****ATTENTION****

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: https://ci.billings.mt.us/117/Agendas-Minutes
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable
  - On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.
  - Online at www.comm7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
  - On the City's website at https://ci.billings.mt.us and click on "Watch Meetings Online".

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P. O. Box 1178, Billings, MT 59103
- Email: https://ci.billings.mt.us/1538/City-Council-E-mail-Messages.
  - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6196**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Denise Bohlman, City Clerk, bohlmand@billingsmt.gov, with any questions.

CITY OF Billings

VISION STATEMENT:
"The Magic City: A diverse, welcoming community where people prosper and business succeeds."

CITY COUNCIL
REGULAR BUSINESS MEETING
AGENDA

February 22, 2021 **5:30 P.M.**

Council Chambers are Closed. The meeting will be held remotely via virtual meeting room. Please see coversheet for details and instructions for viewing and participation.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Neese

ROLL CALL: Councilmembers present on roll call were: Shaw, Yakawich, Neese, Ewalt, Joy, Choriki, Purinton, Ronning, Boyett, Brown

COVID-19 Update by Joint Information Center - Melanie Schwarz, BSED

MINUTES: February 8, 2021

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 5 and 9 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. CONSENT AGENDA -- Separations:

   A. Bid Awards:

      1. **2021 Fire Station No. 4 Roof and Siding Replacement Project.** (Opened 2/9/21) Recommend rejecting all bids.

      2. **Airport Conduit and Fiber Optic Installation Project.** (Opened 2/9/21) Recommend rejecting all bids.

      3. **Billings Landfill Live-Floor Trailers.** (Opened 2/9/21) Recommend Motor Power Equipment; $462,642.

   B. **Change Order No. 1,** additional fire truck to replace unit 4049, Pierce Manufacturing Inc.; $638,777.

   C. **Change Order No. 4**, W.O. 18-22: Leavens Reservoir Waterline and Improvements, Western Municipal Construction, Inc.; not to exceed $146,024.30.

   D. **Amendment No. 26,** Morrison-Maierle, Inc. for Engineering Services for the Reconstruction of the Airport Commercial Aircraft Ramps; $250,768.

   E. **Annual Acceptance** of Federal Aviation Administration Airport Improvement Program Grants for 2021.

F. **Recommendation of Approval** to the Policy Coordinating Committee (PCC) for the Billings Bike and Scooter Share Feasibility Study.

G. **Donation** to Fire Department of four (4) Traeger Pro Series wood pellet smokers for general use; $2,796.

H. **Preliminary Minor Plat** of Amended Lot 6, Block 19, Lake Hills Subdivision, 38th Filing, generally located on the west side of Clubhouse Way where it intersects with Boca Raton Road; Yellowstone Property Solutions, LLC, owner; Performance Engineering, agent.

I. **Final Minor Plat** of Amended Lots 8 and 9, Block 51, Lake Hills Subdivision, 21st Filing.

J. **Final Major Plat** of Annafeld Subdivision, 3rd Filing.

K. **Resolution of Intent** to create SID 1416 Gleneagles Boulevard improvements and setting a public hearing for March 22, 2021.

L. **Second/Final Reading Ordinance** approving and adopting Article 26-800, Billings, Montana City Code (BMCC), Dental Amalgam Management Rule.

M. **Bills for the Weeks of:**

1. January 18, 2021
2. January 25, 2021

Recommended Motion: I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

REGULAR AGENDA:

2. **PUBLIC HEARING** to provide the community an opportunity to comment on the low-income housing communities of Brush Meadow Apartments, Edgewood Apartments and Shiloh Glen, as required under Section 15-6-221(2), MCA. No action by City Council is necessary.

   - *Presented by: Betsy Schanno, Asset Manager, 11 Capital*

3. **PUBLIC HEARING AND RESOLUTION** assessing the weed abatements. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

   - *Presented by: Andy Zoeller, Finance Director*

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing the weed abatements, as recommended by staff.

4. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 20-05:** a property located north of Highway 3 and both East and West of AJ Way. Aviation Properties, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) ** Quasi-Judicial*

   - *Presented by: Monica Plecker, Planning Division Manager*

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve the Resolution approving Annexation 20-05, as recommended by staff.

   ** Quasi-Judicial* -- Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

5. **DEVELOPMENT AGREEMENT** with Aviation Properties, LLC, for infrastructure improvements on COS 2037 and COS 1889, Tracts 1A and 1B, north of Highway 3 and west of the airport. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

   - *Presented by: Chris Hertz, Staff Engineer*

   Recommended Motion: I move to approve the development agreement with Aviation Properties, LLC, as recommended by staff.

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 20-05: a parcel located north of Highway 3 and both East and West of AJ Way; legally described as Tracts 1A and 1B, Certificate of Survey 1889 Amended, totaling approximately 49.34 gross and 45.972 net acres. Aviation Properties LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Monica Plecker, Planning Division Manager*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward I, as recommended by staff.

7. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 987:** a zone change from Agricultural (A) to Highway Commercial (HC/CX) on Tracts 1A and 1B of COS 1889, located east of Billings Flying Service at 3655 AJ Way. Aviation Properties, LLC, owner; Collaborative Design Architects, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) ** Quasi-Judicial*

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 987 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

** Quasi-Judicial* -- Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

8. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 21-01:** a property located at the northeast corner of Hawthorne Lane. BCJM, LLC, petitioner. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) ** Quasi-Judicial*

- *Presented by: Monica Plecker, Planning Division Manager*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve the Resolution approving Annexation 21-01, as recommended by staff.

** Quasi-Judicial* -- Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

9. **DEVELOPMENT AGREEMENT** with BCJM Properties, LLC, for infrastructure improvements at COS 2317, 2nd Amended, Tract 2A-1, south of Mary Street and west of Bitterroot Drive. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Chris Hertz, Staff Engineer*

Recommended Motion: I move to approve the development agreement with BCJM Properties, LLC, as recommended by staff.

10. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward II to include recently annexed property in Annexation 21-01: a parcel located at the northeast corner of Hawthorne Lane; legally described as the remainder of Tract 2A-1, Certificate of Survey No. 2317, 2nd amended, totaling approximately 16.741 gross and net acres. BCJM LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Monica Plecker, Planning Division Manager*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward II, as recommended by staff.

11. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 988:** a zone change from Agricultural (A) to Residential-7000 (R-70) located at 2526 Hawthorne Lane. BCJM Properties, LLC, owner, Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) ** Quasi-Judicial*

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 988 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

** Quasi-Judicial* -- Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. (*Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

COUNCIL INITIATIVES:

ADJOURN:

Council meetings may be viewed at any time by accessing Community 7 Television online at www.comm7tv.com and clicking on archived programs.

City Council Regular

Date: 02/22/2021
Title: 2021 Fire Station No. 4 Roof and Siding Replacement Project
Presented by: John Caterino, Facilities Supervisor
Department: City Hall Administration
Presentation: No

RECOMMENDATION

Staff recommends that City Council reject all bids for the Fire Station #4 Roof & Siding Replacement Project.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Fire Station No. 4, located at 475 6th St. W., roof has reached the end of its useful life and the siding system has sustained extensive damage. This project includes replacement of the roofing and siding systems. The project was advertised on 01/22/2021 and 01/29/2021 in the Yellowstone County News. The bids were opened on February 9th, 2021 and 2 bids were received.

ALTERNATIVES

City Council may follow staff recommendation of rejecting all bids or provide staff with further guidance.

FISCAL EFFECTS

On 2/9/2021 the following bids were received:

Contractor	Base Bid Price	Alternate #1 Price	Amendment Acknowledged
C & C Construction of NW FL, LLC	$91,204.00	NA	No
T.W. Clark Construction, LLC	$256,900.00	$230,500.00	Yes

This project is budgeted in the Fire Department's FY21 budget for facility improvements, however the one qualifying bid is above the estimated project cost. Facilities and Fire Departments are re-evaluating the bidding process for this project. If all bids are rejected, we are planning to re-bid the roof and siding projects separately to increase the number of bidders.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Airport Conduit and Fiber Optic Installation Project (Opened 2/9/21) Recommend Rejecting Sole Bid
Presented by: Kevin Ploehn, Director of Aviation and Transit
Department: Airport

RECOMMENDATION

Staff recommends that the City Council reject the sole bid and allow staff to rebid at a later date.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

For the past 20+ years the Airport's entire computer network system has been connected to the City's network via a direct link to the Information Technology (IT) Department at City Hall through a DragonWave point-to-point wireless system that sends data back and forth from the Airport to the network servers at the IT Department. Unfortunately, no hardwired, in ground line existed between the two locations; therefore, this wireless alternative was the only option for a connection. Although it has worked well and served its purpose, at times this wireless service can be unreliable or extremely slow, especially when inclement weather such as heavy rain or snow is experienced.

At the end of 2018, Public Works-Engineering, IT, and the Airport were informed that the Montana Department of Transportation (MDT) was planning to begin a construction project along North 27th Street, from 1st Avenue South to the roundabout in front of the Airport. These improvements included repaving North 27th Street, installing all new light poles, traffic signals, crosswalk improvements, and trenching or boring all new conduit with fiber optic lines. When City staff heard that conduit and fiber were being installed along the entire route, discussions started to take place with the MDT to potentially add an extra fiber line to connect the Airport and IT. After negotiating with the MDT, an additional fiber line was included into this project and the work was completed in December of 2020. Subsequently, the Airport is hiring a contractor to finish installing the remaining conduit and fiber optic lines, boring beneath the roadways from the roundabout into the Terminal Building so that there is a reliable, secure, and fast hardwired connection between the two locations, thereby eliminating the wireless connection. Additionally, extra spare fiber will be pulled so that enough fiber strands are available to replace the existing fiber connection for the Access Control gates on the east side of the Airport. The existing fiber run for the gates was apparently damaged during the construction of the roundabout and the Airport has experienced intermittent issues with this line since then.

This project was advertised in the *Yellowstone County News* on January 22, 29, and February 5, 2021, and posted on the City and Airport's Websites. On February 9, 2021, the following bid was received:

CONTRACTOR	BID
Yellowstone Electric	$146,355.00

This was significantly over the Engineer's estimate of $125,000. Staff would like to reject the sole bid, review the scope of the project, and rebid at a later date.

ALTERNATIVES

City Council may:

- Approve the award of the Airport's Conduit and Fiber Optic Installation Project to Yellowstone Electric for $146,355.00; or
- Reject the sole bid, and allow staff to rebid the project.

FISCAL EFFECTS

The sole bid for this project is $146,355.00. If project is rejected there will be no Fiscal Impact until the project is rebid.

City Council Regular
Date: 02/22/2021
Title: Billings Landfill Live-Floor Trailers
Presented by: Debi Meling
Department: Public Works
Presentation: No

RECOMMENDATION

Staff recommends the City Council award a contract for the purchase of Billings Landfill Live-Floor Trailers to Motor Power Equipment in the amount of $462,642.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The live-floor trailers are needed for the new landfill drop-off facility. Trucks and trailers will be used by Solid Waste personnel to haul waste from the new drop-off building to the landfill face. This equipment purchase was advertised on January 29 and February 5, 2021, in the *Yellowstone County News* and on the City's website. Bids were opened on February 9, 2021, and four bids were received. Motor Power Equipment submitted the most responsible bid that best meets the specifications and needs of the City of Billings.

ALTERNATIVES

City Council may:

- Award a contract for the purchase of six (6) Billings Landfill Live-Floor trailers to Motor Power Equipment in the amount of $462,642; or
- Do not award a contract and reject all bids. If this contract is not awarded, operations at the Landfill utilizing the new facilities will be greatly compromised.

FISCAL EFFECTS

The following bids were received:

VENDOR	UNIT PRICE (per trailer)	TOTAL BID PRICE
Motor Power Equipment	$ 77,107.00	$ 462,642.00
Travis Body & Trailer	$ 85,680.00	$ 514,080.00
RDO Equipment	$ 82,500.00	$ 495,000.00
I-State Truck	$ 81,425.00	$ 488,550.00

The purchase of this equipment is included in the FY21 Solid Waste budget in the amount of $510,000. The unused budget will be utilized for other equipment within the solid waste fund.

City Council Regular

Date:	02/22/2021
Title:	Change Order with Pierce Mfg to purchase one additional Fire Engine
Presented by:	William Rash, Fire Chief
Department:	Fire
Presentation:	No

RECOMMENDATION

Staff recommendation is to approve a change order with Pierce Manufacturing, Inc./Hughes Fire Equipment to add one (1) additional fire truck to the order of two (2) trucks currently under contract. This truck is a replacement for fire unit #4049, 2009 Sutphen pumper which was totaled during an accident on February 5, 2021.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Fire unit #4049, known as Engine #1, was severely damaged when it tipped onto its side due to icy roads while responding to a two-vehicle crash on I-90 Friday, February 5, 2021. An inspection / estimate report from Frank & Wetch Truck Rebuilders on 2/8/2021 stated that the damage sustained to the cab, chassis and frame and the cost to repair would exceed the value of this unit. The City is currently under contract with Pierce Mfg. Inc. for the purchase of two (2) Enforcer PUC pumpers that are part of the FY 2021 Equipment Replacement Program. When the original contract was approved and signed, the estimated timeline for manufacturing was 290 to 350 calendar days. If this change order request is approved prior to February 24, 2021, the estimated manufacturing timeline remains the same.

ALTERNATIVES

City Council may approve or disapprove, staff recommendation to approve the change order to add one (1) additional truck to the FY2021 fire apparatus order with Pierce Mfg.

FISCAL EFFECTS

Pierce Mfg has stated that they can provide one (1) additional Enforcer PUC pumper at a purchase price of $638,777.00. The City is currently under contract with Pierce Mfg. for the purchase of two (2) Enforcer PUC pumpers that are part of the FY2021 Equipment Replacement Program budget. Pierce has indicated that they can and will accept a simple change order to add an additional truck to our current order and their manufacturing timeline.

At the 11/09/2020 Council meeting awarding the original bid, it was noted that the City had set aside $1,350,721 for the purchase of two (2) fire engines which ended up costing $1,295,603.00 This was a savings of $38,767 for the ERP fund. Unit 4049 (Engine 1) is scheduled to be replaced in the FY2024 ERP with an estimated replacement cost of $776,062. The City has been setting funds aside on an annual basis within the ERP. Finance calculates that at the end of FY2021 the City will have set aside $612,850 in the ERP earmarked for the replacement of Engine 1. If the $38,767 savings from the ERP FY2021 fund to replace Fire units #4061 and #4062 were combined with the amount already set aside in the ERP for the FY2024 replacement of unit #4049 (Engine #1), the City will have sufficient cash to replace the totaled Fire Engine.

If approved by City Council, a budget amendment for the ERP fund in the amount of $612,850 will be needed in order to spend the funds in FY2021.

Attachments

PIERCE MFG - CHANGE ORDER JOB #36061 02-08-2021

CUSTOMER CHANGE ORDER FORM

CUSTOMER: Billings Fire Department **JOB #:** 36061

Item	Date	Description	Option #	Deduct	Add	Info	STF
1	2/8/21	36061 Change the order from a two truck order to a three truck order. Per the discount recap 2/8/21			638,777.00		
2							
3							
4							
5							
6							
7							
8							
9							
10							
		CHANGES PER UNIT		0.00	638,777.00		

TOTAL CHANGES MADE TO ORDER PER UNIT	638,777.00

Sales tax, if applicable, not included in above amount

Changes Authorized by: **Date:**

HUGHES FIRE EQUIPMENT

February 8, 2021

Billings Fire Department, MT
One (1) Enforcer PUC Pumpers, added to 36061-1-2 / AS790
Build Location: Appleton, WI

Proposal Price	663,983.00
Less chassis progress payment discount	(11,311.00)
Less payment upon completion @ factory discount	(6,332.00)
Less 100% pre-payment discount	(7,563.00)
Subtotal including all pre-pay discounts	**638,777.00**

Terms:

Delivery: Based on Pierce's current delivery schedule the unit would be added to the existing order 36061 for delivery mid-October 2021. Delivery is subject to change pending Pierce's delivery schedule at time of order. Delivery is subject to change pending Pierce's delivery schedule at time of order. This time does not include any possible delays that may be caused by national disasters or pandemic.

Price Expiration: The above pricing is valid until February 24, 2021. If order is not submitted prior to that date, a 3% price increase will be required.

Multiple Unit Pricing: Change order pricing for the 3rd unit is only valid on the apparatus being purchased, manufactured and delivered at the same time as 36061-1-2 already in production. Otherwise, revised pricing will be required.

Payment Terms:

a. If pre-payment discount options are elected, the following terms will apply:

i. Chassis Progress Payment Discount: The chassis progress payment in the amount of **$377,030.00** will be due three (3) months prior to the ready for pick up from the factory date. If elected, an invoice will be provided 30 days prior to the chassis payment due date . If payment is not made when due the discount total will be added back to the final invoice.

ii. Payment Upon Completion at Factory Discount: If elected, final payment is due prior to apparatus leaving the factory for delivery. If payment is not processed upon receipt of invoice the discount total will be required in addition to the invoice amount.

iii. 100% Pre-Payment Discount: If elected, an invoice will be provided upon order processing for the 100% pre-payment. Upon receipt of invoice, payment must be made within thirty (30) days. If this option is elected, the discount is in addition to the chassis proges payment discount, and the payment upon completion at the factory discount. If payment is not made when due, the above mentioned pre-payment discounts or a portion thereof, will be added back to the final invoice. Final payment, including any changes made during manufacturing, is due upon completion of the Product at the factory and prior to delivery from the factory.

b. If pre-payment discount options are not elected standard payment terms will apply: Final payment will be due 30 days after the apparatus leaves the factory for delivery. If payment is not made at that time a late fee will be applicable.

Performance Bond: A performance bond is included in the above price and will be provided after order placement. If customer elects to remove the performance bond **$1,623.00** may be deducted from the purchase price.

Transportation: Transportation of the apparatus to be driven from the factory to the customer's location is included in the above pricing. However, if permits are not obtainable, due to the weight of the apparatus, and the apparatus must be transported on a flat bed, additional transportation charges will be the responsibility of the customer. We will provide pricing at that time if necessary. If customer elects to drive the apparatus from the factory, **$5,000.00** may be deducted from the purchase price. If this option is elected payment in full and proof of insurance must be provided prior to leaving the factory and the customer is responsible for compliance with all state, local and federal DOT requirements including the driver possessing a valid CDL license.

Acceptance of Proposal: If the customer wishes to purchase the proposed apparatus Hughes Fire Equipment will provide the Customer its form of Purchase Agreement for the Customer's review and signature. If the Customer desires to use its standard form of purchase order as the Purchase Agreement, the purchase order is subject to review for any required revisions prior to acceptance. **All purchase orders shall be made out to Pierce Manufacturing**

City Council Regular
Date: 02/22/2021
Title: Change Order No. 4 - W.O. 18-22: Leavens Reservoir Waterline and Improvements
Presented by: Debi Meling
Department: Public Works
Presentation: No

RECOMMENDATION

Staff recommends the City Council approve Change Order No. 4 for contract W.O. 18-22 Leavens Reservoir Waterline and Improvements with Western Municipal Construction, Inc., in the amount not to exceed $146,024.30 and increase contract time by 34 days.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

W.O. 18-22: Leavens Reservoir Water Line and Improvements, is a project to add a second overflow structure, install new inlet/outlet piping, and construct a new waterline from Normal Avenue to the existing Leavens reservoir. It also includes crack repair, other surface repairs, and baffle wall repairs to the existing reservoir. The bulk of the project is mostly completed except for miscellaneous surface improvements. However, during startup and testing a water leak and pressure loss has been identified between the Leavens Pump Station and the new 30-inch yard valve installed from the W.O.18-22 project. It is the main 30-inch suction line for the pump station. Due to the risks involved with possible water contamination, possible future pipe blowout, and not knowing where the leaking water is going, this change order will remove and replace approximately 40 feet of pipe with new 30-inch welded steel pipe to address the leak and pressure loss.

ALTERNATIVES

City Council may:

- Approve Change Order No. 4 for contract with Western Municipal Construction, Inc., for an amount not to exceed $146,024.30 and increase contract time by 34 days for W.O. 18-22: Leavens Reservoir Waterline and Improvements; or
- Not approve Change Order No. 4. If the Change Order is not approved the leak will remain unrepaired and could pose a health and safety risk to the general public.

FISCAL EFFECTS

Original Contract Price	$1,816,320.00
Net increase from previous Change Orders 1-3	$110,795.71
Contract Price Prior to this Change Order	$1,927,115.71
Net Increase of this Change Order No. 4	$146,024.30
Contract Price with approved Change Order No. 4	$2,073,140.01

This project was funded using water funds and there are adequate funds remaining to cover the cost of the work included in this change order.

City Council Regular

Date:	02/22/2021
Title:	Approval of Amendment 26 with Morrison-Maierle, Inc. for Engineering Services for the Reconstruction of the Airport Commercial Aircraft Ramps
Presented by:	Kevin Ploehn, Director of Aviation and Transit
Department:	Airport
Presentation:	No

RECOMMENDATION

Staff recommends that the City Council approve Amendment 26 with Morrison-Maierle, Inc. for the engineering services associated with the Reconstruction of the Airport Commercial Aircraft Ramps, for the amount of $250,768.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On April 10, 2017, the City Council approved a five-year contract with Morrison-Maierle, Inc. to provide all of the Airport's project designs, surveys for the development of the project plans, and contract administration; all following the design criteria required by the Federal Aviation Administration (FAA) in order to qualify for Airport Improvement Program (AIP) grant funding for the project. The five-year term contract is amended each time a project is undertaken. Amendment 26 for $250,768 will provide the final design and specifications, bidding process, survey, and construction management for the Airport Commercial Aircraft Ramp Replacement project located north of the new Concourse A construction site. This year's project is made up of one schedule to replace a section of old asphalt that has rutted from heavy aircraft use, and a section of concrete ramp that has become inflicted with Alkali-Silica Reaction (ASR) and also needs to match the new elevation and grades of the Terminal Remodel project. ASR is a reaction that occurs over time in the concrete between the highly alkaline cement paste and the reactive non-crystalline silica found in many common aggregates and is usually triggered by excessive moisture, resulting in the spalling of the concrete and a loss of strength. Additives are now added to the concrete mixture to prevent ASR from occurring in the new concrete. This project will be funded with FAA AIP grant funds at 90% with a 10% local match.

The scope of work and associated engineering fees for these services have been reviewed by T-O Engineering, negotiated by staff, and subsequently approved by the FAA. The FAA requires that all engineering fees be reviewed by the Airport's in-house engineer or by a second contracted engineering firm. T-O Engineering was contracted to perform the secondary review, providing staff with a second engineering number to negotiate the fees with.

ALTERNATIVES

City Council may:

- Approve Amendment 26 with Morrison-Maierle for the final design and construction management for the Reconstruction of the Airport Commercial Aircraft Ramps; or
- Disapprove Amendment 26 with Morrison-Maierle and delay the project, subsequently causing some significant staging and scheduling issues for the completion of the Concourse A Terminal Expansion construction phase.

FISCAL EFFECTS

The total cost of Amendment 26 with Morrison-Maierle for the engineering services required for the Reconstruction of the Airport Commercial Aircraft Ramps is $250,768. This project will be funded with FAA AIP grant funds at 90% ($225,691.20) and 10% local match ($25,076.80). This project is included in the Airport's CIP and budget, and the local funds are available in the Airport's Capital account.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Annual Acceptance of Federal Aviation Administration Airport Improvement Program Grants
Presented by: Kevin Ploehn, Director of Aviation and Transit
Department: Airport

RECOMMENDATION

Staff recommends that the City Council accept this year's Airport Improvement Program (AIP) Grants from the Federal Aviation Administration (FAA) and authorize the Mayor to execute each of the AIP Grant offers as they are received.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Each year the Airport seeks Federal Grant funding through the FAA AIP for capital projects at the Airport. Annually, the Airport may be awarded a number of AIP Grants due to funding allocation, varying projects, and Grant timing issues. Subsequently, each year the Airport seeks the approval and authorization from the City Council for the Mayor to execute the FAA AIP Grant offers as they are provided. This year's Grant offers could include funding from the Airport's annual entitlements, previous year Grant carry overs, and discretionary Grant funding. The Grants should provide funding for all or some of the following: Concrete Ramp Replacement, the Terminal Building Expansion Project, Expansion of the Operations Center Maintenance Bay, and operational relief funding from Congressional actions related to COVID-19 impacts. Airport staff anticipates at least two Grant offers with a high likelihood of a third funded with AIP discretionary funds.

ALTERNATIVES

City Council may:

- Approve the acceptance of this year's AIP Grants, authorizing the Mayor to execute each Grant offer as they are received; or
- Disapprove the acceptance of this year's AIP Grants and provide direction to staff on how to proceed.

FISCAL EFFECTS

While the amount of the Airport's regular Grant entitlement program is around $3,000,000 annually, staff also knows that there is a rollover amount of approximately $150,000. The Airport could also be awarded a Grant from the AIP discretionary funding pool for an amount between $3 to $5 million for the Terminal Expansion Project. Regardless of the amounts for the Grant offers received, the Airport may need to provide a 10% local share match, unless it is waived due to a COVID-19 relief package or other legislation. Airport funds are available for any required match in the Airport's Capital Fund.

City Council Regular

Date:	02/22/2021
Title:	Billings Bike and Scooter Share Feasibility Study
Presented by:	Elyse Monat
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

Staff recommends that the City Council forward a recommendation of approval of the Billings Area Bike and Scooter Share Feasibility Study to the Policy Coordinating Committee. The PCC is scheduled to take final action on the study at its March 18, 2021 meeting.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The Billings Yellowstone County Metropolitan Planning Organization (MPO) hired Alta Planning + Design through a competitive process to conduct the Billings Area Bike and Scooter Share Feasibility Study. The goal of the Billings Area Bike and Scooter Share Feasibility Study is to define what a successful bike and scooter share program would look like for the Billings area. A bike and/or scooter share system is a network of shared bicycles or scooters available for short-term use, usually 15 to 45-minute trips. A user can check out a bicycle or scooter from locations around the city, ride to their destination, and then leave the bicycle or scooter for someone else to use.

Bike share and scooter share programs are designed to be a cost-effective, environmentally-friendly, convenient travel option for shorter trips. In a survey of 245 respondents completed as parts of this study, 53% of people said they are interested in seeing bike and scooter share in Billings, 24% are not interested, and 14% need more information. Of the remaining percentage that selected "other," many respondents reported liking the idea of bike share, but not scooter share. Top concerns related to bike and scooter share include safety, lack of bicycle infrastructure, and vandalism. Billings community members want to access downtown, parks, and restaurant/coffee shops by bike or scooter share.

The study recommends if Billings were to implement a system itself or be approached by a private party to launch a system, it should be a hybrid bike share system where the bike/scooter houses the transaction rather than at a station. Stations, also called hubs, consist of branded racks for parking bike share bikes. Though stations could be available, the program does not require that a bike be left at a station and it is permitted to be parked anywhere within the service area. The study also recommends using electric-assist or e-bikes to make trips easier for people of all abilities. For a system governance model, the study recommends implementing a turnkey bike share system or a publicly owned and privately operated system. In a turnkey system, the City would hire an experienced company that owns and operates the system. The City would rent equipment and contract with the company for the full range of operations support, including installation, operations, sponsorship, customer service, and maintenance. Alternatively, Billings could purchase the bike share fleet and hub infrastructure and contract with a third party to operate the system. During the system launch, the study suggests launching in an initial service area including downtown and MSU Billings, creating an equity program, and establishing strategic partnerships to ensure the success of the system.

ALTERNATIVES

City Council may:

- Recommend approval of the Billings Area Bike and Scooter Share Feasibility Study to the Policy Coordinating Committee, or;
- Recommend disapproval of the Billings Area Bike and Scooter Share Feasibility Study to the Policy Coordinating Committee.

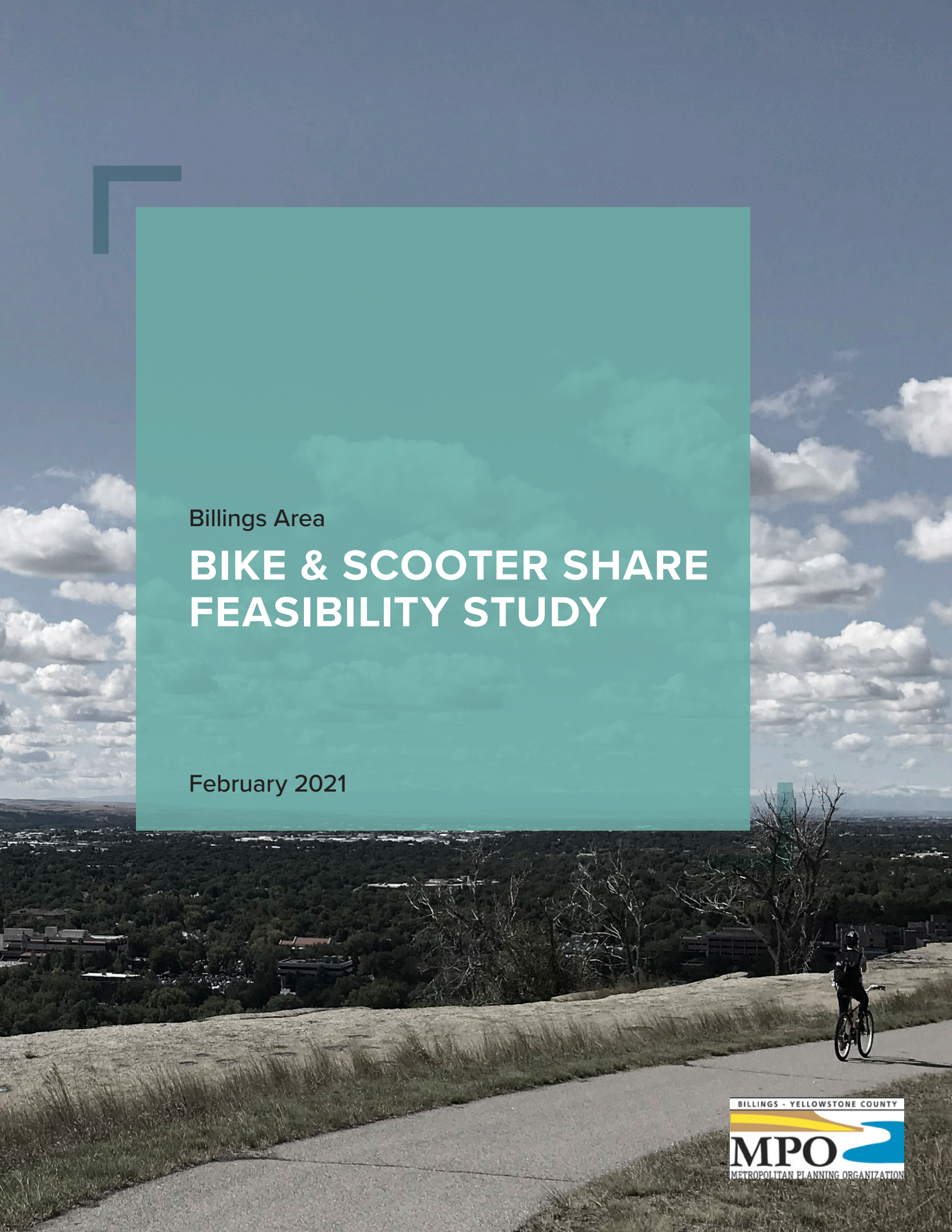
This Billings Area Bike and Scooter Share Feasibility Study was programmed and approved in the MPO's annual work program and is an initial evaluation of how bike and scooter share could be successfully achieved in Billings so the City is prepared to move forward with a program if approached by a private entity or if the opportunity comes for a City-initiated effort. Disapproval of the study would be contrary to the City Council's direction to staff to investigate the options and feasibility of this transportation program for the community.

FISCAL EFFECTS

The contract for the Billings Area Bike and Scooter Share Feasibility Study was budgeted at $44,964. The majority of the funding is through the MPO's Federal PL (planning) funds. PL funds for this project required 13.42% local match, which was provided through the Planning Division's approved FY21 budget. Implementing bike and/or scooter share in Billings is not programmed at this time. This feasibility study is an initial evaluation of how bike and scooter share could be successfully achieved in Billings so the City is prepared to move forward with a program if approached by a private entity or if the opportunity comes for a City-initiated effort.

Attachments

Draft Bike and Scooter Share Feasibility Study



Billings Area

BIKE & SCOOTER SHARE FEASIBILITY STUDY

February 2021

BILLINGS - YELLOWSTONE COUNTY
MPO
METROPOLITAN PLANNING ORGANIZATION

ACKNOWLEDGMENTS

BILLINGS-YELLOWSTONE MPO

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I. EXECUTIVE SUMMARY

PROJECT PURPOSE

The Billings-Yellowstone MPO is collaborating with local stakeholders to conduct a bike and scooter share feasibility study to define what a successful bike and scooter share program would look like for the Billings area. Over the last ten years around the U.S., bike share systems have shown themselves to be a practical complement to transit and a sustainable, useful way for people to get where they need to go. While scooter share systems are a more recent innovation, they have quickly proven to be a popular option for both transportation and recreation.

The Executive Summary highlights the study's key recommendations.

WHAT IS BIKE SHARE? WHAT IS SCOOTER SHARE?

A bike and/or scooter share system is a network of shared bicycles or scooters available for short-term use, usually 15 to 45 minute trips. A user can check out a bicycle or scooter from locations around the city, ride to their destination, and then leave the bicycle or scooter for someone else to use. Bike share and scooter share programs are designed to be a cost-effective, environmentally-friendly, convenient travel option for shorter trips. Bike and/or scooter share could serve as an extension of transit and help Billings community members and visitors get around more easily without using a car. **See the Glossary on page 12 for definitions of key words used in the language of bike and scooter share and other shared mobility.**

COMMUNITY PERSPECTIVES ON BIKE AND SCOOTER SHARE

KEY TAKEAWAYS

The following key takeaways reflect feedback from community members collected in the survey:

Mixed community support for bike and scooter share programs; more information requested. Fifty-three percent of survey respondents are interested in seeing bike and scooter share in Billings, 24 percent of respondents are not interested, and 14 percent need more information. For those who selected "Other," many respondents reported liking the idea of bike share, but not scooter share.

Most Billings community members have not used bike or scooter share. Sixty-four percent of survey respondents have not used bike share and 77 percent have not ridden scooter share. However, over one third of survey respondents had used bike share and 30 percent report that they bike at least a few times a year. As shown in **Figure ES-1**, survey respondents believe that bike and scooter share trips could replace car trips and benefit the environment.

Transit integration is not crucial for bike and scooter share in Billings. Sixty-three percent of survey respondents reported that access to bike or scooter share for first-mile travel would not increase transit trips. However, 43 percent of survey respondents say that bike or scooter share trips would replace car trips.

Top concerns related to bike and scooter share included safety, lack of bicycle infrastructure, and vandalism. Sixty-two percent of survey respondents reported that they had safety concerns about sharing the road and interacting with other vehicles, 51 percent reported having concerns regarding lack of designated bicycle infrastructure, and 40 percent reported concerns regarding bikes or scooters blocking the sidewalk or ending up in inappropriate places. Only 16 percent of survey respondents had no concerns about bike and scooter share in Billings, as shown in **Figure ES-2.**

Most Billings community members want to access downtown, parks, and restaurants/ coffee shops by bike or scooter share. Sixty-five percent of survey respondents reported that they would like to access Downtown with bike or scooter share, 48 percent reported that they would like to access parks, and 45 percent would like to visit restaurants or coffee shops. Twenty-seven percent of respondents reported that they didn't want to use bike or scooter share.

More details about the Bike Share Study outreach process can be found in Chapter 4 on page 39.

53%

OF RESPONDENTS WOULD BE INTERESTED IN SEEING BIKE/ SCOOTER SHARE IN BILLINGS

Figure ES-1.

Which of the following statements would support your interest in using a bike/scooter share system? (N=245)

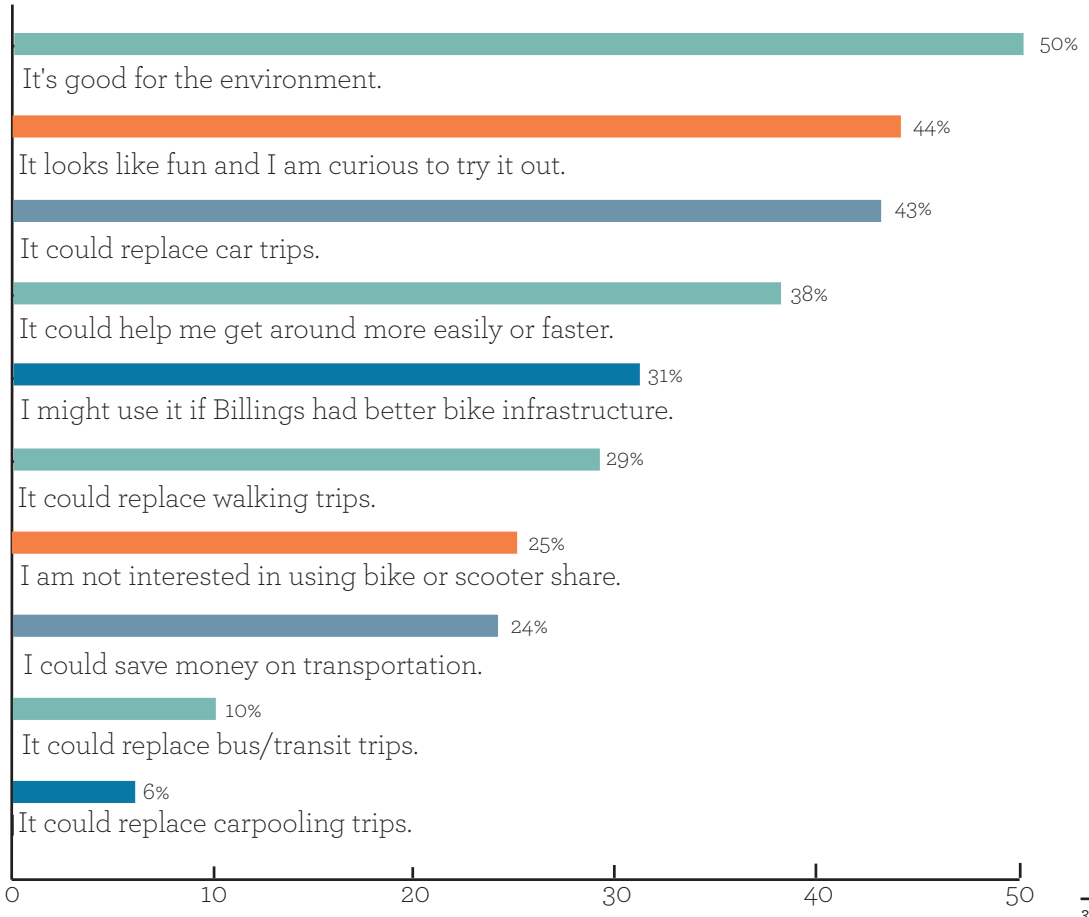
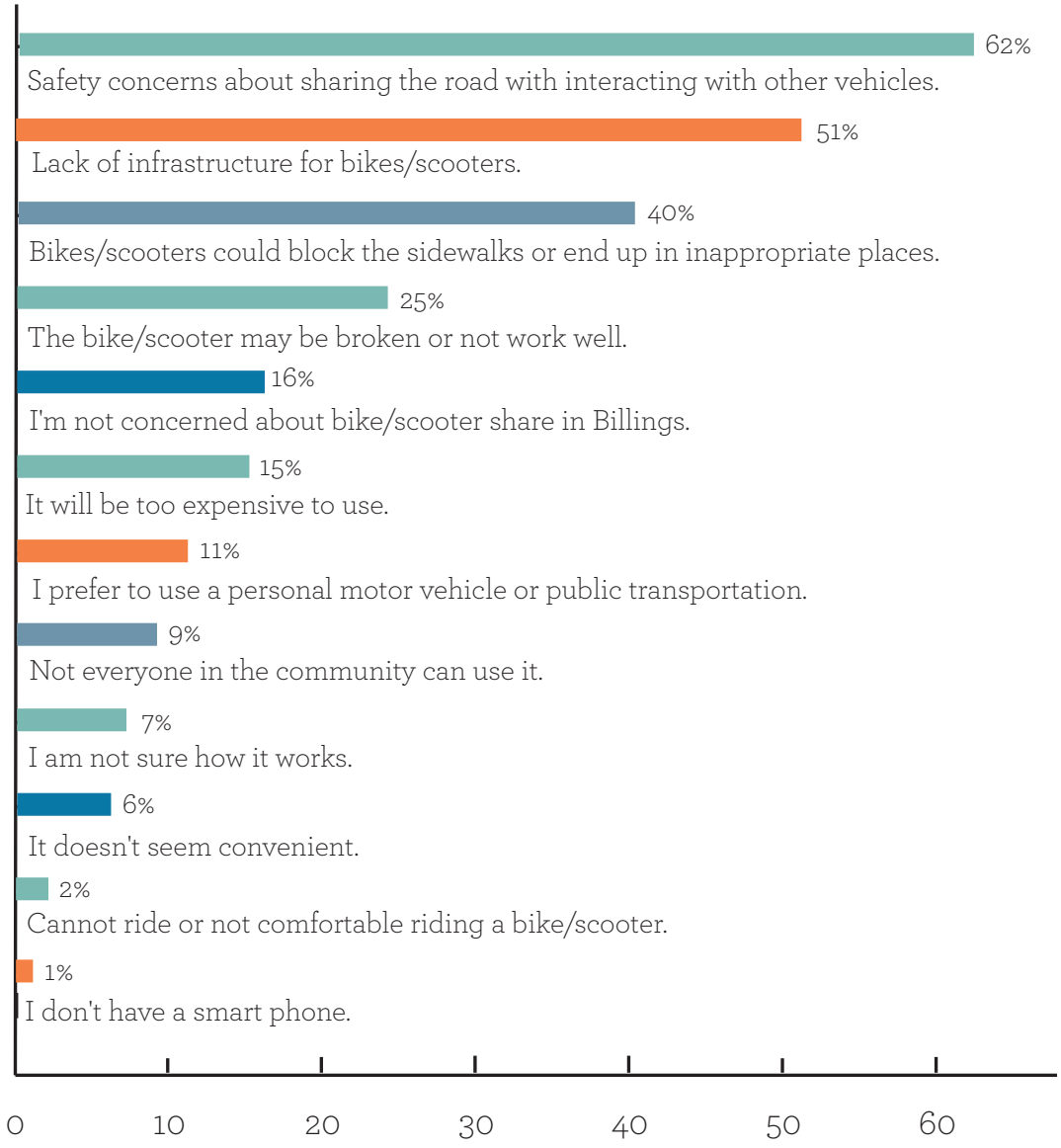


Figure ES-2.

What are your top three concerns related to bike and scooter share in Billings? (N=245)



As shown in Figure ES-2, personal safety, lack of safe infrastructure, and inappropriate bike/scooter parking are top concerns. Sixty-two percent of survey respondents are concerned about sharing the roadway with vehicles and 51 percent are concerned about lack of bike-specific infrastructure. Only 16 percent of survey respondents selected that they were not concerned about bike/scooter share in Billings.

BIKE SHARE STUDY RECOMMENDATIONS

Table ES-1 highlights the most significant recommendations identified in the Study.

Table ES-1.

SYSTEM TYPE
Hybrid Bike Share System
Electric-Assist Bikes
SYSTEM GOVERNANCE
Operated by a Private Company
Owned by either the private company ("turnkey") or by City of Billings
Provide Student Fares
SYSTEM LAUNCH
Launch in Initial Service Area including Downtown and MSU Billings
Create Equity Program
Establish Strategic Partnerships

SYSTEM TYPE

RECOMMENDATION: HYBRID BIKE SHARE SYSTEM, WITH OPTION FOR SCOOTERS

The recommended system type for bike share in Billings is a hybrid system. To determine the recommended bike share system type for Billings, the project team used a decision matrix to understand opportunities and limitations to three major types of shared micromobility systems: docked and hybrid bike share, and dockless scooter share. The matrix scores each type of micromobility system according to its ability to meet Billing's program goals and other considerations identified as important for the Billings community. Overall, a hybrid system will provide the ideal balance of control and flexibility to meet the needs of the Billings community. **The system type decision matrix (Table 6-2) is shown on page 70.**

Some hybrid bike share system operators have the ability to offer "mixed fleets," or fleets including bike share and other devices, such as scooter share. Although scooter share is not recommended as the sole micromobility option in Billings, the Bike and Scooter Share Study recommends that Billings consider incorporating scooter share as part of a mixed fleet.

RECOMMENDATION: ELECTRIC-ASSIST BIKES

The Bike and Scooter Share Study recommends the system use a fleet of electric-assist bikes. This will support a number of the program goals and other factors covered in the evaluation matrix, including:

- Providing for wider geographic coverage by increasing the comfortable speed and distance of bike share trips for customers
- Expanding geographic coverage and system usability to better serve vulnerable demographics, including low-income neighborhoods and riders with mobility challenges

With an e-bike share system, riders can cover more ground and navigate topography with ease. E-bikes are more appealing to a larger range of potential users of varying physical abilities. In the past few years, electric assist bike share equipment has become less expensive and easier to use. All models require the rider to pedal the bicycle in order to get an "assist" from the electric motor. The top speed for an e-bike share system is approximately 15 miles per hour, after which the regulator cuts off any additional power. Because e-bikes are powered by a battery, they must be recharged on a regular basis. This creates an additional operations step for vendors/contractors who must either swap the batteries or dock the bikes at a recharging station.

For more information about system types and detailed costs, see the System Type section starting on **page 15**. For system type definitions, see the glossary on **page 12-13**.

RECOMMENDATION: TURNKEY OR PUBLICLY OWNED/PRIVATELY OPERATED

The Bike and Scooter Share Study recommends that the City either solicit a turnkey bikeshare system (owned and operated by a private company) or that the City own the bike share system in Billings and contract to a private operator.

To implement a **turnkey bike share system,** a city hires a company such as Koloni or DropBike to provide "bike share as a service" for a defined amount of time. Instead of purchasing a full fleet of bikes and designing stations, a city rents equipment and contracts with the company for the full range of operations support, including: installation, operations, sponsorship, customer service, and maintenance.

The turnkey model allows a city to implement bike share with limited staff capacity and capital investment, while maintaining meaningful city control. Typically, turnkey systems have a faster timeline for implementation, and many companies offer mixed fleet options so the City could request to include e-scooters alongside bicycles. Turnkey models are common in smaller cities and on campuses.

Alternatively, the **City's ownership of bike share in Billings** would provide its own benefits. A Billings-owned bike share system would be an innovative method of supporting first-and-last mile connections to and from transit, adding to the geographic range and flexibility of transit trips. In addition to supporting transit service goals, owning the City's bike share fleet and hub infrastructure would offer the City the highest degree of

control over system design, station siting, and pricing/payment policy. With proper coordination with MET Transit and bike share integrated into MET's system, transit riders would experience a bike share system operated in-tandem with traditional bus service, including:

- A bike share pricing structure in-line with standard transit fares
- The option of using MET passes to pay for bike share rides
- A bike share system that shares in MET's branding, high standard of service, and responsiveness to customer needs
- Control over advertising and sponsorship opportunities

In this instance, **the City would select a bike share vendor to manage the operations of the system.** Private operators can bring extensive knowledge and experience from operating in other cities. Hiring a private operator still allows the City to dictate the terms of bike share service level agreements. The City should require prospective bike share operators to submit their plans for routine maintenance and operations during the bid process, as well as provide evidence of high performance in other jurisdictions.

See **Chapter 6** on **page 69** for additional recommendations regarding operations and maintenance, estimated costs, equity programming, strategic partnerships, initial service area, and bike share station locations.

II. INTRODUCTION

WHAT IS THIS PROJECT?

The Billings-Yellowstone MPO is collaborating with local stakeholders to conduct a bike and scooter share feasibility study to define what a successful bike and scooter share program would look like for the Billings area. A bike or scooter share system, also known as shared micromobility, is a network of bicycles and/or e-scooters available to the public for short-term use and for one-way (point-to-point) trips. The system's size, coverage, and service model can be tailored to a city or region's needs and context. The following report documents current conditions in Billings that are relevant to a shared micromobility system. The information and analyses contained here will inform further progress in developing recommendations suitable for the context of Billings.

