL** asked if it would help them to have a letter from him explaining that the legislature cannot aid in funding this project under TSEP unless the city or county takes over ownership of the dam, because of constitutional and statutory law. **SEN. REHBEIN** said yes, this would be helpful in starting the process. **CHAIRMAN BERGSAGEL** agreed to provide such a letter.

**Gloria Paladichuk, Richland County**, asked that she go on record as supporting this grant request.

#### TREASURE STATE ENDOWMENT PROGRAM DISCUSSION

**Mr. McCracken, DOC**, welcomed questions and suggestions from committee members in regard to the Treasure State Endowment Program.

**CHAIRMAN BERGSAGEL** said he thinks one of the frustrations this committee has felt, is it appears that the communities that are in the worst financial shape and allow their systems to deteriorate, seem to receive priority funding. This seems a little unfair, and if there was a way to measure an applicants desire to take care of themselves and only request funding from the legislature in extraordinary circumstances, he said he would much prefer that. He said he is unsure how or if that could be done.

**Mr. McCracken** said the Department would be willing to follow up on that issue. He said he is very concerned about this program not rewarding local governments who have been responsible. He said the Department is looking at different ways of doing that. There may be ways of accomplishing this by adopting guidelines from the Community Development Block Grant Program. One way of possibly accomplishing this through TSEP would be to develop a "local effort" criterium which would give credit for a local government that has done some preplanning and has been consistently responsible.

**CHAIRMAN BERGSAGEL** asked if a change such as that would require statutory changes. **Mr. McCracken** said that would be the best way to accomplish it.

**REP. MATT McCANN** said he feels the same way, and that extra criteria would help the committee provide funding on genuine need.

**CHAIRMAN BERGSAGEL** asked that the DOC bring back to the committee any recommendations they would have that would assist them in doing their job or providing a better service to the applicants. **Mr. McCracken** said they would be happy to have that opportunity.

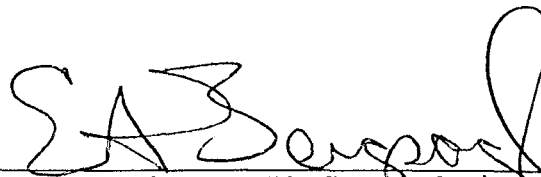
**Mr. McCracken** provided a brief status summary of the 1993 legislative approved projects. **EXHIBIT 3** He said there is also a more detailed summary of the projects in the TSEP binder.

January 27, 1995

Page 5 of 5

ADJOURNMENT

Adjournment: 9:30 a.m.



ERNEST BERGSAGEL, Chairman



for TRACY BARTOSIK, Secretary

EB/tb

# LONG RANGE PLANNING

## Joint Appropriations Subcommittee

ROLL CALL

DATE 1-27-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ernest Bergsagel, Chairman	X		
Rep. Matt McCann	X		
Rep. Tom Zook	X		
Sen. Ethel Harding, Vice Chairman	X		
Sen. Chris Christiaens	X		

EXHIBIT 1  
DATE 1-27-95  
SB                     

*TOWN OF FAIRVIEW*

*WATER SYSTEM IMPROVEMENTS*

*LONG RANGE PLANNING SUBCOMMITTEE*

*TESTIMONY OUTLINE*

*FOR*

*DNRC - RRGL PROGRAM*

*AND*

*TSEP - GRANT*

*JANUARY 27, 1995*

**SYNOPSIS:** *The attached information is intended to supplement the DNRC and TSEP Applications for the Town of Fairview submitted in May and June of 1994.*

*The map attached to the end of this submittal indicates the location of the 17 water main breaks that have occurred since 1991, the amount of water main the town has replaced and the amount of 1935 to 1946 vintage cast iron water main remaining to be replaced. During the oral presentation we showed two sections of cast iron pipe that were removed and showed the deterioration being experienced by the existing water lines.*

*In the original applications we listed FmHA as a funding source but not officially committed. Since then Fairview has completed the FmHA pre-application process and has received approval from FmHA to submit a full final application. The attached letters from FmHA indicate the town is eligible for*

<i>\$ 386,250.00 Loan</i>
<i>\$1,188,750.00 Grant</i>
<i>\$ 20,000.00 Town Contribution</i>

*FmHA also states that even though Fairview qualifies for \$1,188,750.00 grant they cannot fund all of that so we need to secure other grant funding. The awarding of DNRC and TSEP grant funds would allow the most optimum use of all funding agency monies.*

*The financial need of Fairview for grant money is well documented in the TSEP - Policy Issues, Project Evaluations and Recommendations for the 1996 - 1997 Biennium on page 102 and shows Fairview as the applicant with the greatest financial need out of the 21 applicants.*

*The Town of Fairview is securing an option on one acre of land plus an access easement to locate the proposed water tank on. A copy of the option agreement is attached and the original has been sent to Barbara Coates in Portland, Oregon for signature.*

*A preliminary engineering report was prepared by Interstate Engineering, Inc. and is the basis for the estimated cost of the improvements. The estimates were based on 1994 construction prices. It is anticipated based in the FmHA Application deadline of April, 1995 that actual construction will not start until late 1995 or early 1996. There will be a increase in project costs due to the delayed start of 5% to 7% but this will not make the project unfeasible.*



## TOWN OF FAIRVIEW

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*A public hearing was held and several town council discussions were documented in the local newspaper and only one water user was negatively concerned about the proposed project.*

