

# AGREEMENT

The YELLOWSTONE COUNTY SOLID WASTE DISPOSAL DISTRICT (the District) and THE CITY OF BILLINGS, MONTANA, a municipal corporation (the City) agree as follows:

1. The City agrees to allow the District and all of its residents to use its Class Two Landfill Facility (Facility) for disposal of solid waste generated within the area of the District during all of the normal operating times of the Facility.
2. Use of the Facility by the District shall be pursuant to all rules, regulations and limitations of Billings Municipal Code Chapter 21, and to all federal and state laws and regulations.
3. The effective date of this Agreement shall be from July 1, 2012 through June 30, 2013.
4. For the period from July 1, 2012 through June 30, 2013, the District agrees to pay the City the sum of four hundred ninety six thousand seven hundred dollars (\$496,700) for the District's use of the Facility. One-half of this amount shall be paid by December 15, 2012, and the other half shall be paid by June 15, 2013.
5. It is agreed that the City collects a separate landfill charge for the disposal of construction and demolition refuse, dead animals, non-processed tires, and asbestos. The City will continue to collect such charges in addition to the amounts paid under the terms of this Agreement, but will not hold the District liable for these additional charges, instead directly charging the individual company or person physically depositing said refuse at the Facility.
6. Either party may terminate this Agreement at any time with or without cause, upon six months written notice to the other party. In the event of such termination, a pro rata payment shall be paid or refunded, depending upon the termination date.
7. Each of the parties hereto shall indemnify, hold harmless and defend the other party against any and all claims, demands, causes of action, damages, costs, expenses, liability, or judgments against the other party that may arise as a result of the other party's negligence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**YELLOWSTONE COUNTY  
SOLID WASTE DISPOSAL DISTRICT**

**CITY OF BILLINGS**

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Thomas Hanel, Mayor

By: \_\_\_\_\_  
Cari Martin, City Clerk

Approved As To Form:

By: \_\_\_\_\_  
City Attorney