Together with a group of community stakeholders, the planning team established a list of outcomes they hope to see as a result of implementing a bike and scooter share system in Billings. This stakeholder group consisted of representatives from the Billings MPO, MET Transit, City staff, Downtown Billings Alliance, Chamber of Commerce, and Healthy by Design. Potential challenges and desired incomes were discussed. The group showed general consensus around the desire to establish a system that:

- Enhances the transit system by expanding access to existing bus routes and linking the transit system to a broader suite of multimodal options
- Contributes to a more equitable transportation system by reducing the need for personal vehicle ownership
- Promotes greater participation in active transportation
- Increases visibility and awareness of alternative transportation modes
- Provides a new way for visitors to explore Billings
- Connects people to what the city has to offer

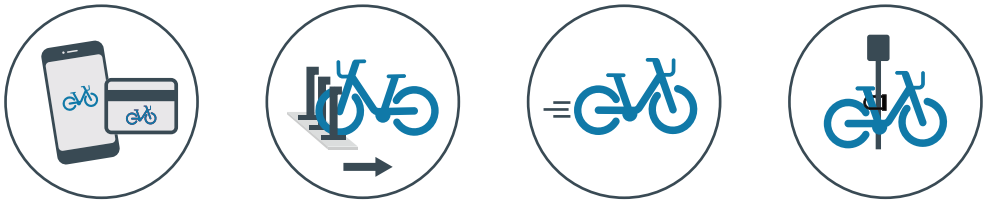
WHAT IS BIKE AND SCOOTER SHARE?

A bike and/or scooter share system is a network of shared bicycles or scooters available for short-term use, usually 15 to 45 minutes. A user can check out a bicycle or scooter from locations around the city, ride to their destination, and then leave the bicycle or scooter for someone else to use. Bike share and scooter share programs are designed to be a cost-effective, environmentally-friendly, convenient travel option for shorter trips.

Bike and/or scooter share could serve as an extension of transit and help Billings community members and visitors get around more easily without using a car. **See the Glossary on page 12 for definitions of key words used in the language of bike and scooter share and other shared mobility.**

As of the end of 2019, hundreds of cities and regions in the U.S. have some form of bike or scooter share. Shared micromobility has become a mainstream form of travel across the country.

BIKE SHARE In Four Easy Steps



1 Sign Up

2 Check Out

3 Ride

4 Lock

WHY SHARED MICROMOBILITY?

Bike share has been around for decades. Most of the first generation "systems" were volunteer-led and informally organized in a handful of cities, such as Amsterdam and Portland, Oregon in the 1970s, '80s and '90s. These programs experienced low to moderate success because of theft, vandalism, inefficient technology and insufficient operational oversight.

However, in the past ten years, innovations in technology have increased user accountability and given rise to a new generation of technology-driven bike share and scooter share programs. Advancements in credit card transaction capabilities, WiFi and RFID (radio-frequency identification) chips have allowed operators to introduce accountability and reduce theft and vandalism.

In the last four years, bike and scooter share experienced another rapid phase of evolution as private companies developed new business and operations models. This introduced new ways of implementing bike share that differed from previous systems. Previously, systems required a significant upfront capital investment, were often partially or fully-funded by public investment, and were often procured through exclusive contracts. New systems were primarily funded by venture-backed private companies. This also resulted in innovation around dockless e-scooter sharing that allowed anyone with a smartphone to check out an electric scooter for point-to-point trips.

The current state of the practice is discussed in more detail in **Chapter 3.**

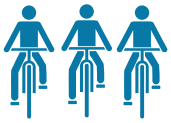
BENEFITS OF SHARED MICROMOBILITY

REDUCES EMISSIONS

SUPPLEMENTS THE TRANSIT SYSTEM

CONTRIBUTES TO AN EQUITABLE TRANSPORTATION SYSTEM

IMPROVED INDIVIDUAL & COMMUNITY HEALTH THROUGH ACTIVE TRANSPORTATION



CONTRIBUTES TO THE "SAFETY IN NUMBERS" EFFECT FOR ALL BICYCLISTS

QUICK REFERENCE GLOSSARY

NEW MOBILITY refers to transportation services enabled, defined, or refined by digital technology.

SHARED MOBILITY is the shared use of a vehicle (motorcycle, scooter, bicycle, or other travel mode) to provide users with short-term access for one-way or round trips.

SHARED MICRO-MOBILITY encompasses all shared use fleets of small, fully or partially human-powered vehicles; bike sharing and scooter sharing are types of shared micro-mobility.

BIKE SHARING is the shared use of a fleet of bicycles (manual or e-bikes) which provides users with on-demand access to bicycles for one-way (point-to-point) or round-trip travel.

SCOOTER SHARING is the shared use of a fleet of scooters which allows individuals access to scooters for on-demand for one-way trips. To-date, in the U.S., scooter sharing programs offer electric (rather than manual) scooters, are private sector owned and managed by companies that operate in multiple markets, and are primarily dockless (or free-floating). Some systems have recently begun introducing designated parking areas for scooters, or even designated racks for scooters.

RIDEHAILING SERVICES (also known as ridesourcing and transportation network companies (TNC)) are prearranged and on-demand transportation services for compensation in which drivers and passengers connect via digital applications.

ELECTRIC-ASSIST BIKES (E-BIKES) are bicycles with an integrated electric motor which propels the bike. Electric-assist bikes have a small motor to assist the rider's pedal-power. They retain the ability to be pedaled by the rider.

RIDE SHARING (also known as carpooling and vanpooling) is defined as the formal or informal sharing of rides between drivers and passengers with similar origin-destination pairings. Vanpoolers share the cost of a van and operating expenses, and may share driving responsibility.

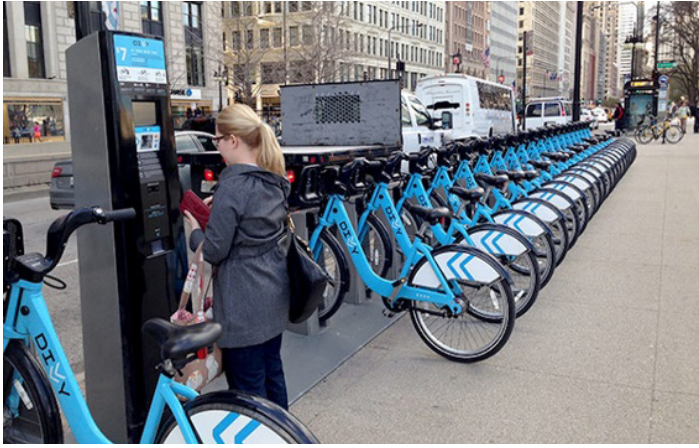
TYPES OF BIKE SHARING SYSTEMS INCLUDE:

DOCK-BASED – a bike can only be retrieved at and returned to a station with technology-enabled docks; user transactions can occur through web, smartphone application, or kiosks; may include manual bikes or e-bikes.

DOCKLESS – a bike can be retrieved at or returned anywhere within the service area, and the bike locks to itself (rather than an object) using a rear wheel lock enabled or disabled with a smart phone application; user transactions occur through a smartphone application. May include manual bikes or e-bikes.

HYBRID – a bike can be retrieved at and returned to a station which consists of a series of bike racks, or anywhere within the designated service area; bikes are typically referred to as "smart bikes" due to the on-board technology hardware; user transactions can occur through hardware on the bike, web, and/or smartphone application; may include manual bikes or e-bikes.

III. WHAT WE KNOW ABOUT BIKE AND SCOOTER SHARE



Docked bike share station with a payment kiosk in the City of Chicago.

SYSTEM TYPES

This section outlines a handful of system types that should be considered as potential service options for Billings, and highlights the pros and cons of each. In some cases, bike and scooter options can be mixed and matched (e.g. docked bike share plus dockless scooter share or hybrid bike share plus scooter share with docking capability).

DOCKED BIKE SHARE SYSTEMS

Description

Also referred to as "smart dock" systems, this bike share system type is based on powered stations with docks that securely lock a bike and kiosks for user payment transactions and information. At the kiosk, casual users can purchase a short-term pass for trips on demand. Bike share bikes must be retrieved from and returned to a station. Because the equipment is relatively expensive, most U.S. agencies use federal transportation grants and large corporate sponsorship deals to cover the capital and operations costs.

Feasibility in Billings

Defining Feature

Station density and visibility are critical to success since the bicycles must be secured at a station. Additionally, the rebalancing of bike share units is a major element of operations for dock-based systems. If station density and rebalancing upkeep is adequate, users of dock-based bike share systems enjoy the reliability of knowing where they can find a bike from day to day. These systems are largely city or agency-owned, giving them control over station locations, level of service, and pricing.

$ *Estimated Cost*

Typical station with 8-10 bikes: $35,000 to $55,000

Operating fees: $2,000-$2,500 per bike per year.

Table 3-1.

PROS	CONS
Station placement can give agencies control over bike locations and parking in the public right-of-way.	Stations with docks often mean higher system costs than dockless or hybrid options.
Contracting can establish service level standards including: pricing, maintenance, customer service, usage data, bike quality, and safety.	More upfront work is required to plan and design station locations.
Bike locations within dock-based systems can be more predictable for users, which is particularly valuable for commuters and transit riders.	Station placement may require permits and negotiation with adjacent land owners.
Stations can create a physical presence for the bike share system and advertise to new users.	Reliance on sponsorship and grants can be difficult to sustain.
Status as "infrastructure," can establish a more long-lasting system.	Lack of flexibility limits the geographic reach and access to destinations for users.
	Difficult and expensive to upgrade system, as technology evolves.

HYBRID BIKE SHARE SYSTEMS

Description

Also referred to as a "smart bike" system, this approach houses transactions on the bike rather than at a station. Stations, also called hubs, consist of branded racks for parking bike share bikes. Though stations are available, the program does not require that a bike be left at a station and it is permitted to be parked anywhere within the service area. The racks have no software or technology features (different than the dock-based "smart-docks"). Hybrid systems typically charge a fee to park outside of the stations or offer an incentive to park at the stations to encourage users to use the docks.

Hybrid bike share bike and docks in Orlando, Florida.

Defining Feature

Offer the reliability and visibility of docked systems with the flexibility of dockless systems. Agency contracts or ownership provide control over implementation, but less ability to manage parking in the right-of-way once launched. Hybrid systems are found in cities of all sizes.

Estimated Cost

Typical station with 8-10 bikes: $20,000 to $25,000.

Operating fees: $2,000-$2,500 per bike per year.

Feasibility in Billings

Table 3-2.

PROS	CONS
Sponsorship opportunities can create community partnerships.	The hardware and software included on the bikes and the need for stations means higher costs than dockless systems, but lower than fully docked.
Station placement gives agencies control over bike locations and parking in the right-of-way.	Station placement may require permits and negotiation with adjacent land owners.
Stations create a physical presence for the system and advertise to new users.	Bikes or e-scooters can be improperly parked and obstruct the right-of-way.
Bike locations are both predictable and flexible for users.	Time and funding for rebalancing bikes.
Users can more easily locate a pod of bikes for a group to ride.	Difficult and expensive to upgrade system as technology evolves.
Status as "infrastructure," can establish a more long-lasting system.	

DOCKLESS ELECTRIC SCOOTER SHARE SYSTEMS

Description

Dockless electric scooter share systems are a fleet of self-locking scooters that do not require any fixed stations, docks, or kiosks. Users retrieve or park e-scooters anywhere within the service area using a smart phone app. They offer an appealing level of flexibility and are generally permitted to operate in cities rather than procured.

Defining Feature

Compared to hybrid and docked, dockless systems provide more flexibility for users, but less agency control over bike locations, pricing, and level of service. Because they are privately funded and operated, dockless scooter share systems programs are offered in locations where there is sufficient market demand.

Dockless scooter share scooters parked in a designated dockless parking zone.

An electric charging hub with docks for scooters.

Dockless Scooter Parking Management

Improperly parked scooters can be a nuisance to other street users and, in particular, people with disabilities. In addition to clear parking guidelines and rider education, the following physical design features can be used to promote proper parking:

- **Dockless scooter designated parking/ geofenced areas:** Cities can provide designated parking areas that clearly mark areas where scooters should be parked. These are often provided in higher use areas, and places with competing demands on the public right-of-way. Cities can also place designated parking areas throughout the scooter service area and require that all trips end within one. Designated parking area regulations can be reinforced by geofencing the zones, which make it so users cannot end trips outside of geofenced areas.
- **Lock-to requirements:** Cities can require that all scooters come equipped with a cable lock and require that users end trips by securing the scooter to a bike rack or pole. Lock-to requirements have been shown to improve scooter parking compliance and decrease the number of complaints about improper scooter parking.
- **Charging docks:** Electrified docks for scooters can be supplied by the operator or by the city (through a third-party). The benefits of these docks are twofold: they provide a designated space for proper parking and they charge the scooter, reducing the need for operators to retrieve and charge scooters.

Estimated Cost

Equipment and operations typically provided to agencies at no cost. Companies are supported by venture capital and user fees.

Feasibility in Billings

Table 3-3.

PROS	CONS
System can be launched more quickly than docked or hybrid systems.	Agencies generally have much less control over dockless scooter share systems compared to other system types, including the sustainability of the system.
Station planning and design is not necessary, which saves time and money.	Dockless companies determine where they operate and are currently focusing on expanding into major markets and contiguous growth.
Due to venture capital involvement, little to no public funding is required.	Smaller cities have less leverage to regulate dockless companies than major markets.
Less city/agency liability for helmet laws.	Scooters can be improperly parked and obstruct the right-of-way.
System is highly flexible for users.	Fleet can suffer higher rates of vandalism and theft.
Can be more affordable for single-trip, casual users.	

BIKE AND SCOOTER SHARE GOVERNANCE MODELS

Because bike and scooter share are publicly-available fleets, they require a structure for ownership and operations. There are four basic bike and scooter share governance models typically found in the United States:

- Privately owned and operated (permitted or contracted)
- Publicly owned and privately operated
- Publicly owned and nonprofit operated
- Nonprofit owned and operated

This section describes each model and details the pros and cons associated with each.

PRIVATELY OWNED AND OPERATED

Description

An experienced private company brings established skills and credentials in operating bike share programs. The company takes on the risk of funding and operating the program in return for generated revenues. This model is most attractive in markets that support strong returns from advertising. Privately owned and operated systems can either be awarded permits to operate within a city (the company pays the city to operate) or can be awarded a contract to operate within the city (the city pays the company to operate). This is largely dependent on the local market. This model exists for both bike and scooter share and is the current, prevailing model for scooter share systems.

FEASIBILITY CONSIDERATIONS

Table 3-4.

PROS	CONS
Removes financial responsibility and risk from the City and other local partners	Correlated to market demand and highly dependent on private sector interest
The private operator is strongly incentivized to ensure program success (e.g. high ridership and profitability)	Due to private operation, agency control and program transparency is limited to what is defined in regulation and permitting
Higher likelihood of success due to established skills and experience from private sector operator	Funding options may be limited to what private operator can support
	Equity goals are harder to implement

PUBLICLY OWNED AND PRIVATELY OR NON-PROFIT OPERATED

Description

Ownership and financial responsibility for the system is managed by a government agency (e.g., a City, regional, or transit agency). The agency contracts out operations to a third party (or parties), which manages equipment, sponsorship and advertising, marketing, promotions, etc. This model exists for bike share but there are no known examples for scooter share.

Feasibility Considerations

Table 3-5.

PROS	CONS
The agency has full program control, including the brand, look, and operating standards	Agency must have both interest and capacity to manage the program
Agency can apply for federal, state, and local funding	Agency takes on risk and ongoing financial responsibility
Public can hold the agency accountable to a transparent system	There are multiple competing priorities beyond financial and operating performance
Agency can include goals such as geographic and social equity in the program	

NONPROFIT OWNED AND OPERATED

Description

An existing or newly formed nonprofit organization (NPO) takes on ownership and financial responsibility for the program. The NPO can manage any combination of responsibilities, including day-to-day system operations, and can also contract out some services to a third party, e.g., marketing and promotions, sponsorship and advertising, etc. This model exists for bike share but there are no known examples for scooter share.

Feasibility Considerations

Table 3-6.

PROS	CONS
This option provides the most flexibility in funding, including local, state, and federal funds, sponsorships, advertising, and philanthropic contributions	If NPO is newly-created, building capacity and establishing organization can take time
Community-oriented missions of NPOs are well-received by the public	NPO often lacks skills and experience at system launch
A Board of Directors made up of a broad range of community stakeholders effectively engages public, private, and community organizations in the system	The NPO's performance standards may not meet public and agency expectations for transit service

BIKE AND SCOOTER SHARE SYSTEM FARES

The fare structure for bike or scooter share in Billings will be decided through negotiations with the selected operator. This section details the two common pricing structures of bike and scooter share systems, and other important pricing considerations.

PER-TRIP FEES VERSUS PER-MINUTE FEES

Bike and scooter share systems either charge by the minute or by the trip (which provides the user a set amount of time to use the vehicle). This amount of time is usually 30 minutes to one hour, but some systems offer longer options such as full day. Systems that charge by the minute also often charge a fee to unlock the bike or scooter (typically $1). Traditionally, bike share systems have used the per-trip model, but systems are increasingly moving to the per-minute fee model. Nearly all scooter share systems use the per-minute fee model.

CASUAL VERSUS MEMBER PRICING

Most bike and scooter share systems offer significant discounts for users who purchase memberships. Memberships are typically offered as monthly or annual subscriptions. The benefits of membership can come in the form of unlimited free trips or discounts from standard pricing (e.g. waiving unlock fees and/or lowering per-minute costs).

PRICE INCENTIVES

Prices can be set up to incentivize certain user behaviors and reduce rebalancing expenses. For example, it is typical for hybrid systems to charge a small fee for users to lock bikes at locations outside the designated bike share stations, and a larger fee for bikes that are parked outside of the designated service area. Credits can also be issued to users who return bikes to popular stations, reducing the need to deploy people to rebalance the fleet. The additional parking fees can be removed in certain locations to increase access and usage.

DISCOUNTED PRICING

Bike and scooter share systems often offer discounts to certain groups. These groups can include students, people with low-incomes, and government employees. For more information on low-income discounts refer to the Advancing Equity Through Bike/Scooter Share section.

THEFT AND VANDALISM CONSIDERATIONS

For all bike and scooter share system types, theft and vandalism are a potential concern. In a typical scooter share system, theft and vandalism are managed by the private operators to support successful operations. There are different implications for bike share, when local government is a partner in ownership, and may be partially or fully responsible for costs related to theft and vandalism.

To mitigate the costs of theft and vandalism, bike and scooter share vendors have designed the current generation of market available vehicles to be more resistant to vandalism and theft than earlier models. Today's vehicles typically have a number of anti-vandalism and anti-theft features, including:

- **GPS tracking:** GPS technology integrated into bike share units allows for the tracking and recovery of vehicles that have been stolen.
- **Integrated u-locks:** Heavy-duty u-locks integrated into many dockless and hybrid bike share units allow users to securely lock bike share units to a hub or public bike share rack.
- **Encasement of vulnerable parts:** Bike share units today often feature wires, chains, and gears that are partially or entirely encased within the frame of the bike itself. This encasement shields these vulnerable parts from being cut or stolen off of the bike.
- **Anti-theft hardware:** Bike and scooter share vehicles generally feature anti-theft nuts and bolts that cannot be quickly or easily removed using standard hand tools.
- **Accessory integration with frame:** Accessory features on vehicles (such as lights, bells, and baskets) are sometimes integrated into the design of the vehicles rather than being attached as a mountable feature.
- **Solid tires:** Some vehicles feature tires made out of solid rubber rather than inflatable tubes to mitigate risk of flats and slashed tires.
- **Custom design:** Bike and scooter share vehicles are highly customized to the unique demands of shared mobility, and many parts are not compatible with private vehicles. This greatly reduces the street value of bike and scooter share vehicle parts.

Additionally, the encouragement and enforcement of secure parking practices through in-app messaging, user fines, and diligent complaint response times can decrease the risk theft.

WINTER BIKE SHARE CONSIDERATIONS

Bike share systems become an integral part of a community's transportation system, so the decision about whether or not to operate during winter months should be made with careful consideration. Many bike share programs are seasonal and shut down operations for winter; however, in the 2015-2016 winter season about 15 systems in snow-impacted areas successfully remained operational.[1] Surveys have shown that bike share users are willing to use a bike share program in the winter, especially when bike paths and sidewalks are cleared of ice and snow.[2] Below are considerations for deciding whether to operate a seasonal or year-round system:

- **Reduced ridership and revenue:** Even in cities with an existing winter biking culture, ridership is lower during winter months due to cold and snow. Operators can expect between 10 and 30 percent of peak summer ridership.[3] This may be challenging for systems highly reliant on revenue from ridership.
- **Meet community transportation needs:** Community members that depend on bike share may be left without reliable transportation in winter months. Additionally, many people prefer bike share bikes in the winter because they would prefer to avoid subjecting their own bike to winter elements (snow, salt, etc.). The bikes themselves may be more reliable and safer to ride, with wider tires, an upright position, and internal hub braking systems.
- **Winter bicycling education:** Winter bicycling (especially on snowy days) can be risky, especially for newer riders; education efforts from the bike share service provider or the City may be necessary to make sure all riders know how to ride safely in inclement weather. For example, Bike Share Toronto regularly posts tips for safe winter riding on their blog.[4]
- **Winter bicycling promotion:** To encourage riders during winter months, some bike share systems invest in extensive marketing and winter bike share promotion. This can help increase winter ridership.
- **Station siting:** Station siting for systems planning year-round operation in snowy areas must take into consideration snow plowing needs to ensure that stations do not take up snow storage space, do not become buried under plowed snow, and are not damaged by snow plows. At the same time, stations will need to be located in areas that are regularly plowed and/or shoveled to ensure safe user access to/from the station.
- **Solar stations:** Bike stations powered by solar panels may lose power in winter months due to insufficient sunlight or snow coverage. Bike share operators can mitigate this by cleaning solar panels after snow events and monitoring station batteries to swap out for charged batteries when needed.

[1] Godavarthy, Ranjit Prasad., & Taleqani, Ali Rahim., Winter Bikesharing in US: User Willingness, and Operator's Challenges and Best Practices. Sustainable Cities and Society http://dx.doi.org/10.1016/j.scs.2017.02.006. Accessed December 21, 2020.

[2] Godavarthy & Taleqani, 2017.

[3] Godavarthy & Taleqani, 2017.

[4] Bike Share Toronto. "Winter Cycling: 8 Tips For A Safer Ride." Posted January 28, 2020. Accessed December 23, 2020. https://bikesharetoronto.com/news/winter-biking/

- **Snow events:** In addition to clearing solar panels, bike share stations need to be cleaned of snow and ice after snow events. Operators may need to invest in additional cleaning tools, such as shovels, brooms, brushes, ice scrapers, etc. Operators may also consider proactively pulling bikes from stations ahead of snow events.
- **Bike maintenance:** Bikes will require additional safety inspections to ensure they are ready for winter. This includes lubricating all chains and seat posts to ward off mud, grime, and road salt. Depending on the vehicle specifications, it may be worth replacing tires to be thicker and/or knobby, and reducing tire air pressure for better traction on ice.
- **Winter bike accessories:** Bikes may be customized for winter riding. For example, Lime's (now-defunct) fleet in Calgary, Canada included hand covers on the handlebars during winter months.
- **Storage needs for seasonal systems:** Depending on the type of bike share system, there may be a significant amount of equipment that requires storage through the off-months. This may include: stations, docks, and bicycles. The operator and/or City will need to find a secure storage location for this equipment that may need to be larger than warehouses or storage facilities that are used during the system's operating period.
- **Plowed network of cycling facilities:** In addition to education, a safe network of plowed and salted cycling facilities may assist in maintaining ridership. This may involve coordination with the public agency in charge of snow plowing to ensure that well-used bicycling routes near to stations are maintained clear of snow.

Lime bikes are equipped with bar mitts in Calgary, Canada. Photo by Tom Babin.

ADVANCING EQUITY THROUGH BIKE/ SCOOTER SHARE

OVERVIEW

It is critical to build shared mobility systems that equitably serves all users of the transportation system. This section looks at research on equity in shared mobility systems. Most of the research to date focuses specifically on bike share systems. However, the barriers to equitable scooter share are similar, and most of the lessons learned from this research should apply to scooter share as well.

Traditionally, the community members most susceptible to experiencing the negative impacts of limited mobility options have been children, senior citizens, people of color, people with limited access to a car, people with limited formal education, lower-income households, or people with limited proficiency with speaking English. Access to transportation can help or hinder a person's ability to get to work, attend school, buy healthy food, visit a doctor, and socialize or otherwise contribute to their community.

Many studies have documented the rapid increase in bike share systems and the fact that certain groups are underrepresented among bike share users, including: people of color, people with lower incomes, women, seniors, and people with less education.[5] [6]

Lack of bike share systems and stations in neighborhoods where higher percentages of people in these groups live and work is one contributing factor.[7] Cost, lack of payment options, lack of credit, language differences and lack of familiarity with bike sharing are other potential barriers.[8] [9] Even with the ability to pay, some people may not want to use bike share for fear of unforeseen charges or bike damage. Additionally, both traffic safety and personal safety fears are preventing people of color and those with lower incomes from trying bike share.[10] Traffic safety concerns, resulting from poor infrastructure or proximity to vehicles, is the biggest barrier across all racial and income categories. People of color have more personal safety concerns, resulting from violence, crime, or being targeted by the police than white bike share users.

It is important for new bike and scooter share services to address these barriers in order to create a successful, sustainable system. Developing specific bike and scooter share equity programs can help these historically marginalized communities gain greater access to public transportation networks and can help foster new opportunities for economic and social inclusion.

Roughly 75 percent of bike share systems larger than 150 bikes have specific equity programs.[11] The following research summarizes best practices in bike share

[5] Buck, D., R. Buehler, P. Happ, B. Rawls, P. Chung, and N. Borecki. (2013). "Are Bikeshare Users Different from Regular Cyclists? A First Look at ShortTerm Users, Annual Members, and Area Cyclists in the Washington, D.C.,Region." Transportation Research Record. No. 2387, pp 112-119.

[6] Shaheen, S., Martin, E., Chan, N.D., Cohen, A.P., and Pogodzinki, M. (2014). "Public Bikesharing in North America During a Period of Rapid Expansion: Understanding Business Models, Industry Trends and User Impacts." MTI Report 12-29. Mineta Transportation Institute.

[7] Ursaki, J. and L. Aultman-Hall. (2016). "Quantifying the Equity of Bikeshare Access in U.S. Cities." Transportation Research Board Annual Meeting, 2016. Paper # 16- 0426

[8] Hoe, N. (2015). "Bike Sharing in Low-Income Communities: Perceptions and Knowledge." April-October 2015. Temple University Institute for Survey Research Report.

[9] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

[10] Schneider, B. (2017). "What Keeps Bike Share White," Citylab. Citylab.org.

[11] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

equity programs, examples from other cities, and lessons learned from the growing body of bike share equity literature. Overall, station location, comprehensive outreach and affordability are pillars of an equitable bike share program. Additionally, bike share program managers have identified the importance of launching a program with equity and inclusion in place from the start, rather than retrofitting equity-focused outreach or expansions to historically-marginalized communities after a program is already established in a high-demand area.

DEFINING EQUITY

Defining equity in bike share systems is complex and is often contextual to the region it serves. However, defining equity is an important first step in order to successfully introduce bike share to a city, as this vision will inform the bike share's practices and operations. There are as many lenses to view equity as there are barriers to access the system. Some bike share systems define equity in terms of the ability for specific populations of people to access the system; others define equity in terms geographic accessibility. Many use both, as the more ways in which an equity program addresses the barriers for its usage, the more robust and successful it will be. Recently, researchers at Portland State University surveyed 38 bike shares operating in the United States and asked how they approached equity in their systems, shown in the table below.

EQUITABLE BIKE SHARE SYSTEM DESIGN FEATURES

Station Locations and Service Area: Bike share station locations and service area are critical components of an equitable bike share system. While bike share systems typically launch in high demand (and presumed higher revenue) areas, such as downtowns and near tourist destinations, it is important to consider geographic and social equity when deciding where to locate a system. The extent of the service area should be determined with community stakeholders to make sure that the balance between station coverage and station density aligns with community goals. Station sites should consider areas that are currently underserved by public transit, near destinations such as libraries, grocery stores and community or cultural centers. The National Association of City Transportation Officials (NACTO) guidelines recommend that bike share stations be no more than 0.4 miles apart to have truly comprehensive, equitable networks well-integrated with common destinations and existing transit.[12] Research from Portland State University finds that usership drops dramatically if a station is more than a quarter mile walk.[13]

There are strategies to ensure that system coverage and density are met. For example, in Pittsburgh, PA the Healthy Ride bike share system opted to double their number of stations and expand service to serve more neighborhoods by reducing the size of underused stations from 19 docking points to 6-8 docking points per station.[14] One of the results of this innovation has been increased ridership in newly-served communities, particularly for short, everyday bike trips. In Detroit, MoGo bike share is expanding to suburban communities through the creation of satellite bike share hubs for outlying pockets of residents.[15] The purpose of this style of expansion is to cover Detroit border communities who live near

[12] National Association of City Transportation Officials, (2016). "Bike Share Station Siting Guide." Nacto.org.

[13] McNeil, Nathan, Jennifer Dill, John MacArthur, Joseph Broach. Breaking Barriers to Bike Share: Insights from Bike Share Users. NITC-RR-884c. Portland, OR: Transportation Research and Education Center (TREC), 2017

[14] Cox, S. "Pittsburgh Adds Bike Share Density with Small Station Model," Better Bike Share Partnership. Betterbikeshare.org.

[15] Cos, S. "Detroit Provides Adaptive Bikes, Will Expand System," Better Bike Share Partnership. Betterbikeshare.org.

other jurisdictions and may be trying to navigate between multiple transit systems that do not coordinate routes, timetables, or fares. Bike share would provide flexible, predictable service to connect people to different jurisdictions' transit systems. As of December 2018, MoGo is conducting outreach with stakeholders in target areas to build community ownership and drive the process forward. Ultimately, it is important for every bike share provider to determine the extent of the service area with community stakeholders and effectively communicate that extent to its members.

Rebalancing: Bike sharing is a transportation system that is dynamic and fluid. It is important for every bike share provider to ensure the appropriate redistribution of bicycles to its full service area such that no location is over or undersupplied. Without rebalancing efforts, the system may drift away from its original service area and be rendered ineffective or exclusionary to certain communities. Bike share providers can incentivize rebalancing through fee and payment structures, or prioritize certain locations over others to ensure that the system is equitable for all people. For example, the Bike Angels program offered by Citibike in New York City rewards users who take bikes from crowded stations to empty ones. Points earned through this system can be used to redeem free rides, membership deals, gift cards, and merchandise.[16] Cities can also build requirements into bike share permits and contracts specifying the percentage of a fleet that must be rebalanced to low income communities of concern each day.

Income-based discounts: The vast majority of bike share systems that pursue equity goals, regardless of size, have plans that address the financial barriers to users.[17] Income based-discount and cash payment options are key strategies to include lower income bike share riders who may not have access to credit or may not be able to afford the transportation service at the standard fare.

Among cities with station-based bike share systems, 32% have an income-based discount program. This represents a 33% increase since 2016.[18] These programs often establish income thresholds or use affordable housing enrollment as qualifiers for discount enrollment. Boston offers an example of a discounted membership program. SNAP cardholders in the Boston metropolitan area can get a $5 monthly bike share pass through the SNAP Card to Ride program.[19] The full system membership cost is $99 per year. The SNAP Card to Ride program offers unlimited 60-minute rides, increased from 30-minute trips previously available. Cities of Boston, Brookline, Cambridge, and Somerville, along with Motivate, the Department of Transitional Assistance, and the public health department work together to verify SNAP program participation efficiently and conveniently in person or online, so that people are not deterred from signing up. Furthermore, the program has removed the financial hold that used to be placed on rider payment accounts, which had been a major deterrent for low income riders.

A survey of bike share users in Chicago, Philadelphia, and New York found that two-thirds of bike share users of color or lower incomes were "very likely" to renew their memberships, and rode just as frequently as higher income, white bike shares users. As described above, survey respondents cited

[16] Citibike, (2019). "Points and Rewards." Citibikenyc.com.

[17] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

[18] National Association of City Transportation Officials, (2017). "Bike Share in the U.S.: 2017," Nacto.org.

[19] Cox, S. "Boston Debuts Regional Discounted Bike Share Memberships," Better Bike Share Partnership. Betterbikeshare.org.

discount memberships as a main reason they joined bike share and reported that they were saving more on transportation overall by using bike share, an encouraging sign for retaining members, even if discounts end.[20]

Cash Payment: Over the past couple years, many bike share providers, both public and private, have implemented cash payment options where users can go to designated locations to add cash to their accounts.

[20] McNeil, Nathan, Jennifer Dill, John MacArthur, Joseph Broach. Breaking Barriers to Bike Share: Insights from Bike Share Users. NITC-RR-884c. Portland, OR: Transportation Research and Education Center (TREC), 2017.

Reload locations are often social service providers, bike share offices, and local grocery/convenience stores. Limebike, Capital Bike Share, Portland Biketown, New Orleans Bike Share, and many more offer a cash payment option. MoGo in Detroit offers a similar program called the AccessPass. Six months after implementation, AccessPass sales made up 18% of all long-term pass sales. MoGo also offers a well-used cash-payment membership option which is well used by AccessPass holders, that contributes to fast, flexible, and convenient access to transportation for hundreds of residents.

Table 3-7.

EQUITY APPROACH	% SURVEY RESPONDENTS	EXAMPLES
Specific Populations	71%	Low-income/LMI; Racial/Ethnic Groups; Gender; Those in most need; Historically underrepresented and underserved; Local residents; Nation of origin; Transportation option to diverse range of people; Reflect municipality's overall demographic makeup; For all people
Equity Goals	45%	Fosters economic equity; Job creation; Empower; Extension of public transit; Improve public health; Support daily lives; Community asset-exercise, recreation, and alternative transportation; Ensure outcomes and opportunities for all.
Affordable and Accessible	39%	Offering affordable pricing and access; Ensure access for low-income, bike station locations, cash, text-based access; Geographic access, economic access, demographic access, Access locations; Affordability; Anyone who identifies as requiring subsidized access.
Geographic Areas	29%	Neighborhoods; Areas in most need; Growth focused on expanded geographic coverage; Identifying disparities and targeting areas for action, intervention, investment; connect lower-income neighborhoods; Expanding systems coverage to underserved communities; station placement.
Addressing Barriers	26%	Bank-less; credit cards; Economic barriers; Physical; Technological; Language; Cultural relevance; Engages and serves minority and low-income; Community driven; Use investments to reduce racial disparity in access to mobility services, reduce non-financial barriers.
For All Abilities	21%	Accessible bicycles for disabled communities; People of all abilities; Elderly.
Operations	11%	Dependable, convenient, predictable; Services and operate in a manner that is just and free from bias or prejudice; Fair and just operations; Inclusive work environment, diverse staff; Training and hiring staff from underrepresented communities.

Source: National Scan of Bike Share Equity Programs, 2019.

Alternative Payment Structures: Beyond income-based discounts and cash payment options, bike share systems should consider other alternative payment structures in order to reduce the financial barriers to entry. For example, rather than offering either a year-long pass or weekly passes, bike share providers could consider offering monthly passes which cater to regular users who can't afford the high total cost of a year-long pass or the high per-trip cost of a weekly pass. Additionally, providing longer rental times can alleviate fears of overage charges. In Pittsburgh, Healthy Ride utilizes a pricing policy that aligns with the cost of public transit, charging a flat rate for 30 minutes with no annual membership or registration costs.[21]

Bike share systems are typically reliant on smartphone access and require a financial account to be linked for use, thus making access challenging or limited for the unbanked or those without a smart phone. Statewide, 4.3 percent of Montana households are considered unbanked, meaning they do not have access to a banking or credit union account. In the Billings Metropolitan Statistical Area, this rises to 5.9 percent of the population (FDIC National Survey of Unbanked and Underbanked Households, 2013- 2017 estimates). American Community Survey data available at the citywide scale estimates that in 2018, 79.8 percent of households in Billings have a smart phone and 9.9 percent of households to not have access to any type of computing device. If this is identified as a barrier to bike share use, considerations for access that do not rely on a smart phone, or programs that provide pre-paid cards or fares to check out a bike, should be considered.

[21] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

Reduce Liability and Eliminate Hidden Fees: Some bike share systems require a deposit or have steep fees for lost or stolen bikes. Eliminating these fees across the board or just for lower income users can make people feel more comfortable using the system. For example, Divvy in Chicago set up a loss liability fund to protect people from these high charges.[22]

Partnerships with Nonprofits and Social Services: Before a bike share system is implemented, it is important to build community "buy-in" to attract users to a system and build trust in the program. Thoughtful community engagement is essential. Portland State University research found that lack of knowledge about the bike share system is a significant barrier for lower income people of color. Thirty-four percent of low-income respondents of color said that not knowing enough about bike share was a barrier, compared to 19% of higher income respondents of color or 7% of higher income white respondents.[23] The same study found that more personal sources of information, such as talking to a bike share outreach staff person, volunteer, or community center staff were more effective than more passive sources of information at inspiring community members to try bike share.

[22] Ibid.

[23] McNeil, Nathan, Jennifer Dill, John MacArthur, Joseph Broach, Steven Howland. Breaking Barriers to Bike Share: Insights from Residents of Traditionally Underserved Neighborhoods. NITC-RR-884b. Portland, OR: Transportation Research and Education Center (TREC), 2017.

Community engagement should be designed with a feedback loop, so that there are clear ways to incorporate recommendations from the community into the bike share system design and programming. For example, community input can:

- Influence the specific location of a station,
- Help identify nonprofit partners to support program outreach,
- Change crime prevention strategies, and/or
- Guide new investments in bike infrastructure.

NACTO and the Better Bike Share Partnership released a community outreach guide, "Strategies for Engaging Community: Developing Better Relationships through Bike Share" that offers guidance on how cities, advocates, and bike share practitioners can develop programming to address community-oriented mobility goals:

- Increase access to mobility,
- Get more people biking, and
- Increase awareness and support for bike share.[24]

Bike share providers may collaborate and form partnerships with local nonprofits and social service providers who already work directly with historically-marginalized communities. Over 75% of bike share systems report having at least one community partner, and over half report having two.[25] Local nonprofits and social service providers have deep knowledge about community needs and communication channels for additional outreach. Community partners share the trust and history of the people bike share providers need to engage. Bike share providers should look for ways to add capacity and support local groups, such as paying advocates for their time, creating local jobs, and being responsive to community feedback. By tapping local resources, bike share providers can more effectively mitigate the lack of knowledge among community members for how to use the system or how to sign up. Key strategies that bike share systems around the country employ in partnership with nonprofits and social services include: facilitating enrollment, education and skills classes, prescribe-a-bike public health programs, organized rides, and ambassador programs.[26]

For example, Indego bike share system in Philadelphia operates a community ambassador program that pays representatives of local non-profits to serve as links between the Indego Bike Share program and their communities.[27] Indego Ambassadors promote bike share, plan events such as community rides or classes, and serve as a resource for bike share issues or questions from their community. Ambassadors focus on building bike share that is inclusive for the whole community and addressing barriers for specific groups. The bike share ambassador for the Bicycle Coalition of Greater Philadelphia focuses on the Latino community and youth by holding targeted events and creating materials in Spanish.[28]

[24] "Strategies for Engaging Community." NACTO, Better Bike Share. 2018. Betterbikeshare.org.
[25] Ibid.
[26] Ibid.
[27] Indego, (2018). "Meet the Indego 2018 Community Ambassadors," Rideindego.com.
[28] Cox, S. "Philadelphia's Bicycle Coalition is Committed to Bilingual and Youth Outreach," Better Bike Partnership. Betterbikeshare.org.

The ambassador program is one component of the Better Bike Share Partnership, a collaboration between the City of Philadelphia, Bicycle Coalition of Greater Philadelphia, and the National Association of City Transportation Officials (NACTO), funded by the JPB Foundation.[29] The collaboration aims to build equitable and replicable bike share systems—in Philadelphia and offer guidance globally.

Adaptive Bike Options: In the past several years, many bike share systems have begun to offer adaptive bikes for people with limited mobility to expand the benefits of bike share beyond the typical able-bodied user and respond to critiques from disability rights advocates. Just this year, the Ford GoBike Share in Oakland, CA piloted five different types of adaptive bicycles: upright handcycles, recumbent handcycles, recumbent leg trikes, recumbent trike tandems, and side-by-side tandems.[30] The mobility, recreation, and inclusion benefits are abundant, but challenges remain. Adaptive bike share bikes require specialized maintenance, are not always intuitive to use, and create logistical challenges for commuting. Pilot projects in several cities in 2017-2018 sought to address these challenges. In the summer 2017, the City of Portland, OR ran a pilot program called Adaptive Biketown, renting out tricycles, hand cycles, and side-by-side tandem bikes.[31]The Adaptive Biketown pilot ran for 14 weeks and matched the low-cost pricing structure of the city's traditional bike share program. The City partnered with a local non-profit to run the Adaptive bike share program out of their office, conveniently located on a main off-street bike path. After a successful pilot launch, the City is working to increase ridership and make the program more like traditional bike share, with additional rental locations and a streamlined rental process.

ACS data indicates that 9.5 percent of Billings residents are living with a disability. Thus, requiring a portion of bike share bicycles to accommodate persons with disabilities or adding a supplementary bike share option may be an important consideration for equity.

Electric Assist Bikes: An emerging trend in bike share systems has been the introduction of electric assist bicycles to support a larger service area and provide better bike share access for riders with mobility and fitness challenges. Current electric assist models used by bike share providers require the rider to pedal the bicycle in order to get an "assist" from the electric motor. The handful of systems that employ e-bike share currently cap the top speed at 15 mph at which time the regulator cuts off any additional power. E-assist bicycles make it easier for those not physically able to pedal a standard bike, helps users overcome steep terrain, and extend the trip distances made with bicycles. This has the effect of expanding the bike share system range, as well as the first and last mile usage to 1.5-2-mile trips when connecting to transit and other destinations.

Targeted Marketing: Targeted marketing is any content that increases awareness of the bike share among demographics and populations that may benefit from additional outreach. This is a key way providers pursue equity goals. Targeted marketing should reflect the diversity of the area the system serves. It should reinforce the idea that the system is for people who live in Billings, and not just visitors looking for recreational amenities.[32] Successful content is created for

[29] Cox, S, editor. "About Us," Better Bike Share Partnership. Betterbikeshare.org

[30] Baldassari, E. (2019). "The shared bike and scooter industry often leaves out people with disabilities – but Oakland is changing that," The Mercury News. Mercurynews.com.

[31] Cohen, J. (2018). "Portland Says Adaptive Bike-Share Pilot Was a Win," Next City. Nextcity.org.

[32] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share."

(and often with the help of) specific groups and communities the bike share hopes to engage. These strategies could include: ambassador photo shoots, press releases, social media, billboards, bus-stop displays, bike station panels, flyers, emails, custom painted or sponsored bikes by community partners. Regardless of marketing strategy, it is recommended that the content is produced in the languages and located in the places that the target population occupies.

A recent study on bike share barriers conducted by Portland State University (PSU) found that people of color and people with lower incomes are more likely to find out about bike share from targeted marketing and outreach than through their networks, highlighting the success and necessity of targeted marketing as part of an equity program. The study featured a robust survey of bike share uses from Chicago, New York, and Philadelphia. Specifically, the study found that typical sources for information about bike share were: talking to someone at an event, information at work or school, or from a newspaper or online source. A large majority of survey respondents said that their eligibility for a discounted membership was very important to their decision to get a bike share membership, compared to other users who primarily joined because of the convenience of using bike share.[33]

Once enrolling in a bike share program, people of color and lower income bike share users ride with similar frequency to white and higher income users. Both groups generally rode more than 11 trips a month, and a third rode more than 20 trips. People of color and those with lower incomes were more likely to ride for fun or for exercise than white, higher income users. Though not a large share of overall trips, bike share users of color and/or lower income were more likely to use bike share for school, daycare or religious-related trips, as well as for trips related to looking for work or job/skill training.[34]

Hiring Policies: Nearly 1 in 3 midsized bike share systems (350-750 bikes) have equity programs with a primary focus on internal operations.[35] Equity in internal operations means hiring policies that provide job opportunities for underserved residents. By training employees from disadvantaged communities, the bike share will ultimately be more responsive to servicing the needs of all its residents.[36] By integrating communities directly into the planning, implementation, and continuation of a bike share system, providers can ensure a greater degree of success of the bike share in those same communities.

Transit Integration: Among bike shares who have equity programs, half of all medium sized systems (350-750 bikes) report efforts to integrate transit with their bike share.[37]Integrating bike share programs with public transit can be an important step for expanding the geographic range and ease of mobility for low income and transit reliant travelers. Generally, these efforts manifest themselves in three areas: access, pricing and payment methods. While researchers report that linking bike share and public transportation systems is a relatively new practice, integrated transit systems and bike share systems can be mutually reinforcing in their goals to increase connectivity, awareness, and user support.

Transportation Research and Education Center (TREC) pp 1-138.

[33] McNeil, Nathan, Jennifer Dill, John MacArthur, Joseph Broach. Breaking Barriers to Bike Share: Insights from Bike Share Users. NITC-RR-884c. Portland, OR: Transportation Research and Education Center (TREC), 2017.

[34] Ibid.

[35] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

[36] Ibid.

[37] Ibid.

To ensure that a bike share is accessible from public transit, station planners should consider siting stations near or at existing bus stops or transit centers. Researchers at Portland State University note that 80% of Bublr bike share stations overlap with existing bus routes in Milwaukee, WI.[38] Larger scale integration efforts may include changing transit networks to better mesh with the local bicycle infrastructure network, in order to facilitate first and last mile trips. In Pittsburgh, PA, the Port Authority of Allegheny County allows riders a free bike trip (up to 15 minutes) if they are taking a trip to a public transportation stop.[39] Bike shares can become first and last mile solutions if those trips are made easily accessible to and from the existing transit network.

Pricing: Pricing models may change depending on what equity targets the bike share provider focuses on. However, when integrating with a transit system, some providers create a payment system that mirrors current transit fares such that the payment is an easily understood extension of the current pricing model, as in the case of Metro in Los Angeles.[40]

Payment Methods: Integrating payment methods will depend on the technology being used by the existing transit system. Some systems utilize a single card. Others add a special RFID bike share sticker to existing transit cards that sends a different frequency signal to unlock bikes, as in the case of Milwaukee County Transit System and Bublr Bikes.[41] Alternatively, Fargo's Great Rides bike share allows North Dakota State University student access to both public transportation and bike share systems with their student ID, paid for by student fees.[42] Researchers note that an integrated fare pass requires a debit or credit card on file, especially for pricing models that have a pay-as-you-go option.

Additional strategies to integrate transit systems and bike shares can be learned from the Milwaukee County Transit System's partnership with Bublr Bikes. These include having buses announce when stops are connected to bike share stations, displaying stops with bike stations via a MCTS transit app, co-branding bikes, and exploring joint station maintenance.[43]

[38] Cox, S. Editor. "Pittsburgh and Milwaukee Explain How They Linked Bike Share to Transit." Better Bike Share Partnership. Betterbikeshare.org.
[39] Ibid.
[40] Corbin, A. Editor. "Bike Share or Bus? In Los Angeles, the Price Will be the Same. Better Bike Share Partnership. Betterbikeshare.org.
[41] Davies, J. "MTCS + BUBLR = BUSLR." Bublr Bikes. Bublrbikes.org.
[42] Corbin, A. Editor. "Why the Country's Best Bike Share Might be in Fargo." Better Bike Share Partnership. Betterbikeshare.org.
[43] MacArthur, J., McNeil, N, Broach, J., Cumings, A., Stark, R., Sanders, R., and Witte, A. (2019). "National Scan of Bike Share Equity Programs: Approaches and Best Practices for Promoting Equity in Bike Share." Transportation Research and Education Center (TREC) pp 1-138.

Metrics for Equity Evaluation: Using data to inform bike share operations is essential to achieving equity outcomes. Tracking key metrics help bike share providers understand how, where and when the system is being used, and by whom. The insights gained by monitoring specific data metrics inform how best the system can improve, and can help attract additional funding from local officials, grants, and community sponsors. Below is a table written by researchers at Portland State University (MacArthur et.al, 2019) that lists example metrics for particular equity practices implemented by bike shares around the country, with each practice rated for how effective it was at achieving their equity goals, as reported by the bike shares surveyed.

Table 3-8.