*The Town of Fairview is right at/or below the funding levels for both DNRC and TSEP Programs. We have a commitment to use \$20,000.00 of town funds and to commit to a \$386,250.00 FmHA loan. We are eligible for a \$1,188,750.00 FmHA Grant which cannot be fully funded by FmHA so the additional grant monies we receive from DNRC and TSEP will assist us to more fully utilize all available funding and complete a project which benefit the water users and not be a large financial burden on our users.*



United States  
Department of  
Agriculture

Farmers  
Home  
Administration

1629 Avenue D,  
Building A, Suite 6  
Billings, MT 59102  
406-657-6297  
(FAX) 406-657-6294

November 23, 1994

Mr. Brian Milne  
Interstate Engineering  
P. O. Box 648  
Sidney, MT 59270

Dear Mr. Milne:

SUBJECT: Town of Fairview

The preapplication submitted on behalf of the Town of Fairview is considered complete and has been forwarded to the State Office for their review. Based on our 1995 funding allocation, the following items of concern are listed:

1. The estimated amount of loan and grant are:  
\$ 386,250 Loan  
\$1,188,750 Grant  
\$ 20,000 Town contribution

Our funding for FY 1995 appears inadequate for this amount of grant and we will need to request funds from the National Office. Therefore, an application would need to be completed by the first of March.

2. Is the Town considering applying for CDBG or other sources of grant funds? If so, we can incorporate this with the proposal to reduce the above grant amount.
3. We will need to get started on the environmental assessment. Enclosed is a guide for this purpose. It is suggested that you proceed with the letters to the required contacts. Also, you may want to inquire further into the cultural resource survey that SHPO is requiring - particularly as it relates to identifying the cost.

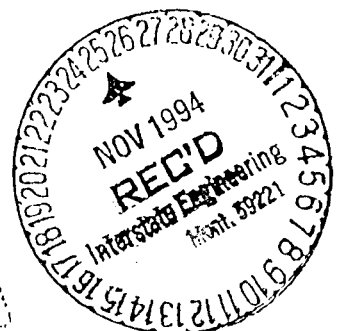
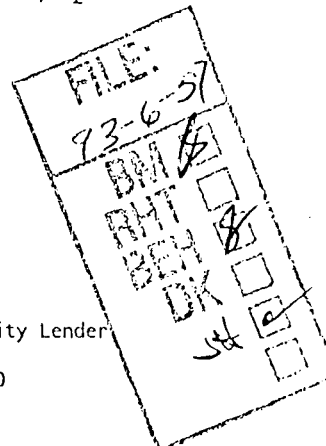
You will be informed of the State Office review as soon as it is received. If you have any questions, please contact this office.

Sincerely,

*Mary Lou Falconer*  
MARY LOU FALCONER

Assistant District Director

Enclosure



Farmers Home Administration is an Equal Opportunity Lender  
Complaints of discrimination should be sent to:  
Secretary of Agriculture, Washington, D.C. 20250

U.S. DEPARTMENT OF AGRICULTURE  
NOTICE OF PREAPPLICATION REVIEW ACTION

From: USDA - Rural Economic and Community Development Services  
(Department, bureau, or establishment)

Agency Number

07

Reference Your Preapplication

Number 1

Dated: 7-25-94

To: ~~Town of Fairview~~  
~~P. O. Box 426~~  
~~Fairview, MT 59221~~

1. We have reviewed your preapplication for Federal assistance under Water and Waste Programs and have determined that your proposal is:
- ☒ eligible for funding by this agency and can compete with similar applications from other grantees.  
☐ eligible but does not have the priority necessary for further consideration at this time.  
☐ not eligible for funding by this agency.
2. Therefore, we suggest that you:
- ☒ file a formal application with us by (date) by April 1, 1995 (for consideration of National Pool.)  
☐ file an application with \_\_\_\_\_ (Suggested Federal agency).  
☐ find other means of funding this project.
3. Based upon the funds available for this program over the last two fiscal years and the number of applications reviewed, or pending, we anticipate that funds for which you are competing will be available after (month, year) \_\_\_\_\_.
4. You requested \$ 1,575,000 Federal funding in your preapplication form, and we:
- ☒ are agreeable to consideration of approximately this amount in the formal application. when funding becomes available.  
☐ will need to analyze the amount requested in more detail.
5. A preapplication conference will be \_\_\_\_\_ necessary ☒ not necessary. We are recommending that it be held at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. Please contact the undersigned for confirmation.
6. Enclosures: \_\_\_\_\_ Forms \_\_\_\_\_ Instructions \_\_\_\_\_ Other (Specify) \_\_\_\_\_
7. Other Remarks: See attachment. A meeting will be arranged to discuss the application process.

Signature <u>Mary Lou Falconer</u>	Title <u>Assistant District Director</u>	Date <u>January 10, 1995</u>
Organizational Unit <u>RECIS - Community Programs</u>	Administrative Office <u>Billings, MT</u>	Telephone Number <u>(406) 657-6297</u>
Address <u>1629 Avenue D., Building A., Suite 6</u> <u>Billings, MT 59102</u>		

NOTE: This form will be used by Federal agencies to inform applicants of the results of a review of their preapplication request for Federal assistance. When the review cannot be performed within 45 days, the applicant shall be informed by letter as to when the review will be completed. When Federal agencies determine that the proposal is not eligible for Federal assistance, specific reasons should be provided in Item 7 Other Remarks.

Preliminary grant calculations result in \$386,250 loan and \$1,188,750 grant. FORM AD 622 (12-72)

If grant funds from other sources can be obtained, this figure would be reduced.

cc: Interstate Engineering

# PRELIMINARY ENGINEERING REPORT

## WATER SYSTEM IMPROVEMENTS

JULY, 1994

FAIRVIEW, MONTANA

The Town of Fairview is located in Northeastern Montana adjacent to the North Dakota border. It serves a population 869 which includes some residents of East Fairview, North Dakota. The water systems serves 355 equivalent dwelling units.

The water system in Fairview has watermains 4" in size and that are over 60 years old. The 100,000 gallon elevated water storage tank is also over 40 years old and has experienced some slight settlement in two of its foundation legs. The water treatment plant and water wells have been installed in the past 4 years and are functioning very well. The Town of Fairview abandoned the use of water meters in the early 1960's due to the water quality fouling the meters. A flat rate method of billing has been used since. This method of billing does not allow for cost control since users have no incentive for conservation. A review of the water use records over the past 3 years shows that water usages averages 126,000 gallons per day and summer daily peak usage is almost 525,000 gallons or a peaking factor of 4. The minimum daily water use was 75,000 gallons.

A review of the water usage in Fairview shows that the average daily demand is 145 gallons per capita. The peak demand is over 600 gallons per day. This is largely attributed to the lawn watering techniques used in Fairview. The lack of water meters causes no incentive to conserve water. The following table shows the average daily water use by month over the past 3 years.

Water Use Table

	<u>1992</u>	<u>1993</u>	<u>1994</u>
January	88,000	89,300	87,900
February	87,000	85,300	91,700
March	86,200	92,290	89,000
April	103,360	139,200	113,400
May	191,800	221,300	139,900
June	201,300	290,800	142,500
July	206,630	98,200	
August	236,400	179,500	
September	116,300	116,700	
October	109,000	87,700	
November	86,600	88,200	
December	109,000	85,100	

The average water use in July of 1993 was considerably lower than normal due to a record rainfall amount that month. This further proves that a metered system would help conserve water by making people aware of their lawn watering techniques.

Since the system is not individually metered we can not estimate how much leakage is

occurring in the distribution system.

The proposed project will provide for the installation of water meters which will allow for a billing system based on a base minimum plus a usage fee. This will bring a reduction in water use and a reduction in pumping costs.

The existing water treatment plant can provide 500 gpm. The existing elevated storage tank is 100,000 gallons. In the winter months the treatment plant runs less than 3 hours and shuts off because the storage tank is full. This does not allow the treatment facility to run efficiently. The summer peak use causes a water shortage because the existing storage is inadequate. The towns fire rating is low and one of the major factors is the water storage capacity (see letter attached from Commercial Risk Services). This deficiency in the fire fighting water supply could cause excessive property loss or loss of life.

The cast iron watermain in Fairview have a tendency to develop leaks in the southeasterly portion of town. This is due primarily to the age of the pipes (over 60 years) and the aggressive nature of the Yellowstone River valley soils.

The goals of the total project are to promote water conservation by metering water, and reducing leakage out of old pipes, promote safety to the residents of Fairview by increasing the fire fighting capability and provide a water system which will be functional for the next 40 to 50 years.

The use of an on-ground water storage reservoir was selected due to the cost difference over an elevated tank. The Town of Fairview has hills within 1/4 mile of town which could be utilized and still provide the required system pressure. The use of PVC pipe to replace the old cast iron was selected because it can resist the aggressive nature of the soil.

The water system project will be designed under the current Water Quality Bureau standards.

The Town of Fairview will operate and maintain the water system and pay for it through user fees.

The schedule is to secure FmHA funding, finalize DNRC and TSEP funding levels by March 1, 1995 with construction to take place in July, 1995. Interim financing may be necessary until all the funding is available.

An estimate of probable costs is attached to and made a portion of this report. If you have any questions or require additional information please contact this office at any time.

Respectfully submitted,  
INTERSTATE ENGINEERING, INC.



Brian Milne, P.E.  
Area Manager

c.c. EngRepor.FAR

# PRELIMINARY COST ESTIMATE

## WATER SYSTEM IMPROVEMENTS FAIRVIEW, MONTANA MARCH, 1994

### SECTION I - WATERMAIN REPLACEMENT - BASE BID

1.	6" PVC Waterline	14,940	L.F.	@	\$	18.00	=	\$268,920.00
2.	Service Line Reconnect	160	Ea.	@	\$	200.00	=	\$ 32,000.00
3.	Ductile Iron Fittings	15,000	Lbs.	@	\$	2.00	=	\$ 30,000.00
4.	6" Gate Valve & Box	40	Ea.	@	\$	900.00	=	\$ 36,000.00
5.	6" Hydrant & Valve	12	Ea.	@	\$	1,800.00	=	\$ 21,600.00
6.	Water Meters	320	Ea.	@	\$	150.00	=	\$ 48,000.00
7.	Asphalt Removal	23,240	S.Y.	@	\$	0.50	=	\$ 11,620.00
8.	Asphalt Replacement	4,200	Tons	@	\$	40.00	=	\$168,000.00
9.	Testing Laboratory Services	1	L.S.	@	\$	7,500.00	=	\$ 7,500.00
10.	Temporary Water Service	1	L.S.	@	\$	8,000.00	=	\$ 8,000.00
11.	8" PVC Waterline	920	L.F.	@	\$	22.00	=	\$ 20,240.00
12.	8" Gate Valve	7	Ea.	@	\$	1,200.00	=	\$ 8,400.00