EQUITY PRACTICE	EFFICACY RATING	EXAMPLE METRICS
Electric Bicycles	4	# rentals; trip distance, trip duration; bicycle selection when electric and non-electric options are available; monthly use reports; community surveys
Hiring Practices	4	# of positions held or hours worked by employees in defined categories of a diversity policy and a practice to hire from a diverse pool of candidates
Employee Training	3.75	% of employees trained on serving equity programs/clients; employee feedback
Income-Based Discount	3.73	# of sign-ups for discount program membership, % who renew; # of sign-ups; # of sign-ups by location; # of sign-ups by referral method; # of sign-ups by eligibility type; % of discount program members who opt for various program options; % of all members who are discount members; survey data from discount members
Adaptive Bicycles	3.6	# rentals; # users; surveys with riders after rental period is over; data collected via annual user survey; collect usage info on each bicycle; rentals by bicycle type
Cash Payment	3.6	# of sign-ups using cash; home location of cash payers; # of rides by cash payers; location of rides by cash payers; # of cash pay enrollees to credit/debit enrollees; # of cash payments; ride characteristics for cash payers; % of cash payers switching to credit payment over time
Education Programs	3.5	# of attendees; demographics of attendees; # of completed sign-ups; #riders, % of enrollees with rides; # of classes; instruction time; attendee feedback; comfort with process, system, class; % of enrollees who follow program rules
Prescribe-a-Bike	3.5	Community surveys and partnerships with other researchers; # vouchers handed out and redeemed; # rides; ride time
Ambassadors	3.5	# of ambassadors recruited, trained; # of workshops/classes; feedback from surveys; # of events attended; # rides completed; # people reached/ enrolled per ambassador; # promo codes distributed and redeemed; growth in ridership/ change in ridership patterns in ambassador focus neighborhoods; exit interviews for ambassadors
Facilitated Enrollment	3.41	# of people attending workshops; how they heard about program; # of people helped through enrollment process; # sign-ups; # of organizations, agencies helping with enrollment; # of events; # of interactions; membership tracking
Fee Reductions	3.33	% for whom fees, fear of fees etc. were barrier; feedback on motivations for signing up for program

Alternative Payment Structures	3.33	# of sign-ups and @ of trips taken by payment level; # of users receiving credits; # of users with a positive credit balancing bike share account of % having enough credit to cover membership costs; sign-ups by payment type; % of revenue from residents compared to visitors
Bike and Station Location	3.25	Ranking stations based on trips to and from each station location; conduct community engagement about where to locate stations (surveys, meetings, focus groups, conversations, station location postcards/forms); collect demographic data at sign-up to see what percentage of users are located in target areas; # of (discount) memberships from area near stations; # of sign-ups from affordable housing residents near station; # trip starts/ends per station; # of trips from neighborhood equity stations; # of bikes in target areas; trip patterns; types of trips by station; % of ridership by race, age, and gender by station; # of stations located in communities of concern
Organized Rides	3.2	# of rides; # of attendees; # sign-ups after rides; attendee and enrollee demographics; feedback from participants and reports from ride organizers
Service Area Boundaries	3	Demographic analysis of residents living within walking distance of station location (actual or proposed); following ridership in focus neighborhoods; % homes within a 10 min walk of bike share; % of neighborhoods with bike share access; % of employees/ jobs within 10 min walk of bike share; trips, bicycle availability, in target areas; resident feedback
Rebalancing Efforts	3	Use API data to track and make decisions about balancing efforts; access a data portal to find locations and usage records of each vehicle, which guides the rebalancing process; # bikes in target underserved neighborhoods; # of bikes near transit stations; # empty or full stations; average number of bikes at a station; usage by bike availability; % of service area within access to a bike within 5-10 min walking
Non-English Offerings	3	# of signups at workshop; # of enrollees by language
Transit Integration	3	% of rides taken through joint pass; start/stop of rides; trips by station adjacent to transit; surveys sent to people who use transit integration programs; use of bike share for first or last mile trips
Marketing Campaigns	2.9	Analytics on social media campaigns; track promo codes, college/vocational discounts; survey users: track event attendance; promo redemption; focus group feedback

*summary of strategies implemented by any of the 70 systems that responded to researchers' survey
**average reported rating from surveyed bike shares. 1 = not effective 2 = minimally effective 3 = somewhat effective 4 = very effective

Source: National Scan of Bike Share Equity Programs, 2019.

Key Resources: While the breadth and depth of equity programs often depend on funding, bike shares of all sizes can benefit from practices that ensure all people have access and the ability to use it. Researchers at Portland State University point out that the effectiveness of an equity program tends to increase when a holistic, broad range of approaches are used.[40] To that end, bike share equity programming is continuously evolving and improving. Below are some fundamental resources recommended for further reading.

Better Bike Share Partnership (BBSP)

National Scan of Bike Share Equity Programs

Breaking Barriers to Bike Share: Insights on Equity from a Survey of Bike Share System Owners and Operators

Breaking Barriers to Bike Share: Insights on Equity (video)

RELEVANT BIKE SHARE AND SCOOTER SHARE INDUSTRY TRENDS

The bike and scooter share industry is rapidly changing. The following three trends are important to consider for bike and scooter share in Billings.

ELECTRIFICATION

Electric-assist bikes (e-bikes) are becoming increasingly popular, and most new bike share systems include at least some e-bikes. Across the country, the vehicles that have the highest utilization (measured by rides/vehicle/day) are e-bikes. E-bikes can be used with both docked and hybrid systems.

Cities that added e-bikes to their station-based fleets report that, on average, e-bikes are used twice as frequently as pedal bikes. For example, in New York City, e-bikes are used up to 15 times a day during high ridership months (compared to around 5 times a day for pedal bikes). Bike share systems around the country are rapidly adding e-bikes to their fleets.[44]

E-SCOOTER SHARE

E-scooter share use continues to rise. After scooters debuted on North American streets in 2018, the number of shared e-scooter trips rose rapidly with 88 million trips taken in 2019. In cities under 200,000 people there were 34 scooter share systems with an average of 130 scooters.[45]

[44] Citi Bike in New York City. Shared Micromobility in the U.S.: 2018. NACTO. https://nacto.org/shared-micromobility-2018/

[45] Shared Micromobility: State of the Industry Report 2019. NABSA. https://nabsa.net/about/industry/

CHANGING OPTIONS FOR SMALL AND MIDSIZE CITIES

While 9 million trips were taken on dockless bike share in 2017, this number decreased by 2019 due to the disappearance of most dockless shared bikes across the U.S[46]. Driven by the need to show profitability, the private companies offering dockless bike share left smaller cities and focused their efforts in major urban centers. Even though private dockless companies may have shown interest in Billings in the past, it is highly unlikely to expect a private dockless company to launch in Billings in the near future.

However, dockless scooters may still enter small and midsize cities. For example, HOWL has enjoyed successful deployment in the Redding, CA market. Dockless scooters may also be launched as part of a "mixed fleet" alongside docked or hybrid bike share.

BIKE AND SCOOTER SHARE IS INCREASINGLY LINKED TO TRANSIT

Nationwide, 72 percent of docked bike share stations are within one block of a scheduled public transportation mode.[47] Connections to transit are increasingly important for successful bike share systems. People are using bike share to connect to transit across vastly different system types and contexts. For example, over half of the users of the dockless Mountain View, CA system and the docked Los Angeles, CA reported using bike share to connect to transit.

Scooter share is also used to access transit. In a recent e-scooter survey from Portland, OR, nearly a third of respondents primarily use e-scooters to go to or from a transit stop.

[46] Shared Micromobility in the U.S.: 2018. NACTO. https://nacto.org/shared-micromobility-2018/

[47] U.S. Department of Transportation, Bureau of Transportation Statistics. Intermodal Passenger Connectivity Database, available at https://data-usdot.opendata.arcgis.com/ November 2019.

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IV. WHAT WE HEARD

OVERVIEW

For a bike and scooter share in Billings to be successful, it must be responsive to community needs. This chapter describes the study's public outreach process and key takeaways. Through a survey and interactive webmap, the project team asked community members to consider what a bike and scooter share system could look like in Billings.

From mid-September through late October, the project team heard feedback from community members via an online survey and interactive webmap. The Billings MPO advertised these platforms to the general public, local businesses, and university and college campuses.

SURVEY + PUBLIC INPUT WEB MAP

The project team developed an online interactive map and survey to collect information about the travel habits and desires of the Billings community as they relate to bike and scooter share. The online public input tool contained an origin and destination interactive map to help identify potential bike and scooter share station locations and service areas. The survey presented background information on the study and collected data on perceptions and preferences regarding bike and scooter share, as well as respondent travel behavior. Both tools were available in English and Spanish. Key public participation numbers include:

- 259 online survey respondents
- 62 comments on the online public input map

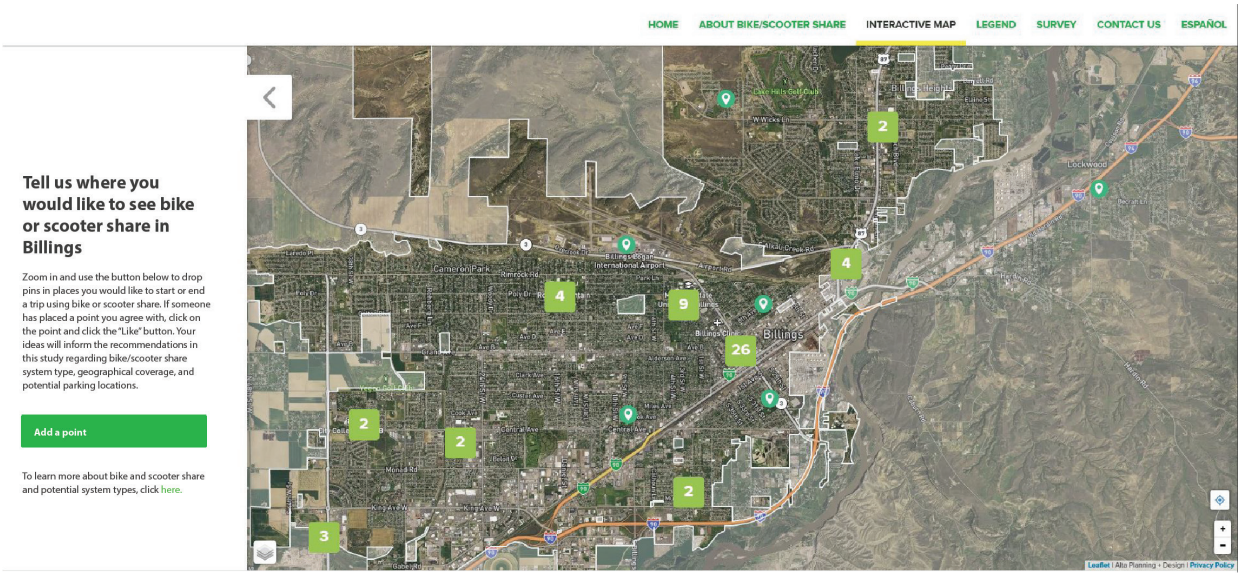


Figure 4-1 Screenshot of the online interactive map. Participants were able to place points to indicate locations they would like to access bike or scooter share

BILLINGS SNAPSHOT

WHO LIVES IN BILLINGS?

With a population of 109,544, Billings is the largest city in Montana. The population is 52 percent female, with 84 percent of the population identifying as white. The two largest non-white populations are Native and Hispanic, comprising five and seven percent of the population, respectively. The city's median age is just over 37, with 60 percent of the population between the ages of 18-64.

The city is also economically diverse with a median household income of $57,692. Forty-four percent of households make under $50,000, 35 percent between $50,000-100,000, 17 percent between $100,000 – 200,000 and four percent over $200,000.

The City's current mode breakdown for transportation to work is 81 percent drive alone, 10 percent carpool, one percent public transit, 1.1 percent bicycle, three percent walk, and one percent other; three percent of the population works from home (ACS 2018 1-year estimates).

WHO DID WE HEAR FROM?

Most respondents live and work in Billings (68 percent), while 41 percent live in Billings but work elsewhere and six percent work in Billings but live elsewhere. Other groups represented among survey respondents included business owners (10 percent) and students (three percent). **Figure 4-2** illustrates the race and ethnicity of survey respondents and **Figure 4-3** shows the reported income level of respondents.

When asked how they typically get to work or school, respondents indicated that "car or truck" is the most common means (73 percent). A substantial number of respondents also use a bicycle (19 percent) or walk (12 percent) to get to work or school. Nearly 23 percent of respondents reported that they work from home or do not go to work or school (e.g. retired, primary caregiver, etc.). (Note: this survey was conducted during the COVID-19 pandemic, resulting in increased numbers of respondents selecting that they work at home.)

Survey respondents between the ages of 25 and 46 made up the majority of respondents, followed closely by those between the ages of 46 and 64 years old. Fifteen percent of survey respondents reported that they were 65 or more years old and only three percent of survey respondents reported that they were under 24 years old.

Overall, survey participants generally reflect the demographics of the Billings community. However, people of color were underrepresented in the findings. Only six percent of survey respondents identified as Hispanic or Latino, Black, Asian/Pacific Islander, American Indian or Alaska Native, Middle Eastern, or another race. According to the 2018 American Community Survey, nearly 13 percent of the Billings community identify as one or more of these races or ethnicities. Additionally, people who walk or bike to work were overrepresented in the survey.

Figure 4-2.

What is your race or ethnicity? (N=240)

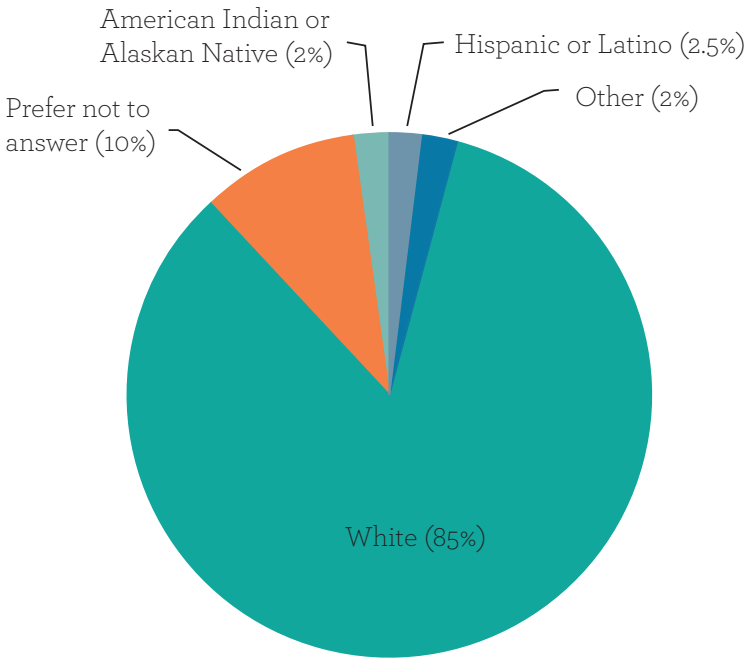
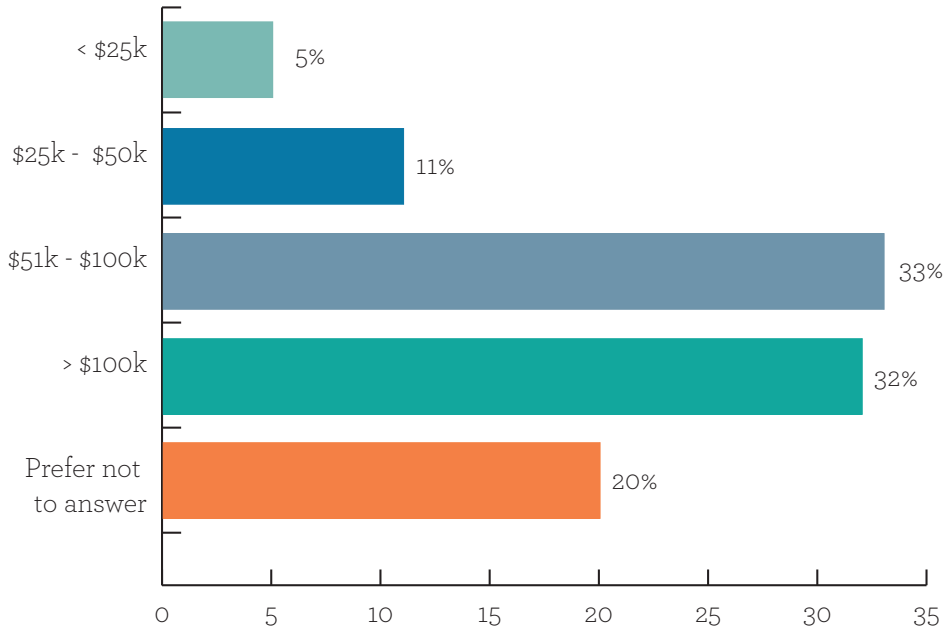


Figure 4-3.

What was your approximate household income last year? (N=243)



COMMUNITY PERSPECTIVES ON BIKE AND SCOOTER SHARE

KEY TAKEAWAYS

The following key takeaways reflect feedback from community members collected in the survey:

Mixed community support for bike and scooter share programs; more information requested. Fifty-three percent of survey respondents are interested in seeing bike and scooter share in Billings, 24 percent of respondents are not interested, and 14 percent need more information. For those who selected "Other," many respondents reported liking the idea of bike share, but not scooter share.

Most Billings community members have not used bike or scooter share. Sixty-four percent of survey respondents have not used bike share and 77 percent have not ridden scooter share. However, over one third of survey respondents had used bike share and 30 percent report that they bike at least a few times a year. As shown in **Figure 4-4**, survey respondents believe that bike and scooter share trips could replace car trips and benefit the environment.

Transit integration is not crucial for bike and scooter share in Billings. Sixty-three percent of survey respondents reported that access to bike or scooter share for first-mile travel would not increase transit trips. However, 43 percent of survey respondents say that bike or scooter share trips would replace car trips.

Top concerns related to bike and scooter share included safety, lack of bicycle infrastructure, and vandalism. Sixty-two percent of survey respondents reported that they had safety concerns about sharing the road and interacting with other vehicles, 51 percent reported having concerns regarding lack of designated bicycle infrastructure, and 40 percent reported concerns regarding bikes or scooters blocking the sidewalk or ending up in inappropriate places. Only 16 percent of survey respondents had no concerns about bike and scooter share in Billings, as shown in **Figure 4-5**.

Most Billings community members want to access downtown, parks, and restaurants/ coffee shops by bike or scooter share. Sixty-five percent of survey respondents reported that they would like to access Downtown with bike or scooter share, 48 percent reported that they would like to access parks, and 45 percent would like to visit restaurants or coffee shops. Twenty-seven percent of respondents reported that they didn't want to use bike or scooter share.

53%

OF RESPONDENTS WOULD BE INTERESTED IN SEEING BIKE/ SCOOTER SHARE IN BILLINGS

Figure 4-4.

Which of the following statements would support your interest in using a bike/scooter share system? (N=245)

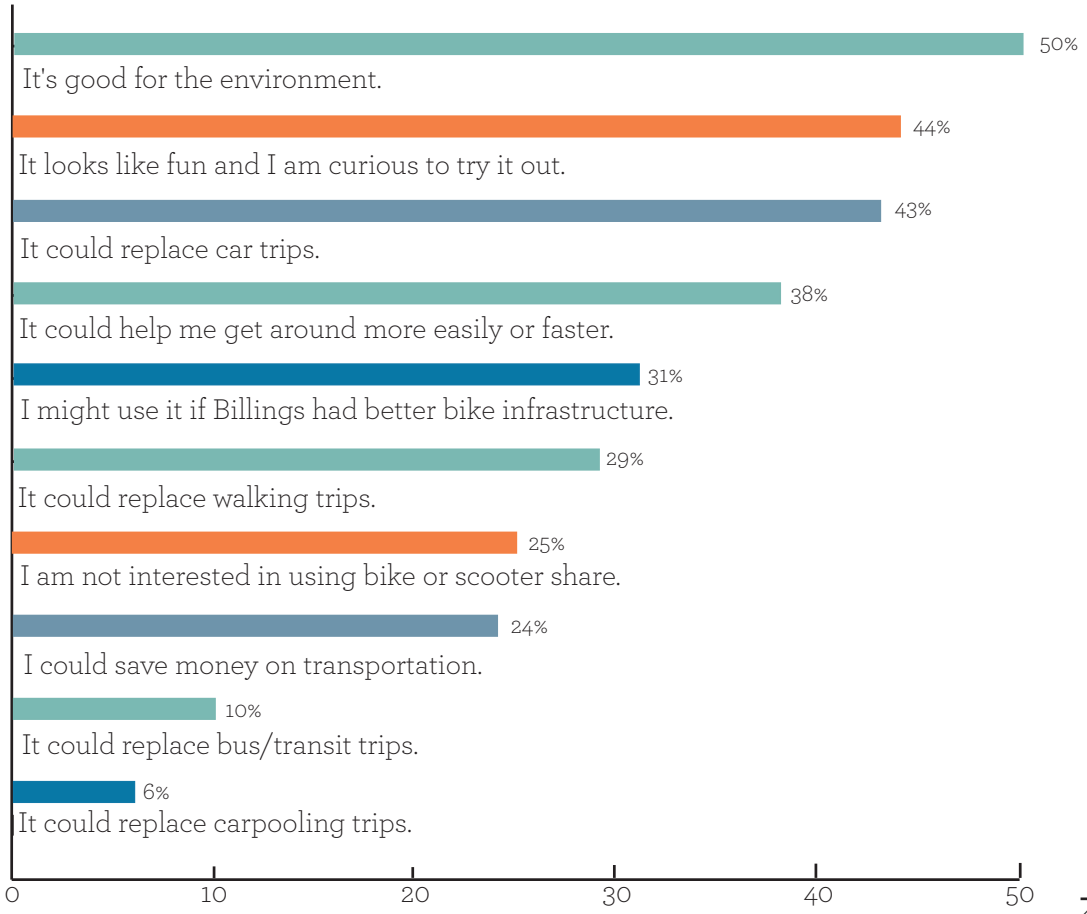
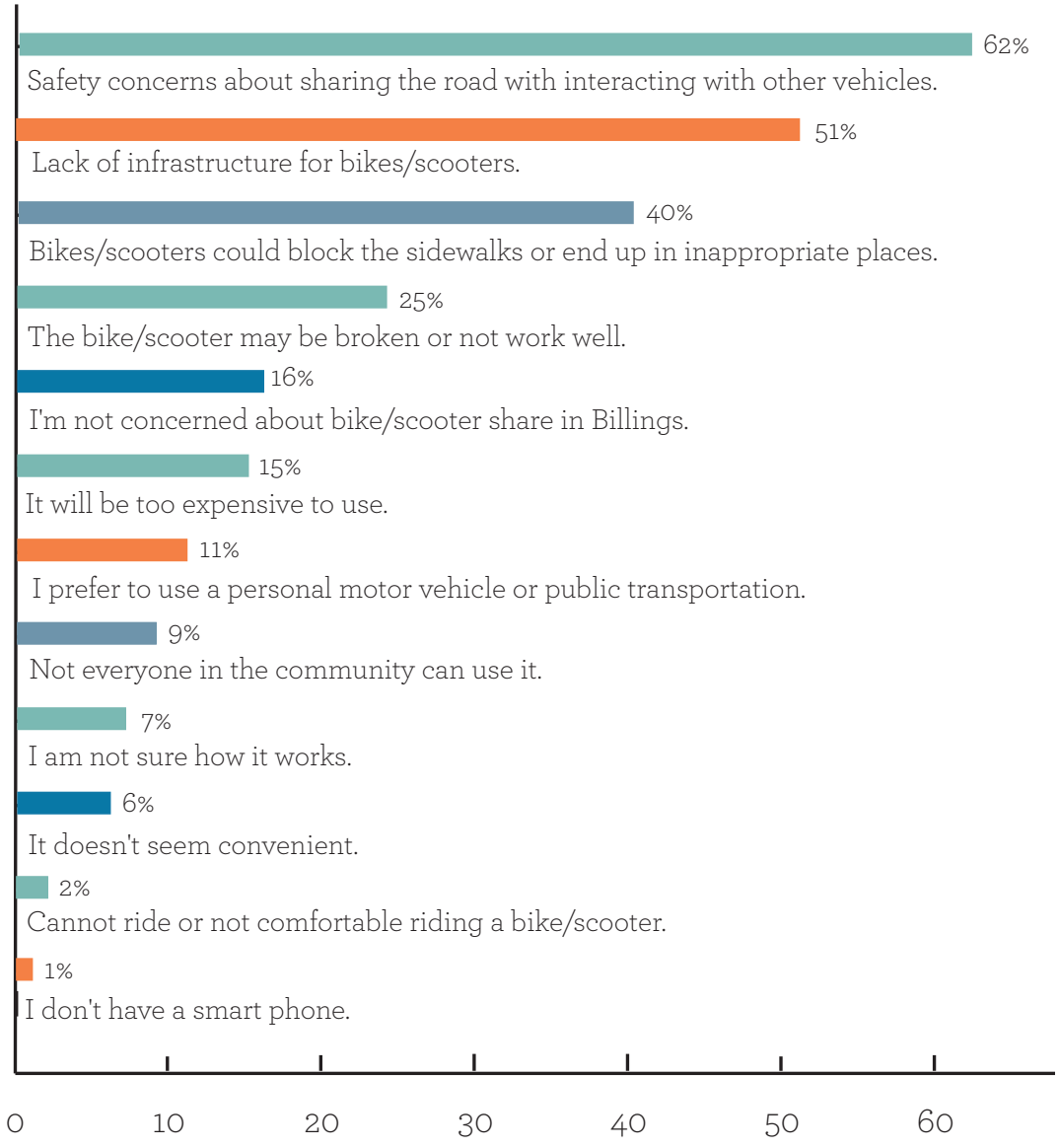


Figure 4-5.

What are your top three concerns related to bike and scooter share in Billings? (N=245)



As shown in Figure 4-4, personal safety, lack of safe infrastructure, and inappropriate bike/scooter parking are top concerns. Sixty-two percent of survey respondents are concerned about sharing the roadway with vehicles and 51 percent are concerned about lack of bike-specific infrastructure. Only 16 percent of survey respondents selected that they were not concerned about bike/scooter share in Billings.

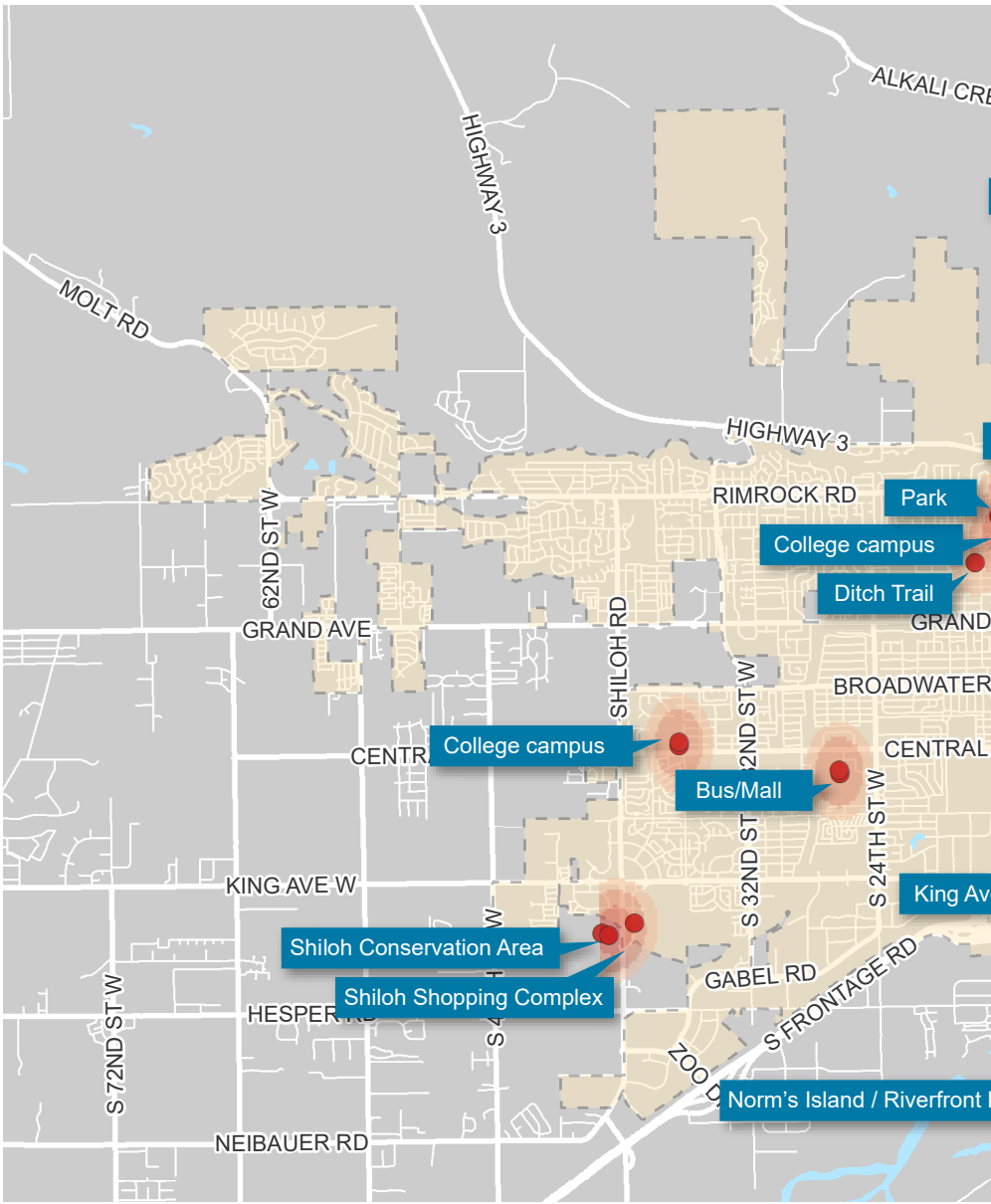
WHERE WOULD COMMUNITY MEMBERS LIKE TO SEE BIKES AND SCOOTERS?

Community members shared desired bike and scooter share locations via the online survey and online interactive public input map made available through websites and social media outlets managed by the City of Billings, the Billings-Yellowstone County MPO, and other local organizations. These public outreach tools enabled greater participation than is typically seen during in-person events and allowed residents to give input on their own time.

During the six-week window that the interactive map was publicly available, 62 suggestions were made by community members for locations where they would like to see future bike and scooter share. Common themes among these suggestions were downtown destinations, college campuses, parks, and trail systems. These suggestions are shown in **Figure 4-6** on the following page.

Key numbers from the online public input map include:

- 62 total suggestions
- 24 unique respondents
- 10 “votes” on suggestions, all of them likes



City of Billings

Public Input Suggestions

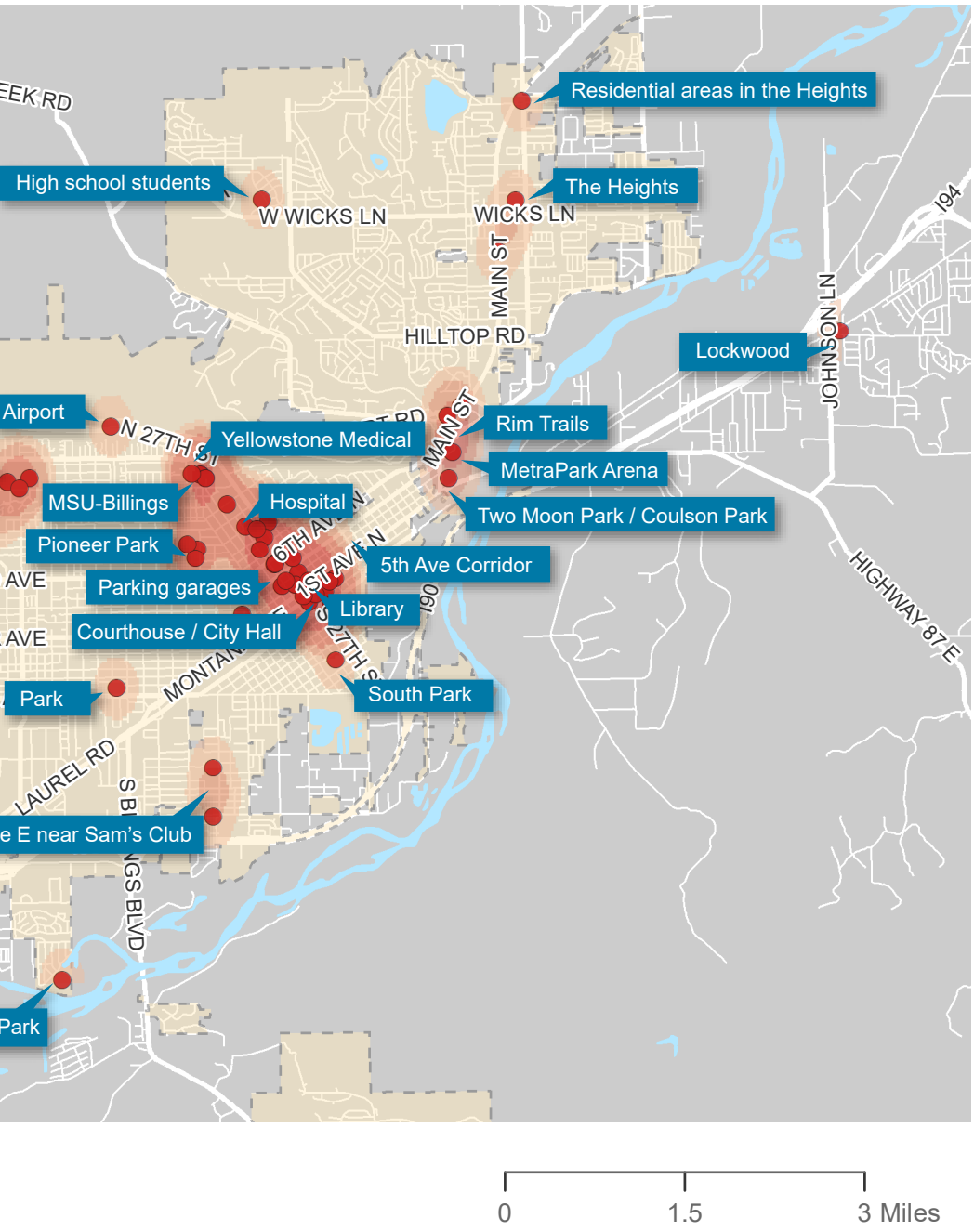
Density of Suggested Locations

Low

High

Suggested Locations

Source: US Ce
Billings-Yellows
Map Created J



ensus Bureau,
stone County MPO
uly 2020

Figure 4-6.

What locations would you like to visit with bike and scooter share? (N=62)

V. WHAT WE LEARNED ABOUT BILLINGS AND BIKE/SCOOTER SHARE

CITY OF BILLINGS CONTEXT

Billings is the county seat for Yellowstone County and Montana's largest city in terms of population, with around 135,000 residents in the Billings Urban Area as of 2017 and a projected population growth of over 30 percent by 2040.[1] The Yellowstone River separates the downtown, West End, and Southside parts of the city from the Heights to the north and Lockwood to the east. Sandstone cliffs, or rimrocks, frame the northern edge of the city. These geographical features influence development and transportation patterns in Billings. For example, the city has multiple east-west corridors that connect to the downtown area, but a significant pinch point exists near Metra Park Arena, where northern neighborhoods are primarily connected to downtown via Main St/SR 87. This creates a de facto barrier to active transportation access to the downtown area.

Downtown Billings is home to a growing medical corridor, which is one of Billings' primary industries and employment centers, the campus of Montana State University-Billings, and a number of other employment and activity hubs generating trips to and from the downtown area. The area is served by the City of Billings Metropolitan Transit System (MET), with 18 fixed bus routes and complementary paratransit service that run through two transfer centers at Stewart Park and Downtown. In addition to expanding transit offerings, Billings continues to grow its network of on- and off-street bikeways and trails with around 30 miles of existing on-street bikeways and more than 40 miles of paved, multi-use trails.

[1] Population statistics are cited from the 2018 Long Range Transportation Plan

DEMOGRAPHICS OF THE COMMUNITY

With a population of 109,544 Billings ranks as the largest city in Montana. The population is 52 percent female, 48 percent male, with 84 percent of the population identifying as white. The two largest non-white populations are Native and Hispanic, comprising 5 and 7 percent of the population respectively. The city's median age is just over 37 with 60 percent of the population between the ages of 18-64.

The city is also economically diverse with a median household income of $57,692. Forty-four percent of households make under $50,000, 35 percent between $50,000-100,000, 17 percent between $100,000 – 200,000 and 4 percent over $200,000.

The City's current mode breakdown for transportation to work is 81 percent drive alone, 10 percent carpool, 1 percent for public transit, 1.1 percent for bicycle, 3 percent for walk, 1 percent other; 3 percent of the population work from home (ACS 2018 1-year estimates).

BICYCLING IN BILLINGS

In 2017, Billings undertook a comprehensive update to their Bikeway and Trails Master Plan, led by Alta Planning + Design. That process included documentation of existing facilities, safety concerns and considerations, extensive public outreach, and the development of a backbone network of low-stress bicycle facilities.[2] A product of this plan update includes a short list of priority

[2] The Level of Traffic Stress (LTS) evaluation allows for planning of bicycle networks that are comfortable for riders of all ages and abilities, including young bicyclists and those who may be new to bicycling. This methodology seeks to measure how much stress is experienced by bicyclists across a street network due to various characteristics of roads and bicycle facilities. A Level of Traffic Stress (LTS) methodology was developed by Merkuria, Furth, and Nixon in Low-stress Bicycling and Network Connectivity (2012). LTS rankings range from 1 (very low-stress; tolerable by all) to 4 (very high-stress; tolerable to only a few).

projects to be implemented in the next 5-10 years, and overall proposes over 400 miles of additional on- and off-street bikeways that will add to the nearly 70 miles of existing bicycle facilities in the Billings area.

Bicycling generally comprises a small share of existing trips in Billings. According to the American Community Survey (ACS, 2018), an estimated 1.1 percent of commute trips in Billings occur via bicycle, which exceeds the national average of 0.5 percent, and is in line with the statewide estimated average of 1.2 percent.

These results illustrate the small existing role of bicycling within Billings' transportation system. The ACS has limitations as a data source in that it only counts commute trips. It also only considers a "primary" mode of travel and does not count trips made in combination with a second mode, and may not count all populations equally. Nevertheless, ACS data can serve as a benchmark for existing bicycle ridership and changes over time.

EXISTING AND PROPOSED BICYCLE FACILITIES

Existing bicycle facilities in Billings consist of intermittent bike lanes, signed on-street routes, and a fairly extensive paved trail network. Though formal bikeways are disconnected, the 2017 Billings Area Bikeway and Trails Master Plan Update proposes over 400 miles of additional facilities, both on- and off-street, many of which intersect or run along some of MET's most popular routes. Several of these routes that connect with existing transit patterns are slated for early implementation (5-10 years). Some notable projects include:

- **6th Ave N shared use path**: makes a critical connection for cyclists traveling to/from the Heights
- **Wicks Ln shared use path**: Wicks Ln is one of MET's major transit corridors in the Heights
- **Annandale/St Andrews bike lanes**: enhances bike access to Wicks Ln
- **15th St W bike lanes**: intersects Grand Ave and Broadwater Ave bus routes
- **Monad Rd bike lanes**: enhances access to Stewart Park Transfer Center
- **Central Ave shared use path**: runs along a portion of the Grand Ave bus route and connects to Shiloh Rd shared use paths

Several non-infrastructure policy and programmatic recommendations were also made, including assessing the feasibility of a city-wide bike and scooter share system, implementing a wayfinding program (this Study, completed Febra), and updating bicycle parking guidelines and requirements (current guidelines have been updated to reflect this recommendation).

EXISTING LOAN-A-BIKE PROGRAMS

The Downtown Billings Alliance (DBA) currently operates a low-capacity bike rental program out of their downtown office located at 116 N 29th Street. The Loan-a-Bike program makes a bicycle available for use, free of charge due to sponsorship from the Downtown Billings Business Improvement District (BID). Typically utilized by people visiting Billings, people can rent a bike by showing up to DBA's office and providing a photo I.D. and credit or debit card (in case of equipment damage). Typically, only a handful of bikes are available for use at any given time. Similarly, the Billings Chamber of Commerce maintains a limited assortment of bicycles that are loaned out to visitors.

Many visitors want to explore Billings' beautiful trail network and see the city by bike. Partnering with the DBA and Chamber of Commerce should be a priority in implementing a bike and scooter share system in Billings.

EQUITY ANALYSIS

A major factor in assessing a study area for bike and scooter share is striving for a system that is accessible to people from all walks of life; a person's access to transportation options either enables or hinders their ability to get to work, buy healthy food, see a doctor, go to school, or socialize with their community. Many communities rely on a variety of modes to connect to basic services and opportunities that are necessary to live productive, fulfilling,and healthy lives. However, convenient, safe, and affordable transportation options are not always available to those who need them the most. These communities, commonly labeled as vulnerable, are vulnerable because of a history of disinvestment, which has led to poor financial, health and housing circumstances, and/or physical or communication limitations. Without appropriate transportation, vulnerable individuals and communities are prevented from fulfilling basic needs.

Often, traditionally vulnerable populations, such as children, older adults, people of color, people with limited English proficiency, and low-income families rely heavily on affordable transportation options, specifically walking, biking and transit.[3] [4] [5] A lack of high-quality walking, biking, and transit facilities can result in unsafe and/or long travel. Uneven distribution of active transportation infrastructure can also result in health, safety, mobility, and economic benefits accruing to those who are more fortunate, while increasing hardships for vulnerable populations. Transportation facilities are essential components in creating communities of opportunity and reducing the disproportionate economic and health burdens of vulnerable communities.[6]

The terms "equity" and "equality" are sometimes used interchangeably, which can lead to confusion. In this analysis, equity is defined as trying to understand and provide disadvantaged communities with what they need to live healthy and productive lives. These needs include access to jobs, housing, and other critical services. Equity recognizes that different people experience different barriers to securing their needs. In contrast, equality aims to ensure that everyone gets the same things to live healthy and productive lives, regardless of need. Working towards equity may mean that active transportation funding is prioritized for areas with greater concentrations of disadvantaged populations instead of being distributed equally based on geography.

Across the country, bike and scooter share program managers have identified the importance of launching a program with equity and inclusion in place from the start, rather than retrofitting equity-focused outreach or expansions to historically-marginalized communities after a program is already established in a high-demand area. Alta's Bike and Scooter Share Equity Analysis utilizes the most current Census data typically associated with underserved populations to identify equity priority areas.

[3] Dannenberg A, Frumkin H, Jackson R. Making Healthy Places. 1st ed. Washington D.C.: Island Press; 2011.

[4] International City/County Management Association. Active Living for Older Adults: Management Strategies for Healthy & Livable Communities.; 2003. http://www.ca-ilg.org/sites/main/files/file-attachments/resources__Active_Living.pdf. Accessed February 11, 2011

[5] Mckenzie B. Modes Less Traveled—Bicycling and Walking to Work in the United States: 2008–2012. Am Community Surv Reports. 2014.

[6] Center for Infrastructure Equity. Transportation Equity. PolicyLink. 2016. http://www.policylink.org/focus-areas/infrastructure-equity/transportation-equity.

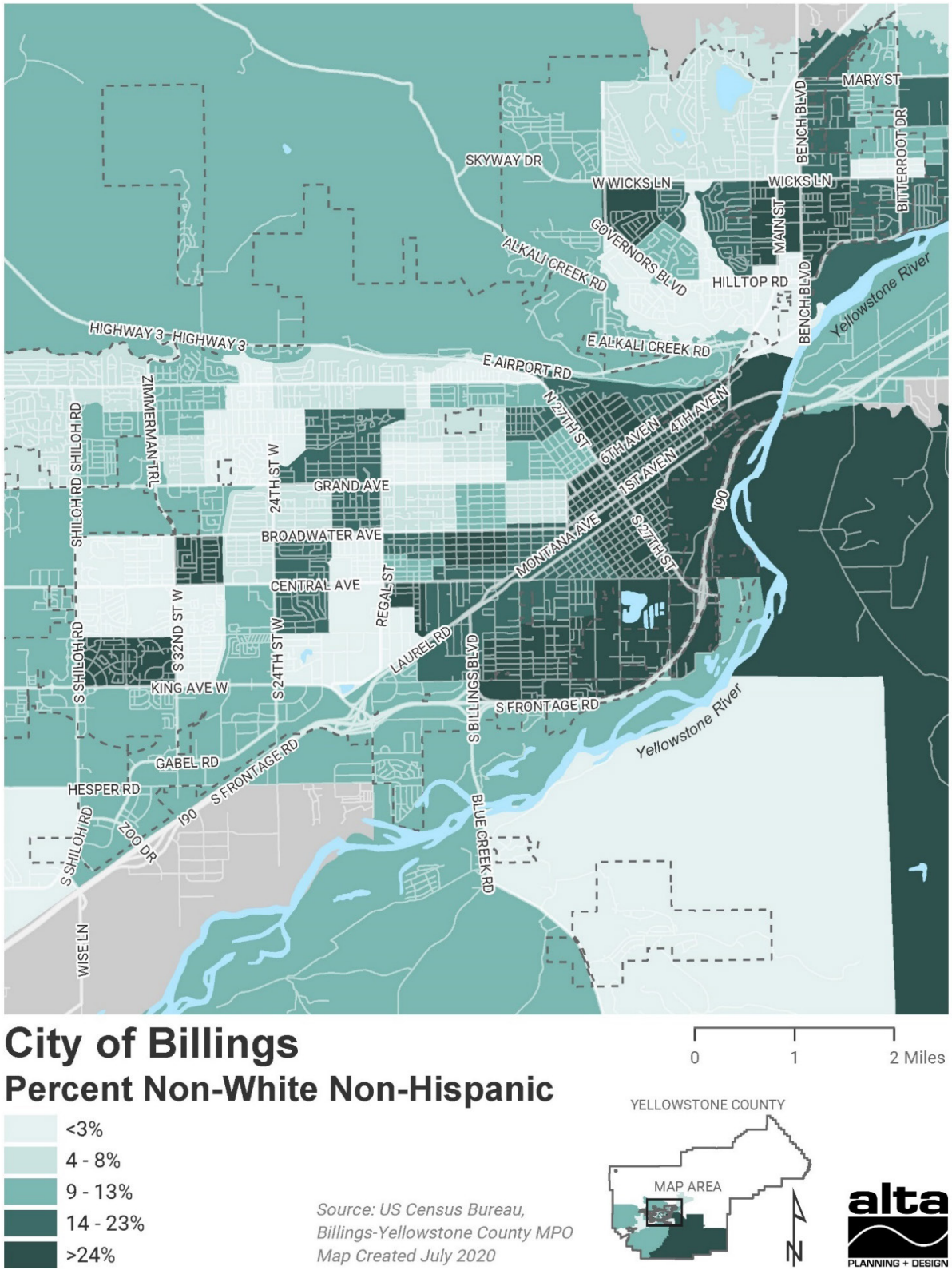
EVALUATION CRITERIA

The project team conducted an equity analysis using readily available demographic information from the US Census Bureau. All data was obtained from the 2018 American Community Survey (ACS) 5-year estimates and was analyzed at the census block group level. For Billings, the following indicators were used:

Race: This was measured using the percent of the population that identifies as non-white, non-Hispanic. Racial or ethnic minorities are more likely to live in areas with poor or limited active transportation facilities, educational opportunities, job resources, and healthy food outlets.[7] [8] Black individuals are over four times and Hispanics are three times as likely to not have access to a household car compared to their white counterparts, regardless of income.[9] Additionally, communities of color are more likely to experience low social cohesion within their residential area because of limited activated public spaces.[10] The deficits of active transportation facilities are consequences of social and institutional marginalization, including job and housing discrimination. In turn, these deficits exacerbate the disproportionate health burdens communities of color experience. Lastly, communities of color experience a greater proportion of pedestrian crashes and have increased risk of mortality after pedestrian injury.[11] [12] Therefore, increasing active transportation facilities and connectivity may promote physical activity, enhance economic opportunities, and increase transportation safety.

[7] Dannenberg A, FrumkinH, Jackson R. Making Healthy Places. 1st ed. Washington D.C.: Island Press; 2011.
[8] Rubin V. Sustainable Communities Series: Regional Planning for Health Equity. PolicyLink. 2015
[9] Berube A, Deakin E, Raphael S. Socioeconomic Differences in Household Automobile Ownership Rates: Implications for Evacuation Policy. Brookings Inst. 2006.
[10] Cutts B, Darby K, Boone C, Brewis A. City Structure, Obesity, and Environmental Justice: An Integrated Analysis of Physical and Social Barriers to Walkable Streets and ParkAccess. Soc Sci Med. 2009;69:1314-1322.
[11] Maybury RS, Bolorunduro OB, Villegas C, et al. Pedestrians struck by motor vehicles further worsen race-and insurance-based disparities in trauma outcomes: The case for inner-city pedestrian injury prevention programs. Surgery. 2010;148(2):202-208. doi:10.1016/j.surg.2010.05.010.
[12] Equity. Vis Zero SF. 2015. http://visionzerosf.org/equity/.