Estimated Bid Section I

\$660,280.00

### SECTION II

1.	8" PVC Waterline	2,400	L.F.	@	\$	22.00	=	\$ 52,800.00
2.	Water Tank (300,000 Gal)	1	L.S.	@	\$	238,500.00	=	\$238,500.00
3.	8" Gate Valve & Box	3	Ea.	@	\$	1,000.00	=	\$ 3,000.00
4.	6" Hydrant & Valve	2	Ea.	@	\$	1,800.00	=	\$ 3,600.00
5.	Asphalt Removal	3,700	S.Y.	@	\$	0.50	=	\$ 1,850.00
6.	Asphalt Replacement	666	Tons	@	\$	40.00	=	\$ 26,640.00
7.	Ductile Iron Fittings	2,500	Lbs	@	\$	2.00	=	\$ 5,000.00
8.	Temporary Water Service	1	L.S.	@	\$	1,000.00	=	\$ 1,000.00
9.	Service Line Reconnects	20	Ea.	@	\$	200.00	=	\$ 4,000.00
10.	Waterline Bore	100	L.F.	@	\$	110.00	=	\$ 11,000.00

Estimated Bid Section II

\$347,390.00

### SECTION III

1.	6" Waterline Replacement	5,700	L.F.	@	\$	18.00	=	\$102,600.00
2.	6" Hydrant & Valve	7	Ea.	@	\$	1,800.00	=	\$ 12,600.00
3.	6" Gate Valve & Box	13	Ea.	@	\$	900.00	=	\$ 11,700.00
4.	Asphalt Removal	12,320	S.Y.	@	\$	0.50	=	\$ 6,160.00
5.	Asphalt Replacement	1,800	Tons	@	\$	40.00	=	\$ 72,000.00
6.	Service Line Reconnects	60	Ea.	@	\$	200.00	=	\$ 12,000.00
7.	Ductile Iron Fittings	4,000	Lbs	@	\$	2.00	=	\$ 8,000.00
8.	Temporary Water Service	1	L.S.	@	\$	1,000.00	=	\$ 1,000.00

Estimated Bid Section III

\$226,060.00

# SECTION IV

1.	6" PVC Waterline	1,400	L.F.	@	\$	17.00	=	\$ 23,800.00
2.	6" Hydrant & Valve	4	Ea.	@	\$	1,800.00	=	\$ 7,200.00
3.	Gravel Removal	4,000	S.Y.	@	\$	0.25	=	\$ 1,000.00
4.	6" Gate Valve & Box	7	Ea.	@	\$	900.00	=	\$ 6,300.00
5.	Gravel Replacement	4,000	S.Y.	@	\$	2.80	=	\$ 11,200.00
6.	Ductile Iron Fittings	2,000	Lbs	@	\$	2.00	=	\$ 4,000.00
7.	Temporary Water Service	1	L.S.	@	\$	1,000.00	=	<u>\$ 1,000.00</u>

Estimated Bid Section IV \$ 54,500.00

TOTAL ESTIMATED BID ALL SECTION \$1,288,230.00

Contingency \$ 128,770.00

\$1,417,000.00

Legal, Administrative and Engineering \$ 178,000.00

\$1,595,000.00

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PUBLIC NOTICE

The Town Council of Fairview has scheduled a public meeting for June 13, 1994 at 6:30 P.M. (MT) at the City Hall at 318 South Central Ave., Fairview, Montana. The purpose of the meeting is to receive public input on the proposed Treasure State Endowment Program Grant the City is seeking to rehabilitate the water distribution system. If you are unable to attend please submit written comment to Interstate Engineering, Inc., P.O. Box 648, Sidney, MT 59270.

By Order of the Town Council of Fairview

Bryan Cummins  
Mayor

(Publish June 5, 8, 1994)

Sidney Herald Leader  
Sunday June 5, 1994

file: 93-6-57



93-6-57

## Fairview water main project plan continues

By Pat McConnell  
Fairview Correspondent

The Fairview Town Council will be applying for grants and loans to finance a \$1,575,000 water main replacement project.

Brian Milne of Interstate Engineering presented a proposal for the project to the town council last week. The project includes replacing all water mains in the town, installation of mains south and west of the school, repair of streets, the installation of mains under the irrigation canal and constructing a 300,000 gallon holding tank on the west side of the canal. This would bring Fairview up to all state and federal standards, Milne said.

The town is eligible for 75 percent of the project to be financed through grants. The rest of the project can be paid for by loans which are available to Fairview at a 4.5 percent interest rate. A smaller project would only be eligible for 61 percent in grant money, Milne said.

All council members voted in favor of the project because of recent problems with water main breakage. Several mains have broken in recent years, making emergency repairs necessary during the winter.

"A lot of breaks one winter would cost a lot," Councilman Wes Erickson said. "It could eat up half of this amount fast."

The council will apply for grants through the Department of Natural Resources, Treasure State and the Farmers Home Administration. A combination of funds from the three sources could total the 75 percent allowed. The loan would come from FmHA.

This project requires that water meters be installed. FmHA will not finance a project that doesn't have meters, Milne said.

A system of billing for water usage must be developed to insure a payback of the loan in a reasonable time. The average increase to the average water customers is estimated at \$4 to \$6 per month, Milne said.

Public meeting will be held when the application process begins, Mayor Bryan Cummins said.

# Fairview ponders water-main project

By Pat McConnell

Fairview Correspondent

The Fairview Town Council is exploring the possibility of obtaining financing to replace worn-out water mains throughout the town.

Water mains most needing replacement would be replaced first at an estimated cost of \$850,000. Those most in need of replacement were installed in 1935, are under four inches in diameter and have been damaged over the years, said Brian Milne, a consultant with Interstate Engineering.

Director of Public Works Ken Sharbono and Milne have developed a prioritized list of all mains.

Milne is currently doing the paper work needed to apply for a

Farmers Home Administration grant and loan program. If the town obtains FmHA financing, it may receive as much as 75 percent of the cost of the project in grant money, Milne said.

The remaining 25 percent would be paid by the city over four years. The problem with this program is that FmHA requires that all water projects it finances have water meters. The cost estimate for the project includes the cost of meters as well as the installation of the pipes and replacement of the asphalt on the roads that are disturbed, Milne said.

"We're not committed until the end of the application process," Councilman Dan Cayko said. "We'll see it through to see what percent we are eligible for."

Sidney Herald Leader

Wednesday March 23, 1994

File: 93-v-57<sup>B</sup>

## Description for Water Tank Site

A parcel of land located within the Northwest Quarter (NW $\frac{1}{4}$ ), Section Eight (8), Township Twenty-Four North (T24N), Range Sixty East (R60E), Principal Meridian Montana (P.M.M.), Richland County, Montana and more particularly described as follows:

Commencing at the Northwest Corner of said Section; thence N90°00'00"E along North Line of said Section a distance of 1,726.16 feet; thence S0°00'00"E a distance of 2,230.00 feet to the Point of Beginning; thence S2°27'13"E a distance of 207.76 feet; thence S87°32'47"W a distance of 209.67 feet; thence N2°27'13"W a distance of 207.76 feet; thence N87°32'47"E a distance of 209.67 feet to the Point of Beginning.

Said tract contains 1.0 acres more or less.

Bearing is based on G.L.O. Plat Bearing of East on the North Line of said Section 8.

## Description for Road Easement to Tank Site

Commencing at the Northwest Corner of said Section; thence N90°00'00"E along North Line of said Section a distance of 1,726.16 feet; thence S0°00'00"E a distance of 2,230.00 feet; thence S2°27'13"E a distance of 10.00 feet to the Point of Beginning of a 20.00 foot wide strip of land and 10.00 feet being on either side; thence S84°55'51"E a distance of 268.00 feet to the West side of existing road which is the Point of Ending.

We hereby grant the Town of Fairview an option to purchase the above described tract of land for \$\_\_\_\_\_. This option shall expire on 12/31/96. We will grant a utility maintenance and tank access easement as described above following the exercising of the above option.

---

Barbara T. Coates

# LEGEND



BREAKS IN WATER MAINS SINCE 1992

EXISTING CAST IRON WATER MAINS - 1935, 1946



WATER LINES REPLACED BY TOWN

CITY OF FAIRVIEW

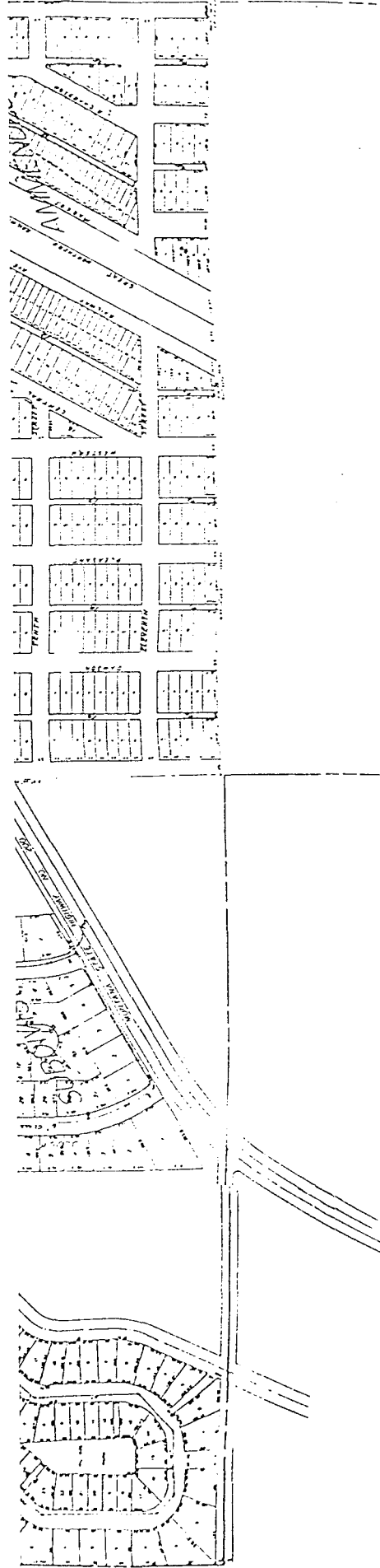


EXHIBIT 2  
DATE 1-27-95  
SB \_\_\_\_\_

# ***RICHLAND COUNTY***

## ***LONE TREE DAM REHABILITATION***

***LONG RANGE PLANNING SUBCOMMITTEE***

***TESTIMONY OUTLINE***

***FOR***

***DNRC - RRGL PROGRAM***

***AND***

***TSEP - GRANT***

***JANUARY 27, 1995***

*SYNOPSIS: The attached material is to supplement the DNRC and TSEP Applications submitted in May and June of 1994.*