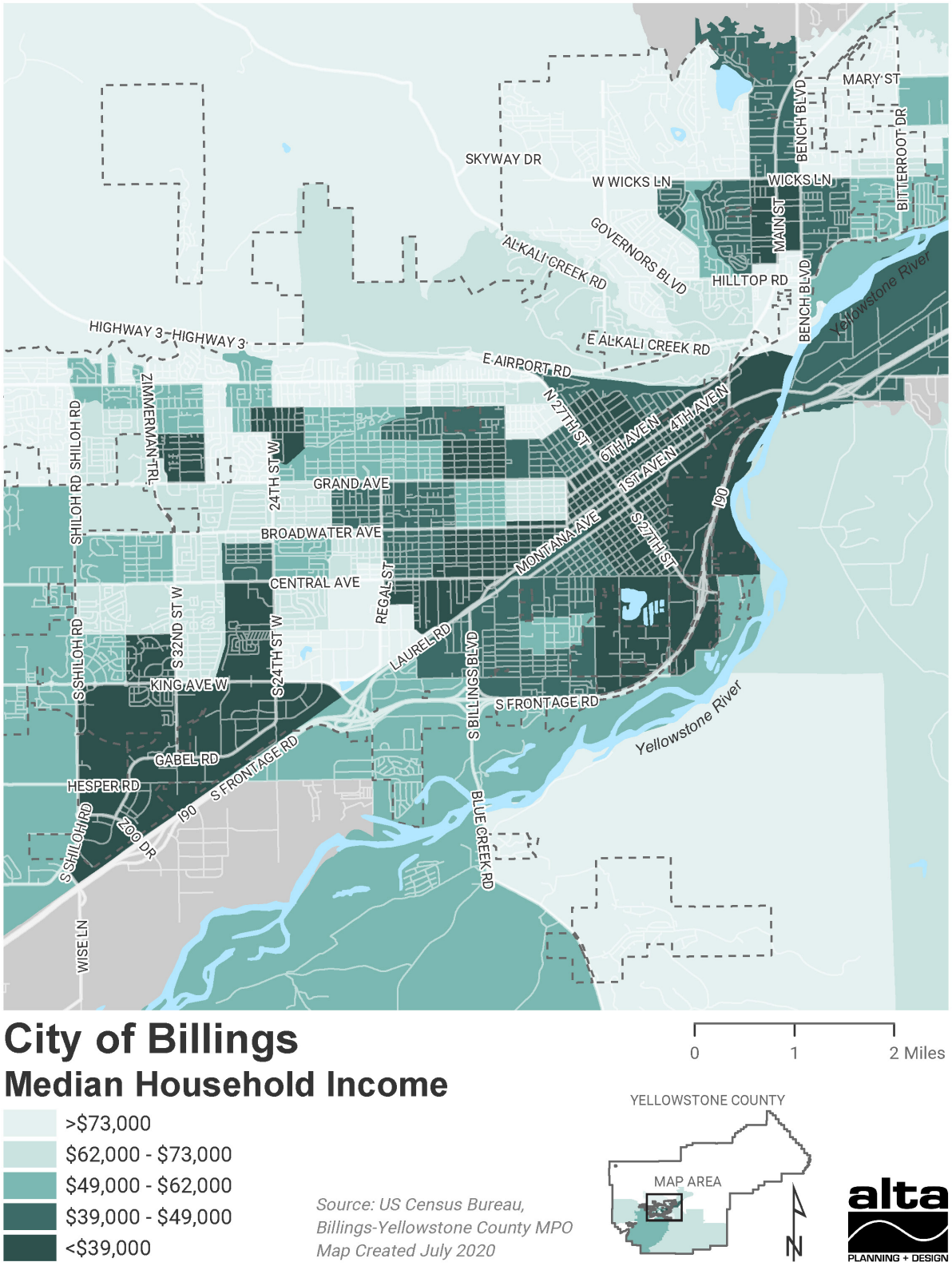
Figure 5-1.


SKYWAY DR
W WICKS LN
WICKS LN
MARY ST
BENCH BLVD
BITTERROOT DR
MAIN ST
GOVERNORS BLVD
ALKALI CREEK RD
HILLTOP RD
Yellowstone River
HIGHWAY 3 - HIGHWAY 3
E ALKALI CREEK RD
E AIRPORT RD
ZIMMERMAN TRL
SHILOH RD
N 27TH ST
6TH AVE N
4TH AVE N
1ST AVE N
24TH ST W
GRAND AVE
I90
BROADWATER AVE
MONTANA AVE
S 27TH ST
CENTRAL AVE
REGAL ST
S 32ND ST W
S SHILOH RD
LAUREL RD
S BILLINGS BLVD
KING AVE W
S 24TH ST W
S FRONTAGE RD
GABEL RD
HESPER RD
ZOO DR
BLUE CREEK RD
WISE LN
City of Billings
Percent Non-White Non-Hispanic
<3%
4 - 8%
9 - 13%
14 - 23%
>24%
0
1
2 Miles
YELLOWSTONE COUNTY
MAP AREA
N
Source: US Census Bureau,
Billings-Yellowstone County MPO
Map Created July 2020
alta
PLANNING + DESIGN

Household Income: The median household income in Billings is $57,692. This is slightly higher than the median household income for Montana statewide, at $55,328. Nationwide, households with incomes less than $50,000 have the highest rates of walking and the second highest rates of biking to and from work.[13] These individuals may depend on walking and biking due to financial constraints and lack of adequate and/or convenient transportation options. And although this population is most likely to walk to work, people with lower incomes tend to live in areas without adequate biking and walking facilities and increased exposure to environmental hazards. Boosting active transportation resources in areas where these individuals reside could promote increased access to educational resources and job opportunities, and enhance residents' physical activity.

[13] Mckenzie B. Modes Less Traveled—Bicycling and Walking to Work in the United States: 2008–2012. Am Community Surv Reports. 2014.

Figure 5-2.



City of Billings

Median Household Income

- >$73,000
- $62,000 - $73,000
- $49,000 - $62,000
- $39,000 - $49,000
- <$39,000

0 1 2 Miles

YELLOWSTONE COUNTY

Source: US Census Bureau,
Billings-Yellowstone County MPO
Map Created July 2020

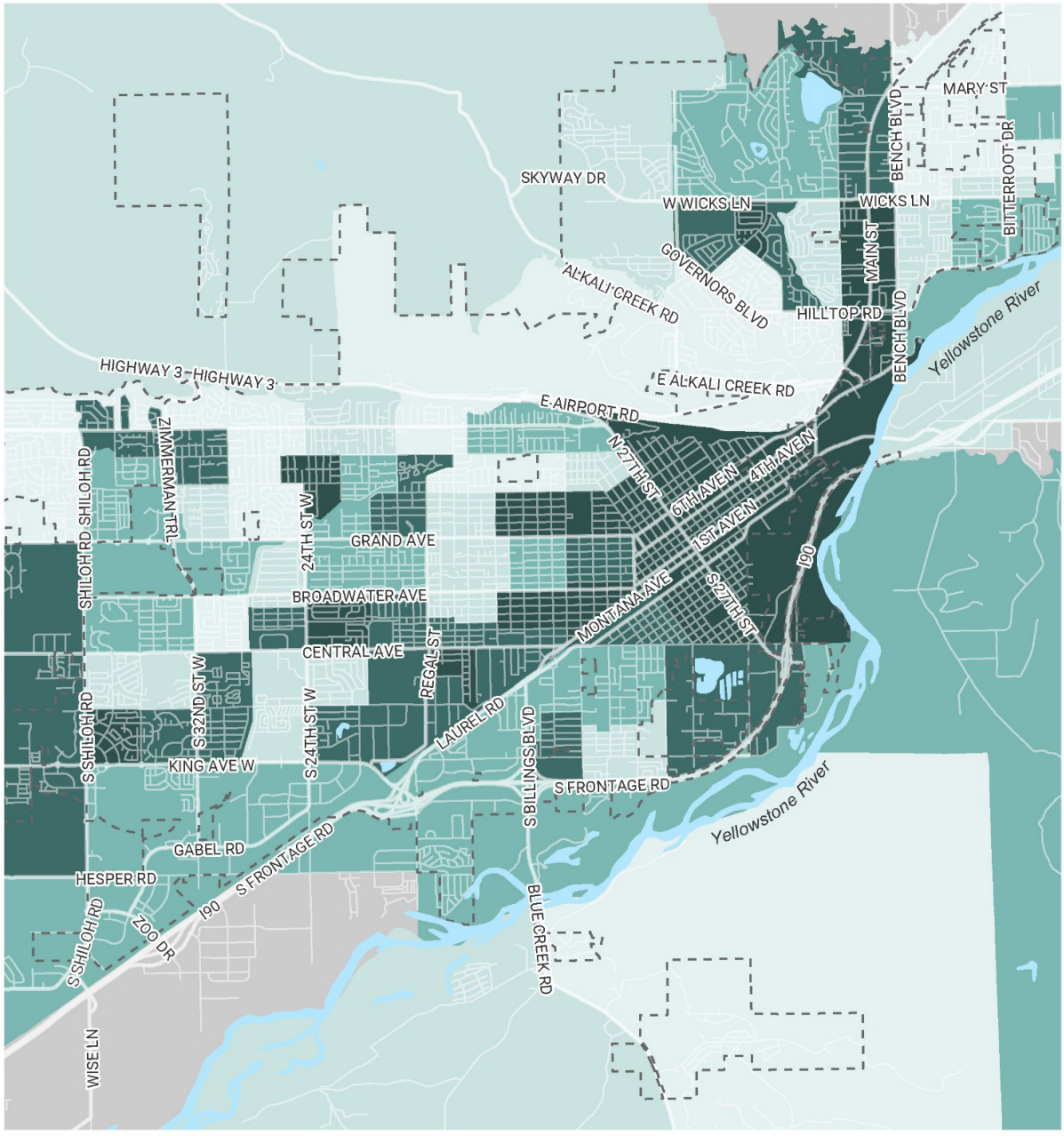
alta PLANNING + DESIGN

Housing Tenure: That housing and transportation costs make up the largest portions of working households' budgets is a well-known reality.[14] Additionally, it has been found that lower-income groups in the rental multi-family market tend to spend higher proportions of their income on transportation costs than their higher-income counterparts. Even in the most location-efficient areas, the lowest income households are still cost burdened, with a high proportion of household income committed to housing and transportation.[15] This analysis therefore compares the distribution of renter-occupied housing units in the city of Billings (**Figure 5-3**).

[14] Center for Housing Policy. "Something's Gotta Give: Working Families and the Cost of Housing". New CenturyHousing, Volume 5, Issue 2, 2004..

[15] City of Portland Bureau of Planning and Sustainability. Housing and Transportation Cost Study. 2010. https://www.portland.gov/sites/default/files/2019-08/housing-and-transportation-cost-study.pdf. Accessed August 3, 2020.

Figure 5-3.



City of Billings

Renter Occupied Housing

- <16%
- 17 - 27%
- 28 - 35%
- 36 - 54%
- >54%

0 1 2 Miles

YELLOWSTONE COUNTY

MAP AREA

N

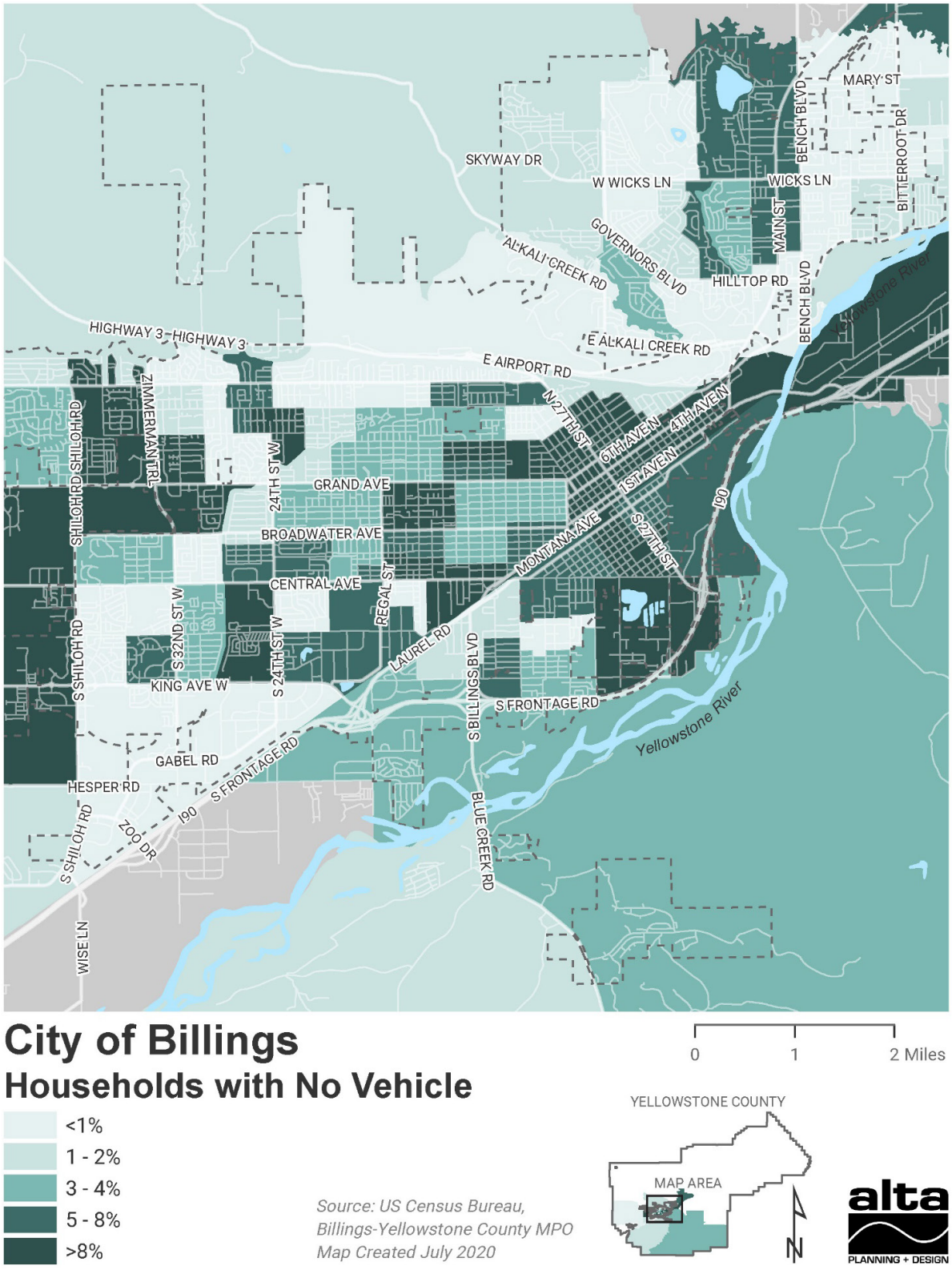
Source: US Census Bureau, Billings-Yellowstone County MPO
Map Created July 2020

alta PLANNING + DESIGN

Access to a Vehicle: This indicator measures the percentage of household who do not have regular access to a vehicle. In less urbanized locations, specifically those with limited transit access and coverage, access to a motor vehicle carries strong implications for one's ability to reach employment, access healthy foods, and reach basic services.[16] A diverse transportation system that offers multiple modes, including transit, bicycling, and walking, reduces reliance on automobiles and can provide for more equitable access to services.[17] Providing access via quality walking and bicycling infrastructure is one method for increasing equity in access for locations with limited vehicle availability.[18] Studies have also found that access to a motor vehicle improves employment rates, as it provides a reliable means to commute to work.[19] The addition of safe and comfortable walking and biking routes, as well as developing improved connections to transit, have the ability to also serve as a reliable means to commute to work. This has the potential to alleviate the necessity of a motor vehicle to reach employment opportunities.

[16] National Association of City Transportation Officials, (2016). "Bike Share Station Siting Guide." Nacto.org.
[17] Liu R, Schachter H. Emergency Response Plans and Needs of Communities with Limited English Proficiency. Transp Res Rec J Transp Res Board. 2007;2013:1-7. doi:10.3141/2013-01.
[18] Ibid.
[19] National Association of City Transportation Officials, (2016). "Bike Share Station Siting Guide." Nacto.org.

Figure 5-4.



Source: US Census Bureau,
Billings-Yellowstone County MPO
Map Created July 2020

COMPOSITE EQUITY

The composite equity map (**Figure 5-5**) displays the sum of the results from each of the indicators explored above. Each of the four indicators received equal weight in determining the composite equity score. Areas that represent higher need are numbered below:

1. West of S 32ndSt and North of King Ave W in the West End neighborhood

2. Montana Ave –Broadwater Ave –12thSt W triangle in the Central-Terry neighborhood

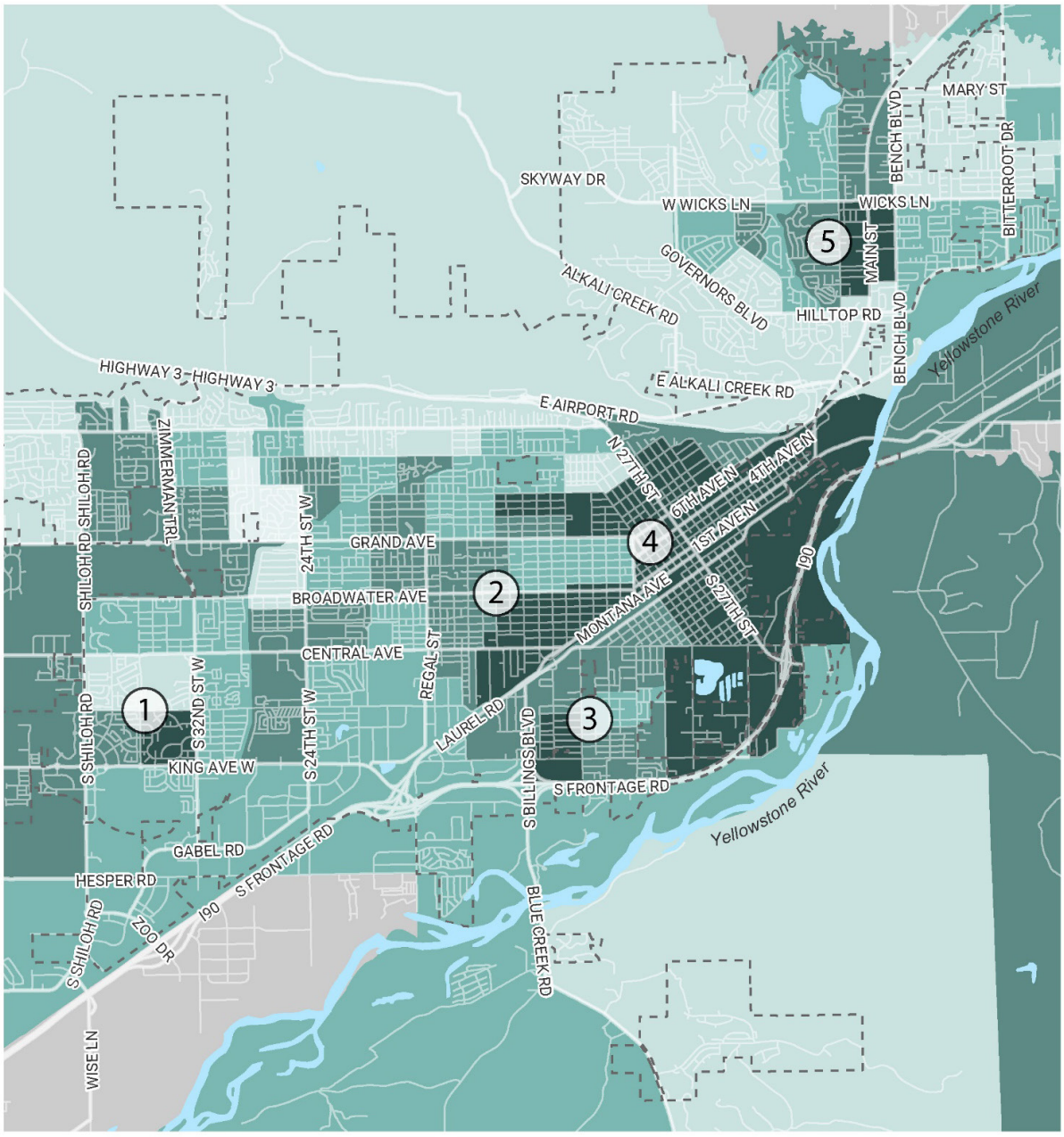
3. East of S Billings Blvd and North of S Frontage Rd in the Southwest Corridor neighborhood

4. Downtown Billings including much of the South Side, North Park and North Elevation neighborhoods

5. Adjacent to Main St north of Hilltop Rd and South of Wicks Ln

Higher relative need is found in the downtown neighborhoods of North Park and South Side. Investing in active transportation facilities in these areas of highest need will likely yield the most benefit for residents' health and access to resources and economic opportunities.

Figure 5-5.



Source: US Census Bureau, Billings-Yellowstone County MPO
Map Created July 2020

EQUITY ANALYSIS RESULTS & DISCUSSION

In this section, we discuss the observed trends in Billings for each of the four evaluation criteria and offer indicator-specific recommendations. **The data for each evaluation criteria were grouped into five categories by percentile in order to compare the magnitude of differences across Billings' census block groups. Each category represents a 20-percentile range. Therefore, the darkest color represents data that are in the 80th percentile and higher (among all census block groups in Billings).** First, the non-white populations range from 0 percent of a census block group to 66 percent in Billings. Higher concentrations of non-white populations are located west of 32ndSt W and north of King Ave W, near Main St south of Wicks Ln and north of Hilltop Rd, and in downtown Billings in the North Park and South Side neighborhoods. Next, median household incomes tended to be further from the downtown core of Billings, with notable pockets of lower income households in the Central-Terry, Southside, North Park, and Heights neighborhoods. The highest concentrations of renter-occupied housing units follow a similar distribution, with more renting households located north of King Ave W, Central Ave, and Grand Ave to the west of downtown, in the North Park and South Side neighborhoods, and adjacent to Highway 87 N north of downtown. Finally, vehicle access appears to be most limited in the downtown core, along with sections north and south of Grand Ave to the west, and north of King Ave west of 24thAve.

RECOMMENDATIONS

Investing in a well-connected biking and walking network should stand as a leading priority for the City of Billings in order to establish an equitable, well-utilized bike and scooter share system. Interventions to enable safe, convenient personal mobility such as sidewalks, separated bike lanes, crossing treatments, speed limit reductions, lighting, etc. should be focused around large employers and key services, such as health care and quality food outlets.[20] Facility planning, designing and implementation should be done with special attention to input and ideas from communities of color.[21]

Additionally, active transportation networks should be considered in areas with limited access to vehicles. Implementation of safe walking and bicycling connections to transit centers can facilitate transit access, while low-stress facilities, such as separated trails, may better connect more rural locations to employment centers, schools, and quality food centers.

[20] Dannenberg A, Frumkin H, Jackson R. Making Healthy Places. 1st ed. Washington D.C.: Island Press; 2011.
[21] Rubin V. Sustainable Communities Series: Regional Planning for Health Equity. PolicyLink. 2015.

BIKE AND SCOOTER SHARE DEMAND ANALYSIS

The Alta Demand Analysis methodology quantifies and visualizes demand for bicycle travel within a specified geography. The planning team conducted an analysis which resulted in a composite demand map (**Figure 5-5**) representing bicycling demand in the Billings area. The analysis is an objective tool and data-driven process that estimates the cumulative demand based on where people live, work, play, learn, and access transit by quantifying origins and destination factors. By utilizing Geographic Information Systems (GIS) to overlay these locations, the model creates a sketch of demand in the study area. This analysis helps to prioritize capital investments, placement of new stations, and identify potential bicycling campaign event sites such as bike to work or open street events. The analysis uses demographic information and urban context data to understand the areas of Billings where bike and scooter share use is likely to garner the highest usage (in terms of trips per device per day). This analysis will help define the optimal bike and scooter share service area and system size for the Billings area.

DEMAND ANALYSIS METHODOLOGY

Bike and scooter share demand incorporates data available from the US Census and is made up of five major inputs:

- Residential density (where people live) [22] [23]
- Employment density (where people work)
- Transit use (where people catch the bus)
- Higher education (where people learn)[24]
- Recreation (where people recreate)[25]

These categories are based on research that looked at the factors influencing bike share ridership, and by proxy, scooter share ridership. In three separate studies, researchers found that population density, employment density, transit commuters, proximity to institutional, commercial, and recreational land uses had a statistically significant correlation with and positive influence on bike share ridership.[26] [27] [28] High demand areas were identified through a heat mapping exercise that allocated points based on where people live, work, take transit, and recreate within Billings. College campuses

[22] Residential, employment, and recreational density was calculated using 2018 data provided by the US Census Bureau's LEHD Origin-Destination Employment Statistics, at the census block level.

[23] It should be noted that residential density does not take into account temporary residents, i.e. those staying in hotels, inns and motels. Hotel, inn and motel employees are included in the recreation density analysis, however, and serve as ade factoproxy for the increased demand that hotels—especially large hotels in walkable, commercial centers—create for bike and scooter share ridership.

[24] This input included the Montana State University-Billings and Rocky Mountain College campuses.

[25] Based on the location of employment specifically related to arts and recreation, restaurants, hotels and retail establishments.

[26] Rixey, R. Alexander. Station-Level Forecasting of Bike Sharing Ridership: Station Network Effects in Three U.S. Systems. 2012. 2013 TRB Annual Meeting <https://nacto.org/wp-content/uploads/2015/07/2012_Rixey_Station-Level-Forecasting-of-Bike-Sharing-Ridership.pdf>

[27] Kim, DJ., Shin, HC, Im, H., and J. Park. Factors Influencing Travel Behaviors in Bikesharing. 2011. 2012 TRB Annual Meeting. <https://nacto.org/wp-content/uploads/2012/02/Factors-Influencing-Travel-Behaviors-in-Bikesharing-Kim-et-al-12-1310.pdf>

[28] Faghih-Imani, A., Eluru, N., El-Geneidy, A. M., Rabbat, M., & Haq, U. (2014). How Land-Use and Urban Form Impact Bicycle Flows: Evidence from the Bicycle-Sharing System (BIXI) in Montreal. Journal of Transport Geography, 41, 306-314.

were also allocated points. A "heat map" was developed to determine where demand for bike and scooter share exists. Colors are set at threshold levels to indicate relative demand within a 1000' by 1000' grid overlaid onto the City of Billings. The accompanying map (**Figure 5-5**) indicates the relative demand for bike and scooter share throughout the city. Areas with the highest potential demand are taken into consideration for deployment of bike and scooter share. These locations will generate the most users and attract the highest value sponsorships, and as a result are the most likely to be financially sustainable.

DEMAND ANALYSIS RESULTS

The map on the following page (**Figure 5-5**) illustrates the results of the Bike and Scooter Share Demand Analysis. Annotations on the map correspond to the notes below.

1. One of the areas with the highest relative demand is the Montana State University-Billings campus. The university provides a combination of high residential density, jobs and transit access. Four bus routes in particular are accessible from the university: the Poly (Rte 24), Crosstown (Rte 3), Met Link (Rte 1), and the Lewis and Clark (Rte T4).

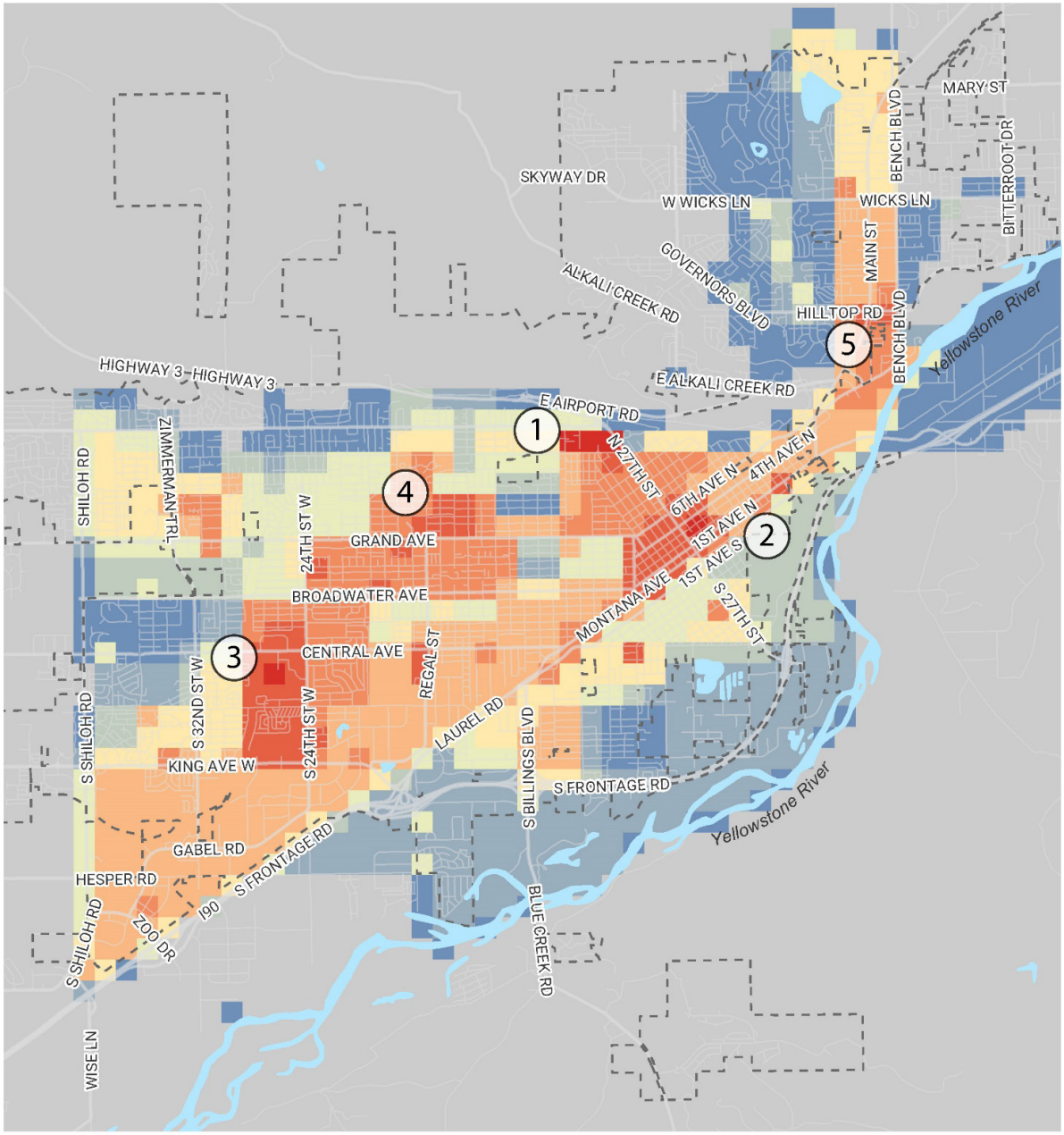
2. Another major source of demand is located in downtown Billings in an area bounded by 4thAve N and 1stAve N to the north and south, and N 27th St and N 23rd St. MET's Downtown Transfer Center falls within this area and is the driving force, in addition to land use and population density, behind the high demand result, as all bus routes are channeled through this transfer center.

3. Next, a high demand area west of downtown is located at Rimrock Mall due to its high employment density. Adjacent to the mall is Stewart Park, which offers significant recreational opportunities for surrounding neighborhoods and is home to MET's second transfer center where most routes converge.

4. The areas adjacent to the intersection of Grand Ave and 15thSt W stand out as another place where bike and scooter share demand is relatively high. The estimated demand score is largely driven by the employment and recreational opportunities near the West Park Promenade and a concentration of bus route time points serving the Grand (Rte 5), Crosstown (Rte 3), and Lewis and Clark (T4) lines.

5. Finally, another region with the City of Billings with a relatively high demand for bike and scooter share is near the intersection of Hilltop Rd and Main St in the Heights. This intersection is the nexus for six bus routes and offers access to a high number of jobs within walking distance.

Figure 5-5.



Source: US Census Bureau, Billings-Yellowstone County MPO. Map Created July 2020

OPPORTUNITIES AND CHALLENGES ANALYSIS

This section outlines some of the current conditions and relevant efforts that have a potential impact on the development and implementation of Billings' bike and scooter share system. Information below is informed by previous planning efforts and conversations with stakeholders such as the Downtown Billings Alliance and MET Transit, and highlights opportunities for a bike and scooter share system to succeed and challenges that may need to be considered.

OPPORTUNITIES FOR BILLINGS

The Steering Committee identified multiple desired outcomes and opportunities for a potential bike and scooter share program in Billings, including a shift to more active modes, progress towards a more equitable and accessible transportation system, and connecting residents and visitors to what the city has to offer. The following are opportunities identified for a potential bike and scooter share program in realizing some of these outcomes:

Enhanced access to transit. MET's fixed route bus system of over 18 routes is a flag stop system, meaning designated bus stops do not exist, and the bus can be flagged down at any corner along the route. Going through the process of identifying the best locations for bike and scooter share stations as part of this study could influence future decisions as to where bus stops are located should MET make plans for designated stops. Combining bus stops with bike and scooter share stations is an effective way to make multimodal trips convenient. Additionally, a strong partnership with MET presents opportunities for fare integration and a convenient platform for users to access both the bus and bike/scooter share systems.

MET involvement in the bike and scooter share system. Other opportunities for bike and scooter share with regards to transit is the potential for transit agency involvement in the funding and operations of the system. Recently distributed funds as part of the 2020 CARES Act should be assessed, along with other MET goals, to see if investment in a bike and scooter share system makes sense. Additionally, it's important to note that currently under review is a House of Representatives Bill H.R. 4001 (as part of the Bikeshare Transit Act of 2019) that would allow Federal Transit Administration (FTA) funds to be used by transit agencies for the purchase of bike share vehicles as well as operations and maintenance of the system.

Downtown daytime trip mode shift. With the Medical Corridor and MSU-Billings in such close proximity to Downtown, a bike and scooter share system presents opportunities for 1) converting short, daytime trips in and around Downtown to active modes and 2) enhancing connectivity to Downtown that might encourage more trips for Downtown retail or dining that otherwise feel too far for walking.

Expanding tourism opportunities. With a growing trail and on-street bikeway network, an effective bike and scooter share system can be leveraged to get visitors out and exploring the city and surrounding natural features, building on efforts already being made by the Downtown Billings Alliance and Billings Chamber of Commerce.

Increasing transportation equity. A well-planned bike and scooter share system presents opportunities for Billings to make its transportation system more equitable for

residents who would benefit the most from choices beyond just personal vehicles and fixed transit. Bike and scooter share also has the potential to provide access to transit for residents who currently live outside the range of MET's transit service by providing another way to make the first/last mile trip that gets them to/from MET transit service.

CHALLENGES FOR BILLINGS

Like any city, elements of Billing's unique character and context may present a challenge to implementing a successful bike and scooter share system. Challenges identified in the study process not only inform the assessment of feasibility, but also shape the decision-making process for a potential system type, service area, and program structure. Key challenges include:

Limited infrastructure for micromobility users. Micromobility users will generally operate like a bicyclist. While the city is making investments in the network of bicycle infrastructure, gaps exist, which may limit the micromobility service area or user access and comfort when traveling in Billings.

Funding limitations. City staff and stakeholders indicated limited capacity to secure funding for both capital and operational costs associated with a bike and scooter share system. Though privately funded, dockless systems started arriving in many cities across the U.S. in late 2017, the companies offering these programs have reduced their footprint significantly over the last several years. During this evolution of the micromobility industry, business models have changed and many companies have narrowed their criteria for desirable markets, shifting resources toward major metro markets. Concurrently, new companies continue to develop within the industry, testing varying approaches to public and private partnerships and serving small and mid-sized markets. Within this context, Billing's population size suggests that public investment will have an important role and that potential private sector operators are limited to a subset of the larger industry.

Community priorities. Secondly, the Steering Committee recognized that there is no existing consensus among residents and elected officials related to the potential value of a bike or scooter share program. Achieving some level of consensus and broadening understanding of bike and scooter share will be important for securing funding in the future and successful implementation.

Climate. Lastly, as Billings is a place that experiences severe weather conditions, especially in the winter, consideration for operations and maintenance will need to be made based on seasons and climate.

VI. RECOMMENDATIONS

OVERVIEW/ SUMMARY OF RECOMMENDATIONS

Chapter 6 includes the Billings Bike and Scooter Share Study recommendations that will inform bike share implementation in Billings. These recommendations build on the community outreach, current conditions analyses, and research conducted over the course of the study. **Table 6-1** highlights the key Bike and Scooter Share Study recommendations regarding system type, governance, and system launch.

Table 6-1.

Key Bike and Scooter Share Study Recommendations

SYSTEM TYPE
Hybrid Bike Share System
Electric-Assist Bikes
SYSTEM GOVERNANCE
Operated by a Private Company
Owned by either the private company ("turnkey") or by City of Billings
Provide Student Fares
SYSTEM LAUNCH
Launch in Initial Service Area including Downtown and MSU Billings
Create Equity Program
Establish Strategic Partnerships

SYSTEM TYPE

RECOMMENDATION: HYBRID BIKE SHARE SYSTEM, WITH OPTION FOR SCOOTERS

The recommended system type for bike share in Billings is a hybrid system. To determine the recommended bike share system type for Billings, the project team used the decision matrix illustrated in **Table 6-2** to understand opportunities and limitations to three major types of shared micromobility systems: docked and hybrid bike share, and dockless scooter share. **Table 6-2** scores each type of micromobility system according to its ability to meet Billing's program goals and other considerations identified as important for the Billings community. Overall, a hybrid system will provide the ideal balance of control and flexibility to meet the needs of the Billings community.

Some hybrid bike share system operators have the ability to offer "mixed fleets," or fleets including bike share and other devices, such as scooter share. Although scooter share is not recommended as the sole micromobility option in Billings, the Bike and Scooter Share Study recommends that Billings consider incorporating scooter share as part of a mixed fleet.

Table 6-2.
System Type Analysis Matrix

GOAL	DOCKED BIKE SHARE	HYBRID BIKE SHARE	DOCKLESS SCOOTER SHARE	DESCRIPTION
Enhances the transit system by expanding access to existing bus routes and linking the transit system to a broader suite of multimodal options	3	3	2	All versions of bike and scooter share systems can support transit, but dockless systems limit the City's ability to link device availability to specific locations (such as transit stops).
Contributes to a more equitable transportation system by reducing the need for personal vehicle ownership	3	3	2	All versions of bike and scooter share can support equity goals if properly implemented; however, geographic equity has been shown to be the best indicator in improving access to underserved communities. A dockless scooter share system without physical hubs or stations would require the operator to manually rebalance the scooters into underserved communities.
Promotes greater participation in active transportation	3	3	2	Assuming thoughtful planning and implementation has occurred, all versions of bike share systems are shown to increase bicycle ridership. Studies of scooter share show that scooters replace some driving trips, but they primarily tend to replace walking and biking trips.

Increases visibility and awareness of alternative transportation modes	3	3	2	While all versions of a bike and scooter system will engender a positive public perception through usage, a dockless scooter system may experience some negative feedback based on difficulties locating the free-floating scooters.
Provides a new way for visitors to explore Billings	3	2	1	All versions of bike share systems are shown to support tourism through improved convenience in accessing visitor destinations. Docked bike share systems are generally easiest for tourists to use because bikes can be rented using the station infrastructure. Hybrid bike systems and dockless scooter systems require downloading an app and linking a credit card, which could be hard for less tech-savvy tourists. Dockless scooter systems without stations also limit the City's ability to link device availability to specific tourism-based locations.
Connects people to what the city has to offer	1	3	2	All versions of micromobility systems are shown to support economic development through improving convenience and user experience in accessing business destinations. Docked bike share systems do not offer full flexibility for users to directly access their destinations. Dockless scooter share systems without stations limit the City's ability to link device availability to specific business-based locations (such as business districts); however, scooters tend to be ridden for longer distances than bikes, which allows users to connect to a higher number of destinations.
Relative cost	1	2	3	Docked bike share systems are the most expensive due to purchasing, permitting, and installing docking infrastructure. Hybrid bike share systems incur some costs for setting up the stations but are cheaper than docked systems. Dockless scooter share systems have very low infrastructure costs. Operations costs of all three types remain relatively similar.
Long-term Sustainability/ Adaptability	2	3	3	Docked bike share systems are more expensive to adjust within a city if demand changes, but the model has proven successful even as the micromobility space has changed over the past decade. Hybrid bike share systems and dockless scooter systems are newer so the model is less-proven, but have less up-front infrastructure costs, which give them more flexibility to introduce new models of bicycles as technology changes.
TOTAL	**19**	**22**	**17**	

RECOMMENDATION: ELECTRIC-ASSIST BIKES

The Bike and Scooter Share Study recommends the system use a fleet of electric-assist bikes. This will support a number of the program goals and other factors covered in the evaluation matrix, including:

- Providing for wider geographic coverage by increasing the comfortable speed and distance of bike share trips for customers
- Expanding geographic coverage and system usability to better serve vulnerable demographics, including low-income neighborhoods and riders with mobility challenges

With an e-bike share system, riders can cover more ground and navigate topography with ease. E-bikes are more appealing to a larger range of potential users of varying physical abilities. In the past few years, electric assist bike share equipment has become less expensive and easier to use. All models require the rider to pedal the bicycle in order to get an "assist" from the electric motor. The top speed for an e-bike share system is approximately 15 miles per hour, after which the regulator cuts off any additional power. Because e-bikes are powered by a battery, they must be recharged on a regular basis. This creates an additional operations step for vendors/contractors who must either swap the batteries or dock the bikes at a recharging station.

SYSTEM GOVERNANCE

RECOMMENDATION: TURNKEY OR PUBLICLY OWNED/PRIVATELY OPERATED

The Bike and Scooter Share Study recommends that the City either solicit a turnkey bikeshare system (owned and operated by a private company) or that the City own the bike share system in Billings and contract to a private operator.

To implement a **turnkey bike share system**, a city hires a company such as Koloni or DropBike to provide "bike share as a service" for a defined amount of time. Instead of purchasing a full fleet of bikes and designing stations, a city rents equipment and contracts with the company for the full range of operations support, including: installation, operations, sponsorship, customer service, and maintenance.

The turnkey model allows a city to implement bike share with limited staff capacity and capital investment, while maintaining meaningful city control. Typically, turnkey systems have a faster timeline for implementation, and many companies offer mixed fleet options so the City could request to include e-scooters alongside bicycles. Turnkey models are common in smaller cities and on campuses.

Alternatively, **the City's ownership of bike share in Billings** would provide its own benefits. A Billings-owned bike share system would be an innovative method of supporting first-and-last mile connections to and from transit, adding to the geographic range and flexibility of transit trips. In addition to supporting transit service goals, owning the City's bike share fleet and hub infrastructure would offer the City the highest degree of

control over system design, station siting, and pricing/payment policy. With proper coordination with MET Transit and bike share integrated into MET's system, transit riders would experience a bike share system operated in-tandem with traditional bus service, including:

- A bike share pricing structure in-line with standard transit fares
- The option of using MET passes to pay for bike share rides
- A bike share system that shares in MET's branding, high standard of service, and responsiveness to customer needs
- Control over advertising and sponsorship opportunities

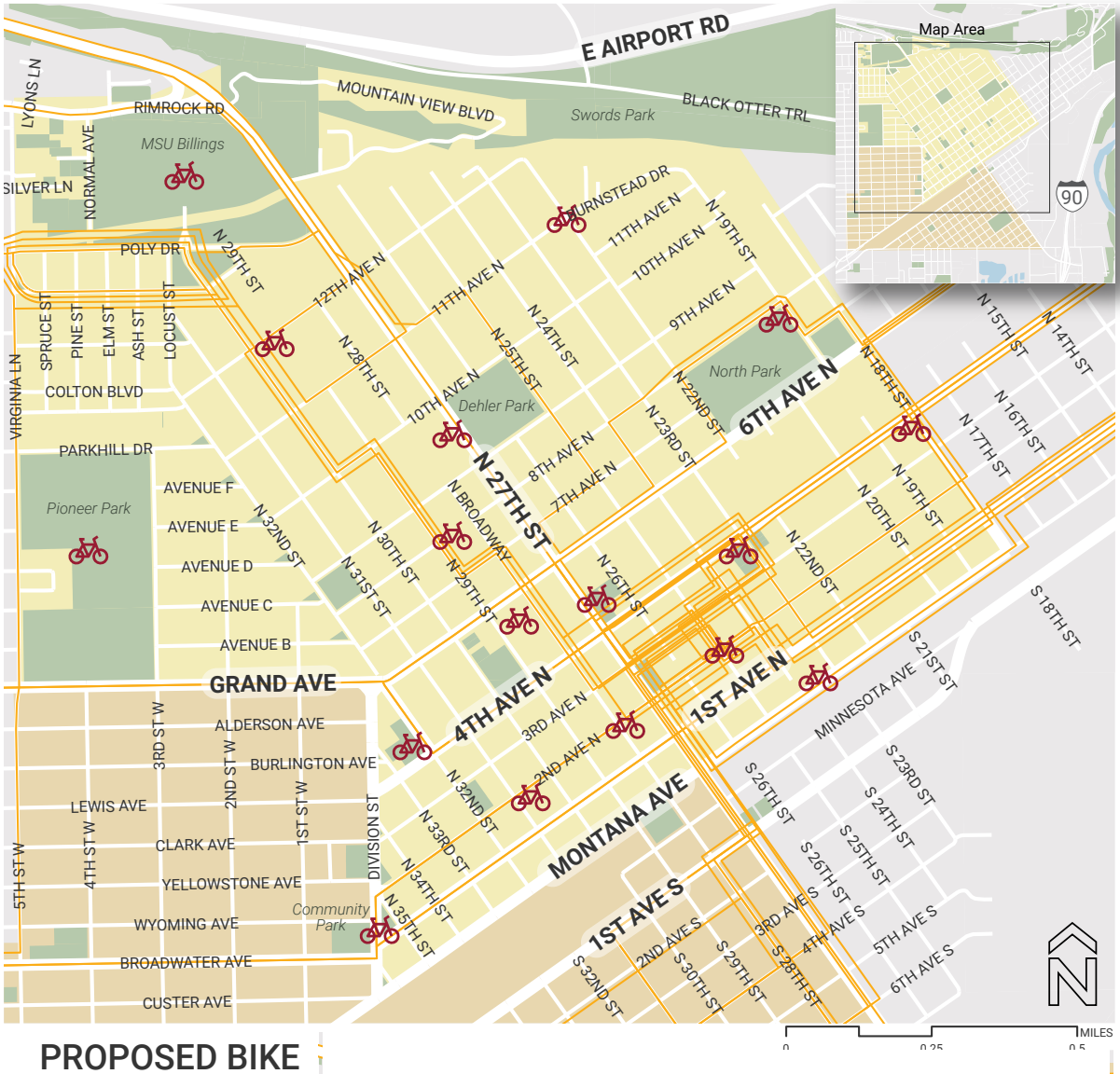
In this instance, **the City would select a bike share vendor to manage the operations of the system.** Private operators can bring extensive knowledge and experience from operating in other cities. Hiring a private operator still allows the City to dictate the terms of bike share service level agreements. The City should require prospective bike share operators to submit their plans for routine maintenance and operations during the bid process, as well as provide evidence of high performance in other jurisdictions.

Operations, Maintenance, and Customer Service

The following contains a list of the major factors to consider when selecting an operator.

- **Re-balancing:** This is a critical aspect of any successful bike share system, as it ensures that people have bikes where and when they want them. The system operator should be able to demonstrate how they will maintain bicycle availability throughout the service area on a daily basis. Additionally, e-bikes necessitate battery charging, so it will be important that the operator is experienced with charging a fleet of electric vehicles.
- **Maintenance:** Ongoing maintenance of bicycles and stations is required for a bike share system to operate smoothly. Maintenance protocols should be included within service agreements between the City and a bike share vendor. Penalties for noncompliance should be included within the agreement to empower public agencies to enforce maintenance procedures.
- **Customer Service:** Operators are responsible for bike share customer service and should have a call center, online portal, and service center to help resolve technical and mechanical issues. The City should request operators meet customer service levels comparable to the City's customer service.

Figure 6-1.