*Since the applications were submitted the geotechnical investigation of the existing dam site was completed. The area materials were found to be suitable for the dam modifications and the proposed improvements will be construction as designed. The proposed project is recommended for a \$50,000.00 Grant from DNRC and was listed as not eligible for TSEP Funding under 90-6-701 MCA which lists eligible TSEP projects as improvements to drinking water systems, wastewater treatment systems, sanitary or storm sewer systems, solid waste disposal and separation systems or bridges.*

*We feel that this project should be considered for TSEP as it is an integral part of the stormwater management system in Sidney. The reason that the Lone Tree Dams are listed as high hazard because of the downstream development in Richland County and the City of Sidney. Because of the high hazard classification the owner must bring the dams up to high hazard requirements or remove the dams. If the dams were removed a large portion of Sidney will experience annual flooding during spring runoff and after heavy rains. The dams serve as stormwater control and should be viewed as an integral part of the City of Sidney stormwater system.*

*The dams were originally built as irrigation sources and since that time land use in the area has changed (i.e. - construction of the Richland-Sidney Airport) the need for irrigation water is minimal so the owners will realize very little benefit from the required modifications but the City of Sidney will continue the stormwater protection afforded by the dam.*

*We have attached a copy of the breach inundation map prepared for this project. The shaded areas show the extent of the flooding if the dam were to breach. If the dam was removed in lieu of modifying it, the limits of the flooding would not be as large as a clear weather breach but would occur on a more regular basis.*

*We have attached the commitment letter, a copy of city council meeting minutes of June 6, 1994 and a newspaper account outlining the effect Lone Tree Dam has on the City of Sidney for your review and consideration.*

*We would like the proposed project be considered for funding under the TSEP.*

Mayor  
HAROLD L. MERCER  
Aldermen:  
First Ward  
GAL SAW  
MATH LASINGER  
Second Ward  
RICHARD HOBBS  
BRET SMELSER  
Third Ward  
WAYNE SWIGART  
WILLIAM BARBER

# City of Sidney



Montana's Sunrise City  
115 Second Street Southeast  
Sidney, Montana 59270  
406-482-2809

City Clerk  
ETHEL SOBOLIK  
Director of Public Works  
TERRY L. MELDAHL  
City Attorney  
PHILLIP CARTER  
City Treasurer  
LOUISE CHRISTENSEN  
Water Commissioner  
GREG ANDERSON


February 2, 1993

## TO WHOM IT MAY CONCERN:

The City of Sidney City Council would like to go on record as being in support of the Lone Tree Dam Rehabilitation Study project. This study is extremely important to the City of Sidney, as well as to Richland County, as was reflected by the Richland County Commission's decision to sponsor the grant requested by the Lone Tree Ranch.

The safety of our City is of primary concern since we are below the Lone Tree Dam and we would be directly affected if any safety hazard should ever occur.

We thank you for your consideration in this extremely important matter.



Harold L. Mercer  
Mayor

HLM:dp

June 6, 1994

1. **CALL TO ORDER:** The meeting was called to order by Mayor Harold Mercer at 7:00 p.m. in Council Chambers.
2. **ALDERMEN PRESENT:** Linder, Smelser, Hobbs, Swigart, Oraw and Dasinger.
3. **CORRECTION OR APPROVAL OF MINUTES RECEIVED:** The minutes of the previous meeting were approved as received on a motion by Swigart, seconded by Smelser and all the Council voted aye.
4. **VISITORS**
  - 1) Judge Mohr with his May report. There were 188 cases and \$8,577.74 was remitted to the City.
5. **MAYOR MERCER**
  - 1) Presented a park permit for the Sidney JayCee street dance to be held on July 3, 1994. This was approved on a motion by Swigart, seconded by Smelser and all the Council voted aye.
  - 2) Gave the Council information on a new concept in Law Enforcement called Community Policing. The State will be starting classes on this at the Law Enforcement Academy.
  - 3) Congratulated the Police Department on the Dare Program. The graduation ceremony was very nice.
  - 4) The City Attorney wants a raise.
  - 5) Fire Marshall Lorenz has been paid in full, approximately \$6,165.00. Budget transfers will have to be made.
  - 6) Reverend Hillesland is interested in the job of Building Inspector.
  - 7) There are two disabled persons that have requested swim lessons. This has been referred to the Park Board.
  - 8) The City has received an increase of 52.2% in health insurance premiums. If the City goes to a 1000/1000 deductible, the increase would be 25.81%. Mayor Mercer recommends that the City absorb the increase in health insurance costs in lieu of a raise in pay. The step raises totaled \$19,039. He said he considered given a raise and picking up half the increase in insurance, but that totaled \$31,000. Oraw made a motion to follow the recommendation of the Mayor and Hobbs seconded the motion. Dasinger asked if there would be any adverse reaction from some employees that will not benefit as much as others. Mayor Mercer said, "There'll be some groaning." Employees that are not on the insurance will receive raises. All the Council voted aye.

#### 6. ALDERMAN REQUESTS AND COMMITTEE REPORTS

##### Police and Fire - Oraw

- 1) Alec Hansen, League of Cities and Towns, will be in Council Chambers on Wednesday, June 15 at 2:30 p.m. to give us the opportunity to express our opinions on issues that the League will support in the 1995 Legislature. He urged all the Aldermen to attend.