E AIRPORT RD
MOUNTAIN VIEW BLVD
BLACK OTTER TRL
Swords Park
RIMROCK RD
MSU Billings
LYONS LN
NORMAL AVE
SILVER LN
POLY DR
N 29TH ST
SPRUCE ST
PINE ST
ELM ST
ASH ST
LOCUST ST
VIRGINIA LN
COLTON BLVD
PARKHILL DR
Pioneer Park
AVENUE F
AVENUE E
AVENUE D
AVENUE C
AVENUE B
GRAND AVE
ALDERSON AVE
BURLINGTON AVE
LEWIS AVE
CLARK AVE
YELLOWSTONE AVE
WYOMING AVE
BROADWATER AVE
CUSTER AVE
3RD ST W
2ND ST W
1ST ST W
4TH ST W
5TH ST W
DIVISION ST
Community Park
Dehler Park
North Park
BURNSTEAD DR
12TH AVE N
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Map Area
90
MILES
0
0.25
0.5
PROPOSED BIKE SHARE STATION LOCATIONS
CITY OF BILLINGS
Proposed Station Location
Bus Routes
Initial Service Area
Expansion Area
Parks
Water Body
BILLINGS - YELLOWSTONE COUNTY
MPO
METROPOLITAN PLANNING ORGANIZATION
alta
Map Created Dec 2020

SYSTEM LAUNCH

RECOMMENDATION: SERVICE AREA

This section defines an initial service area for system launch and an expansion service area. Introduction of bike share service in the expansion service area can be accomplished either as a single large-scale system expansion or incremental installation of hubs as funds become available.

As shown in Figure 6-1 on the following page, this plan recommends an initial service area that includes Downtown, MSU Billings, and Pioneer Park. The expansion area expands the service area to the west and south of the initial area. Starting in the initial service area provides the opportunity for residents and visitors to get comfortable with small-scale shared mobility on city streets and build support for bike and/or scooter share and bike infrastructure before it expands to other neighborhoods.

Initial Service Area

The initial bike share launch, illustrated at left in **Figure 6-1**, is recommended to include 140-200 electric-assist smart bikes spread between 17 stations of 5-15 bikes each, depending on the demand and available space within the right of way. The initial service area includes Downtown Billings (north of Montana Ave, west of N 18th St, east of Division Street and east of Virginia Lane), including MSU Billings. The entirety of the initial service area includes areas of high demand and/or high equity scores.

Stations are recommended initially in the following areas (listed approximately from north to south):

- MSU Billings
- Highland Apartments
- Yellowstone Medical Center
- North Park
- Billings Clinic/Dehler Park
- Pioneer Park
- Greyhound Station
- 8th Ave N & N 29th St
- Billings Community Center
- Yellowstone Art Museum
- Billings Public Library
- MET Downtown Transfer Center
- Skypoint (2nd Ave N & Broadway)
- Commercial area along Montana Avenue
- Billings YMCA
- Wise Wonders Science Museum
- Community Park

However, station locations may be adjusted as bicycle facilities — particularly protected facilities — are built. It is preferable to locate bike share stations near bicycle facilities to facilitate safe and comfortable bike trips. Stations may also be added in cases where trails or routes are built and high ridership is expected; for example, there is a proposed trail north of downtown below the Rimrocks. Construction of this trail may warrant the addition of another station in the northern portion of the initial service area.

Expanded Service Area

The proposed expansion service area would expand the system outward from its initial service area. Key destinations in the expanded service area would include:

- Residential areas south and west of downtown, including areas with high equity scores
- South Park
- Terry Park
- Highland Park
- Moss Mansion Museum

It is not necessary to expand all at once. The timing and size of the expansion should consider the following factors:

- **Ridership:** High system ridership may indicate the system is ready to expand.
- **Funding:** Identifying additional funding from sponsorships, grants, or operational funding will be necessary to determine the timing and size of system expansions.
- **Infrastructure:** as new bike infrastructure is implemented, system expansions could be coordinated with the arrival of new facilities that provide safe connections for people bicycling.
- **New Indicators of Demand:** Bike share system expansion could be implemented to respond to new development, changes in land use, or expansion of transit service.

ESTIMATED SYSTEM COSTS & REVENUES

The following section estimates the costs and revenues of a bike share system based on the recommended system type and size **(see Table 6-3)**. The actual costs and revenues of the bike share system will vary depending on the selected vendor, specific equipment, pricing structure and usage. These figures provide conservative estimates using current data from the industry. Though the events of the 2020 year have brought major change and uncertainty, the direct costs of bike share system equipment and operations are not expected to shift significantly. The following section describes the two major types of costs associated with bike share systems: start-up costs and operating costs.

Start-Up Costs

This category includes both capital and launch costs.

- **Capital costs** are the costs associated with the purchase of equipment including bikes, transaction kiosks (if present), map frame panels and docks.
- **Launch costs** are mostly one-time costs that include up-front costs such procuring a service center and storage warehouse, purchasing bike and station assembly tools, station installation, website development, communications and IT set-up and pre-launch marketing.

Operating Costs

Operating costs include those required to operate and maintain the system. This includes staff (may be a combination of City and/or vendor staff) and equipment related to:

- **Station maintenance:** Including troubleshooting any technology problems with the kiosk or docking points, cleaning and clearing the station, removing litter and graffiti, etc.
- **Bike maintenance:** Including regular inspection and servicing of bikes as well as maintaining equipment inventory, etc.
- **Re-balancing:** Staff time and equipment associated with moving bikes from full to empty stations and vice versa. This is typically a problem associated with peak demand at commute periods and during events. Re-balancing costs can be mitigated through the use of pricing that encourages riders to return bikes to priority stations or to stations low on bikes.
- **Customer service:** Providing a responsive customer interface for inquiries and complaints as well as performing marketing and outreach to new and existing customers.
- **Direct expenses:** Such as maintaining an operations facility, purchasing tools and spare parts, upkeep of software, communications and IT, administrative oversight, and general administrative costs such as insurance and membership database management.

Estimated System Cost

Most vendor/operators price out a system with a per-bike cost for launch, capital costs, and operations. Based on current industry data, Alta estimates bike share costs for an electric-assist hybrid bike share system in Billings to be:

- Capital: $3,000/bike
- Launch: $2,000/bike
- Operations: $2,000/bike/year

Table 6-3.

Hybrid Electric Bike Share 3-Year Cost Estimate Without Phase 2 Expansions

YEAR	0	1	2	3	0-3
# of Stations	17	17	17	17	17
# of Bikes	150	150	150	150	150
Launch Costs ($2,000/bike, est.)	$300,000	$0	$0	$0	$300,000
Capital Costs ($3,000/bike, est.)	$450,000	$0	$0	$0	$450,000
Operations Costs ($2,000/bike/year, est.)	$0	$300,000	$300,000	$300,000	$900,000
Costs Sub-Total	**$750,000**	**$300,000**	**$300,000**	**$300,000**	**$1,650,000**
Costs Cumulative	**$750,000**	**$1,050,000**	**$1,350,000**	**$1,650,000**	
Estimated "Farebox Recovery" Rate	N/A	30.00%	32.50%	35.00%	N/A
User-fees	$0	$90,000	$97,500	$105,000	$292,500
Annual Need	($750,000)	($210,000)	($202,500)	($195,000)	($1,357,500)
Cumulative Need	($750,000)	($960,000)	($1,162,500)	($1,357,500)	

Using this data, the conservative estimate for a bike share system in Billings with 17 stations and 150 electric-assist bikes would require $300,000 in launch costs, $450,000 in capital costs, and an annual operating cost of $300,000. The system would cost $1.6 million to purchase, launch, and operate for three years.

Revenue: User Fees

The revenue sources for bike share come from user fees, sponsorship, advertising and public funding. User fees include the fees bike share patrons pay for memberships, along with any overtime fees. A key factor to determine revenue through user fees is the "Farebox Recovery Rate" (FRR). The FRR is the percentage of the system's operating costs expected to be covered by user fees.

In bike share systems similar to the recommended system and in cities of similar sizes to Billings, the FRR ranges from 20 - 40 percent. Assuming an FRR of 30 percent, the user fees for bike share in Billings are expected to be approximately $90,000 in the first year of operation. The FRR is expected to grow over the first three years as more users join the system.

Considering the FRR, the annual operating gap (costs minus revenues) can be estimated at around $200,000 per year. This funding may be secured through a variety of sources, including a combination of sponsorship revenue, and state and federal grants. See the Funding Sources section of this report for more information on funding opportunities.

RECOMMENDATION: ESTABLISH STRATEGIC PARTNERSHIPS

Community buy-in is important for long-term bike share stability in Billings. Establishing collaborative partnerships with other agencies, community-based organizations, universities, and other relevant groups will help build support for the system, increase ridership, raise funding, and more.

The role of a partner organization varies based on that organization's role in the community, but may include:

- Direct sponsorship
- Assist with sponsorship solicitations
- Provide subsidized memberships
- Education, marketing & promotion
- Assist with enrollment (particularly into a low-income program)
- Creation and distribution of tourism materials
- Assist with station siting
- Coordinating bike infrastructure upgrades
- Data sharing

The types of organizations that a bike share program will partner with can vary, but may include:

- Local and regional municipalities
- Local and regional transportation agencies
- Parks districts
- Public health agencies
- Universities and colleges
- Tourism bureaus
- Chambers of commerce
- Business improvement districts
- Community-based organizations that serve marginalized communities
- Religious organizations
- Bicycle advocacy organizations
- Environmental organizations
- Hospitals, clinics, and other healthcare facilities

RECOMMENDATION: CREATE AN EQUITY PROGRAM

The Bike and Scooter Share Study researched bike share equity initiatives from bike share systems across North America. The City should include the following elements in the Billings bike share system:

- **Income-based Discounts:** The vast majority of bike share systems that pursue equity goals, regardless of size, have plans that address the financial barriers to users. Income based-discount and cash payment options are key strategies to include lower income bike share riders who may not have access to credit or may not be able to afford the transportation service at the standard fare.
- **Cash Payment:** Over the past couple years, many bike share providers, both public and private, have implemented cash payment options where users can go to designated locations to add cash to their accounts. Reload locations are often social service providers, bike share offices, and local grocery/convenience stores.
- **Alternative Payment Structures:** Beyond income-based discounts and cash payment options, bike share systems should consider other alternative payment structures in order to reduce the financial barriers to entry. For example, rather than offering either a year-long pass or weekly passes, bike share providers could consider offering monthly passes which cater to regular users who can't afford the high total cost of a year-long pass or the high per-trip cost of a weekly pass. Additionally, providing longer rental times can alleviate fears of overage charges.
- **Reduce Liability and Eliminate Hidden Fees:** Some bike share systems require a deposit or have steep fees for lost or stolen bikes. Eliminating these fees across the board or just for lower income users can make people feel more comfortable using the system.
- **Targeted Marketing:** Targeted marketing is any content that increases awareness of the bikeshare among demographics and populations that may benefit from additional outreach. This is a key way providers pursue equity goals. Targeted marketing should reflect the diversity of the area the system serves. It should reinforce the idea that the system is for people who live in Billings, and not just visitors looking for recreational amenities. Successful content is created for (and often with the help of) specific groups and communities the bike share hopes to engage. These strategies could include: ambassador photo shoots, press releases, social media, billboards, bus-stop displays, bike station panels, flyers, emails, custom painted or sponsored bikes by community partners. Regardless of marketing strategy, it is recommended that the content is produced in the languages and located in the places that the target population occupies.

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VII. NEXT STEPS

FUNDING SOURCES

Funding from both public and private sources have been used to fund bike and scooter share systems across North America. Numerous public funding options are available for bike sharing in the United States, but the most common are federal grants issued by agencies such as FHWA, FTA, or CDC, state grants, and local transportation funds. The FHWA provides a summary of public funding sources in its guide to Bike Sharing in the United States (Federal Highway Administration, 2012). Additionally, various state and regional funding opportunities exist for bicycle and pedestrian infrastructure in Montana, for which bicycle and scooter share could be eligible **(Table 7-1).**

Table 7-1.

Potential Bikeshare Funding Sources

FUNDING OPPORTUNITY	ELIGIBLE PROJECT TYPES	LEAD AGENCY	FUNDING SOURCE DETAIL
Surface Transportation Block Grant Program (STBGP)	Bicycle and Pedestrian improvements, among others.	MDT and MPO	With the passage of the 2016 Federal Transportation Bill, Fixing America's Surface Transportation Act (FAST Act), the former Surface Transportation Program (STP) has become the Surface Transportation Block Grant Program (STBGP), which now includes Transportation Alternatives Program funding (described below). Billings- Yellowstone County Metropolitan Planning Organization (MPO) accepts concept reports for consideration of programming funds. This program has a state and an MPO component.
Community Transformation Grants	Bicycle and Pedestrian Infrastructure and Programs. Projects and programs aimed at increasing physical activity	CDC	Community Transformation Grants, administered through the Center for Disease Control (CDC), support community–level efforts to reduce chronic diseases such as heart disease, cancer, stroke, and diabetes. Active transportation infrastructure and programs that promote healthy lifestyles are a good fit for this program, particularly if the benefits of such improvements accrue to population groups experiencing the greatest burden of chronic disease.
Federal Transit Administration (FTA) Funding	Bicycle and Pedestrian infrastructure. Project must enhance or be related to public transportation facilities	FTA	Multiple FTA funding sources exist. Most FTA funding can be used to fund pedestrian and bicycle projects "that enhance or are related to public transportation facilities." Currently under legislation is House Bill 4001 (as part of the Bikeshare Transit Act of 2019), which would allow for the purchase of vehicles as well as the operations and maintenance for bike/scooter share systems.
Statewide Transportation Improvement Program (STIP)	Transportation projects, including bicycle and pedestrian infrastructure	MPO and MDT	The Statewide Transportation Improvement Program (STIP) is MDT's short-term capital improvement program, providing project funding and scheduling information for the department and Montana's metropolitan planning organizations. The MDT, as well as the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) approve the STIP.

Metropolitan Planning Organization Transportation Improvement Program (TIP)	Transportation projects, including bicycle and pedestrian infrastructure	MPO	The 2017 Billings Area Bikeway and Trails Master Plan update recommends that the City and County and its partners continue to work closely with MPO to ensure pedestrian, bikeways and transit improvement projects recommended in the plan (which includes a bike share system) are listed in the TIP.
Maintenance Districts	Maintenance, Capital Improvements List projects	City of Billings	Street and park maintenance districts are used to pay for maintenance expenses, which could potentially include bike share facilities.

ADVERTISING AND SPONSORSHIP REVENUES

There is a subtle difference between advertising and sponsorship. Advertising includes a contract with a company to provide a regularly changing graphic display and message, which could be independent of the bike and scooter share station or other street furniture. The advertiser or message may not be associated with bike sharing or bicycling in general. Sponsorship typically involves a longer-term relationship between the sponsor and the vendor, where stickers are put on the infrastructure (bikes, stations, or website) with a logo or statement that "Company X supports Billings bike/scooter share".

Sponsorship provides a significant funding opportunity in Billings. Potential major partners include MSU-Billings, St Vincent Healthcare Center, or the Billings Clinic. Experience in other cities has shown that companies are generally interested in sponsorship for its positive impression and "good corporate citizen" benefits as much as for its media exposure.

These entities may also gain value from subsidizing memberships for their employees or students. In particular, this presents a good opportunity for MSU-Billings or Rocky Mountain College. Experience in other cities has shown that rates of bike and scooter share use by college students are significantly higher when the membership fee is included in student tuition and fees.

In Billings, advertising and sponsorships within the City's right-of-way are regulated by the Public Works division. While obtaining permission from Public Works to allow advertising and sponsorship on the bike and scooter share system seems likely, it is important to note the nuances of sponsorships. Specifically, if the City were to take on full responsibility for the operations of a bike and scooter share system and sponsorships were to be permitted, the City would then be liable to allow any interest group to act as a sponsor. Conversely, if a third party were to operate the system, sponsorship applicants can be rejected by said third party.

The value of sponsorship will vary significantly between cities and the level of branding. It is possible that sponsorship in the range of $5,000 to $15,000 per station per year is achievable in Billings based on experience in other cities:

- Nice Ride Minnesota obtained approximately $5,500 per station per year for presenting sponsorship from BlueCross BlueShield (this does not include additional station sponsorship sales that would increase this rate).

- Denver B-cycle reported sponsorship of approximately $11,700 per station in 2011.
- Citibank paid approximately $13,500 per station per year for exclusive sponsorship of New York's bike share system.
- Hubway in Boston obtained over $16,500 per station per year for station sponsorship from various sources ranging from New Balance to Harvard University to individual developers.
- CoGo in Columbus OH received $8,333 per station per year for station sponsorship by the Medical Mutual company
- GREENbike in Salt Lake City received $25,000 per station for a three-year term ($8,333/year) and received sponsorship for 8 of the inaugural ten stations

There are generally four approaches to sponsorship described on the following page in **Table 7-2**.

It should be noted that most systems have not been able to procure enough sponsorship dollars through title sponsor arrangements to cover the up-front capital costs of bike and scooter share (New York and London are the notable exceptions). Some systems have secured sponsor dollars to match government grants, while others have found success by launching first, then bringing in sponsors to help sustain or expand. Examples are Chicago's Divvy Bike Share (after one year, they secured sponsorship from Blue Cross Blue Shield of Illinois) and Columbus Ohio's CoGo Bike Share (after one year, they secured sponsorship from Mutual Medical.) Denver B-cycle and numerous other B-cycle systems have been successful at bringing in numerous small-scale and station sponsors to supplement user revenues, grants, and government funding. All of these have involved high-level political leadership to procure the sponsorships.

Nonprofits such as the Indianapolis Cultural Trail (which manages the 250-bike Indiana Pacers Bike Share system which launched in 2014) have been very successful at using a combination of sponsor dollars and foundation grants to both launch and help fund operations. The key to success is having deep-pocketed, community-connected foundations, high-level political support, and local leadership.

Table 7-2.

Common Bike and Scooter Share Sponsorship Models in the United States

SPONSORSHIP MODEL	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Title Sponsor	This can be a single sponsor that pays for full branding of system infrastructure (e.g., London or New York) or multiple sponsors that split the cost in exchange for proportional branding (e.g., Boston or Toronto). **Commitment is typically a 3-5 year period.**	Title: One-time sale of sponsorship Known timeline and full "occupancy" Consistent and recognizable branding	Often difficult to secure sponsor given the large investment Less opportunity for smaller businesses to get involved Competing brands can conflict certain tenants or nearby businesses
Presenting Sponsor(s)	Sponsor(s) pays for branding of certain parts of the infrastructure e.g., Hubway (Presented by New Balance), Nice Ride (Presented by Blue Cross Blue Shield of Minnesota), Pronto Emerald City Bike Share (Presented by Alaska Airlines.) **Commitment is typically a 3-5 year period.**	System branding with sponsors allows for future flexibility A strong, active sponsor adds marketing and outreach value Opportunities for businesses of all sizes to be involved Solid funding stream to complement user fees and government investment Can bring in multiple sponsors	Significant effort required to secure and retain sponsors Not enough money to fully fund system, typically
Station/Hub Sponsors	This model sells sponsorship opportunities on system infrastructure, e.g., Denver Bike Share sells logo placement on a station kiosk plus 10 bikes for $30,000 per year or discounted for multiple years. **Commitment is typically a 3 year period.**	Opportunities for businesses of all sizes to be involved Opportunity to value sponsorship by station demand	Income relies on uptake of a certain amount of sponsorship each year Significant effort required to secure and retain sponsors
Other sponsors	Numerous options available, such as one-time sponsors (e.g., Volkswagen paid for day-passes in Chattanooga for a weekend), product partners, media sponsors, and other ideas. **Commitment is typically a 1-3 year period.**	Opportunities for businesses of all sizes to be involved Builds strength in community by valuing bike and scooter share	Significant effort required to secure and retain sponsors

FUTURE CONSIDERATIONS

ADAPTIVE BIKES

Offering alternate bicycle types could expand the number of people who are interested in utilizing bike share in Billings. The system's mobile application should indicate the presence of these types of bikes and their roll-out should be accompanied by a minimum of one email newsletter to system users. Additional press leading up to and following the launch is recommended. Adaptive bike share is often provided as a complementary program managed by additional partners and is available from staffed locations where bikes are checked out for round-trip use (returned to the same location).

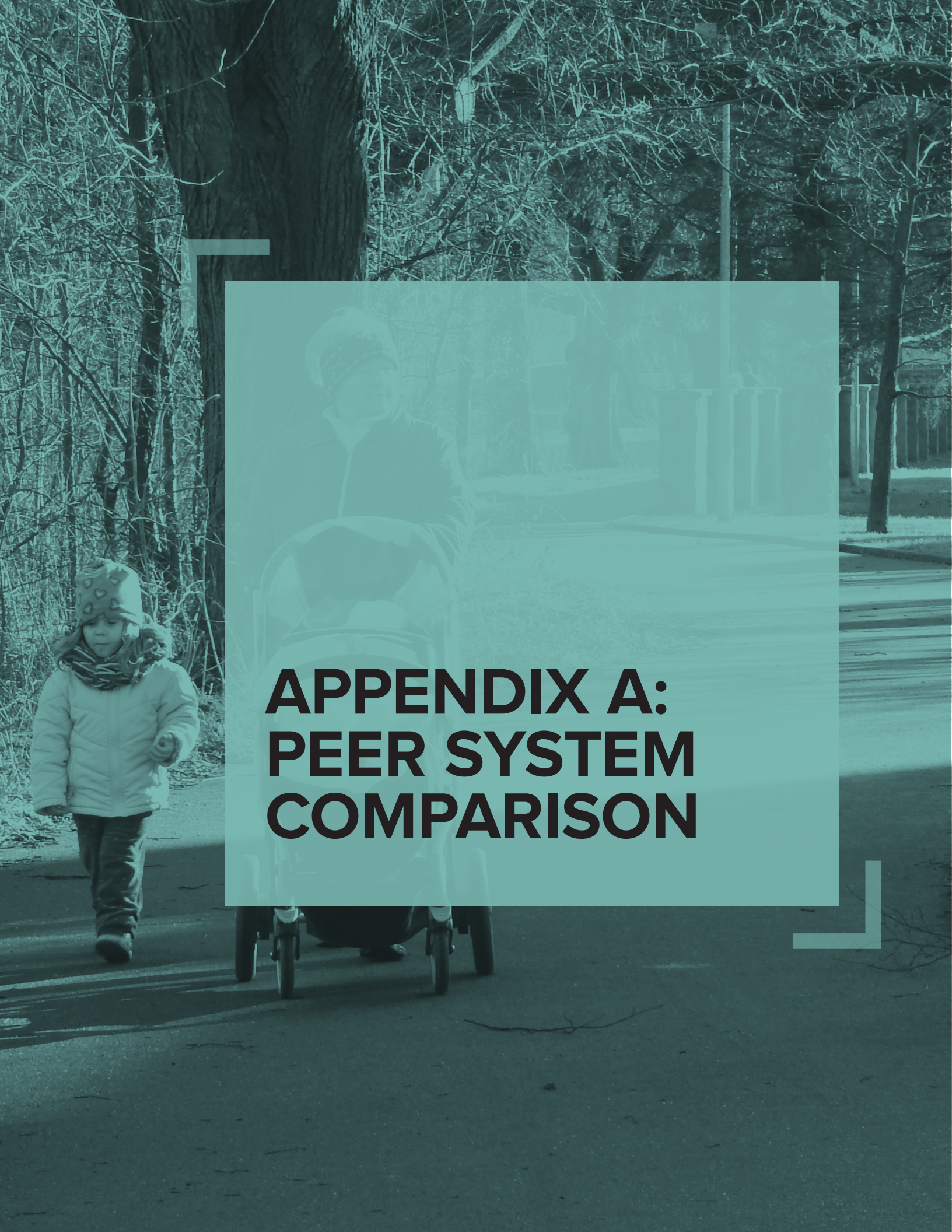
- **Cargo bikes:** Two- or three-wheeled cargo bikes could improve the system's functionality, since most bike share models offer relatively limited carrying capacity. They could also present a sponsorship opportunity for local hardware, garden, or similar retail establishments.
- **Adaptive cycles:** Including upright leg tricycles, recumbent leg tricycles, hand pedal cycles, or side-by-side tandem bike share units can improve the accessibility of bike share for riders with mobility challenges and disabilities.

DATA COLLECTION AND EVALUATION

Bike share data collection has the potential to improve user experience by providing information about where bikes are available throughout the system. Data collected from users also has the potential to improve overall system delivery by allowing public agencies or private vendors to analyze usage trends and respond to customer desires and needs. Despite these benefits, data collection should be anonymized to protect users' privacy. User data should not be shared with third parties.

Raw ridership data provided to public agencies should, at minimum, include trip date and time, point of origin/destination, length of trip (in miles), and duration of trip (in minutes). Data aggregated on a monthly basis should, at a minimum, include average number of trips per day, origin and destination locations (presented in a mapped format), average trip distance, average trip duration (in minutes), average number of unique riders per day, average number of trips per unique rider per day, location and details of all reported crashes involving bikes, location of each complaint, nature of each complaint, description of vendor response, and vendor response time for each complaint.

Using data to inform bike share operations is essential to achieving successful outcomes for program goals. Tracking key metrics help bike share providers understand how, where and when the system is being used, and by whom. The insights gained by monitoring specific data metrics inform how best the system can improve, and can help attract additional funding from local officials, grants, and community sponsors. Analyze the data at regularly scheduled intervals to understand patterns in usage, what is working well, and what needs to be improved.



APPENDIX A: PEER SYSTEM COMPARISON

The following tables summarize a variety of implemented bike share systems in communities similar to Billings in population size, geographic region, or climate. Listed in order of population size from smallest to largest, these systems have been adapted to best serve the unique communities they operate in.

Boulder B-Cycle

LOCATION:	BOULDER, CO (POPULATION 107,355)
OWNER/OPERATOR:	Boulder Bike Sharing
START OF SERVICE:	2011
SYSTEM TYPE:	Docked
NUMBER OF STATIONS/HUBS:	47 stations
NUMBER OF BIKES:	300 bikes

Boulder's BCycle system is dedicated to providing residents, commuters and visitors with an affordable, convenient and sustainable transportation option. The system is owned and operated by Boulder Bike Sharing, a nonprofit founded for the purpose of implementing and operating the program. Boulder Bike Sharing utilizes BCycle as its equipment vendor and software provider via licensing agreement. Boulder Bike Sharing purchased the initial equipment using capital grants secured by the City of Boulder, and receives annual funding from the City that funds a portion of the annual operating costs. The remainder of the costs are paid for by user fees, sponsors, and grants.

Since the system's inception in 2011, annual trips in Boulder have steadily increased from under 20,000 trips per year to more than 108,000 trips in 2018. The docked system has stations located throughout the city, and offers four pass varieties to meet the needs of a wide range of users.

Great Rides Bike Share, Fargo

LOCATION:	FARGO, NORTH DAKOTA (POPULATION 122,359)
OWNER/OPERATOR:	Great Rides Bike Share Inc. (BCycle system)
START OF SERVICE:	2014
SYSTEM TYPE:	Docked
NUMBER OF STATIONS/HUBS:	11 stations
NUMBER OF BIKES:	100 bikes

Fargo's Great Rides Bike Share system operates seasonally with aims of serving North Dakota State University's student population. System design and management heavily prioritizes reducing barriers to entry for NDSU students, who are automatically enrolled in program membership through mandatory student fees. Students activate bikes with their student ID cards. This integration and partnership with the University has led to system success, with students taking 90% of all bike share trips and each bike averaging 6-7 rides per day. Similar to Billings, Fargo experiences extreme winter weather.

Topeka Metro Bikes, Topeka

LOCATION:	TOPEKA, KANSAS (POPULATION 126,597)
OWNER/OPERATOR:	Topeka Metro (Social Bicycles system)
START OF SERVICE:	2015
SYSTEM TYPE:	Hybrid
NUMBER OF STATIONS/HUBS:	143 hubs, 17 main stations
NUMBER OF BIKES:	Unknown

Topeka Metro Bike manages its bike share system through Social Bicycles, a service by JUMP that offers hardware and software services to communities seeking to implement and manage bike share systems. Topeka Metro Bike expanded to over 300 units in 2018. Bikes feature integrated locks that allow riders to park at standard bike racks. The system also utilizes bike share hubs of varying capacity. The system offers a $2 reward for returning bikes to a hub and a $3 out of hub fee for parking bikes away from a hub location. Users who park bikes outside of the service area are charged a $20 fee. The highest density of hubs is located in downtown Topeka (where all bus routes eventually converge at Quincy Street Station) and at Washburn University's campus. Affiliates of the university and employees of the City may use the system for free, while other users have the option of paying 5 cents per minute, $5 per month (for 2 hours of daily time), or $25 annually (for 2 hours of daily time).

While Metro Bike's system does offer hubs near high boarding/alighting stops, the mobile app and payment options do not integrate transit routes, schedules, or fares. Topeka Metro's 2019 budget summary indicates that funding for the administration, maintenance, and operation of Metro Bikes comes from the same revenue pools dedicated to the provision of bus service. This has created a funding conflict between bus service enhancements and bike share provision, which costs roughly $284,000 a year for Metro to operate and brings in only around $108,000 in revenue annually. Metro has voted to end bike share service in December of 2019 in favor of using funds to expand transit service hours and frequency.

Bike Chattanooga

LOCATION:	CHATANOOGA, TN (POPULATION 179,139)
OWNER/OPERATOR:	Owners: Chattanooga Area Regional Transportation Authority and the City of Chattanooga. Operator: Shift Transit
START OF SERVICE:	2012
SYSTEM TYPE:	Docked
NUMBER OF STATIONS/HUBS:	42 stations
NUMBER OF BIKES:	400 total bikes, 55 e-bikes

Though greater in population size than Billings, the City of Chattanooga shares a close landscape resemblance. The downtown area is nestled along the Tennessee River with numerous surrounding parks. The system seeks to enable users to save money, save time, go green and have fun. In order to launch the program, the City first secured $100,000 in funding from the local Lyndhurst Foundation. Combined with an additional partnership with the local transit system, CARTA, the City was able to secure federal air-quality funds as well for a successful implementation. Today, the City operates the system with bikes provided by PBSC Urban Solutions. Funding is an ongoing process, and the City has developed creative ways to expand and progress the system. Similar to advertisements on buses, local companies can have a bike adorned in their colors and logos. In 2019, Bike Chattanooga experienced record high ridership with 74,409 annual trips. The program also offers Free Ride Days on Wednesdays during the summer months to encourage users and lower barriers to entry.

Madison B-Cycle

LOCATION:	MADISON, WI (POPULATION 258,054)
OWNER/OPERATOR:	B=Cycle
START OF SERVICE:	2011
SYSTEM TYPE:	Docked
NUMBER OF STATIONS/HUBS:	45 stations
NUMBER OF BIKES:	300 e-bikes

Madison BCycle is owned and operated by BCycle and Trek. It was the first docked bike share system in the country to convert to 100 percent electric bikes in mid-2019. Since then, ridership has more than doubled. The program offers free memberships to low-income residents.

City Council Regular

Date:	02/22/2021
Title:	Donation Traeger Grills from Ace Hardware-Zimmerman
Presented by:	William Rash, Fire Chief
Department:	Fire
Presentation:	No

RECOMMENDATION

Staff recommends accepting the four (4) Traeger Pro Series Wood Pellet Smoker valued at $699.00 each from Ace Hardware-Zimmerman store.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Jeff Averill, Ace Hardware-Zimmerman store contacted the Fire Department to make a donation of four (4) Traeger Pro Series wood pellet smokers for general use by the Fire Department. Each is valued at $699.00 each or a total of $2,796.00.

ALTERNATIVES

City Council may approve or not approve accepting the donation from Ace Hardware-Zimmerman store.

FISCAL EFFECTS

None.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Lake Hills Subdivision, 38th Filing, Amended Lot 6, Block 19 - Preliminary Minor Plat
Presented by: Monica Plecker
Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Amended Lot 6, Block 19, Lake Hills Subdivision, 38th Filing, to the City Council, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On January 4, 2021, Performance Engineering applied for preliminary minor plat approval for Amended Lot 6, Block 19, Lake Hills Subdivision, 38th Filing. The proposed subdivision creates 2 lots from the existing 1 lot for residential development. The subject property is generally located on the west side of Clubhouse Way where it intersects with Boca Raton Road. The property zoning at the time of the writing of the staff report is Community Commercial (CC). The zoning under the newly adopted code is Neighborhood Mixed Use (NMU). The proposed lots will be developed in compliance with the zoning as the property is developed.

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan, and Billings Area Bikeways and Trail Master Plan are discussed within the Finding of Fact which is attached to this report.

PROCEDURAL HISTORY

- Pre-application meeting November 1, 2020
- Preliminary plat application submitted to Planning Division on January 4, 2021
- Preliminary plat to City Council February 22, 2021
- 35 working-day preliminary plat review period ends February 23, 2021

PLAT INFORMATION

General location:	West side of Clubhouse Way where it intersects with Boca Raton Road
Legal Description:	Lake Hills Subdivision, 15th Filing Lot 6, Block 19
Owner/Subdivider:	David Mutch, Al Blaine
Engineer and Surveyor:	Performance Engineering
Existing Zoning:	CC / NMU
Existing land use:	Vacant Land
Proposed land use:	Residential
Gross and Net area:	0.428 acres / 0.428 acres
Proposed number of lots:	2
Lot size:	Max: 9,300 square feet Min.: 9,300 square feet
Parkland requirements:	Parkland dedication is not required with minor subdivisions.

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. When negative effects are identified

it is the subdivider's responsibility to mitigate those effects.

Various City Departments, private service/utility providers and the affected school district have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this subdivision.

STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting; however nearby property owners may attend the City Council meeting. The Planning Division has received no public comments or questions regarding the proposed subdivision.

ALTERNATIVES

In accordance with state law, the City Council has 35 working days to act upon this minor preliminary plat. The 35 working day review period for the proposed plat ends on February 23, 2021. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated.

Within the 35 working day review period, the City Council is required to:
1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

Approval of this subdivision does not impact the Planning Division budget.

Attachments

Findings of Fact
Preliminary Plat
SIA
Mayors Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Lake Hills Subdivision, 38th Filing Amended Lot 6, Block 19. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]

1. Effect on agriculture and agricultural water user facilities

The subject property was originally platted in 1958 as a county subdivision. There has not been farming activity on the area for many years. There are no agricultural water user facilities within this proposed subdivision. It will not have a negative effect on the agricultural industry.

This subdivision does not contain any ditches or water shares, and therefore will not influence agricultural water user facilities.

2. Effect on local services

a. **Utilities** – Public water services to the subject property will be provided by the County Water District of Billings Heights. There is an existing 8-inch water line in Clubhouse Way. Each lot will be provided with individual water service connections. All water line construction shall be installed in conformance with the design standards, specification, rules and regulations of the County Water District of Billings Heights. This has been outlined in the SIA under the Heading VI Utilities, A Water.

Fire hydrants will also be installed as required by the City Fire Department. The City Fire Department will review and approve all proposed hydrant locations prior to installation.

Sanitary sewer service will be provided by the City of Billings by connecting to the existing 8-inch sewer main located in Clubhouse Way. Each lot will be provided with individual sewer service connections. All sewer line construction shall be installed in conformance with the design standards, specification, rules and regulations of the City of Billings Engineering Department. This has been outlined in the SIA under the Heading VI Utilities, B Septic System.

Private utility providers shall use the provided easement outside the public right of way, these easements are shown on the face of the plat.

b. **Storm water** – Stormwater management for the proposed subdivision will be provided by directing water through a network of curb and gutters, inlets and piping. A stormwater master plan is in place for this subdivision. All proposed

stormwater management will be reviewed and approved by City of Billings Engineering Department to ensure it meets the master planned stormwater plan for Lake Hills Subdivision. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual*. This has been outlined in the SIA under the Heading V Storm Drainage.

c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

d. **Streets** – Access to the lots in this proposed subdivision is from Clubhouse Way, originally platted with a 50-foot wide right of way. Clubhouse Way will be constructed to 34-foot wide, back of curb to back of curb, and 5-foot wide boulevard sidewalks within the 50-foot wide rights-of-way. An additional 3-foot wide public road easement will be on the lots included with this subdivision on Clubhouse Way. Sidewalks will be installed at the time of individual lot development.

e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station that serves this area is located at 1601 St. Andrews Drive (Station #6).

The subdivision is located within the ambulance service area of American Medical Response (AMR).

Comments from the Police department state that continued expansion of subdivisions will require additional resources to maintain acceptable levels of service.

f. **Schools** – School District #2 provides service to students within this subdivision from elementary to high school (Sandstone Elementary School, Castle Rock Middle School, and Skyview High School). School District #2 states that each school has additional capacity for more students.

g. **Parks and Recreation** – There is no parkland dedication requirement for this subdivision as it is a minor plat.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision. They have requested the installation of centralized mailbox unit (CBUs). The developer will work with the USPS to provide a satisfactory location for a CBU for this filing. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level land adjacent to urban development on its north and west sides. A geotechnical study was performed for the subdivision a summary of the information from that study is included in the SIA under the heading IX

Soils/Geotechnical Study. The subdivision should have a minimal effect on the natural environment.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. Future property owners should be aware that the proposed subdivision is located near prime wildlife habitat and adjacent to open agricultural areas, therefore conflicts with wildlife may occur. Any damage caused by wildlife is the responsibility of the owner. This notice is in the SIA under the heading II. Property Conditions and Information for Lot Purchasers.

5. Effect on the public health, safety and welfare

Fire hydrants will be installed to meet fire department requirements. Sidewalks will offer a safe place for pedestrians to walk. The effects on public health and safety should be minimal.

B. Was an Environmental Assessment required? [(MCA 76-3-603 and BMCC 23-302.H.1.]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2018 Urban Area Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-(8)]

1. City of Billings 2016 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

> **Essential Investments:** Infill development and development near existing City infrastructure may be the most cost effective. (p.6)
>
> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings. (p.9)

2. Billings Heights Neighborhood Plan

The Billings Heights Neighborhood Plan, adopted in 2006, identifies this area for low-density residential development. The subdivision meets the following goals of the Heights Neighborhood Plan:

> **Issue: Urban Sprawl**

Goal: Encourage infill housing.

Objectives: To preserve and conserve resources and curb urban sprawl.

This subdivision will be building houses in an already established neighborhood, reducing sprawl to new land.

Issue: Public Health, Safety and Welfare

Goal: To prohibit dead-end water and sewer service lines.

Objectives: To promote resident health, safety and welfare.

Public infrastructure will be connected eliminating some existing dead ends on water and sewer lines.

Issue: Residential Development

Goal: To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Maintain similar housing in established neighborhoods.

Objectives: To encourage infill development and housing development that meets residents' desire to have similar housing within their neighborhood.

This subdivision provides single-family development and duplex housing in the area of this subdivision.

3. 2018 Billings Urban Area Long Range Transportation Plan

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

4. Billings Area Bikeway and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. The BABTMP does not show any trails within the proposed subdivision. There will be no trails built with this subdivision.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]

The subject property is located within the R-96 zoning district. All building development on the lot shall comply with current zoning when applying for a building permit.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]

The subdivider has provided private utility easements as required by private utility providers on the face of the plat.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]

Legal and physical access is provided to the proposed lots from the extension of Greenbriar Road and construction of Winged Foot Drive, all local streets to be dedicated to the public as shown on the plat.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Lake Hills Subdivision, 38th Filing Amended Lot 6, Block 19, does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway and Trail Plans.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and provides legal and physical access to each lot.

- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

RECOMMENDATION

Staff is forwarding a recommendation of conditional approval of the preliminary plat of Lake Hills Subdivision, 38th Filing Amended Lot 6, Block 19, to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, February 22, 2021

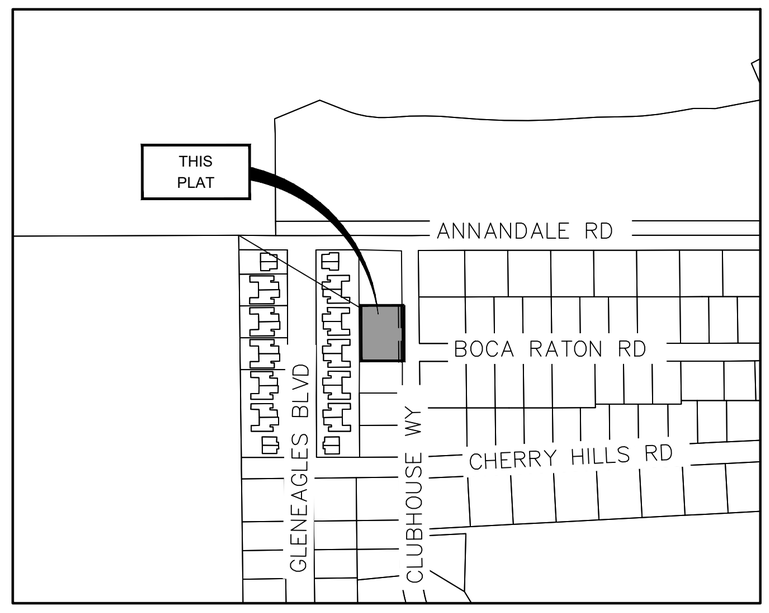
_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

LAKE HILLS SUBDIVISION, 38TH FILING

BEING LOT 6, BLOCK 19 OF LAKE HILLS SUBDIVISION, 15TH FILING
LOCATED IN SECTION 16, T01N, R26E, P.M.M., YELLOWSTONE COUNTY, MONTANA



VICINITY MAP
(NOT TO SCALE)

PROPERTY OWNERS		
NUMBER	NAME	MAILING ADDRESS
1	RON S HILL LIVING TRUST	PO BOX 50636 BILLINGS, MT 59105
2	HADFIELD, GREGORY R & MICHELLE L	2337 CLUBHOUSE WAY BILLINGS, MT 59105
3	O'HARA, BRANDON & SARA	646 BOCA RATON ROAD BILLINGS, MT 59105
4	RON S HILL LIVING TRUST	PO BOX 50636 BILLINGS, MT 59105
5	MINER, VICTORIA L	155 BLACKWOOD LN DOUGLASSVILLE, PA 19518
6	STARKS REAL ESTATE GROUP, LLC	2344 GLENEAGLES DR BILLINGS, MT 59105

SITE DATA	
# OF LOTS	2
MAXIMUM LOT AREA	± 9,271 SF
MINIMUM LOT AREA	± 9,270 SF
PARKLAND AREA	N/A
LINEAL FEET OF STREETS	N/A
NET LOT ACREAGE	± 0.426 AC
GROSS ACREAGE	± 0.426 AC

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY BOUNDARY
- PROPOSED EASEMENT LINE
- PROPERTY CORNER, TO BE SET
- EXISTING PROPERTY CORNER

PREPARED FOR: YELLOWSTONE PROPERTY SOLUTIONS, LLC

PREPARED BY: PERFORMANCE ENGINEERING, LLC

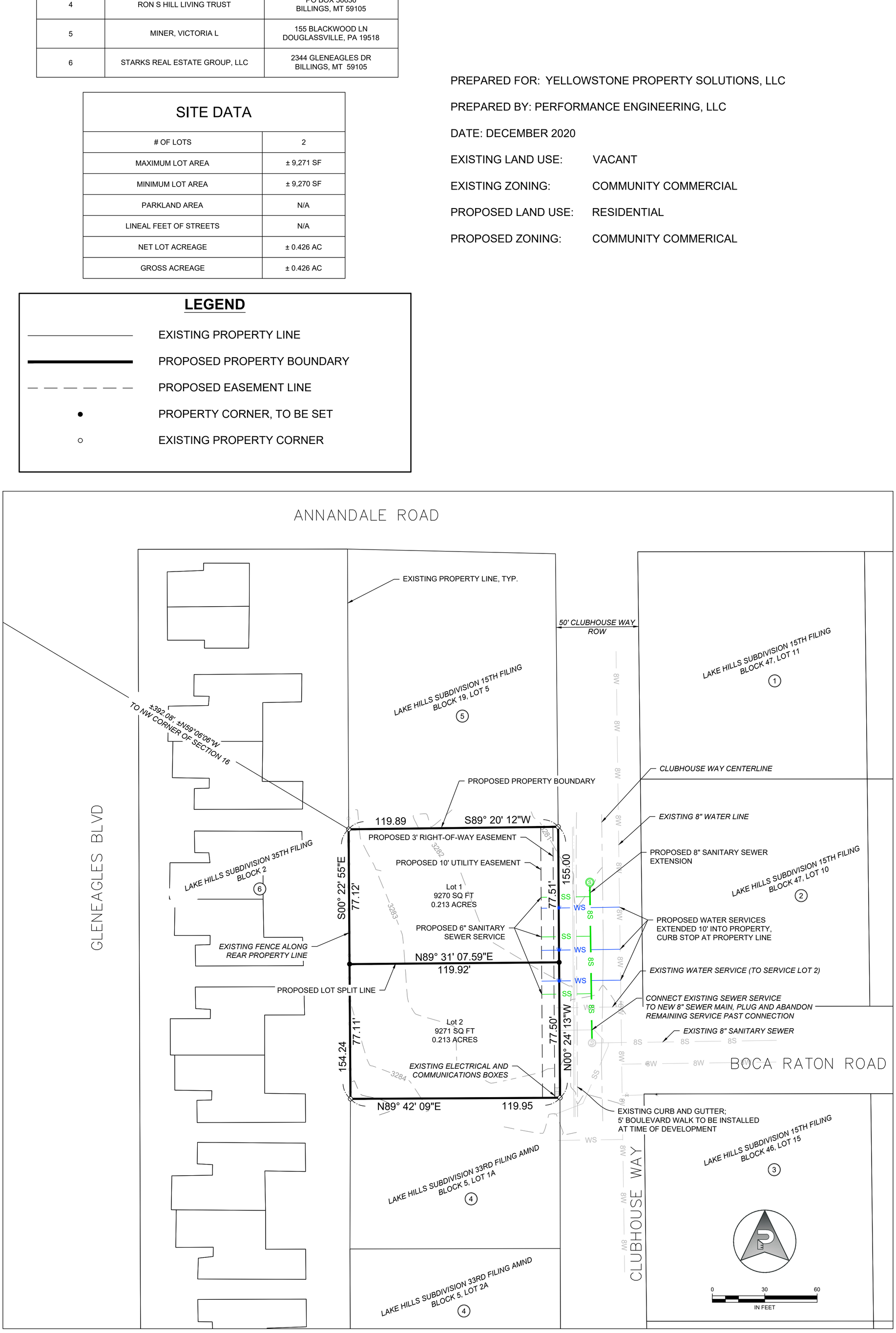
DATE: DECEMBER 2020

EXISTING LAND USE: VACANT

EXISTING ZONING: COMMUNITY COMMERCIAL

PROPOSED LAND USE: RESIDENTIAL

PROPOSED ZONING: COMMUNITY COMMERICAL



SHEET 1 OF 1

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Return to:
Performance Engineering, LLC
608 N 29th Street
Billings, MT 59101

SUBDIVISION IMPROVEMENTS AGREEMENT
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS
Lake Hills Subdivision, 38th Filing
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(City of Billings)

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SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS

Lake Hills Subdivision, 38th Filing

This agreement is made and entered this _____ day of _____, 20___, by and between *Yellowstone Property Solutions, LLC* whose address for the purpose of this agreement is **PO Box 21280 Billings, MT 59104**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the plat of *Lake Hills Subdivision, 38th Filing* located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on ____ day of _____, 20___, the City Council conditionally approved a preliminary plat of *Lake Hills Subdivision, 38th Filing;* and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *Lake Hills Subdivision, 38th Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1101, BMCC):

1. No Variances have been requested at this time.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

G. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined with Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Streets

- Clubhouse Way has a right-of-way width of 50-feet. The Subdivider shall create a 3-foot wide right-of-way easement along Clubhouse Way.

- Lot owners should be aware that front setback requirements as called for by applicable zoning regulations shall be calculated from the back of the 3-foot wide right-of-way easement rather than front property line.
- Internal access roads shall be built in accordance with the City of Billings' site development ordinance, and City subdivision regulations.

B. Sidewalks

- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb.

C. Street Lighting

- No street lighting is proposed for the development; however, street lighting is included in the waiver of right to protest.

D. Traffic Control Devices

- Traffic control devices have been furnished and installed with previous filings. No additional traffic control devices are being dedicated as part of this filing; however, traffic control devices are included in the waiver of right to protest.

E. Access

- Access to the lots will be from drive approaches installed at the time of lot development.
- Internal access roads shall be built in accordance with the City of Billings' site development ordinance, and City subdivision regulations.

F. Billings Area Bikeways and Trail Master Plan

- This subdivision is located within the jurisdiction of the BABTMP, but no trail corridors are identified within this subdivision area. Clubhouse Way is identified as an arterial on-street bikeway.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Wicks Lane and Gleneagles Boulevard.

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

The Billings Fire Department currently provides fire protection and paramedic services for the subdivision.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A master plan is in place for Lake Hills Subdivision and all future stormwater improvements will be reviewed and approved by the Engineering Division to comply with said plan.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

A. Water

The County Water District of Billings Heights (CWDBH) serves the property. New water services will be extended from the existing 8" water main along Clubhouse Way for all lots in this filing. An existing water service will remain and be utilized. Design standards shall be in accordance with CWDBH regulations and improvements shall be reviewed and approved by CWDBH prior to installation.

B. Septic System

An existing 8" sanitary sewer main is located in the intersection of Clubhouse Way and Boca Raton Road. To service the new lots, the Developer will extend an 8" sanitary sewer line north along Clubhouse Way to allow for new services to be connected.

C. Power, Telephone, Gas, and Cable Television

Private utility facilities currently exist to serve the subdivision. Power, natural gas, telephone, and cable will all be located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

There is no parkland requirement for proposed Lake Hills Subdivision, 38th Filing, as this is a minor subdivision [MCA 76-3-617(3)(a)].

VIII. IRRIGATION

- No irrigation ditches, field laterals, or irrigation easements exist in this subdivision.

IX. SOILS/GEOTECHNICAL STUDY

According to the Geotechnical Engineering Report for Lake Hills Road Extension prepared by Rimrock Engineering, Inc. (December 22, 2017), soils found in the vicinity of the subdivision consist of potentially expansive clays and shale. Maintaining surface drainage away from structures is critical. All permitted structures are required by the City of Billings to obtain and follow a geotechnical report prior to construction.

X. PHASING IMPPHASING OF IMPROVEMENTS

There are no intended phasing improvements for this filing.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" *Yellowstone Property Solutions, LLC*

By:_____

Its:_____

STATE OF MONTANA)
: ss
County of)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Yellowstone Property Solutions, LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20___.

"CITY"
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly describe as follows:

Lake Hills Subdivision, 38th Filing

Signed and dated this _____ day of _____, 20___

Yellowstone Property Solutions, LLC

By: _____

Its: _____

STATE OF MONTANA)
: ss
County of)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the _____ of *Yellowstone Property Solutions, LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

February 22, 2021

David Mutch
P.O. Box 21280
Billings, MT 59104

Dear Applicant:

On February 22, 2021, the Billings City Council conditionally approved the preliminary plat of Lake Hills Subdivision, 38th Filing Amended Lot 6, Block 19, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

_____

William A. Cole, Mayor

pc: PEC Engineering / Rob Neihart
David Mutch

City Council Regular

Date:	02/22/2021
Title:	Amended Lots 8 & 9, Block 51, Lake Hills Subdivision, 21st Filing - Final Minor Plat
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

Staff recommends the City Council approve the final plat and SIA of Amended Plat of Lots 8 and 9, Block 51, Lake Hills Subdivision, 21st Filing.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On February 1, 2021, WWC Engineering, applied for final minor plat approval for Amended Plat of Lots 8 and 9, Block 51, Lake Hills Subdivision 21st Filing. The proposed subdivision creates 3 lots for residential development. The subject property is generally located at the West end of Winged Foot Drive where it intersects with Greenbriar Road. The property is zoned Residential 9600. Staff has reviewed the application and determined that the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES

The City Council may approve or disapprove the final plat of Amended Plat of Lots 8 and 9, Block 51, Lake Hills Subdivision, 21st Filing. If the City Council chooses to deny the final plat, the denial must be because the criteria in Section 76-3-611, MCA are not met. The criteria are as follows: 76-3-611. Review of final plat. (1) The governing body or the agent or agency designated by the governing body shall examine each final plat, and the governing body shall approve the plat only if:
(a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and (local) regulations adopted pursuant to this chapter; and
(b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Staff finds the final plat meets the criteria outlined in 76-3-611 above.

FISCAL EFFECTS

The final plat of this subdivision will have no financial impact on the Planning Division.

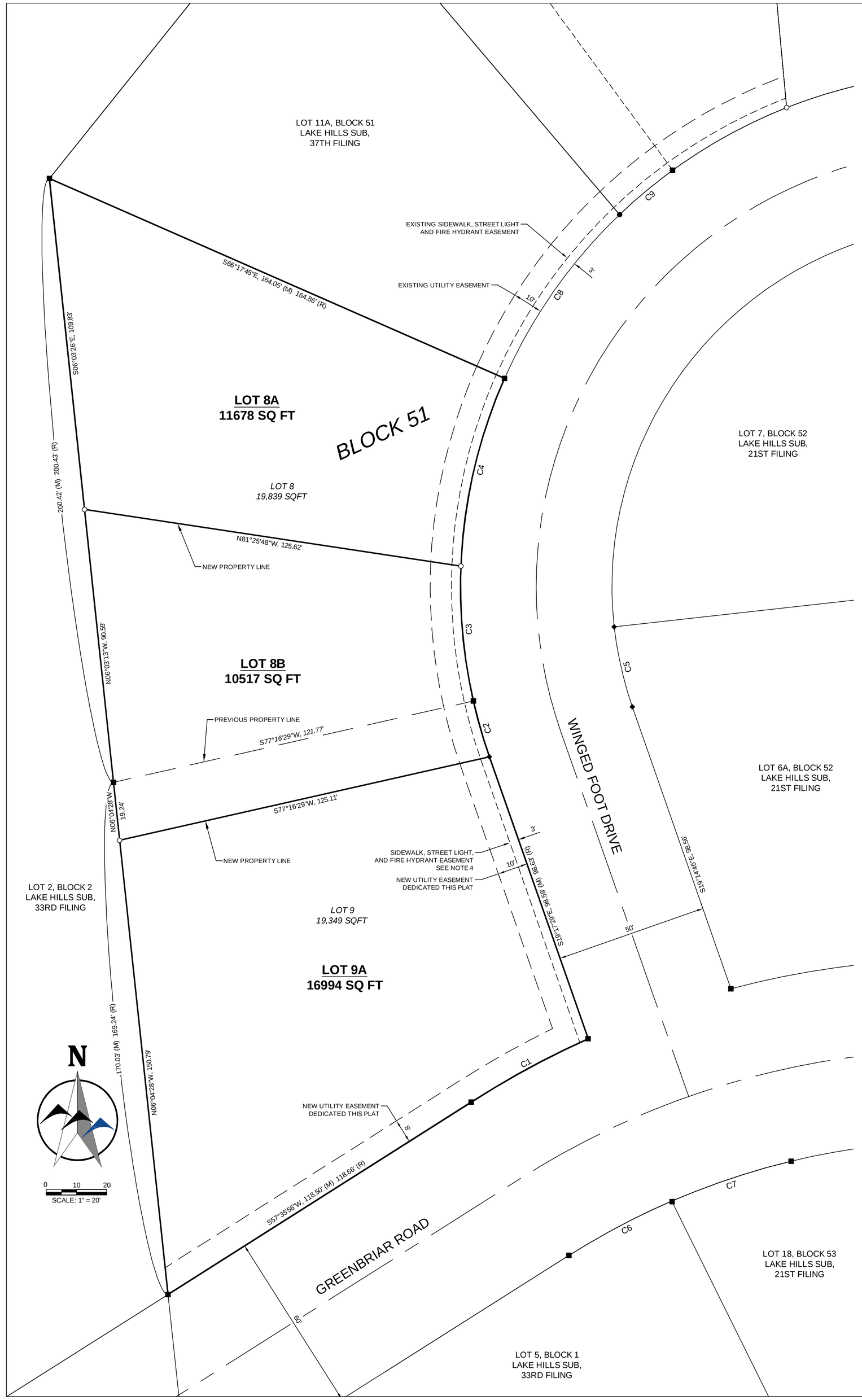
Attachments

Final Plat
SIA
Conditions of Approval

AMENDED PLAT OF LAKE HILLS SUBDIVISION, 21ST FILING

OF LOTS 8 & 9 OF BLOCK 51 OF LAKE HILLS SUBDIVISION, 21ST FILING
WITHIN NW1/4 OF SECTION 16, T01N, R26E, P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: STEVE SCHNEITER
DATE SURVEYED: MARCH 2020
PREPARED BY: WWC ENGINEERING



LEGAL DESCRIPTION

Lots 8 and 9 of Block 51 of Lake Hills Subdivision, 21st Filing, Document No. 612471, within NW1/4 of Section 16, T01N, R26E, P.M.M., City of Billings, Yellowstone County, Montana.

Said tract of land contains a gross and net area of 0.90 acres, more or less, and is subject to any easements, reservations, or other encumbrances that have been legally acquired.

LANDOWNERS CERTIFICATE OF DEDICATION

We hereby certify that new divisions of land are subject to review under the Montana Subdivision and Platting Act, pursuant to M.C.A. 76-4-125 (1)(d)(i).

We further grant to all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair, and removal of their lines over, under, and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever.

The undersigned do hereby grant an easement for sidewalks, street lights, and fire hydrants on the plat designated as the Sidewalk, Street Light, and Fire Hydrant Easement to the public to have and hold forever.

_____
Schneiter Enterprises, a limited partnership
Stephen Schneiter, Member Representative

ACKNOWLEDGEMENT

State of _____)
) :SS
County of _____)

on this _____ day of _____, 2021, before me, the undersigned a notary public for the State of _____, personally appeared Stephen Schneiter, a Member Representative for Schneiter Enterprises, a limited partnership, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

_____
Notary Public for the State of _____

_____
Ron S. Hill Living Trust
Ron S. Hill, Trustee

ACKNOWLEDGEMENT

State of _____)
) :SS
County of _____)

on this _____ day of _____, 2021, before me, the undersigned a notary public for the State of _____, personally appeared Ron S. Hill, Trustee of Ron S. Hill Living Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

_____
Notary Public for the State of _____

CERTIFICATE OF CITY COUNCIL APPROVAL

The City Council of the City of Billings, Yellowstone County, Montana does hereby certify that the accompanying plat for AMENDED PLAT OF LAKE HILLS SUBDIVISION, 21ST FILING has been duly examined and have found the same to confrom to the law and hereby approve it.

Dated this _____ day of _____, 20___

_____
CITY OF BILLINGS, MONTANA

BY: _____
Mayor

ATTEST: _____
City Clerk

NOTICE OF APPROVAL

STATE OF MONTANA)
: ss
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

Date _____ _____
President

_____
Executive Secretary

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that I have examined the annexed plat and find that it conforms with Section 76-4-125(1)(d) MCA, removing sanitary restrictions since the plat is inside a master planning area and is provided with municipal facilities for the supply of water and disposal of sewage and solid waste.

Dated this _____ day of _____, 20___

_____
CITY ENGINEER'S OFFICE

CERTIFICATE OF CITY ATTORNEY

This Amended Plat has been reviewed by the City Attorney's Office and is acceptable to form.

Dated this _____ day of _____, 2021

_____
Reviewed by

CERTIFICATE OF EXAMINING LAND SURVEYOR

Reviewed for errors and omissions in calculations and drafting this ____ day of _____, 2020, pursuant to section 76-3-611(2)(a), M.C.A.

_____
Examining Land Surveyor

Reg. No. _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes and special assessments assessed and levied on the land described on this Subdivision Plat and encompassed by the proposed division have been paid.

Dated this _____ day of _____, 20___

_____
TREASURER
YELLOWSTONE COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of March 2020, a survey was performed under his supervision of a tract of land to be known as AMENDED PLAT OF LAKE HILLS SUBDIVISION, 21ST FILING, in accordance with the request of the owner thereof and in conformance with Montana Subdivision and Platting Act; said subdivision being in accordance with the Landowner's Certificate and as shown on the plat; that the monuments found and set are of the character and occupy the positions hereon.

Dated the _____ day of _____, 20___

_____
John Bruckner
Registration Number 63052 LS

MONTANA
JOHN BRUCKNER
No. 63052 LS
LICENSED PROFESSIONAL LAND SURVEYOR

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

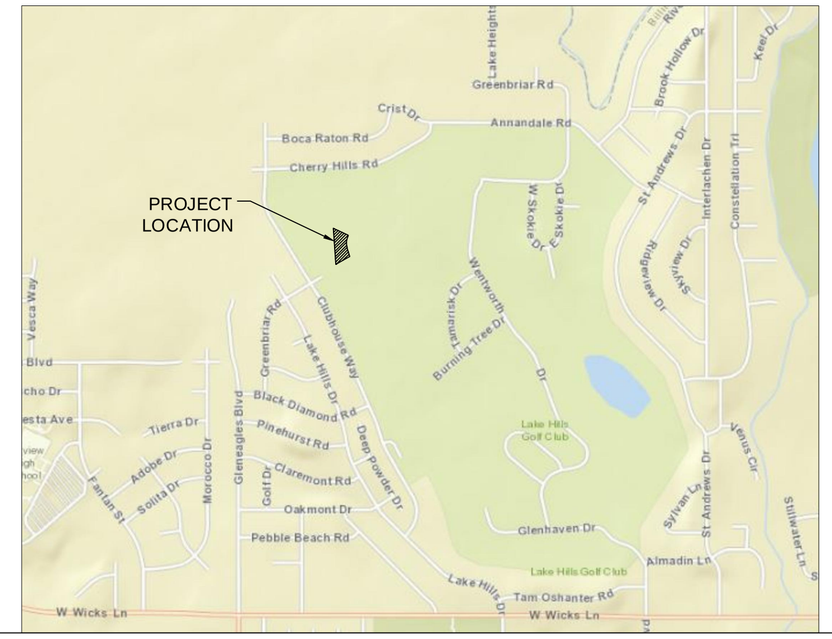
CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	43.95'	300.27'	8°23'12"	S61°30'58"W	43.91'
C2	19.15'	170.00'	6°27'18"	S16°03'30"E	19.14'
C3	44.86'	170.00'	15°07'11"	S05°16'15"E	44.73'
C4	64.01'	170.00'	21°34'29"	S13°04'35"W	63.64'
C5	27.09'	120.00'	12°56'08"	N12°49'59"W	27.04'
C6	38.43'	241.27'	9°07'35"	N62°09'13"E	38.39'
C7	41.56'	244.93'	9°43'15"	N71°30'32"E	41.51'
C8	66.47'	170.00'	22°24'10"	N35°03'55"E	66.05'
C9	65.89'	170.01'	22°12'18"	N57°22'12"E	65.48'

NOTES

1. *BASIS OF BEARING: NAD83(2011) MONTANA STATE PLANE COORDINATE SYSTEM, GRID*
2. *DISTANCES: GROUND, INTERNATIONAL FOOT*
3. *THERE APPEARS TO BE A CALCULATIONS ERROR FOR LOT 9, BLOCK 51 PER THE FILED PLAT FOR LAKE HILLS SUBDIVISION, 21ST FILING. THE NOTED AREA IS 16,173 SQFT. USING THE RECORD DIMENSIONS, THE AREA CALCULATED TO BE +/-19,278 SQFT.*
4. *LOT FRONT SETBACKS SHALL BE DETERMINED FROM BACK OF THE 3' SIDEWALK, STREET LIGHT, AND FIRE HYDRANT EASEMENT WHERE LOT FRONTAGE IS DETERMINED ALONG WINGED FOOT DRIVE. LOTS THIS IS APPLICABLE TO INCLUDE LOTS 8A, 8B, AND 9A OF BLOCK 51.*

VICINITY MAP

NOT TO SCALE



LEGEND

○	SET ⅝" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER 63052LS)
●	FOUND ⅝" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER 63052LS)
■	FOUND 5/8" REBAR
◆	FOUND 1/2" REBAR
———	ADJACENT PROPERTY BOUNDARY
———	AMENDED PLAT BOUNDARY
—— ——— ——	PREVIOUS LOT LINE
- - - - - -	EXISTING PEDESTRIAN & LIGHT POLE EASEMENT
—— — —— —	EXISTING UTILITY EASEMENT
- - - - - -	PEDESTRIAN & LIGHT POLE EASEMENT
—— — —— —	UTILITY EASEMENT
(M)	MEASURED (THIS SURVEY)
(R)	RECORD (LAKE HILLS SUBDIVISION - 21ST FILING, DOCUMENT NO. 612471)

QRTR.	SEC.	TWP.	RGE.
☒	16	01N	26E

AMENDED PLAT

JOB#: 2020-177

REVISIONS	
Date	By

WWC ENGINEERING
550 S. 24TH ST. W., SUITE 201
BILLINGS, MT 59102
(406) 894-2210

Drawn By: NRZ | Checked By: AMR/JPB | Date: July 2020 | Scale: 1" = 20'

PLOT STYLE: WWC COLOR.ctb
PLOT DATE: 04/19/2021 | FILE PATH: Teams:\\bcyfound\Billings\Steve Schneiter\2020\77 Lake Hills Subdivision 4\remote\Plat\BOD\Design\Lake Hills AP.dwg

SUBDIVISION IMPROVEMENTS AGREEMENT

& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENTS DISTRICTS

Amended plat of Lake Hills Subdivision, 21st Filing
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CITY OF BILLINGS

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SUBDIVISION IMPROVEMENTS AGREEMENT

& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS

Amended plat of Lake Hills Subdivision, 21st Filing

This agreement is made and entered into this _____day of____, 2021, by and between Ron S. Hill Living Trust, whose address for the purpose of this agreement is **P.O. Box 50636; Billings, Montana 59105**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

This agreement is made and entered into this _____day of____, 2021, by and between Schneiter Enterprises, a limited partnership, whose address for the purpose of this agreement is **1546 Sienna Oak CT; Sandy, UT 84092**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on ____day of ____, 2020, the City Council conditionally approved a preliminary plat of Amended Plat of Lake Hills Subdivision, 21st Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to Amended Plat of Lake Hills Subdivision, 21st Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. No variances are being requested for this subdivision.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Front setbacks for those lots included in the subdivision with frontage determined along Winged Foot Drive shall be calculated from the back of 3-foot utility easement rather than front of lot line/edge of right-of-way. This applies to Lots 8A, 8B and Lot 9A of Block 51.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil survey and Geotechnical Engineering Report for Lake Hills Subdivision, 21st Filing, prepared by Rimrock Engineering, Inc. (July 2, 2019), indicate that there could be potential limitations for proposed construction on the lots. Refer to Section IX for discussion of the geotechnical study completed for some of the lots within the Subdivision. All permitted structures within city limits are required by the City of Billings to obtain and follow a geotechnical report prior to construction.

D. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvements district which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. The Subdivider and subsequent contractors/builders acknowledge that a Stormwater Pollution and Prevention Plan (SWPPP) may be required to be filed with the City and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Association with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

G. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are

defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

Streets

- Rights-of-way widths of 60 feet for Greenbriar Road and 50 feet for Winged Foot Drive have already been dedicated in previous filings.
- The Owner shall construct public streets, and curb & gutter within the Subdivision. Streets fronting lots within the Subdivision shall be constructed as 34' back of curb to back of curb. These access roads shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All streets shall be built in accordance with the City of Billings' site development ordinance, and city subdivision regulations.
- The construction costs have been funded and no additional monetary security is required.

Sidewalks

- The Owner will install corner intersection handicap ramps.
- Individual lot owners will be responsible for the construction of the sidewalks adjacent to their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb along frontage of those lots included in the subdivision. Transitioning of sidewalk to 5-foot boulevard walk from that of adjacent lots outside the subdivision shall be conducted as called for by City Engineering at time of building permit application.

Street Lighting

- No street lighting is proposed for the development; however, street lighting is included in the waiver of right to protest.

Traffic Control Devices

- Traffic control devices are not required for this subdivision but are included in the waiver of right to protest.
- The Owner will furnish and install street name signs for streets within the subdivision or located immediately adjacent thereto in accordance with the specifications of the City of Billings Public Works and Fire Departments.

Access

- Access to the lots will be from drive approaches installed at the time of lot development from streets built with this Subdivision. Access permits shall be obtained from City Engineering.

Billings Area Bikeway and Trails Master Plan (BABTMP)

- This subdivision is located within the jurisdiction of the BABTMP, but no trail corridors are identified within this subdivision area.

Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest transit stop is at the intersection of Wicks Lane and Gleneagles Boulevard.

IV. EMERGENCY SERVICE

The Billings Fire Department currently provides fire protection for the subdivision.

At the time of future lot development construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to meet fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber plywood, wood trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted be the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along an approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for apparatus access and water supply.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A master plan is in place for Lake Hills Subdivision and all Future stormwater improvements will be reviewed and approved by the Engineering Division to comply with said plan. The new storm drainage improvements shall be constructed as part of SID 1413. The construction costs have been funded through the establishment of SID 1413 and no additional monetary security is required.

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the County

Water District of Billings Heights and Public Works Department – Distribution and Collection Division, respectively. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater construction fees in effect shall be submitted with the applications.

It is acknowledged that the properties subject to this Subdivision Improvements Agreement shall be subject to the appropriate water and wastewater local and interior construction fees in effect at the time of payment. Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the County Water District of Billings Heights, City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

Water

The County Water District of Billings Heights serves the property. There is an existing 8-inch water main located in Greenbriar Road that currently terminates at both East and West edges of the subdivision. SID 1413 will extend the 8-inch water main along the length of Greenbriar Road through the subdivision. Also installing new 8-inch main along the length of Winged Foot Drive through the subdivision. New water services will be installed for all lots in the subdivision.

Sanitary Sewer

Sanitary sewer mains and services will be extended from those that are existing in the subdivision. An existing 8-inch main is located at the intersection of Greenbriar Road and Wentworth Drive and currently terminates at the east edge of the proposed subdivision. SID 1413 will install a new 8-inch sanitary sewer main from the existing 8-inch main and run it along the roadways in front of lots within SID 1413 for sewer services to be installed. New sewer services will also be installed for all lots in the subdivision.

Power, Telephone, Gas, and Cable Television

Private utility facilities (power, natural gas, telephone, and cable) will be installed during construction and located within the right-of-way and utility easements shown on the plat.

VII. PARKS/OPEN SPACE

There is no parkland requirement for this subdivision as the parkland requirement has been previously met.

VIII. IRRIGATION

No irrigation ditch, field laterals, or irrigation easements exist in this subdivision.

IX. SOILS/GEOTECHNICAL STUDY

According to the Geotechnical Engineering Report for Lake Hills Subdivision, 21st Filing, prepared by Rimrock Engineering, Inc. (July 2, 2019), some soils found in this area consist of potentially compressible clay soils over sandstone shale bedrock at or near foundation and concrete slab elevations. Field and laboratory test results indicate that some site soils are compressible and potentially expansive with increased moisture which can be detrimental to lightly loaded structures.

Subsurface conditions vary from one location to another and the structural characteristics may vary from one structure to another. Currently all permitted structures within city limits are required by the City of Billings to obtain and follow a geotechnical report prior to construction.

X. PHASING OF IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements through Special Improvements District No. 1413. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district and the improvements shall be installed as approved by the City Engineer and the City of Billings Public Works and County Water District of Billings Heights.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider and successors and assigns agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors and assigns and transferees of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" Schneiter Enterprises, a limited partnership

By: Stephen D. Schneiter

Title: Managing Partner

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 26th day of JANUARY, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Stephen Schneiter, a Member Representative for Schneiter Enterprises, a limited partnership, known to me to be the person who executed the foregoing instrument and acknowledged to me that he/she executed the same.

AARON M. REDLAND
Notary Public in and for the State of Montana
Printed Name: AARON M REDLAND
Residing at: BILLINGS, MT
My commission expires: DEC 20, 2024

AARON M. REDLAND NOTARIAL SEAL STATE OF MONTANA
AARON M. REDLAND
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires December 20, 2024

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" Ron S. Hill Living Trust

By: Ron S. Hill Living Trust

Its: Trustee

STATE OF MONTANA)

: ss

County of Yellowstone)

On this 1ST day of FEBRUARY, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Ron S. Hill, Trustee of Ron S. Hill Living Trust, known to me to be the person who executed the foregoing instrument and acknowledged to me that he/she executed the same.

AARON M. REDLAND NOTARIAL SEAL STATE OF MONTANA

AARON M. REDLAND
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires December 20, 2024

Notary Public in and for the State of Montana
Printed Name: AARON M REDLAND
Residing at: BILLINGS MT
My commission expires: DEC. 20, 2024

This agreement is hereby approved and accepted by the City of Billings, this _____day of _____, 2021.

"CITY"
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this____ day of _____, 2021, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

Waiver of Right to Protest

FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording date of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:
Amended Plat of Lake Hills Subdivision, 21st Filing

Signed and dated this 1st day of FEBRUARY, 2021.

Ron S. Hill Living Trust
By: Ron S. Hill Living Trust
Title: Trustee

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 1st day of FEBRUARY, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Ron S. Hill, known to me to be the person who executed the forgoing instrument as the Trustee of Ron S. Hill Living Trust known to me to be the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

AARON M REDLAND
Notary Public in and for the State of Montana
Printed name: AARON M REDLAND
Residing at: BILLINGS, MT
My commission expires: DEC. 20, 2024

AARON M. REDLAND NOTARY PUBLIC for the State of Montana Residing at Billings, Montana My Commission Expires December 20, 2024

Signed and dated this 26th day of JANUARY, 2021.

Schneiter Enterprises, a limited partnership
By: _____
Title: Managing Partner

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 26th day of JANUARY, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Stephen Schneiter, Member Representative for Schneiter Enterprises, a limited partnership, known to me to be the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

AARON M REDLAND
Notary Public in and for the State of Montana
Printed name: AARON M REDLAND
Residing at: BILLINGS MT
My commission expires: DEC. 20, 2024

AARON M. REDLAND NOTARIAL SEAL STATE OF MONTANA

AARON M. REDLAND
NOTARY PUBLIC for the
State of Montana
Residing at Billings,
Montana
My Commission Expires
December 20, 2024

CITY OF BILLINGS

BILL COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 657-8296
FAX (406) 657-8390
coleb@ci.billings.mt.us

October 12, 2020

Ron Hill / Steve Schneiter
550 South 24th Street West Ste. 201
Billings, MT 59102

Dear Applicant:

On October 12, 2020, the Billings City Council conditionally approved the preliminary plat of Lake Hills Subdivision, 21st Filing Amended Lots 8-9, Block 51, subject to the following conditions of approval:

1. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.

2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@billingsmt.gov

Sincerely,

William A. Cole

William A. Cole, Mayor

pc: WWC Engineering
Ron Hill / Steve Schneiter

City Council Regular

Date:	02/22/2021
Title:	Annafeld Subdivision, 3rd Filing - Final Major Plat
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

Staff recommends the City Council approve the final plat and SIA of Annafeld Subdivision, 3rd Filing.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On February 1, 2021, Sanderson Stewart, applied for Final Major Plat approval for Annafeld Subdivision, 3rd Filing. The proposed subdivision creates 100 lots for residential and commercial development. The subject property is generally located south of Elysian Road, east of East Lane and west of the Hogan Slough. The property is zoned Planned Unit Development. Staff has reviewed the application and determined that the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

ALTERNATIVES

The City Council may approve or disapprove the final plat of Annafeld Subdivision, 3rd Filing. If the City Council chooses to deny the final plat, the denial must be because the criteria in Section 76-3-611, MCA are not met. The criteria are as follows:

76-3-611. Review of final plat. (1) The governing body or the agent or agency designated by the governing body shall examine each final plat, and the governing body shall approve the plat only if:
(a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and (local) regulations adopted pursuant to this chapter; and
(b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Staff finds the final plat meets the criteria outlined in 76-3-611 above.

FISCAL EFFECTS

The final plat of this subdivision will have no financial impact on the Planning Division.

Attachments

Final Plat
SIA
Conditions of Approval

PLAT OF

ANNAFELD SUBDIVISION, THIRD FILING

BEING LOT 11 OF BLOCK 2 OF ANNAFELD SUBDIVISION, FIRST FILING, LOT 1 OF BLOCK 10 OF ANNAFELD SUBDIVISION, SECOND FILING, AND LOT 1A-1 OF AMENDED PLAT OF LOTS 7-10, BLOCK 5 AND LOT 1A, BLOCK 11 OF ANNAFELD SUBDIVISION SECOND FILING, SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

AUGUST, 2020

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

NOTICE OF APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

This plat has been approved for filing by the Yellowstone County Board of Planning and conforms to the recommendations of this board.

_____ _____
Date President

_____
Executive Secretary

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-4-125(1)(d), M.C.A., for divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this _____ day of _____, 20____.

_____
City Engineer's Office

ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings already platted as nearly as circumstances will permit.

_____ _____
Examining Land Surveyor Date

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing PLAT OF ANNAFELD SUBDIVISION, THIRD FILING and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this _____ day of _____, 20_ .

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

CERTIFICATE OF CITY ATTORNEY

This document has been reviewed by the City Attorney's office and is acceptable as to form.

DATED: _____

Reviewed by: _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b) / 76-3-207(3), M.C.A.

Date _____

Yellowstone County Treasurer

BY: _____
Deputy

CERTIFICATE OF DEDICATION

STATE OF MONTANA)
:ss
County of Yellowstone)

KNOW ALL MEN BY THESE PRESENTS: That McCALL DEVELOPMENT, INC., the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the NW1/4 of Section 19, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Lot 11, Block 2 of Annafeld Subdivision, First Filing, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 3831829; Lot 1, Block 10 of Annafeld Subdivision, Second Filing, Document No. 3902613; and Lot 1A-1 of Amended Plat of Lots 7-10, Block 5 and Lot 1A, Block 11 of Annafeld Subdivision Second Filing, Document No. _____ .

The park requirement for this subdivision is being met by the creation of Lot 17 of Block 5, Lot 19 of Block 7, Lot 27 of Block 8, and Lot 1 of Block 11 as PRIVATE PARK and previous land dedication by the Plats of Annafeld Subdivision, First and Second Filings.

Said tract to be known and designated as PLAT OF ANNAFELD SUBDIVISION, THIRD FILING, and the lands included in all streets and avenues as shown on the annexed plat are hereby granted and donated to the use of the public forever.

McCALL DEVELOPMENT, INC.

By: Bly McCall Title: Vice-President

STATE OF MONTANA)
:ss
County of Yellowstone)

This instrument was acknowledged before me on the 29th day of January, 2021, by Bradley McCall, as Vice President of McCall Development, Inc.

Brittany Cecil
Signature of Notary

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA
BRITTANY CECIL
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
April 06, 2021

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
:ss
County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor declares that during the month of August, 2020 a survey was performed under his supervision of a tract of land to be known as ANNAFELD SUBDIVISION, THIRD FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 31.881 acres and the net area is 24.210 acres, more or less.

SANDERSON STEWART

By: Michael Dean Bertram

MONTANA MICHAEL DEAN BERTRAM 18972LS LICENSED PROFESSIONAL LAND SURVEYOR

Montana Registration No. 18972LS

Date: January 29, 2021

CONSENT TO PLATTING

Document No. _____

SUBDIVISION IMPROVEMENTS AGREEMENT

Document No. _____

TERMINATION OF EASEMENT

Document No. _____

PRIVATE WATER & SEWER SERVICE EASEMENT

Document No. _____

TEMPORARY TURNAROUND EASEMENT

Document No. _____

RESERVED FOR CLERK AND RECORDER

16001_97_ANNAFELD_SUB_3RD_FP_PROD.DWG 16001.97 1/26/21 BG/MDB

PLAT OF

ANNAFELD SUBDIVISION, THIRD FILING

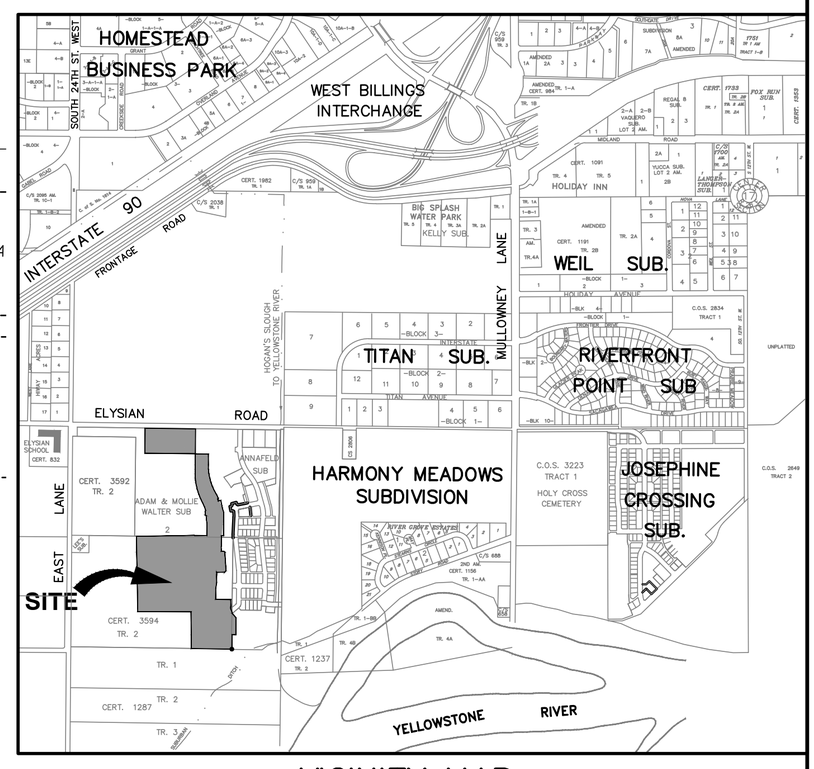
BEING LOT 11 OF BLOCK 2 OF ANNAFELD SUBDIVISION, FIRST FILING, LOT 1 OF BLOCK 10 OF ANNAFELD SUBDIVISION, SECOND FILING, AND LOT 1A-1 OF AMENDED PLAT OF LOTS 7-10, BLOCK 5 AND LOT 1A, BLOCK 11 OF ANNAFELD SUBDIVISION SECOND FILING, SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

AUGUST, 2020

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP

NOT TO SCALE

QFC SUBDIVISION, FIRST FILING

LOT 1

ELYSIAN ROAD

LOT 2A -BLOCK 1-

N 89°58'20" E 599.00'

N 00°09'45" W 296.00'

S 00°09'45" E 296.00'

-12- -11- -10-

FARMSTEAD AVE.

S 89°58'20" W 589.00'

N 89°58'20" E 90.01'

N 45°05'43" W 14.16'

N 00°09'45" W 210.81'

S00°09'45"E 29.90'

SHEET 3

SHEET 4

-BLOCK 9- -BLOCK 1-

WALTER CREEK

ANNAFELD SUB., FIRST FILING

PRIVATE PARK -BLOCK 4-

ANNAS BOULEVARD

-BLOCK 8-

-8- -8- -8-

Δ=32°11'36" R=658.00' L=369.72' CHORD S16°15'33"E 364.87'

Δ=10°03'30" R=282.00' L=49.51' CHORD S27°19'36"E 49.44'

Δ=27°49'22" R=739.42' L=359.06' CHORD N14°04'27"W 355.55'

GARDEN ST

GEORGE ST

S 28°16'41" W 12.97'

S 12°09'45" E 20.00'

N 77°50'15" E 37.66'

S 12°09'45" E 92.00'

S 77°50'15" W 5.20'

ROSE LANE

MOLLIE

S 17°09'15" E 56.21'

Δ=27°50'32" R=534.00' L=259.49' CHORD N14°03'52"W 256.95'

SHEET 4

SHEET 5

BOULEVARD

N 00°08'35" W 153.31'

N 89°58'09" E 146.94'

N 00°01'51" W 20.00'

N 89°58'09" E 597.02'

-7- -7-

S 00°01'51" E 266.80'

ANNAS GARDEN LANE

-BLOCK 3-

PARK 36

S 44°58'21" W 14.14'

S 89°58'09" W 12.91'

S 00°02'02" W 184.53'

-BLK 7-

-13-

EVA MARIE LANE

S 89°57'58" E 33.35'

S 47°01'30" E 14.64'

S 04°05'01" E 229.40'

-14- -14-

-5-

S 42°53'48" W 13.64'

S 89°52'38" W 101.04'

L1 L2 L3 L4

-BLOCK 3-

NORMA JEAN LANE

S 07°25'33" W 66.58'

SHEET 5

SHEET 6

-15- -15-

-6- -6-

-BLOCK 6-

S 00°07'22" E 130.00'

N 89°52'38" E 134.66'

S 00°08'35" E 120.00'

N 89°52'38" E 14.65'

-BLOCK 2-

Δ=41°00'00" R=44.00' L=31.49' CHORD N69°22'38"E 30.82'

N 48°52'38" E 30.47'

S 00°00'00" E 74.34'

S 41°07'22" E 68.42'

ANNAS GARDEN LANE

-2- -2- -2-

S00°00'00"E 199.58'

13 PARK

ANNAFELD SUB., FIRST FILING -BLOCK 2-

N 90°00'00" W 45.00'

S 00°00'00" E 172.85'

RIVER PARK DRIVE

-16-

JOHANNS MEADOW LANE

S 89°57'56" W 474.27'

N 00°08'35" W 852.79'

S 89°57'56" W 584.00'

N 00°08'35" W 471.53'

EXISTING 30' WIDE TEMPORARY EMERGENCY ACCESS EASEMENT, DOC. #3831833 & SANITARY SEWER EASEMENTS, DOC. #3739365 & 3739637

EXISTING TEMPORARY TURNAROUND EASEMENT DOC No. 3951749

BOUNDARY LINE TABLE		
Line #	Bearing	Distance
L1	S 00°07'22" E	20.00'
L2	N 89°52'38" E	7.34'
L3	S 00°07'22" E	107.50'
L4	S 89°52'38" W	7.34'

-17-
LOT 1
547,804 SF

TRACT 2A

CERTIFICATE OF SURVEY No. 3592

CERTIFICATE OF SURVEY No. 3594

CERTIFICATE OF SURVEY No. 3594

CERT. of SURVEY No. 1287

NORTH

100 50 0 100 200

SCALE:1" = 100'

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

AREA DATA

96 LOTS	23.288 AC
4 PRIVATE PARKS	0.922 AC
NET AREA	24.210 AC
ROAD DEDICATION	7.671 AC
GROSS AREA	31.881 AC

RESERVED FOR CLERK AND RECORDER

16001_97_ANNAFELD_SUB_3RD_FP_PROD.DWG 16001.97 1/26/21 BG/MDB

PLAT OF

ANNAFELD SUBDIVISION, THIRD FILING

BEING LOT 11 OF BLOCK 2 OF ANNAFELD SUBDIVISION, FIRST FILING, LOT 1 OF BLOCK 10 OF ANNAFELD SUBDIVISION, SECOND FILING, AND LOT 1A–1 OF AMENDED PLAT OF LOTS 7–10, BLOCK 5 AND LOT 1A, BLOCK 11 OF ANNAFELD SUBDIVISION SECOND FILING, SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

AUGUST, 2020

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

NORTH

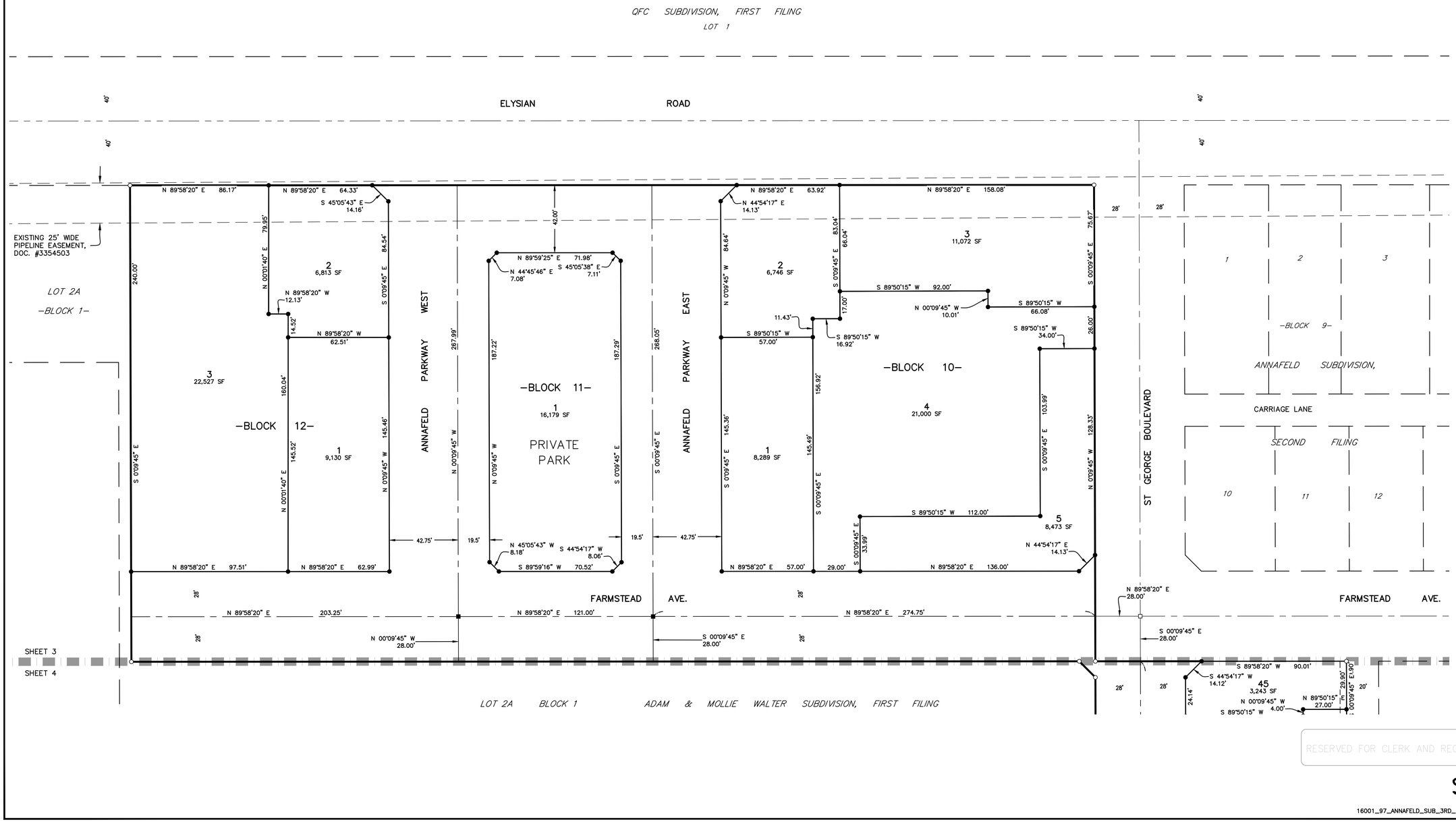
30 15 0 30 60

SCALE:1" = 30'

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

- ○ FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART", OR AS NOTED.
- □ EXISTING BRASS CAP IN CAST IRON MONUMENT BOX.
- ● SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
- ■ SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.



RESERVED FOR CLERK AND RECORDER

16001_97_ANNAFELD_SUB_3RD_FP_PROD.DWG 16001.97 1/26/21 BG/MDB

PLAT OF

ANNAFELD SUBDIVISION, THIRD FILING

BEING LOT 11 OF BLOCK 2 OF ANNAFELD SUBDIVISION, FIRST FILING, LOT 1 OF BLOCK 10 OF ANNAFELD SUBDIVISION, SECOND FILING, AND LOT 1A-1 OF AMENDED PLAT OF LOTS 7-10, BLOCK 5 AND LOT 1A, BLOCK 11 OF ANNAFELD SUBDIVISION SECOND FILING, SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M. IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

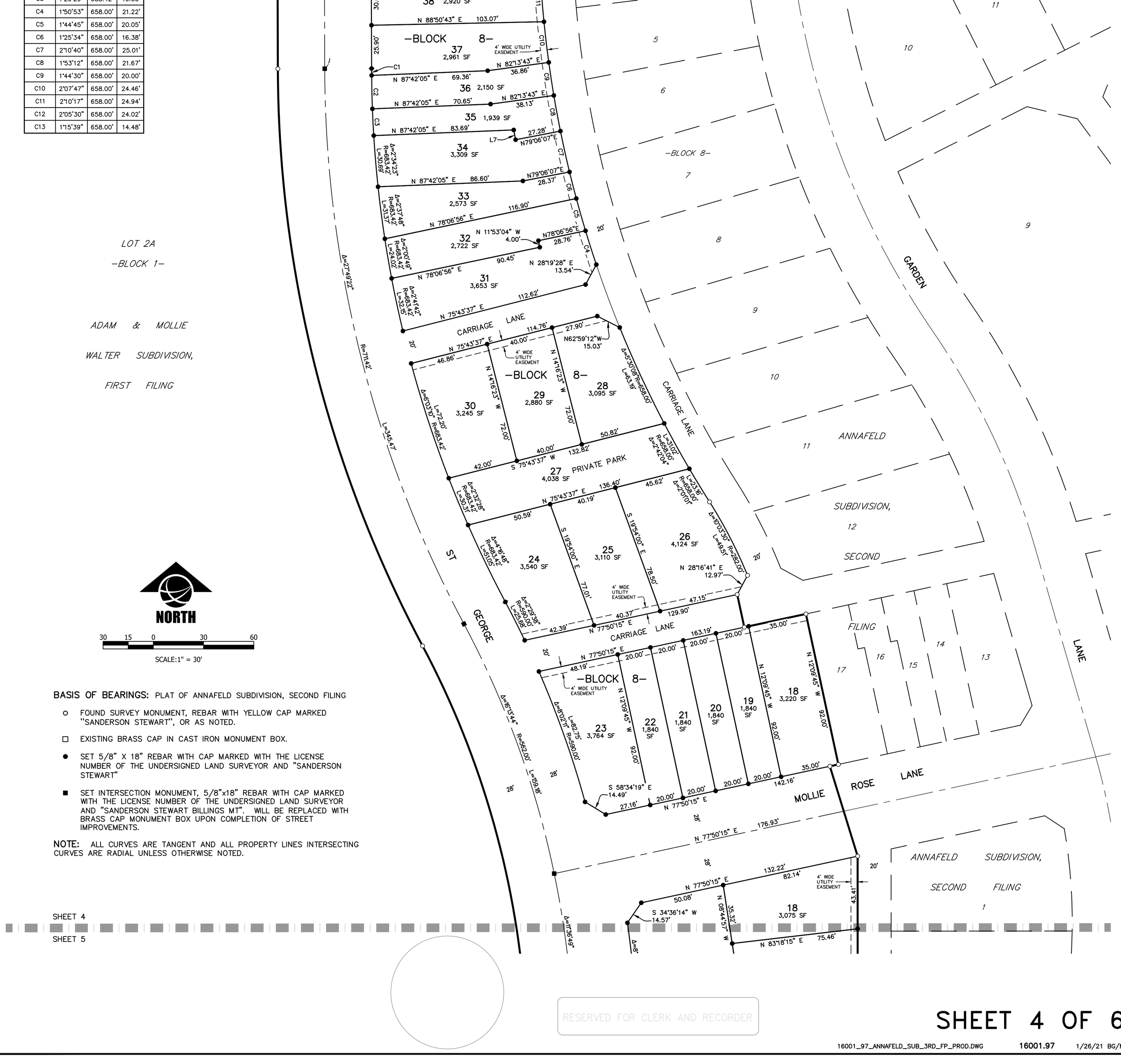
AUGUST, 2020

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

LOT LINE TABLE		
Line #	Bearing	Distance
L1	N 00°09'45" W	4.00'
L2	N 00°09'45" W	4.00'
L3	N 00°09'45" W	4.00'
L4	N 00°09'45" W	5.52'
L5	N 00°09'45" W	4.00'
L6	S 00°09'45" E	4.00'
L7	S 10°53'53" E	5.95'

LOT CURVE TABLE			
Curve #	Delta	Radius	Length
C1	0°20'31"	683.42'	4.08'
C2	1°40'37"	683.42'	20.00'
C3	1°20'29"	683.42'	16.00'
C4	1°50'53"	658.00'	21.22'
C5	1°44'45"	658.00'	20.05'
C6	1°25'34"	658.00'	16.38'
C7	2°10'40"	658.00'	25.01'
C8	1°53'12"	658.00'	21.67'
C9	1°44'30"	658.00'	20.00'
C10	2°07'47"	658.00'	24.46'
C11	2°10'17"	658.00'	24.94'
C12	2°05'30"	658.00'	24.02'
C13	1°15'39"	658.00'	14.48'



NORTH

30 15 0 30 60

SCALE:1" = 30'

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

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PREPARED FOR : McCALL DEVELOPMENT, INC.