##### Street and Alley - Dasinger

- 1) Asked if something can be done about the drainage problem in Wilkinson Addition. He asked if there had ever been any cost estimates done. Meldahl said that he has some figures. Mayor Mercer asked Swigart to set up a meeting with the residents, the Street and Alley Committee and Director Meldahl.

#### 7. NEW BUSINESS

- 1) Brian Milne, Interstate Engineering, addressed the Council regarding the Lone Tree Dam. This dam provides irrigation water for Lone Tree Ranch and also provides flood protection for the City of Sidney. Mr. Milne said that by July 1, 1995 the Lone Tree Dam must either be removed or brought



up to current standards. The estimated cost of the project is \$575,000. Because of the cost of the project, a grant is being pursued to help pay for the project. They asked for support from the City because of the flood protection that the dam provides. After further discussion the Council gave their support for the rehabilitation project on a motion by Smelser, seconded by Oraw and all the Council voted aye.

- 2) Roger Merrill, requesting annexation of Lot 9, Anderson Subdivision. If this property were to be annexed, it would create an island outside the City limits. Mayor Mercer will talk to the Beckers, the people that own the property.
- 3) Preliminary Lot amendment request by Craig Price, Sidney Tax Service for the South 5 feet of Lot 3 and the North 40 feet of Lot 4, and the North 45 feet of Lot 3 in Block 39 of Original Townsite. He asked that the Council express their opinion before they proceed. It was the consensus of opinion of the Council that there would be no objection.

STATE OF MONTANA  
County of Richland  
City of Sidney

I, Ethel Sobolik, the duly authorized, qualified and acting City Clerk of the City of Sidney, Montana, do hereby certify that the attached is a true, correct and compared copy of records of the City of Sidney, Montana, in my office in the City Hall.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Sidney, Montana, this 13<sup>th</sup> day of

June, 1994.

Ethel Sobolik CMC  
CITY CLERK

Jerry Redlin, per Brd of Adj. fence  
Ben Heron fence  
Greg Salvesson garage  
Steve Hochhalter shed  
Tracy Garland fence  
County Market roof repair  
Sidney Public Schools repairs

LI 7, BI 42  
LI 9, BI 1  
W10' 15, All 16, BI 8  
LI 7, BI D  
S1/2 LI 22,23,24, BI 24  
Block 8  
Block 31

Original  
Johnson  
Kenoyer  
Nielsen-Halvorsen  
Kenoyer  
Original  
Kenoyer

- 3) Claims against the City.
- 4) City Clerk's May expenditure and General Fund revenue and expenditure comparison reports.  
The consent agenda was approved on a motion by Linder, seconded by Smelser and all the Council voted aye.

12. ADJOURN: The meeting adjourned at 8:55 p.m.

Harold L. Mercer

# Sidney relatively safe from flooding

By Flynn J. Eli  
Staff Writer

While landowners along the Missouri River brace for spring flooding that could back up the Yellowstone River as far as Fairview, Sidney is riding high and dry.

"We've seen the worst of it," said Russ Huotari, Richland County surveyor.

Actually, Sidney's greatest flood threat is the Lone Tree Dam west of town. Its flood danger has been mitigated by an irrigation canal through the community. The other major threat is the possibility of an irrigation canal breakthrough, but water hasn't even been turned into the irrigation system yet, although water from snow melt was running

through the Main Canal for a few days during the flood.

While Glendive, Savage and Fairview experienced flooding the past weekend, Sidney escaped the rising water. In an action taken long ago, it wasn't built near the river. "I don't think Sidney has ever been affected," said Terry Meldahl, city public works director. "We're pretty high and dry as far as flooding is concerned."

Meldahl doubts Sidney would be bothered by the Yellowstone. "In a million years." But flooding from Lone Tree could hit the city in places over a range of 100 to 500 years, he said it was learned in a flood-plain study. River watchers, in general, know the

Yellowstone is unpredictable along low areas during spring breakup.

Ice flows jam, and rising water spreads over the lowlands until it can break through. This year's recent flood level was brought on by snowfall that filled waterways, then melted with river ice from high temperatures, said Kim Whipple of the Soil Conservation Service.

"This was the worst I've seen it," said Whipple, who has been in Sidney for six years.

"We're still going to have the June rise," said Whipple, plus the possibility of heavy rains, which also affect the river.

Please see SIDNEY, Page 8.

## SIDNEY

"You might end up with some of the same problems," Whipple said.

But for Sidney itself, water experts for both the Yellowstone and Missouri say that even if upstream dams broke — the Yellowtail on the the Yellowstone's Big Horn tributary and Fort Peck on the Missouri — Sidney wouldn't be affected.

Roy Snyder, U.S. Corps of Engineers manager of the Fort Peck dam, said if the reservoir was full and the dam broke, Fairview would feel the impact as water rose downstream to an elevation of 1,915 feet above sea level, but Sidney at 1,950 feet above sea level wouldn't get water.

It would take two days for the water to arrive downstream on

the Missouri and that is the "worst-case scenario," Snyder said.

Rick Devore, of the Bureau of Reclamation in Billings, said the average flows for the Yellowstone in March are 11,140 cubic feet per inch and in 1972, the flows reached 25,980 cfs. during March. The record flow ever recorded on the Yellowstone came in June of 1944 when the maximum mean average rose to 67,700 cfs.

But Devore didn't know what caused the high flow nor the extent of flooding at that time.

Federal water experts said water from a break in Yellowtail Dam would spread out and ease before it arrived at Sidney.

The U.S. Geological Survey

from page 1

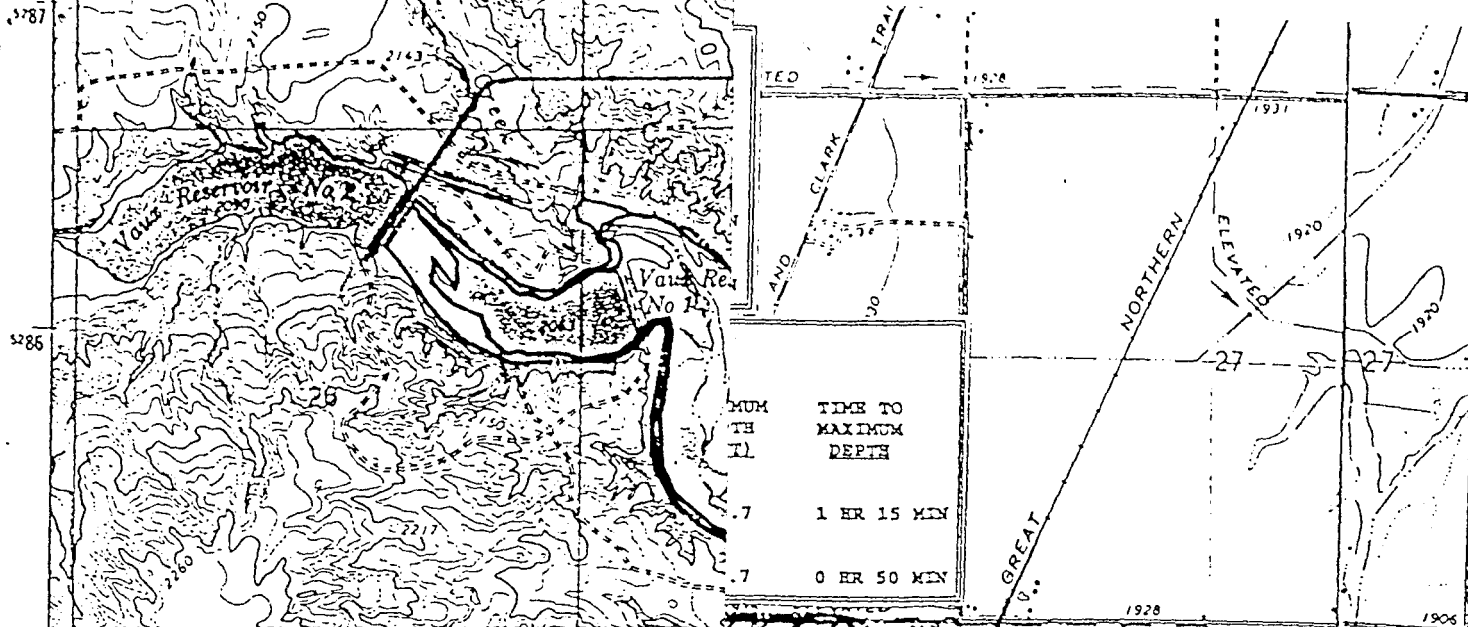
monitors the flows and heights of the Yellowstone, but Snyder was unable to pass along any information about river levels because he said field workers were out of the office monitoring stream flows. The USGS is particularly concerned about rising water levels on the Milk River, and other tributaries of the Missouri, which are making Williston and Trenton officials nervous about the possibility of Missouri River flooding.

So, the bottom line for Sidney during the flood season is to be thankful for high ground away from the Yellowstone but keep an eye on Lone Tree and the irrigation canal as the season progresses.

Sidney Herald header

Sunday March 13, 1994

File: 93-85



TIME TO MAXIMUM DEPTH	TIME TO MAXIMUM DEPTH
1 HR 15 MIN	1 HR 15 MIN
0 HR 50 MIN	0 HR 50 MIN

MILE 0.89

	MAXIMUM FLOW (CFS)	MAXIMUM ELEVATION (FT-NGVD)	MAXIMUM DEPTH (FT)	TIME TO MAXIMUM DEPTH
CLEAR-WEATHER BREACH	29400	2022.0	11.9	0 HR 2
STORM-INDUCED BREACH	85700	2029.0	18.9	0 HR 1

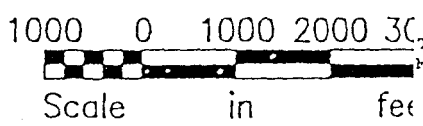
	MAXIMUM FLOW (CFS)	TIME TO MAXIMUM DEPTH
CLEAR-WEATHER BREACH	24850	
STORM-INDUCED BREACH	71400	

Users should understand that the inundation maps are a guide and that the area subject to inundation during a different depending upon the mode of failure and reser

VAUX #2 DAM BREACH FLOOD

0.89 Distance in Miles D

- Clear-Weather Breach
- Storm-Induced Breach
- ▨ Undefined Flooding



Scale in feet

January 1994

TIME TO  
MAXIMUM  
DEPTH

2 HR 30 MIN  
1 HR 30 MIN

YELLOWSTONE RIVER



DATE 1-27-95

DIVISION

**PLEASE PRINT**

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.