AUGUST, 2020

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

SHEET 4
SHEET 5

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, SECOND FILING

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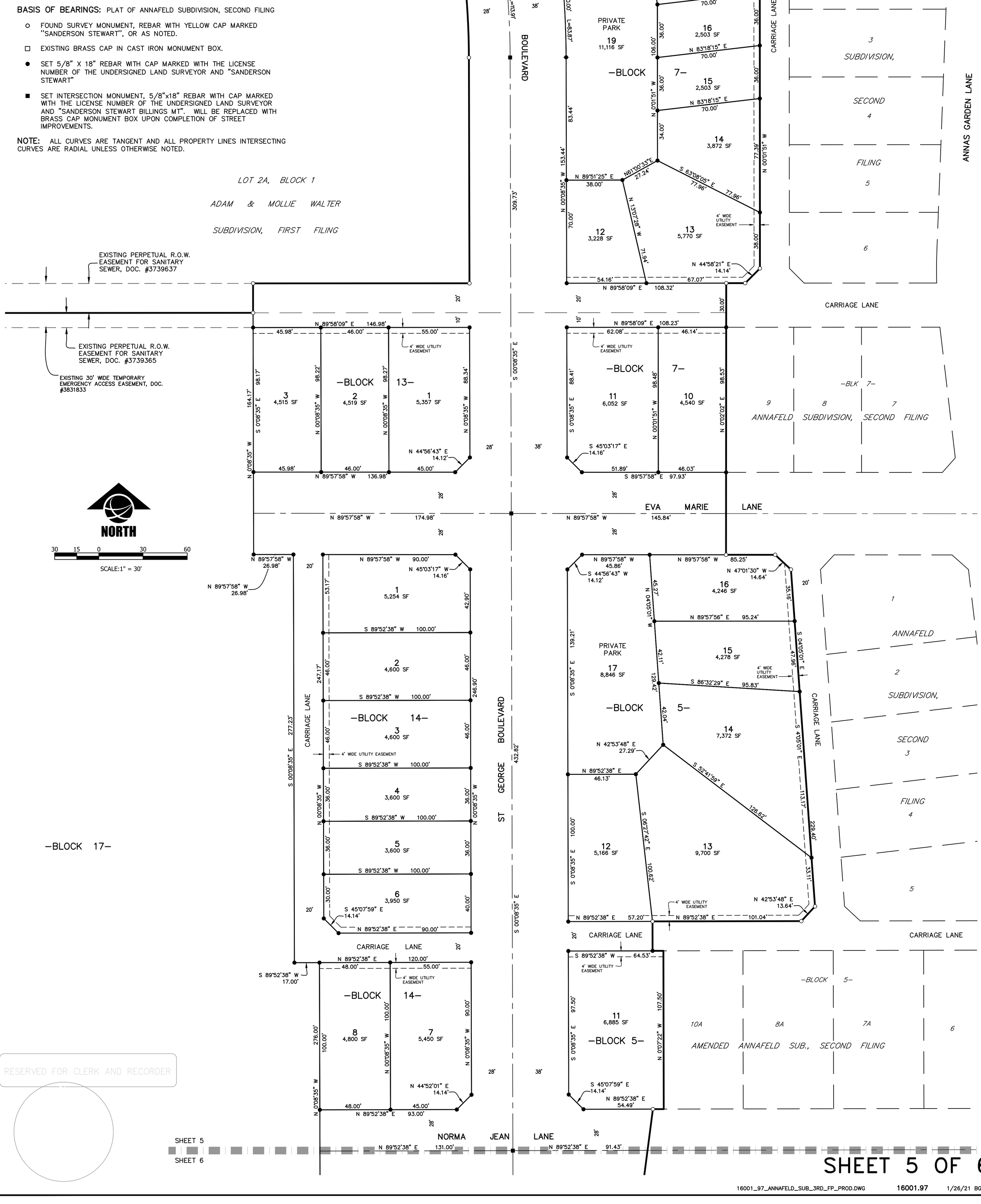

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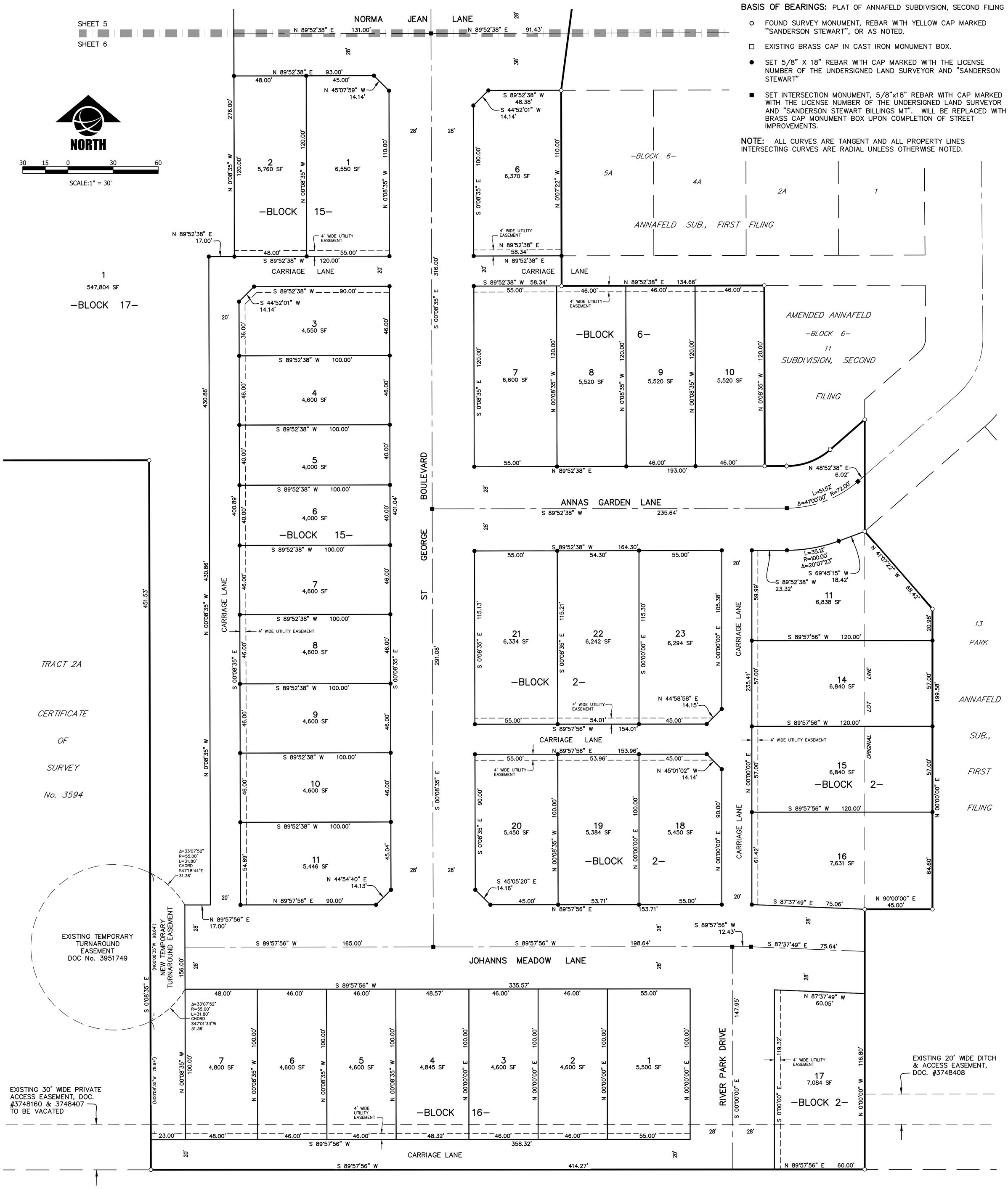

CERT. of SURVEY No. 1287

RESERVED FOR CLERK AND RECORDER

16001_97_ANNAFELD_SUB_3RD_FP_PROD.DWG 16001.97 1/26/21 BG/MDB

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD SUBDIVISION, THIRD FILING

CITY OF BILLINGS

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Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD SUBDIVISION, THIRD FILING

THIS AGREEMENT is made and entered into this _____ day of _____, 20___, by and between **MCCALL DEVELOPMENT, INC.**, whose address for the purpose of this agreement is 1536 Mullowney Lane, Suite 100; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the plat of Annafeld Subdivision, Third Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on the 26th day of March, 2019, the Board of Planning recommended conditional approval of a preliminary plat of Annafeld Subdivision, Third Filing; and

WHEREAS, at a regular meeting conducted on the 22nd day of April, 2019, the City Council conditionally approved a preliminary plat of Annafeld Subdivision, Third Filing; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to Annafeld Subdivision, Third Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations,

policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

None requested

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

C. Lot owners should be aware that this subdivision is built with a "traditional neighborhood" design. The single-family dwellings will have the garage set in the rear of the lots. The access will be provided to the garages by means of a paved alley.

D. Lot owners should be aware that this subdivision is zoned "Planned Development" (PD). Special zoning regulations regarding lot development will be enforced in accordance to the Amended Planned Development Agreement recorded at the Yellowstone County Clerk and Recorders Office under Document No. 3826023.

E. Lot owners should be aware that this subdivision is adjacent to wildlife habitat. Consequently, owners are advised that wildlife indigenous to the area is found on the property, and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also

experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

F. No water rights have been transferred to the individual lot owners but may be held by the Subdivider and/or the homeowners association. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners without the permission of the controlling ditch company.

G. Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld Subdivision, Third Filing.

H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28-201, BMCC and detailed in the City of Billings *Stormwater Management Manual.*

I. Lot owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. Owners are encouraged to review the extent to which bank erosion may pose a threat to structures built in this subdivision.

J. Lot owners should be aware that Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm. Higher house finished floor elevations may be required on a lot by lot basis.

K. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual.*

III. TRANSPORTATION

A. Streets

1. All internal access roads and site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, International Building Code, the *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.

2. All internal streets (excluding Annafeld Parkway East and Annafeld Parkway West) within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All public roads will be built to provide a 34-foot back-to-back curb street width. The design cross-sections of said streets shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID.

3. Annafeld Parkway East and Annafeld Parkway West will be designed for one-way traffic with 45-degree turn-in parking on one side of the drive aisle and parallel parking on the other side. Total width of Annafeld Parkway East and West will be 45.25-feet back of curb to back of curb. Each street will consist of 8.5-feet width for parallel parking space, 20-foot-wide drive aisle and 16.75-foot width for the 45-degree turn-in parking. The street shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. The design cross-section of said street shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID.

4. Elysian Road is designated as a collector on the Billings/Yellowstone County Functional Classification Map. Curb and gutter and any necessary pavement widening will be constructed

on the south side of Elysian Road frontage adjacent to the Third Filing. Improvements will also include widening of Elysian Road to construct a turn lane from Annafeld Parkway West east to the bridge at Hogan Slough. Full access will be provided at Walter Creek Boulevard and may be provided at St. George Boulevard. A roundabout may be constructed (but is not required by the City) at the intersection of Elysian Road and Annafeld Parkway East and West. If a roundabout is not constructed, a restricted access to Elysian Road must be provided at both Annafeld Parkway East and Annafeld Parkway West. Annafeld Parkway West is to be a one-way access with the travel direction to the south. The access for Annafeld Parkway West at Elysian Road shall allow only left-turn in and right-turn in movements from Elysian Road. Annafeld Parkway East is to be a one-way access to Elysian Road with the travel direction to the north. The access for Annafeld Parkway East at Elysian Road shall allow only northbound right-turn out movements. No northbound left-turn movements out or through movements will be allowed at the intersection of Annafeld Parkway East and Elysian Road. Storm drain shall be installed as necessary, draining directly to Hogan's Slough and/or routed internally through the subdivision. The design cross-section of said street shall be submitted to, and approved by, the City of Billings Public Works Department. Elysian Road improvements will be completed by private contract or SID.

5. At the time of this Filing, Phase IV of Harmony Meadows Subdivision, Second Filing has not been constructed. Therefore, a physical connection between Annafeld Subdivision and Harmony Meadows Subdivision cannot be made. Furthermore, even if the Story Road connection were constructed, the traffic generated from Annafeld Subdivision, Third Filing would be unlikely to utilize Story Road based on proximity to Elysian Road and the land uses that are currently in Harmony Meadows Subdivision. Therefore, a detailed traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is not required for this Filing of Annafeld Subdivision. A traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is required with future filings.

   The Subdivider agrees to contribute up to 50 percent of the cost for design, permitting, and construction of the Hogan's Slough crossing on Story Road. If the cash contribution is not sufficient to cover 50 percent of the crossing costs at the time of construction, the City

retains the right to create a SID to recover additional design and construction costs.

The timing of the contribution for the Hogan's Slough crossing on Story Road shall be made at the earlier of the following:

I. At the time an Annafeld Subdivision Traffic Impact Study recommends the Story Road connection be completed.

II. At the commencement of construction of Phase IV improvements for Harmony Meadows Subdivision, 2nd Filing.

III. Prior to final plat approval of the final filing of Annafeld Subdivision.

6. A traffic accessibility study has been completed for the Annafeld Subdivision, Third Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider's expense. Based on the additional lots created with Annafeld Subdivision, Third Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

South Frontage Road/Midland Road & Mullowney Lane	2.54%	$6,350.00
South Frontage Road/East Lane	2.02%	$5,050.00
Mullowney Lane/Elysian Road	2.08%	$5,200.00
Elysian Road/East Lane	4.25%	$10,625.00
Elysian Road/South Frontage Road	2.02%	$5,050.00

These cash contributions for the intersection improvements will be made prior to final plat approval. The percentage contributions and dollar amounts are as outlined within the Traffic Impacts Study for Annafeld Subdivision, Third Filing as submitted with the preliminary plat.

B. Alleys

All alleys within the subdivision shall be built to grade with a satisfactory subbase, base course, and asphalt surface or concrete surface. All alley approaches constructed with asphalt shall be replaced with concrete by the Subdivider at the time when home construction is complete. In the event asphalt approaches within the subdivision are not replaced with concrete within three years of the date of recording of the final plat, the City may construct the concrete approaches and assess the Subdivider for the costs associated with the approach construction. Alley pavement widths shall be

12-feet. The design cross-sections of said alleys shall be submitted to, and approved by, the City of Billings Public Works Department. No trees are allowed to be planted in the alley. In addition, no shrubs taller than two feet are allowed to be planted in alleys.

C. Sidewalks

Subdivider shall install handicap access ramps, where necessary, during street construction. Construction of sidewalks along frontage of the lots shall be installed by the lot owner at the time of lot development. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. Developer shall construct the 5-foot wide boulevard sidewalk adjacent to private parks (north side of Lot 17, Block 5; north side of Lot 19, Block 7; Lot 27, Block 8; Lot 1, Block 11;) at the time of private park development.

In the event that portions of the required sidewalks within the subdivision are not constructed within three years of the date of recording of the final plat, the City may construct the remaining sidewalks and assess the individual lot owners for the costs associated with the sidewalk construction.

A sidewalk shall not be required along the south side of Elysian Road, due to the proximity of the existing multi-use path, as allowed by 23-406 (B) (13), BMCC.

D. Street Lighting

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for Third Filing by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

E. Traffic Control Devices

1. Street name signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the City of Billings Public Works and Fire Departments.

2. No traffic signals are required within this subdivision.

3. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

F. Access

Access to the subdivision will be provided by Elysian Road, Farmstead Avenue, Mollie Rose Lane, Annas Garden Lane and Norma Jean Lane. An additional existing emergency access will remain along the existing City trunk sanitary sewer easement to East Lane. Alley access is also provided to all residential lots within the subdivision.

G. Billings Area Bikeway and Trail Master Plan

A multi-use trail has been constructed along the south boundary of Elysian Road. Said multi-use trail shall extend from the east boundary of the subdivision to the easterly right-of-way line of East Lane.

In addition, a 10-foot wide multi-use path will be provided on the east side of St. George Boulevard, adjacent to Lots 11, 12, and 17, Block 5; Lots 11, 12 and 19, Block 7; and on the south side of Norma Jean Lane, adjacent to Lots 6, Block 6. This multi-use path will ultimately provide a connection to a private park located in the center of the subdivision that will be created with a future filing.

H. Public Transit

There are no MET Transit routes that service this subdivision at this time. The nearest established route is at the intersection of Elysian Road and Mullowney Lane. No improvements with regard to MET Transit vehicles are anticipated at this time.

IV. EMERGENCY SERVICE

A. Fire Hydrants

Emergency service will be provided by the City. Placement of fire hydrants will be as required by the City of Billings Fire Department.

B. Construction of Buildings

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-foot-wide.
- An operational fire hydrant shall be located within 600-feet of the furthest portion of a residence under construction, or within 400-feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

C. Building Location

All buildings shall be located on each lot so that the furthest portion of each building is within 150-feet from an approved fire department access road over an approved route excluding all carriage lanes and alleyways.

V. STORM DRAINAGE

A. A stormwater management plan shall be submitted to the Engineering Division prior to final plat approval. The storm drainage system for Annafeld Subdivision, Third Filing will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance. The storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan's Slough. All drainage improvements shall comply with the provisions of the City of Billings *Stormwater Management Manual* and Chapter 28, BMCC.

B. The mechanical stormwater filtration manholes are existing, and associated improvements are privately owned and maintained by the HOA. Annafeld Subdivision, Third Filing will be included in the HOA that is responsible to maintain these facilities. O&M requirements and HOA maintenance and fiscal responsibilities have been outlined within the Annafeld Subdivision, First Filing I O&M Manual.

C. Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm.

D. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the City of Billings *Stormwater Management Manual.*

E. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual.*

VI. UTILITIES

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department - Engineering Division. The extension of/connection to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Subdivider/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of, and as approved by the City of Billings Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

A. Water

The Annafeld Subdivision water system consists of a series of looped water mains located in each of the local streets. The subdivision water system will consist of new 12-inch water mains in Mollie Rose Lane and St. George Boulevard from Mollie Rose Lane to Norma Jean Lane, and Norma Jean Lane east of St. George Boulevard. 8-inch water mains in the remaining portion of St. George Boulevard, Eva Marie Lane, Annas Garden Lane, Johanns Meadow Lane, and River Park Drive. Future filings of the Annafeld Planned Development will provide the opportunity to make additional connections to the trunk main in Elysian Road providing water main looping.

B. Sanitary Sewer

Sanitary sewer service to Annafeld Subdivision, Third Filing will be provided by connecting to the existing 8-inch gravity sewer main located in Farmstead Avenue, Mollie Rose Lane, Annas Garden Lane and Norma Jean Lane. A connection will also be made to the existing 24-inch trunk sanitary sewer main extends through the subdivision. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

C. Power, Telephone, Gas, and Cable Television

Private utility facilities currently exist to serve the subdivision. The private utility facilities will be installed within the alley right-of-way and by easements included on the plat, as requested by the utility companies, to provide routes to the alleys.

VII. PARKS/OPEN SPACE

The subdivision lies within a planned unit development that provides for land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development, per 76-3-621(6)(a) of the Montana Code Annotated. The park and open space within the Annafeld Planned Unit Development Master Plan meets or exceeds the area of dedication required under section 76-3-621(1), MCA. The Subdivider and City agree that the parkland dedication has been met through the dedication of private park area within Annafeld Subdivision, Third Filing and the remainder was met with additional public and private park dedication with Annafeld Subdivision, First and Second Filings.

In addition, the lots within Annafeld Subdivision, Third Filing (not already participating in the park SID 1404 from Annafeld Subdivision, First Filing) shall provide additional funding to complete the park improvements for the previously created public parkland SID. The park improvements shall be in accordance with the City Council approved Annafeld Parks Master Plan. The Subdivider shall prepare all SID documents necessary for creation, and coordinate with the City of Billings Parks and Recreation Department for review and approval. If all park improvements as defined in the Annafeld Parks Master Plan have been completed prior to the creation of this park SID, then this park SID will no longer be required.

The current park maintenance district (PMD 4041) for Annafeld Subdivision, First Filing shall be expanded to include lots with Annafeld Subdivision, Third Filing for the perpetual maintenance of the public parkland. The Subdivider shall prepare all park maintenance district documents necessary for its expansion and coordinate with the City of Billings Parks and Recreation Department for review and approval.

VIII. HOMEOWNER'S ASSOCIATIONS

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

A. Contact Information

HOA shall provide contact information of the senior board official to the City Engineering Department upon the establishment of the HOA and/or changing of board members.

B. Stormwater Drainage Facilities

The HOA shall be responsible for the maintenance of the mechanical filtration stormwater manholes. The HOA shall share the cost of maintenance of the community stormwater facilities.

IX. POSTAL DELIVERY

The Subdivider shall provide centralized delivery boxes with sufficient pullout to accommodate a mail carrier vehicle. The location of the boxes shall be reviewed and approved by the United States Postal Service.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study has been performed for the subdivision. The report dated January 19, 2019, is available for review at the City of Billings Planning Department. Lot owners and contractors/builders are encouraged to review the report and its recommendations.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by SID or by private contract secured by letters of credit or a letter of commitment to lend funds from a commercial lender or by SID. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be installed as approved by the City Engineer and Utility Department Manager.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.

B. The owners of the properties involved in this proposed subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this agreement.

C. The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.

D. In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement or to

give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date Third above written.

"SUBDIVIDER"

MCCALL DEVELOPMENT, INC.

By: _____

Its: Vice-President

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 29th day of January, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Bradley McCall, known to me to be the Vice-President of **MCCALL DEVELOPMENT, INC.** who executed the foregoing instrument and acknowledged to me that he/she executed the same.

BRITTANY CECIL NOTARIAL SEAL STATE OF MONTANA

BRITTANY CECIL
NOTARY PUBLIC for the State of Montana
Residing at Billings, Montana
My Commission Expires April 06, 2021

_____
Notary Public in and for the State of Montana
Printed Name: Brittany Cecil
Residing at: Billings, Montana
My commission expires: April 6, 2021

This agreement is hereby approved and accepted by the City of Billings, this ____ day of _____, 20___.

"CITY" **CITY OF BILLINGS, MONTANA**

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed Name: _____
Residing at: _____
My commission expires: _____

WAIVER OF RIGHT TO PROTEST
FUTURE SPECIAL IMPROVEMENT DISTRICTS

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for a period of no more than twenty years from the recording of this waiver, for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Billings may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned that is the subject of this waiver is more particularly described as follows:

ANNAFELD SUBDIVISION, THIRD FILING

SUBDIVIDER/OWNER **MCCALL DEVELOPMENT, INC.**

By: _____

Its: Vice President

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 29th day of January, 2021, before me, a Notary Public in and for the State of Montana, personally appeared Bradley McCall, known to me to be the person who executed the foregoing instrument as the Vice President of **MCCALL DEVELOPMENT, INC.** and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed Name: Brittany Cecil
Residing at: Billings, Montana
My commission expires: April 6, 2021

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

P.O. BOX 1178
BILLINGS, MONTANA 59103
(406) 687-8296
FAX (406) 657-8390

April 22, 2019

McCall Development Inc.
1536 Mullowney Lane, Suite 100
Billings, MT 59101

Dear Applicant:

On April 22, 2019, the Billings City Council conditionally approved the preliminary plat of Annafeld Subdivision, 3rd Filing, subject to the following conditions of approval:

1. To minimize impacts on storm water detention facilities and ensure proper maintenance of the proposed system, prior to final plat approval, the applicant will provide an HOA Storm Water Facility Maintenance Agreement for review by City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.

2. To minimize the impact of future road infrastructure and to ensure any impacts the subdivision may have on the existing roads are mitigated, prior to final plat approval the applicant, with input from City Engineering, will determine dollar amounts of the required contributions to the existing roads. The applicant will also have all of the streets named in the subdivision.

3. To ensure the public park associated with this subdivision can be constructed and maintained correctly, prior to final plat approval the applicant has been asked to replace the second and third paragraph wording in the SIA under the heading VII. Parks/Open Space with wording provided by the City of Billings PRPL Division, this wording may further be discussed between the applicant and the Parks Department:

In addition, the lots within Annafeld Subdivision, Third Filing (not already participating in the park SID 1404 from Annafeld Subdivision, First Filing) shall provide additional funding to complete the park improvements for the previously created public parkland by SID. The park improvements shall be in accordance with the Council approved Annafeld Parks Master Plan. The Subdivider shall prepare all SID documents necessary for creation, and coordinate with the City of Billings Parks and Recreation Department for review and approval. If all park improvements as defined in the Annafeld Parks Master Plan have been completed prior to the creation of this park SID, then this park SID will no longer be required.

The current park maintenance district (PMD 4041) for Annafeld Subdivision, First Filing shall be expanded to include lots within Annafeld Subdivision, Third Filing for the perpetual maintenance of the public parkland. The Subdivider shall prepare all park maintenance district documents necessary for its expansion and coordinate with the City of Billings Parks and Recreation Department for review and approval.

4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.

5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at greend@ci.billings.mt.us .

Sincerely,

William A. Cole

William A. Cole, Mayor

pc: Sanderson Stewart

Consent 1. K.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: SID 1416 Gleneagles Boulevard Resolution of Intent to Create District and Set a Public Hearing
Presented by: Debi Meling
Department: Public Works **Division:** Engineering

RECOMMENDATION

Staff recommends that Council approves the Resolution of Intent to Create SID 1416 and set a public hearing date for March 22, 2021.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Ron Hill, owner of 14 of the 17 lots proposed in the SID 1416 district boundary, desires to construct public improvements on Gleneagles Boulevard between Black Diamond Drive and Lake Hills Drive. These improvements generally consist of water, sanitary sewer, storm drain, curb and gutter, and street improvements to Gleneagles Boulevard. Ron Hill will pay a cash contribution for 14 of his lots. This is necessary to meet the requirements of the City's Raw Land District Requirements (Resolution No. 87-15592). The City will be making a cash contribution in the amount of $171,143.97 to the project. This will pay for the City's portion of Gleneagles Boulevard because it is classified as an arterial street. Between Ron Hill's and the city's cash contributions, this represents 85.9% of the total project costs.

ALTERNATIVES

City Council may:

- Approve the Resolution of Intent to Create SID 1416 and set a public hearing for the March 22, 2021, City Council Meeting; or
- Disapprove the Resolution of Intent to Create SID 1416. If not approved, Gleneagles will not be constructed by adjacent property owners. Both of these streets need to be constructed to make the 17 lots constructible.

FISCAL EFFECTS

The total estimated costs of the improvements are $781,511.80. The costs of the improvements are to be paid from the following sources: (1) $110,000.00 of Special Improvement District bonds; (2) $500,367.83 of cash contribution by Ron Hill, which is the assessment for 14 of the 17 lots in the District; and (3) $171,143.97 of cash contribution from the City of Billings out of gas tax and storm drain funds.

Attachments

Resolution of Intent

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of Resolution No._____, entitled: **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1416; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND** (the Resolution" was duly adopted by the City Council of the City at a meeting on February 22, 2021 that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.)

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: _____
_____;
voted against the same: _____
_____;
or were absent: _____.

WITNESS my hand officially this _____ day of _____, 20____.

_____
Denise Bohlman City Clerk

RESOLUTION NO. 21-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 1416; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

BE IT RESOLVED by the City Council of the City of Billings (the City), Montana, as follows:

Section 1. Proposed Improvements; Intention To Create District. The City proposes to undertake certain local Improvements (the "Improvements") to benefit certain property located in the City. The Improvements consist of the construction of Gleneagles Boulevard, as more particularly described in Section 5. The total estimated costs of the Improvements are $781,511.80. The costs of the Improvements are to be paid from the following sources: (1) $110,000.00 of Special Improvement District bonds hereinafter described; (2) $500,367.83 of cash contribution by Ron Hill, the owner of 14 of the 17 lots in the District; and (3) $171,143.97 of cash contribution by the City of Billings, as more particularly described in Sections 6 and 9(f). It is the intention of this Council to create and establish in the City under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, a Special Improvement District (the "District") for the purpose of financing costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of Special Improvement District bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are $110,000.00. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefited by the Improvements.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Special Improvement District No. 1416 of the City of Billings, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is shown on Exhibit C hereto (which are hereby incorporated herein and made a part hereof).

Section 4. Benefited Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A, B, and C are hereby declared to be the Special Improvement District and the territory which will benefit and be benefited by the Improvements and will be assessed for the costs of the Improvements as described in Section 7.

Section 5. General Character of the Improvements. The general character of the Improvements, as shown in Exhibit D, is the construction of Gleneagles Boulevard. This includes construction of water, sanitary sewer, storm drain, curb and gutter, and street improvements.

Section 6. Engineer and Estimated Cost. The Engineer for this project will be Stahly Engineering & Associates, Inc. who was chosen from proposals. Stahly Engineering & Associates, Inc. has estimated that the costs of the Improvements, including all incidental costs, are $781,511.80.

Section 7. Assessment Methods.

7.1. Property to be Assessed. All properties within the district are to be assessed for the costs of the Improvements, as specified herein. The costs of the Improvements shall be assessed against the property in the District benefiting from the Improvements based on the equal amount methods described in Section 7-12-4162, M.C.A., as particularly applied and set forth in this Section 7.

7.1.1 Area Option Method.

Assessment #1 will include the construction of water and water service, sanitary sewer and sanitary sewer services, storm drain and street improvements to Gleneagles Boulevard. The properties to be assessed for these improvements include Lake Hills Subdivision 16th Filing, Block 17, Lot 6A, Block 11, Lot 16, Lake Hills 17th Filing, Block 11, Lots 17-24, Block 17, Lots 1-6, Block 1, Lots 20-21. The total estimated cost of Assessment #1 is $110,000.00 and shall be assessed against each lot, tract, or parcel of land within the District, as above-mentioned, receiving water, sanitary sewer, storm drain and street improvements and not paying a cash contribution, for that part of the costs of the Improvements that the assessable area of such lot, tract, or parcel bears to the total assessable area of the lots, tract, or parcels of land within the District. The total assessable area of lots to be assessed is 44,632 square feet. The costs of the improvements and the incidental costs to be financed by the Bonds assessable to the District parcels per square foot of assessable area are estimated to be $2.464599. The remaining parcels within Assessment #1 are owned by Ron Hill, which will be making a cash contribution for their assessment for a total of $500,367.83.

7.2. Assessment Methodologies Equitable and Consistent With Benefit. This Council hereby determines that the methods of assessment and the assessment of costs of the specific improvements against the properties benefited thereby as prescribed in this Section 7 are equitable in proportion to and not exceeding the special benefits derived from the respective improvements by the lots, tracts, and parcels to be assessed therefore within the District.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and interest, as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Property Owners have the right to prepay assessments as provided by law. Further, all owners shall have the opportunity to prepay their assessments prior to sale of the SID bonds.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The City will issue the Bonds in an aggregate principal amount not to exceed $110,000.00 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the properties in the District. This Council further finds it is in the public interest, and in the best interest of the City and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the city to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Council has taken into consideration the following factors:

(a) **Estimated Market Value of Parcels**. The estimated market value of the lots, parcels, or tracts in the District as of the date of adoption of this resolution, as estimated, by the County Assessor for property tax purposes ranges from $3,911.00 to $63,068.00, and is set forth in Exhibit E. The average market value is $7,910.18 with the median being $3,911.00. The special assessments to be levied under Section 7 against each lot, parcel, or tract in the District is less than the increase in estimated value of the lot, parcel, or tract as a result of the construction of the Improvements.

(b) **Diversity of Property Ownership**. There is a total of 17 parcels within the district boundaries. No improvements, public or private, are located on any of the parcels within the District. Fourteen (14) of these parcels are owned by Ron Hill. The remaining 3 parcels are owned by separate owners.

(c) **Comparison of Special Assessments and Property Taxes and Market Value**. Based on an analysis of the aggregate amount of the proposed, any outstanding special assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a parcel in the District) against each lot, parcel, or tract in the District in comparison to the estimated market value of such lot, parcel, or tract after the Improvements, the City concludes that, overall, the estimated market value of the lots, tracts, or parcels of land in the District exceeds the sum of special assessments, delinquent property taxes, and current assessments and is set forth in Exhibit E.

(d) **Delinquencies**. An analysis of the amount of delinquencies in the payment of outstanding special assessments or property taxes levied against the properties in the District shows that of 17 properties, zero (0) properties were delinquent, and is set forth in Exhibit E.

(e) **The Public Benefit of the Improvements**. The total estimated costs of the Improvements are $781,511.80. The costs of the Improvements are to be paid from the following sources: (1) $110,000.00 of Special Improvement District bonds hereinafter described; (2) $500,367.83 of cash contribution by Ron Hill, the owner of 14 of the 17 lots in the District; and (3) $171,143.97 cash contribution by the City of Billings. All of the properties within the District are zoned Residential 9600. The public improvements contemplated under the terms of this proposed District are required by the City Subdivision, Site Development and

Zoning Ordinances in order for the parcels to develop.

(f) **Other Factors**. As previously noted, Ron Hill, owner of 14 of the 17 lots in the District will pay a cash contribution of $500,367.83 and the City of Billings will pay a cash contribution of $171,143.97 to the project. The cash contribution from Ron Hill represents 64 percent of the construction and administrative costs of the Improvements. This condition is necessary to satisfy the City's Special Improvement District Policy regarding raw land subdivision.

Section 10. Reimbursement Expenditures.

10.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

10.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

10.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of $110,000.00 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

10.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

10.05. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidence by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 11. Public Hearing Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the City Clerk until 12:00 p.m., M.T., on the expiration date of said 15-day period (March 15, 2021), written protest against the proposed Improvements, or against the extension or creation of the District or both, and this Council will at its next regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said, regular meeting will be held on Monday the 22nd day of March 2021, at 5:30 p.m., via a virtual videoconferencing environment, at 220 North 27th Street, in Billings, Montana.

Section 12. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Yellowstone County News, a newspaper of general circulation in the county on February 26 and March 5, 2021, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 22nd day of February 2021.

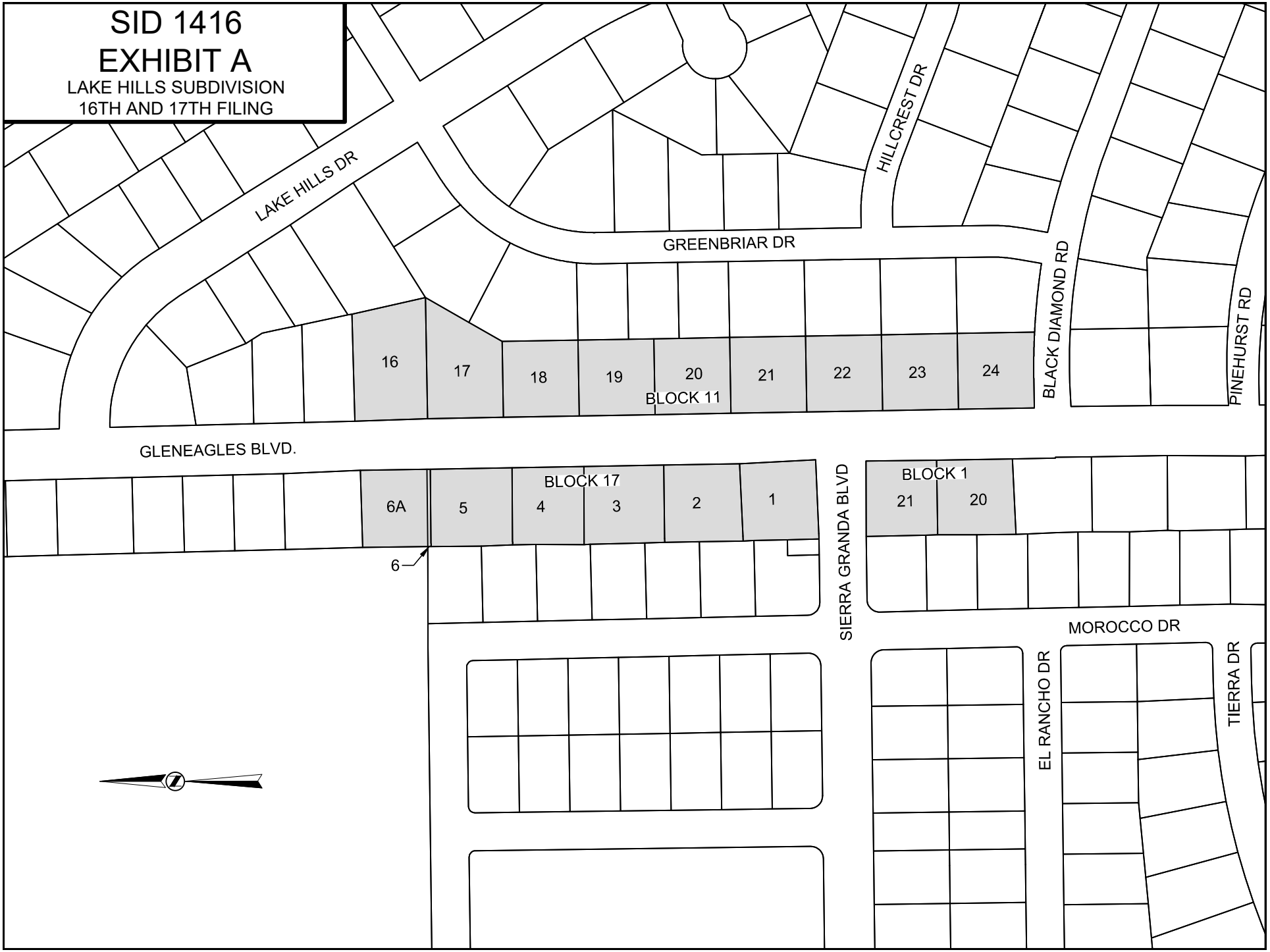
_____
Mayor

Attest:

_____
City Clerk

SID 1416
EXHIBIT A

LAKE HILLS SUBDIVISION
16TH AND 17TH FILING



SID 1416 EXHIBIT B

SID 1416 includes Lake Hills Subdivision 16th Filing, Block 17, Lot 6A, Block 11, Lot 16, Lake Hills 17th Filing, Block 11, Lots 17-24, Block 17, Lots 1-6, Block 1, Lots 20-21.

SID 1416 Gleneagles Boulevard

Exhibit C Property Owner Description and Assessment

Prepared By: City of Billings

TAX ID	OWNER	LOT AREA	ASSESSMENT #1 STREETS & UTILITIES $2.464599/SF
A22218	Cline, Curtis B 3927 W Wellesley Ave Spokane, Wa 99205-1875	15832	$39,019.54
A22219	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22220	Torres, Joe Steve 13997 Almetz St Sylmar, Ca 91342-1611	14400	$35,490.23
A22221	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22222	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22223	Ron S Hill Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22122	Hill, Ron S Trustee Po Box 50636 Billings, Mt 59105-0636	21852	
A22123	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	19769	
A22124	Hill, Ron S Trustee Po Box 50636 Billings, Mt 59105-0636	14400	
A22125	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22126	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22127	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22128	Wersland, Kenny 12875 County Road 346 Sidney, Mt 59270-3541	14400	$35,490.23
A22129	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22130	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14462	
A22001	Hill, Ron S Living Trust Po Box 50636 Billings, Mt 59105-0636	14400	
A22002	Ron S Hill Living Trust Po Box 50636 Billings, Mt 59105-0636	14404	
		259,119.00	**$110,000.00**

SID 1416 Gleneagles Boulevard

Exhibit D Description of Improvements

Prepared by: City of Billings

Special Improvement District No. 1416 shall construct street, curb and gutter, water, sanitary sewer, and storm drain improvements to Gleneagles Boulevard within the City of Billings.

SID 1416 Gleneagles Boulevard

Exhibit E Property Market Value and Delinquency

Prepared By: City of Billings

TAX I.D. NUMBER	PREVIOUS SID #	PREVIOUS SID PAY-OFF	DELINQUENT	SID 1416 ASSESSMENT	SID 1416 CASH CONTRIBUTION	SID PAY-OFF + DELINQUENT + SID 1416 ASSESSMENT	ESTIMATED MARKET VALUE	ESTIMATED MARKET VALUE AFTER IMPROVEMENTS
A22218				$39,019.54	$0.00	$39,019.54	$63,068.00	$102,087.54
A22219				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22220				$35,490.23	$0.00	$35,490.23	$8,322.00	$43,812.23
A22221				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22222				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22223				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22122				$0.00	$50,977.62	$0.00	$3,911.00	$54,888.62
A22123				$0.00	$46,118.28	$0.00	$3,911.00	$50,029.28
A22124				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22125				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22126				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22127				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22128				$35,490.23	$0.00	$35,490.23	$8,322.00	$43,812.23
A22129				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22130				$0.00	$33,737.80	$0.00	$3,917.00	$37,654.80
A22001				$0.00	$33,593.16	$0.00	$3,911.00	$37,504.16
A22002				$0.00	$33,602.49	$0.00	$3,912.00	$37,514.49
AVERAGE		**#DIV/0!**	**$0.00**	**$6,470.59**		**$6,470.59**	**$7,910.18**	**$43,814.17**
MEDIAN		**#NUM!**	**$0.00**	**$0.00**		**$0.00**	**$3,911.00**	**$37,504.16**
LOW		**$0.00**	**$0.00**	**$0.00**		**$0.00**	**$3,911.00**	**$37,504.16**
HIGH		**$0.00**	**$0.00**	**$39,019.54**		**$39,019.54**	**$63,068.00**	**$102,087.54**

City Council Regular

Date:	02/22/2021
Title:	Second/Final Reading Ordinance approving and adopting Article 26-800, BMCC, Dental Amalgam
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No

RECOMMENDATION

Staff recommends the City Council approve the new Article 26-800, Billings, Montana City Code (BMCC).

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Article 26-800, BMCC, Dental Amalgam outlines basic requirements for dental amalgam management for existing and future owners and operators of dental facilities and offices established by the United States Environmental Protection Agency (EPA) Point Source Category 40 CFR Part 441. EPA determined the primary source of mercury pollution in the environment is from dental amalgam waste. Adoption of BMCC, Article 26-800 will provide the City authority to manage and enforce dental practices that remove, repair, and place amalgam fillings. A public hearing and first reading of the ordinance was held on February 8, 2021.

ALTERNATIVES

City Council may:

- City Council's second / final reading approval will provide local authority guidelines to monitor and enforce the Dental Amalgam Rule, beginning March 22, 2021.
- If not approved, the City would be required to rely solely on EPA's 40 CFR Part 441 to enforce the dental office point source category.

FISCAL EFFECTS

There is minimal financial impact to the City to adopt Article 26-800, BMCC. As the Control Authority, the City is required to enforce the dental amalgam rule with or without this new BMCC section. If the City needs to enforce the dental amalgam rule, it will be more efficient with the new code section.

Attachments

Dental Amalgam

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING AN ARTICLE TO BE NUMBERED 26-800, AND SECTIONS, PROVIDING FOR WASTE MANAGEMENT OF DENTAL AMALGAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Chapter 26, WATER AND WASTEWATER UTILITIES of the Billings, Montana City Code (BMCC) is amended by adding Article 26-800 and Sections to read as follows:

ARTICLE 26-800. DENTAL AMALGAM

Sec. 26-801. Definitions.

a) *Dental Amalgam.* Dental amalgam is a liquid mercury and metal alloy mixture used in dentistry to fill cavities caused by tooth decay. Low-copper dental amalgam commonly consists of mercury, silver, tin, zinc, and other trace metals.

b) Existing dental amalgam source. All dental facilities or offices that were discharging dental amalgam prior to July 14, 2017 to the City. Existing sources must have been in compliance with the standards by July 14, 2020 and must have submitted a one-time certified compliance report by October 12, 2020 to the City. In the event that ownership is transferred, a new one-time certified compliance report must be submitted by the new owner within 90 days of the transfer to the City.

c) New dental amalgam source. All dental facilities or offices that discharged dental amalgam after July 14, 2017 to the City. New sources also include any ownership transfer of an existing dental facility or office after July 15, 2020. All new sources must be in compliance with the waste management practices and record retention requirements set forth in this article and must submit a one-time certified compliance report to the City within 90 days after the first discharge to the City or within 90 days of any ownership transfer by the new owner.

Sec. 26-802. Dental Amalgam Mercury Reduction.

a) This article applies to all owners or operators of dental facilities or offices that remove, repair or place dental amalgam fillings. Owners and operators of dental facilities or offices that do not place or remove dental amalgam except in limited emergency, unplanned or unanticipated circumstances need only to submit the one-time compliance form by the dates set forth in Sec. 26-801 subsection b) and c). If work in a dental office is limited to work that does not involve placing or removing dental amalgam, such as oral pathology, orthodontics, periodontics, oral and maxillofacial surgery/radiology, endodontics, or prosthodontics, then this article does not apply.

b) All owners and operators of dental facilities or offices shall implement the basic requirements for dental amalgam management established by the United States Environmental Protection Agency Dental Office Point Source Category 40 CFR Part 441, and set forth in Sec. 26-803, BMCC.

Sec. 26-803. Waste Management Practices.

All owners and operators of dental facilities or offices that remove, repair or place dental amalgam fillings shall comply with the following waste management practices:

a) Operate and maintain an amalgam separator that meets the criteria of 40 CFR 441.30, 441.40, and ISO 11143 according to the manufacturer's instructions. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.

b) Do not discharge any dental amalgam to a publicly owned treatment works (as defined in Sec. 26-602). Waste must be collected in the separator and a separate amalgam waste bucket which will be hauled offsite as dental amalgam waste.

c) Lines must not be cleaned with oxidizing or acidic cleaners including but not limited to bleach, chlorine, iodine, and peroxide. Cleaners must have a pH between 6-8.

d) Adhere to all compliance reporting requirements listed in Sec. 26-804.

e) Complete and submit the City-provided compliance report forms for reporting the required information in Sec. 26-804.

f) If a malfunction with the amalgam separator is discovered, this malfunction must be documented and repaired or replaced within 10 business days.

Sec. 26-804. Record Retention.

a) The manufacturer's user manual must be retained for the life of the amalgam separator, be posted near the amalgam separator, and be made available for review during all City inspections.

b) Amalgam separator logs including logged inspections, routine maintenance, and repairs must be posted near the amalgam separator and retained for a period of at least three (3) years from the present date and be made available for review during all City inspections. The amalgam separator must be inspected according to the user manual to ensure proper operation and maintenance; this inspection must be documented on the amalgam separator log.

c) Certificates verifying the proper disposal and recycling of dental amalgam waste buckets and containers from the amalgam separators must be retained for a minimum period of three (3) years from the present date and be made available for review during all City inspections.

Sec. 26-805. Compliance.

a) The owners or operators of dental facilities or offices shall allow the City to inspect the amalgam separator, amalgam waste storage areas and all above listed compliance reports, logs, and records. Inspection shall occur during the normal operations schedule of the dental facility or office. The City shall inspect dental facilities or offices according to appointments made in advance if this advanced notice does not impede enforcement of this article.

b) Any violation of this article may be considered a failure to comply with applicable federal standards and requirements and may constitute a violation of the Clean Water Act, and may also subject the owner or operator of a dental facility or office to the compliance and enforcement provisions set forth in Section 26-614.

Section 2. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3**.** **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4**.** **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this _____ day of _____, 2021.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2021.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest:
BY:_____
Denise R. Bohlman, City Clerk

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Payment of Claims for week of January 18, 2021
Presented by: Andy Zoeller, Finance Director
Department: Finance

RECOMMENDATION
Staff recommends Council approve the Payment of Claims

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)
Claims in the amount of $2,298,026.81 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

Payment Approval Process

Every invoice for payment in entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.) Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director or designee.
If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

- No other alternatives were analyzed

FISCAL EFFECTS
Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

Attachments

Councilmemo wk of 01182021

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/19/2021	839691	Archie Cochrane	Public Safety	$ 2,626.35	850448.1
01/19/2021	839691	Archie Cochrane	Public Safety	$ 229.54	5351188
01/19/2021	839691	Archie Cochrane	Public Safety	$ 64.03	5351714
01/19/2021	839691	Archie Cochrane	Public Safety	$ 371.30	5351757
01/19/2021	839691	Archie Cochrane	Public Safety	$ 131.06	5351884
01/19/2021	839691	Archie Cochrane	Public Safety	$ 202.03	5351897
01/19/2021	839691	Archie Cochrane	Public Safety	$ 43.07	5351934
01/19/2021	839691	Archie Cochrane	Public Safety	$ 36.70	5352355
01/19/2021	839691	Archie Cochrane	Public Safety	$ 24.86	5352356
01/19/2021	839691	Archie Cochrane	Public Safety	$ 276.92	5352357
01/19/2021	839694	AssetWorks LLC	Fleet	$ 5,227.50	AssetWorks Fleet management software
01/19/2021	839697	Bcs Scrip	City Ins Fund	$ 23,000.00	2020 Wellness Incentive for 4th Quarter 2020
01/19/2021	839698	Beartooth Enviro	Solid Waste	$ 5,734.27	HHW shipment and disposal
01/19/2021	839706	Billings Police Dept	Downtown BID	$ 77,738.53	Invoice 152448344 paid on behalf of the BID
01/19/2021	839703	Blgs Community Cable	General	$ 47,740.50	3rd Quarterly Disbursement
01/19/2021	839708	Bright & Beautiful	Solid Waste	$ 5,000.00	Annual Support
01/19/2021	839708	Bright & Beautiful	St Maint Dist	$ 5,000.00	Annual Support
01/19/2021	839711	Business Tax Section	Arterial Streets	$ 55.21	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
01/19/2021	839711	Business Tax Section	Facilities	$ 691.76	Fire Station #6 - 2019 Hail Damage Sub Project #FS6
01/19/2021	839711	Business Tax Section	Gas Tax	$ 49.62	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
01/19/2021	839711	Business Tax Section	Gas Tax	$ 182.80	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
01/19/2021	839711	Business Tax Section	Gas Tax	$ 321.95	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
01/19/2021	839711	Business Tax Section	SID Const	$ 114.54	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
01/19/2021	839711	Business Tax Section	Solid Waste	$ 518.01	WO 18-32 Landfill Slope Stability, 8 WO1832 Dan Hart
01/19/2021	839711	Business Tax Section	Storm Sewer	$ 94.33	WO 21-13 Replace Arnold Drain Culvert - Lillis & Parkview, 7588
01/19/2021	839711	Business Tax Section	Wastewater	$ 235.33	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
01/19/2021	839711	Business Tax Section	Wastewater	$ 258.62	WO 20-36 WRF Piping Modifications, 1 WO2036 Star Serv
01/19/2021	839711	Business Tax Section	Wastewater	$ 741.40	WO 20-36 WRF Piping Modifications, 2 WO2036 Star Serv
01/19/2021	839711	Business Tax Section	Water	$ 207.86	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
01/19/2021	839714	Cellebrite USA Corp	Public Safety	$ 12,487.72	UFED Touch Ultimate Software Renewal.
01/19/2021	839720	City High Ditch Water	Park Dist 1	$ 9,000.00	ditch user free for 2021 lateral service - 0061
01/19/2021	839725	Cubic Corp & Subsidiaries	Transit	$ 84,000.00	Invoice #20-MET-01. Touchpass Equipment and Services
01/19/2021	839725	Cubic Corp & Subsidiaries	Transit	$ 3,712.50	Invoice #20-MET-02. Touchpass Equipment. Reader Installation Kits
01/19/2021	839725	Cubic Corp & Subsidiaries	Transit	$ 5,000.00	Invoice #20-MET-03. Touchpass Equipment. Touchpass Cards

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/19/2021	839725	Cubic Corp & Subsidiaries	Transit	$ 100.00	Invoice #21-MET-01. Touchpass Equipment. Touchpass Paper Tokens
01/19/2021	839726	Cummins Rocky Mt	Public Safety	$ 875.01	37197
01/19/2021	839726	Cummins Rocky Mt	Public Safety	$ 30.88	37287
01/19/2021	839726	Cummins Rocky Mt	Solid Waste	$ 873.83	37192
01/19/2021	839726	Cummins Rocky Mt	Solid Waste	$ 601.46	37237
01/19/2021	839726	Cummins Rocky Mt	Solid Waste	$ 118.28	37264
01/19/2021	839726	Cummins Rocky Mt	Transit	$ 2,509.46	38-27599. Repair Coolant Leak Unit 1819. W/O 197183
01/19/2021	839726	Cummins Rocky Mt	Transit	$ 4,903.32	38-37561. Injector Replacement Unit 1814. W/O 196639
01/19/2021	839727	Dan Hart Patrol	Solid Waste	$ 51,282.99	WO 18-32 Landfill Slope Stability, 8 WO1832 Dan Hart
01/19/2021	839729	David Turch & Assoc	P.W. Admin	$ 4,000.00	Consulting for Infrastructure Projects
01/19/2021	839730	DC Frost Associates	Water	$ 3,795.20	UV BALLASTS KITS - (917341-100) P/N: 917341-100
01/19/2021	839732	Dept Natural Resource	Park Dist 1	$ 5,990.40	land rental for darling island and norms island at Riverfront
01/19/2021	839737	Diamond Construction	Wastewater	$ 23,298.06	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
01/19/2021	839737	Diamond Construction	Water	$ 20,577.75	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
01/19/2021	839740	DoubleMap	Transit	$ 3,893.21	Automatic Passenger Counter Subscription Fee 12/19/20 - 6/10/21
01/19/2021	839741	DOWL	Arterial Streets	$ 6,515.60	24th St W/Central Ave Signal Improvements, 9-4024.21753.01
01/19/2021	839741	DOWL	Arterial Streets	$ 84,666.69	WO 20-12 S 32nd St W (King Ave W to Gabel), 13-4051.21836.01
01/19/2021	839741	DOWL	Storm Sewer	$ 7,700.00	WO 20-24 West End Storm System Improvements, 4036.21844.01-9
01/19/2021	839742	Downtown Blgs BID	Downtown BID	$ 94,051.26	Paid November 2020 and distributed December 2020
01/19/2021	839744	Ecoverse Industries	Solid Waste	$ 14,567.84	Parts for shredder
01/19/2021	839744	Ecoverse Industries	Solid Waste	$ 793.50	Wiring harness
01/19/2021	839747	Enterprise Rent-A-Car	Property Ins	$ 8,540.36	2016 Subaru Outback damage - Leased vehicle #2019-222
01/19/2021	839750	Facts On File Inc	Library	$ 5,109.56	INV410489
01/19/2021	839751	Faro Technologies	Public Safety	$ 39,716.66	3D HW LW FocusS 150
01/19/2021	839751	Faro Technologies	Public Safety	$ 1,544.50	80Mm Koppa target set
01/19/2021	839751	Faro Technologies	Public Safety	$ (5,000.00)	Discount for return of damaged FARO device
01/19/2021	839751	Faro Technologies	Public Safety	$ 451.36	FocusS Battery Power Block for Focus Laser scanner V8
01/19/2021	839751	Faro Technologies	Public Safety	$ -	Laser Scanner Tr. -FARO Fac- Inc
01/19/2021	839756	First Montana Title	CDBG	$ 10,000.00	FTHB Aja Gillis 2038 Avenue B
01/19/2021	839758	Flathead Co Sheriff	PD Program	$ 46,945.56	Reimbursement of ICAC Donation expenses for Qtr End 9/30/2020.
01/19/2021	839760	Gary Weber Const	Storm Sewer	$ 9,338.67	WO 21-13 Replace Arnold Drain Culvert - Lillis & Parkview, 7588
01/19/2021	839767	Guardian Security	Library	$ 7,078.40	650 Dec 2020
01/19/2021	839771	HDR, Inc.	Light Maint	$ 1,249.70	WO 20-33 Public Works GIS Services, 1200319697/12
01/19/2021	839771	HDR, Inc.	Solid Waste	$ 2,499.40	WO 20-33 Public Works GIS Services, 1200319697/12

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/19/2021	839771	HDR, Inc.	Storm Sewer	$ 4,998.79	WO 20-33 Public Works GIS Services, 1200319697/12
01/19/2021	839771	HDR, Inc.	Street/Traffic	$ 3,749.10	WO 20-33 Public Works GIS Services, 1200319697/12
01/19/2021	839771	HDR, Inc.	Wastewater	$ 18,234.64	WO 19-21 WRF Influent Lift Station, 1200319198/19
01/19/2021	839771	HDR, Inc.	Wastewater	$ 1,111.36	WO 20-11 Lloyd Mangrum & Lake Hills Lift Station Rehab
01/19/2021	839771	HDR, Inc.	Wastewater	$ 6,248.49	WO 20-33 Public Works GIS Services, 1200319697/12
01/19/2021	839771	HDR, Inc.	Wastewater	$ 9,830.38	WO 20-36 WRF Solids Handling Modifications
01/19/2021	839771	HDR, Inc.	Wastewater	$ 4,625.47	WO 20-44 WRF Nutrient Recovery Improvements Project
01/19/2021	839771	HDR, Inc.	Water	$ 21,376.55	WO 18-22 Leavens Reservoir Expansion & Zone 1 Improvements
01/19/2021	839771	HDR, Inc.	Water	$ 85,379.94	WO 19-12 West End Reservoir, 1200319193/21
01/19/2021	839771	HDR, Inc.	Water	$ 6,248.49	WO 20-33 Public Works GIS Services, 1200319697/12
01/19/2021	839772	High Point Network	IT Resources	$ 27,888.00	Qty. 125 Palo Alto Cortex Prevent Licenses 1/25/21-1/25/22
01/19/2021	839774	Hose & Rubber Supply	Solid Waste	$ 366.06	1494557
01/19/2021	839774	Hose & Rubber Supply	Street/Traffic	$ 115.96	1495188
01/19/2021	839774	Hose & Rubber Supply	Street/Traffic	$ 12.51	hoses for bead tanks
01/19/2021	839774	Hose & Rubber Supply	Street/Traffic	$ 88.17	straps for paint tank
01/19/2021	839774	Hose & Rubber Supply	Transit	$ 173.04	00111050. Power Steering Hose Unit 1808. W/O 197617
01/19/2021	839774	Hose & Rubber Supply	Wastewater	$ 31.36	1494005
01/19/2021	839774	Hose & Rubber Supply	Water	$ 2,172.14	NONSTOCKING ITEMS-P.U.D.
01/19/2021	839776	Iaff	Payroll Clearing	$ 5,241.56	Payroll Summary
01/19/2021	839778	InfoSend	P.W. Admin	$ 10,817.71	Invoice 183622
01/19/2021	839778	InfoSend	P.W. Admin	$ 6,679.65	Invoice 183622
01/19/2021	839785	Invoice Cloud	Building	$ 9.86	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839785	Invoice Cloud	City Ins Fund	$ 55.24	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839785	Invoice Cloud	Parking	$ 26.80	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839785	Invoice Cloud	Solid Waste	$ 7,255.92	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839785	Invoice Cloud	Wastewater	$ 9,273.45	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839785	Invoice Cloud	Water	$ 10,909.95	Invoice # 1703-2020_12, DECEMBER SERVICES
01/19/2021	839786	J & J Concrete	Haz Walk Repair	$ 13,796.14	WO 19-27 Small Concrete Repair; 3 WO1927 J&J Concret
01/19/2021	839786	J & J Concrete	Gas Tax	$ 15,820.05	WO 20-04 2020 ADA Ramp Replacement Project; 4 WO2004 J&J Concret
01/19/2021	839787	Jares Fence Company	Tax Incrmnt S	$ 5,697.00	Remove temp fence at impound yard and install gate
01/19/2021	839791	Knife River	Arterial Streets	$ 5,466.16	WO 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
01/19/2021	839791	Knife River	Gas Tax	$ 4,912.38	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
01/19/2021	839791	Knife River	Gas Tax	$ 31,873.09	WO 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
01/19/2021	839791	Knife River	Gas Tax	$ 18,096.70	WO 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/19/2021	839791	Knife River	SID Const	$ 11,339.46	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
01/19/2021	839791	Knife River	Street/Traffic	$ 544.75	1 1/2" crushed base
01/19/2021	839791	Knife River	Street/Traffic	$ 651.66	1 1/2" crushed base
01/19/2021	839791	Knife River	Street/Traffic	$ 1,116.48	1 1/2" crushed base
01/19/2021	839795	L P Anderson Tire	Public Safety	$ 620.00	1144367
01/19/2021	839795	L P Anderson Tire	Public Safety	$ 65.00	1144385
01/19/2021	839795	L P Anderson Tire	Public Safety	$ 65.00	1144404
01/19/2021	839795	L P Anderson Tire	Public Safety	$ 1,760.56	1144685
01/19/2021	839795	L P Anderson Tire	Street/Traffic	$ 69.50	1144400
01/19/2021	839795	L P Anderson Tire	Street/Traffic	$ 32.50	1144401
01/19/2021	839795	L P Anderson Tire	Street/Traffic	$ 87.50	1144610
01/19/2021	839803	Mailing Technical	Central Services	$ 4,803.40	December 2020
01/19/2021	839813	MFPE	Payroll Clearing	$ 2,783.75	Payroll Summary
01/19/2021	839808	Midland West Manuf	Solid Waste	$ 2,250.00	17674
01/19/2021	839808	Midland West Manuf	Solid Waste	$ 400.00	17682
01/19/2021	839823	MPPA	Payroll Clearing	$ 3,664.95	Payroll Summary
01/19/2021	839812	MT Dakota Utilities	EOC 911	$ 38.26	911 CENTER, STANDBY GENERATOR - ACCT #082-939-8378-2
01/19/2021	839812	MT Dakota Utilities	General	$ 84.70	112 138 9381 8
01/19/2021	839812	MT Dakota Utilities	General	$ 114.40	703 760 1000 8
01/19/2021	839812	MT Dakota Utilities	General	$ 34.10	879 660 1000 8
01/19/2021	839812	MT Dakota Utilities	General	$ 374.54	902 360 1000 6
01/19/2021	839812	MT Dakota Utilities	Public Safety	$ 428.63	307 111 5825 0
01/19/2021	839812	MT Dakota Utilities	Public Safety	$ 257.54	672 860 1000 3
01/19/2021	839812	MT Dakota Utilities	Public Safety	$ 1,001.69	819 360 1000 8
01/19/2021	839812	MT Dakota Utilities	Public Safety	$ 18.11	930 442 2308 4
01/19/2021	839812	MT Dakota Utilities	Water	$ 163.94	162 660 1000 4
01/19/2021	839814	MT Law Enforce Academy	Public Safety	$ 5,500.00	MLEA invoice for LEOB 171
01/19/2021	839814	MT Law Enforce Academy	Public Safety	$ 7,500.00	MLEA Invoice for LEOB 173
01/19/2021	839817	MT Municipal Interlocal	Payroll Clearing	$ 592,331.17	Workers Compensation October 1 - December 31, 2020
01/19/2021	839816	MT Municipal Interlocal	Property Ins	$ 47,392.45	Deductible Recovery December 2020
01/19/2021	839818	MT Municipal Interlocal	Property Ins	$ 48,162.96	Deductible Recovery for January 2021
01/19/2021	839820	MT Radiator Works	Public Safety	$ 49.00	60229
01/19/2021	839820	MT Radiator Works	Public Safety	$ 113.00	60230
01/19/2021	839820	MT Radiator Works	Public Safety	$ 2,230.00	60295

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01/19/2021	839820	MT Radiator Works	Solid Waste	$ 905.00	60250
01/19/2021	839820	MT Radiator Works	Solid Waste	$ 981.00	60274
01/19/2021	839821	MT State Firemen	Payroll Clearing	$ 4,425.92	Payroll Summary
01/19/2021	839825	MT Waterworks	Water	$ 544.75	6" X 10" C1-FC- REPAIR CLAMP - F1-724 X 10-SH P/N: F172410SH
01/19/2021	839825	MT Waterworks	Water	$ 1,468.20	6" X 15" C1 FC REPAIR CLAMP - F1-724 X 15 SH P/N: F172415SH
01/19/2021	839825	MT Waterworks	Water	$ 407.64	8" X 10" CI-FC REPAIR CLAMP - F1-939 X 10-SH P/N: F193910SH
01/19/2021	839825	MT Waterworks	Water	$ 686.79	8" X 20" CI-FC REPAIR CLAMP - F1-939 X20-SH P/N: F193920SH
01/19/2021	839826	Napa Auto Parts	Building	$ 56.99	259515
01/19/2021	839826	Napa Auto Parts	Engineering	$ 10.87	255234
01/19/2021	839826	Napa Auto Parts	Fleet	$ 40.49	255043
01/19/2021	839826	Napa Auto Parts	Fleet	$ 9.79	257789
01/19/2021	839826	Napa Auto Parts	Fleet	$ 5.67	255159 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 75.64	255234 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 8.07	255305 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 23.12	256655 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 9.74	257527 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 42.00	257576 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 59.91	257576 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 3.34	257851 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 11.04	258143 PO NUM 311758
01/19/2021	839826	Napa Auto Parts	Fleet	$ 68.04	259018 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 113.46	259297 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 19.50	259354 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 16.56	259381 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 24.50	259486 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 136.50	260076 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 225.00	260427 Battery Charger
01/19/2021	839826	Napa Auto Parts	Fleet	$ 10.00	260468 Cement/glue
01/19/2021	839826	Napa Auto Parts	Fleet	$ 97.99	260549 Air Tank
01/19/2021	839826	Napa Auto Parts	Fleet	$ 20.16	260555 PO NUM 311797
01/19/2021	839826	Napa Auto Parts	Fleet	$ 142.47	260701 Tools for buffing tires
01/19/2021	839826	Napa Auto Parts	General	$ 151.55	256648
01/19/2021	839826	Napa Auto Parts	General	$ 7.67	256650
01/19/2021	839826	Napa Auto Parts	General	$ 5.06	259139

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01/19/2021	839826	Napa Auto Parts	General	$ 75.67	260766
01/19/2021	839826	Napa Auto Parts	Parking	$ 3.24	260034
01/19/2021	839826	Napa Auto Parts	Planning	$ 110.54	257224
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 73.20	256057
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 157.21	256086
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 64.12	256695
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 12.32	256826
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 68.00	258802
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 19.50	259825
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 44.50	260167
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 61.02	260189
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 65.09	260459
01/19/2021	839826	Napa Auto Parts	Public Safety	$ 4.15	260892
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 100.66	255777
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 46.14	256111
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 52.46	257805
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 71.88	259018
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 118.77	260605
01/19/2021	839826	Napa Auto Parts	Solid Waste	$ 28.65	260742
01/19/2021	839826	Napa Auto Parts	Street/Traffic	$ 5.74	255362
01/19/2021	839826	Napa Auto Parts	Street/Traffic	$ 6.78	260866
01/19/2021	839826	Napa Auto Parts	Transit	$ 4.47	3977-00-263443 PO NUM 311778. Grommets
01/19/2021	839826	Napa Auto Parts	Transit	$ 6.15	3977-00-263496 PO NUM 311778. Hydraulic Filter
01/19/2021	839826	Napa Auto Parts	Transit	$ 35.04	3977-00-263677. Rear Pinion Seal Unit 1824. W/O 197473
01/19/2021	839826	Napa Auto Parts	Transit	$ 3.18	3977-00-263701. Ring Terminals Unit 1872. W/O 197137
01/19/2021	839826	Napa Auto Parts	Transit	$ 73.23	3977-00-263760. Coolant Hose Unit 1801. W/O 197471
01/19/2021	839826	Napa Auto Parts	Transit	$ 14.53	3977-00-264550. TII Gasket Unit 1825. W/O 196706
01/19/2021	839826	Napa Auto Parts	Transit	$ 173.67	3977-00-264670 PO NUM 311778. Inventory
01/19/2021	839826	Napa Auto Parts	Transit	$ 55.85	3977-00-264670. Towels & Air Adaptors
01/19/2021	839826	Napa Auto Parts	Water	$ 21.86	260155
01/19/2021	839830	NorthWestern Energy	Airport	$ 17.24	0712534-7. Gate 16 Light. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 278.14	0712535-4. Employee Parking. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 21.65	0712791-3. Gate 16. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 32.43	0712795-4. Gate 17. December 2020

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01/19/2021	839830	NorthWestern Energy	Airport	$ 20.54	0712797-0. Gate 9. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 5.80	0712805-1. IP-10. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 6.67	0712813-5. Burn Pit. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 21.65	07197593-3. Gate 12. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 84.26	0719760-1. Gate 14. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 14.46	0719761-9. Gate 15. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 24.75	0719762-7. Gate 13. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 19.79	0720296-3. Gate 29. December 2020
01/19/2021	839830	NorthWestern Energy	Airport	$ 29.56	2114868-9. Runway Weather System. December 2020
01/19/2021	839830	NorthWestern Energy	Building	$ 16.84	1569631-3
01/19/2021	839830	NorthWestern Energy	CDBG	$ 29.25	817 N 22nd Street / Account #3793773-7
01/19/2021	839830	NorthWestern Energy	General	$ 139.37	0712538-8
01/19/2021	839830	NorthWestern Energy	General	$ 0.97	1692666-9
01/19/2021	839830	NorthWestern Energy	General	$ 5.80	3178260-0
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0722253-2
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 8.07	0722258-1
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 10.04	0722259-9
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 8.18	0722272-2
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 206.18	0722273-0
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 13.58	0722274-8
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 112.63	0722275-5
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 33.05	0722278-9
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 17.24	0722279-7
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0722280-5
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0722281-3
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0722283-9
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0722284-7
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 17.24	0722808-3
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 8.40	0722852-1
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 8.07	0722862-0
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 67.84	0722901-6
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 6.17	0722976-8
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 193.80	0722995-8
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 73.62	0723005-5

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01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.92	0723025-3	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ -	0723039-4	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.80	0723046-9	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 14.72	0723049-3	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 12.86	0723053-5	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 17.91	0723064-2	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 17.91	0723065-9	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 3.78	0723391-9	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 160.97	0723884-3	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 17.91	0723887-6	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 25.36	0813489-2	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 8.03	0978917-3	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 9.64	0999807-1	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 5.80	1588262-4	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 46.54	1849408-8	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 52.13	1904944-4	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 45.32	1941243-6	
01/19/2021	839830	NorthWestern Energy	Park Dist 1	$ 21.28	3241436-9	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.45	0722272-2	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723384-4	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 7.69	0723385-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 7.69	0723386-9	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 7.69	0723388-5	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 2.51	0723391-9	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.71	0723392-7	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 6.67	0723393-5	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723394-3	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723395-0	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723396-8	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723397-6	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723398-4	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.92	0723835-5	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 8.07	0723836-3	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 6.04	0723840-5	

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01/19/2021	839830	NorthWestern Energy	Parks Maint	$ -	0723879-3	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 6.42	0723883-5	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.59	0723885-0	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 6.67	0881455-0	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.83	0971824-8	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.47	1045813-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 1.18	1265177-4	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.72	1312707-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ -	1513796-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 39.36	1513800-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 9.26	1513802-7	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 17.45	1513804-3	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 6.81	1514388-6	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 1.06	1948667-9	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 1.20	2041362-1	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 5.02	2055817-7	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.46	3707234-5	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.59	3707235-2	
01/19/2021	839830	NorthWestern Energy	Parks Maint	$ 0.59	3707236-0	
01/19/2021	839830	NorthWestern Energy	Public Safety	$ 376.73	0100477-9	FIRE6: ELECTRICAL SERVICE
01/19/2021	839830	NorthWestern Energy	Public Safety	$ 13.84	0712532-1	
01/19/2021	839830	NorthWestern Energy	Public Safety	$ 326.92	0720817-6	
01/19/2021	839830	NorthWestern Energy	Public Safety	$ 1,022.12	1183483-5	
01/19/2021	839830	NorthWestern Energy	Radio	$ 165.18	1006915-1	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 7.40	0855404-0	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 0.71	1797828-9	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 7.54	2047007-6	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 6.55	2047010-0	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 6.81	2047013-4	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 7.16	2047017-5	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 6.55	2047019-1	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ -	3088038-9	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 0.71	3590004-2	
01/19/2021	839830	NorthWestern Energy	Street/Traffic	$ 54.47	3648861-7	

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01/19/2021	839830	NorthWestern Energy	Transit	$ 2,167.08	0100473-8. MET January 2021
01/19/2021	839830	NorthWestern Energy	Transit	$ 363.37	0719225-5
01/19/2021	839830	NorthWestern Energy	Wastewater	$ -	0723383-6
01/19/2021	839830	NorthWestern Energy	Wastewater	$ 624.98	0723878-5
01/19/2021	839830	NorthWestern Energy	Water	$ 194.50	1142253-2
01/19/2021	839830	NorthWestern Energy	Water	$ 5.80	1160807-2
01/19/2021	839830	NorthWestern Energy	Water	$ 4.00	1346673-5
01/19/2021	839830	NorthWestern Energy	Water	$ 6.29	1867265-9
01/19/2021	839831	Petty Cash CCSIU	PD Program	$ 7,982.75	Reimbursement of PE/PI $ for December, 2020.
01/19/2021	839832	Pioneer Tech Service	Solid Waste	$ 3,467.40	WO 18-32 Landfill Slope Stability, 14887/13F
01/19/2021	839833	Playspace Designs	Dog Park Const	$ 35,368.00	4 shade structures for Centennial Park dog park
01/19/2021	839833	Playspace Designs	Dog Park Const	$ 8,717.00	purchase of 1 shade structure for the dog park at Centennial Park
01/19/2021	839837	PSC Custom LP	Solid Waste	$ 2,327.63	Fuel tank - landfill
01/19/2021	839837	PSC Custom LP	Solid Waste	$ 4,108.00	Fuel tank - landfill
01/19/2021	839838	Public Utilities	Airport	$ 6,379.38	136516
01/19/2021	839838	Public Utilities	Facilities	$ 497.84	158260
01/19/2021	839838	Public Utilities	Wastewater	$ 9.45	180645
01/19/2021	839844	Remix Software	Transit	$ 15,000.00	Invoice#IN-1300. Route Planning Software Renewal 1/1/21 - 12/31/21
01/19/2021	839845	RF Communication	Public Safety	$ 900.00	KNG DPH SPEAKER MICS
01/19/2021	839845	RF Communication	Public Safety	$ 11,400.00	KNG-M150 VHF 50 WATT MOBILES
01/19/2021	839848	Rocky Mt Health Network	City Ins Fund	$ 7,800.00	December 2020 Healthy Is
01/19/2021	839848	Rocky Mt Health Network	City Ins Fund	$ 2,290.00	EAP per employee for January 2021
01/19/2021	839851	St V Occupational Health	City Ins Fund	$ 1,120.00	57834: Influenza Vaccines 10/06/2020.
01/19/2021	839856	St V Occupational Health	City Ins Fund	$ 1,960.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	City Ins Fund	$ 3,735.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	City Ins Fund	$ 630.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	General	$ 2,415.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839851	St V Occupational Health	Public Safety	$ 461.21	57834: BOGUNOVICH ANNUAL FIRE PHYSICAL 12/08/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 424.75	57834: HAUF ANNUAL FIRE PHYSICAL 12/30/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 252.00	57834: HERNANDEZ ANNUAL FIRE PHYSICAL 12/01/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 586.96	57834: KING PRE-EMPLOYMENT FIRE PHYSICAL 12/16/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 668.96	57834: MITCHELL ANNUAL FIRE PHYSICAL 12/02/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 252.00	57834: TINNES, JUSTIN ANNUAL FIRE PHYSICAL 12/18/2020
01/19/2021	839851	St V Occupational Health	Public Safety	$ 396.21	57834: WILKINS ANNUAL FIRE PHYSICAL 12/03/2020

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01/19/2021	839856	St V Occupational Health	Public Safety	$ 1,080.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	Solid Waste	$ 285.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	Street/Traffic	$ 190.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	Transit	$ 290.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	Wastewater	$ 58.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839856	St V Occupational Health	Water	$ 87.00	Drug Testing, On-site nursing, COVID 19 tests, Flu shots, DOT Physicals
01/19/2021	839857	Star Service	Wastewater	$ 73,398.60	WO 20-36 WRF Piping Modifications, 2 WO2036 Star Serv
01/19/2021	839857	Star Service	Wastewater	$ 25,603.38	WO 20-36 WRF Piping Modifications, 1 WO2036 Star Serv
01/19/2021	839860	Stewart Title Company	CDBG	$ 10,000.00	FTHB Troy Long 4428 Jansma Avenue
01/19/2021	839861	Stiteler, David W	Water	$ 3,329.31	Arbitration for Dunn case
01/19/2021	839862	Substance Abuse Connect	General	$ 10,000.00	Infrastructure Sustainability Executive Committee 2021 Contribution
01/19/2021	839864	T.W. Clark Construction	Facilities	$ 68,484.58	Fire Station #6 - 2019 Hail Damage Sub Project #FS6
01/19/2021	839865	The Ride Cyclery	Public Safety	$ 8,640.00	Purchase 6 Fathom 29 I bikes for bike patrol.
01/19/2021	839866	Thomas Appraisal Service	Tax Incrmnt S	$ 4,000.00	WO 20-30 Hallowell Lane Parcels, 878
01/19/2021	839870	Town & Country Supply	Fleet	$ 13,225.53	414298 PO NUM 311748
01/19/2021	839870	Town & Country Supply	Fleet	$ 14,194.46	414305 PO NUM 311800
01/19/2021	839870	Town & Country Supply	Public Safety	$ 507.02	414413 FIRE 1: UNLEADED
01/19/2021	839870	Town & Country Supply	Public Safety	$ 1,951.39	414414 FIRE 5, 3, 1: BLENDED DIESEL.
01/19/2021	839870	Town & Country Supply	Transit	$ 11,003.50	414258 PO NUM 311777. 4198 gal Dyed #2, 1799 gal Dyed #1
01/19/2021	839870	Town & Country Supply	Water	$ 13,440.87	WATER PARTS AND SUPPLIES PO NUM 311682
01/19/2021	839871	Tractor & Equipment	Solid Waste	$ 3,818.55	BLW00205378
01/19/2021	839871	Tractor & Equipment	Solid Waste	$ 1,338.96	Landfill cartridges
01/19/2021	839871	Tractor & Equipment	Street/Traffic	$ 141.16	BLCS0744755
01/19/2021	839871	Tractor & Equipment	Street/Traffic	$ 29.21	SGCS0129922
01/19/2021	839877	Veripic Inc	Public Safety	$ 3,828.00	1 year subscription License Maintenance Agreement.
01/19/2021	839880	Voegele Acquisition	Street/Traffic	$ 2,036.58	early fall fertilizer for ROW
01/19/2021	839880	Voegele Acquisition	Street/Traffic	$ 2,036.58	winter fertilizer for ROW
01/19/2021	839884	Yellowstone County	Public Safety	$ 3,200.00	YCDF December 2020 jail boarders

Consent 1. M. 2.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Payment of Claims for week of January 25, 2021
Presented by: Andy Zoeller, Finance Director
Department: Finance

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Claims in the amount of $2,097,056.95 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

Payment Approval Process

Every invoice for payment in entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.) Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than $1,000, then it must be approved by the Finance Director or designee.
If that payment is greater than $10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of $2,500 is generated and placed on the next City Council meeting for review.

ALTERNATIVES

- No other alternatives were analyzed

FISCAL EFFECTS

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

Attachments

Councilmemo wk of 01252021

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839889	360 Office Solutions	P.W. Admin	$ 158.08	OFFICE FURNITURE REPLACEMENT
01/25/2021	839889	361 Office Solutions	Wastewater	$ 26.55	Name plates for admin and D & C new offices
01/25/2021	839889	362 Office Solutions	Wastewater	$ 3,682.96	OFFICE FURNITURE REPLACEMENT
01/25/2021	839889	363 Office Solutions	Wastewater	$ 2,799.48	OFFICE FURNITURE REPLACEMENT
01/25/2021	839889	364 Office Solutions	Water	$ 79.65	Name plates for admin and D & C new offices
01/25/2021	839889	365 Office Solutions	Water	$ 8,398.44	OFFICE FURNITURE REPLACEMENT
01/25/2021	839891	Ace Electric	Parking	$ 15,518.01	Installation of EV Charging Stations
01/25/2021	839891	Ace Electric	Wastewater	$ 70.87	LABOR
01/25/2021	839891	Ace Electric	Water	$ 212.63	LABOR
01/25/2021	839894	Alta Planning & Design	Planning	$ 4,436.70	Billings Bike and Scooter Share Feasibility Study
01/25/2021	839898	Archie Cochrane	Property Ins	$ 2,626.35	Repairs to Fire Vehicle #4077 #2020-150
01/25/2021	839899	Armscor Cartridge	Public Safety	$ 6,975.00	9mm, 223, 40S&W, 10mm, 6.5 creedmoor ammo
01/25/2021	839899	Armscor Cartridge	Public Safety	$ 7,927.00	9mm, 10mm, 40S&W and 223 ammo
01/25/2021	839901	AT & T Corp	Airport	$ 541.40	Airport
01/25/2021	839901	AT & T Corp	Building	$ 45.21	BUILDING
01/25/2021	839901	AT & T Corp	Building	$ 90.42	BUILDING
01/25/2021	839901	AT & T Corp	Building	$ 478.91	PW-Building Cell Phones
01/25/2021	839901	AT & T Corp	Building	$ 361.26	PW-Building Tablets (Planning)
01/25/2021	839901	AT & T Corp	CDBG	$ 150.22	Comm Dev Dina Harmon, Carly Collings and Tam Rodier
01/25/2021	839901	AT & T Corp	Court Grants	$ 212.25	Muni Court DC
01/25/2021	839901	AT & T Corp	Engineering	$ 104.52	Engineering Tablets
01/25/2021	839901	AT & T Corp	Engineering	$ 43.25	PW-Engineering Cell Phones and MiFi
01/25/2021	839901	AT & T Corp	Engineering	$ 163.17	PW-Engineering Cell Phones and MiFi
01/25/2021	839901	AT & T Corp	Facilities	$ 122.24	Facilities BOC Plus 70% of 406-672-3027
01/25/2021	839901	AT & T Corp	Facilities	$ 103.81	Facilities City Hall Plus 30% of 406-672-3027
01/25/2021	839901	AT & T Corp	Facilities	$ 45.21	Facilities -Jessica and John
01/25/2021	839901	AT & T Corp	Facilities	$ 41.17	Facilities -Jessica and John
01/25/2021	839901	AT & T Corp	General	$ 97.81	City Attorney -Legal
01/25/2021	839901	AT & T Corp	General	$ 287.59	Code Enforcement +Trina Arnold
01/25/2021	839901	AT & T Corp	General	$ 31.41	Code Enforcement +Trina Arnold
01/25/2021	839901	AT & T Corp	General	$ 47.56	Legal Dept -Domestic Violence
01/25/2021	839901	AT & T Corp	General	$ 47.56	Municipal Court
01/25/2021	839901	AT & T Corp	General	$ 17.52	PLANNING
01/25/2021	839901	AT & T Corp	General	$ 321.51	PRPL - Recreation Division

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839901	AT & T Corp	General	$ 104.52	REC Tablets
01/25/2021	839901	AT & T Corp	IT Resources	$ 50.25	IT Department -On call Phone -added hotspot
01/25/2021	839901	AT & T Corp	Library	$ 214.26	Library
01/25/2021	839901	AT & T Corp	Library	$ 107.34	Library Out Reach
01/25/2021	839901	AT & T Corp	P.W. Admin	$ 31.92	PWBLKNP OFFICE -60/40
01/25/2021	839901	AT & T Corp	P.W. Admin	$ 47.89	PWBLKNP OFFICE -60/40
01/25/2021	839901	AT & T Corp	Park Dist 1	$ 75.24	Parks Dept. Cell phone
01/25/2021	839901	AT & T Corp	Park Dist 1	$ 636.66	Parks Dept. Cell phone
01/25/2021	839901	AT & T Corp	Park Dist 1	$ 17.52	Parks Seasonal -$62.65 in credits for not terminating services
01/25/2021	839901	AT & T Corp	Park Dist 1	$ (62.65)	Parks Seasonal -$62.65 in credits for not terminating services
01/25/2021	839901	AT & T Corp	Park Dist 1	$ 164.20	PRPL Parks Tablets
01/25/2021	839901	AT & T Corp	Parking	$ 87.63	Parking Division Meter Maintenance
01/25/2021	839901	AT & T Corp	Parking	$ 303.59	Parking Phones
01/25/2021	839901	AT & T Corp	PD Program	$ 80.28	CCSIU Toughbook
01/25/2021	839901	AT & T Corp	PD Program	$ 47.56	Domestic Violence -Katie Nash
01/25/2021	839901	AT & T Corp	Phone System	$ 17.52	Donation Center phone YCT. 406.208.8154
01/25/2021	839901	AT & T Corp	Phone System	$ 17.52	TeleComm Manager-test phone, cancelled 10/22/20
01/25/2021	839901	AT & T Corp	Planning	$ 45.21	PLANNING
01/25/2021	839901	AT & T Corp	Public Safety	$ 286.39	Animal Control Cell Phones
01/25/2021	839901	AT & T Corp	Public Safety	$ 240.84	Animal Control -MDT
01/25/2021	839901	AT & T Corp	Public Safety	$ 288.78	Comm. Center 9-1-1
01/25/2021	839901	AT & T Corp	Public Safety	$ 40.14	Detective Chartier -Toughbook
01/25/2021	839901	AT & T Corp	Public Safety	$ 50.25	Fire Department Cell Phones
01/25/2021	839901	AT & T Corp	Public Safety	$ 1,204.06	Fire Department Cell Phones
01/25/2021	839901	AT & T Corp	Public Safety	$ 87.70	ICAC -Campbell and Spare
01/25/2021	839901	AT & T Corp	Public Safety	$ 1,238.74	MDT Fire
01/25/2021	839901	AT & T Corp	Public Safety	$ 2,979.89	Police Department Cell Phone
01/25/2021	839901	AT & T Corp	Public Safety	$ 3,702.70	Police MDT Toughbooks
01/25/2021	839901	AT & T Corp	Public Safety	$ 283.05	Police -Resource Officers
01/25/2021	839901	AT & T Corp	Public Safety	$ 200.70	Yellowstone County Cellular Charges -Three cradlepoints
01/25/2021	839901	AT & T Corp	Street/Traffic	$ 247.69	Street Traffic iPads
01/25/2021	839901	AT & T Corp	Transit	$ 1,003.50	MET Transit Max Transit
01/25/2021	839901	AT & T Corp	Transit	$ 17.52	MET Transit On Call and MET Mobile
01/25/2021	839901	AT & T Corp	Transit	$ 40.14	MET Transit On Call and MET Mobile

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839901	AT & T Corp	Transit	$ 185.04	MET Transit Tablets
01/25/2021	839901	AT & T Corp	Transit	$ 602.10	MET Transit Tablets
01/25/2021	839901	AT & T Corp	Transit	$ (1,125.00)	MET Transit Tablets
01/25/2021	839901	AT & T Corp	Wastewater	$ 90.42	PW Environmental
01/25/2021	839901	AT & T Corp	Wastewater	$ 303.29	PWBELKNAP-DIST COLL 60/40
01/25/2021	839901	AT & T Corp	Wastewater	$ 475.30	PWBLKNP Electricians -Phones
01/25/2021	839901	AT & T Corp	Wastewater	$ 29.27	PWBLKNP STORES -75/25
01/25/2021	839901	AT & T Corp	Wastewater	$ 861.31	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
01/25/2021	839901	AT & T Corp	Wastewater	$ 397.21	PW-Distribution Collection Tablets 60/40
01/25/2021	839901	AT & T Corp	Water	$ 454.94	PWBELKNAP-DIST COLL 60/40
01/25/2021	839901	AT & T Corp	Water	$ 1,048.01	PWBELKNAP-WT Water Treatment
01/25/2021	839901	AT & T Corp	Water	$ 609.89	PWBLKNP COMM-METER CityWorks/Neptune
01/25/2021	839901	AT & T Corp	Water	$ 237.88	PWBLKNP MTRSHOP
01/25/2021	839901	AT & T Corp	Water	$ 87.80	PWBLKNP STORES -75/25
01/25/2021	839901	AT & T Corp	Water	$ 595.82	PW-Distribution Collection Tablets 60/40
01/25/2021	839902	ATS Inland NW	Airport	$ 611.00	FY21 Energy Management Service - QTA
01/25/2021	839902	ATS Inland NW	Airport	$ 2,145.00	FY21 Energy Management Services - Terminal
01/25/2021	839903	Beartooth RC&D Area	General	$ 12,802.92	2021 Beartooth RC&D/EDD Assessment and Membership
01/25/2021	839908	Billings Tourism	Tourism BID2	$ 133,412.65	Paid December Distributed January 2021
01/25/2021	839911	Business Tax Section	Parking	$ 156.75	Installation of EV Charging Stations
01/25/2021	839911	Business Tax Section	Wastewater	$ 1,059.89	WO 20-10 WRF Equipment Installation, WO2010 Dick Ander 8
01/25/2021	839911	Business Tax Section	Water	$ 2,435.85	WO 18-22 Leavens Reservoir Waterline and Improvements
01/25/2021	839911	Business Tax Section	Water	$ 161.65	WO 19-12 West End Reservoir Shale Material, 2F KLE WO19-12
01/25/2021	839913	Cellebrite USA Corp	PD Program	$ 9,300.00	SF-00071711. UFED 4PC Ultimate.
01/25/2021	839914	Center for Public Safety	General	$ -	Consultant Agreement
01/25/2021	839914	Center for Public Safety	General	$ 22,320.00	Consultant Agreement
01/25/2021	839914	Center for Public Safety	General	$ -	Consultant Agreement
01/25/2021	839915	Century Link	Airport	$ 65.13	406-252-0721 Airport 1FB Line
01/25/2021	839915	Century Link	Airport	$ 65.13	406-256-6014 Airport P9 Building
01/25/2021	839915	Century Link	Airport	$ 60.63	406-256-7070 Airport
01/25/2021	839915	Century Link	Engineering	$ 120.22	406-259-7758 Measured Lines Depot
01/25/2021	839915	Century Link	EOC 911	$ 6,425.31	406-245-8527 New 9-1-1 Center
01/25/2021	839915	Century Link	Fleet	$ 62.81	406-256-5047 Motor Pool
01/25/2021	839915	Century Link	General	$ 52.09	monthly charges for 406-248-9851 January 2021

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839915	Century Link	P.W. Admin	$ 81.82	406-259-7758 Measured Lines Depot
01/25/2021	839915	Century Link	Parking	$ 55.03	406-252-2041 Park 2 Elevator Phone
01/25/2021	839915	Century Link	Phone System	$ 64.60	406.259.7121 CPC
01/25/2021	839915	Century Link	Phone System	$ 121.19	406.259.7214 CPC
01/25/2021	839915	Century Link	Phone System	$ 64.60	406.259.7752 PRPL
01/25/2021	839915	Century Link	Phone System	$ 113.19	PRPL and Senior center fax
01/25/2021	839915	Century Link	Phone System	$ 134.46	BOC Alarms
01/25/2021	839915	Century Link	Phone System	$ 44.66	South Park 406.247.8575
01/25/2021	839915	Century Link	Phone System	$ 180.74	Water Department Alarm
01/25/2021	839915	Century Link	Phone System	$ 137.76	WWTP Conference Room 406.247.8564
01/25/2021	839915	Century Link	Planning	$ 44.66	406-656-9578 Planning Traffic Central Broadwater
01/25/2021	839915	Century Link	Planning	$ 44.66	406-656-9604 Planning Traffic Central 9th
01/25/2021	839915	Century Link	Public Safety	$ 55.03	406-651-0282 Fire 5 911 Line
01/25/2021	839922	Crowley Fleck PLLP	General	$ 6,000.00	Lobbyist Contract December 2002
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 4,376.09	38-38386. Turbo Charger Unit 1807. W/O 197670
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 439.59	38-38477. Water Pump Unit 1808. W/O 197686
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 72.88	38-38497 PO NUM 311823. Thermostat & Gasket
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 72.88	38-38497. Thermostat & Gasket Unit 1808. W/O 197686
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 24.62	38-38522. Thermostat Gasket Unit 1808. W/O 197686
01/25/2021	839923	Cummins Rocky Mt	Transit	$ 31.40	38-38556. Flex Hose, O-Ring Seal, Gasket Unit 1808.
01/25/2021	839923	Cummins Rocky Mt	Transit	$ (11.25)	38-38560. Water Pump Core Unit 1808. W/O 197686
01/25/2021	839923	Cummins Rocky Mt	Transit	$ (24.62)	38-38562. Thermostat Housing Gasket Return Unit 1808.
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 394.00	Dana 692563, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 372.00	Dana 692927, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 1,184.00	Dana 692929, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 1,052.80	Dana 693592, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 4,531.00	Dana 694003, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 5,408.29	Dana 694129, SUV parts and accessories
01/25/2021	839924	Dana Safety Supply	Public Safety	$ 7,451.00	Dana 695507, SUV parts and accessories
01/25/2021	839925	Dell Computer L P	IT Resources	$ 3,352.84	1- 3640 i7, 32GB RAM, 1TB SSD Dual AMD Pro W5500
01/25/2021	839925	Dell Computer L P	P.W. Admin	$ 308.14	Qty.2 24" Monitors- Heidi Carver -PW
01/25/2021	839925	Dell Computer L P	Public Safety	$ 1,195.85	Dell Latitude 7410 i5, 16GB RAM, 256GB SSD
01/25/2021	839926	Dell Marketing Lp	Library	$ 8,872.20	10421426500 Library computers per TRP
01/25/2021	839927	Desert Mt Corp	Street/Traffic	$ 4,032.05	ice slicer

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839927	Desert Mt Corp	Street/Traffic	$ 4,065.51	ice slicer
01/25/2021	839928	Dick Anderson Const	Wastewater	$ 104,929.81	WO 20-10 WRF Equipment Installation, WO2010 Dick Ander 8
01/25/2021	839931	Downtown Billings BID	Downtown BID	$ 56,061.65	Paid December 2020 Distributed January 2021
01/25/2021	839932	Downtown Billings Partners	Tax Incrmnt N27	$ 3,000.00	CPTED Incentive Grants - Hedden Empire
01/25/2021	839932	Downtown Billings Partners	Tax Incrmnt N27	$ 23,286.75	Urban Revitalization District Operating Agreement
01/25/2021	839939	Flathead Co Sheriffs	PD Program	$ 42,913.88	Reimbursement of ICAC Donation Expenses for qtr
01/25/2021	839942	Gallagher Benefit Service	City Ins Fund	$ 32,250.00	January - June 2021 Consulting Services
01/25/2021	839943	Galles Filter Service	Fleet	$ 266.10	P1-01525.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 30.29	P1-01585.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 46.80	P1-01586.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 296.57	P1-01669.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 87.11	P1-01755.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 5.36	P101756.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 227.00	P1-01870.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 546.24	P1-02044.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 235.05	P1-02045.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 278.05	P1-02126.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 112.72	P1-02183.01 PO NUM 311207
01/25/2021	839943	Galles Filter Service	Fleet	$ 69.84	T-93864 PO NUM 311207
01/25/2021	839943	Galles Filter Service	General	$ 71.82	P1-02101.01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 359.22	Filter for the Landfill P1-01754-02
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 325.38	Filter for the Landfill P1-01952-01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 249.47	Filter for the Landfill P1-01754-01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 263.15	Filters
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 426.90	Filters for the Landfill P1-01590-01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 291.54	Filters for the Landfill P1-01590-02
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 359.22	Filters for the Landfill P1-02052-01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 4.06	P1-01758.01
01/25/2021	839943	Galles Filter Service	Solid Waste	$ 47.20	P1-01760.01
01/25/2021	839943	Galles Filter Service	Street/Traffic	$ 103.96	P1-01757.01
01/25/2021	839943	Galles Filter Service	Street/Traffic	$ 37.28	P101759.01
01/25/2021	839943	Galles Filter Service	Wastewater	$ 24.74	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Wastewater	$ 46.53	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Wastewater	$ 248.70	NONSTOCKING ITEMS-P.U.D.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839943	Galles Filter Service	Wastewater	$ 80.39	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 11.42	NonStocking items - PUD
01/25/2021	839943	Galles Filter Service	Water	$ 2.91	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 16.25	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 24.28	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 98.41	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 98.23	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 122.51	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 13.78	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ 124.32	NONSTOCKING ITEMS-P.U.D.
01/25/2021	839943	Galles Filter Service	Water	$ (30.49)	RETURN FILTERS - UNIT 7352
01/25/2021	839943	Galles Filter Service	Water	$ 144.63	WATER PARTS AND SUPPLIES PO NUM 311495
01/25/2021	839944	Galls Inc	Public Safety	$ 4,099.67	Galls 017315760, men's and women's patrol pants and jackets
01/25/2021	839959	Jacobs Engineering	Gas Tax	$ 1,144.47	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839959	Jacobs Engineering	Light Maint	$ 1,144.47	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839959	Jacobs Engineering	Storm Sewer	$ 2,288.95	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839959	Jacobs Engineering	Street/Traffic	$ 3,433.43	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839959	Jacobs Engineering	Wastewater	$ 7,439.12	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839959	Jacobs Engineering	Water	$ 7,439.12	Invoice F9Z0930011, Project F9Z09300
01/25/2021	839961	Junkermier,Clark,Campanella,Stevens	General	$ 20,000.00	FY20 Audit Service - Progress Billing - Invoice 833135
01/25/2021	839965	Kittelson & Associates	Planning	$ 4,930.17	Billings MPO Travel Demand Model
01/25/2021	839967	KLE Construction	Water	$ 16,003.35	WO 19-12 West End Reservoir Shale Material, 2F KLE
01/25/2021	839968	Knife River	Tax Incrmnt S	$ 94,988.99	WO 19-22 King Ave E Orchard to Jackson Reconstruction
01/25/2021	839968	Knife River	Water	$ 11,019.83	WO 19-22 King Ave E Orchard to Jackson Reconstruction
01/25/2021	839969	Koinonia Management	General	$ 19,000.00	Refund of abatement Tax code A00913 and A00914
01/25/2021	839971	Kone Inc	Library	$ 10,406.64	959748050 Annual Maintenance 1/2021-12/2021
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 5,000.00	All-inclusive strategic planning, creative & production
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 480.00	All-inclusive strategic planning, creative & production
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 4,510.00	All-inclusive strategic planning, creative & production
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 5,000.00	All-inclusive strategic planning, creative & production
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 4,510.00	All-inclusive strategic planning, creative & production
01/25/2021	839974	KTVQ Communication	P.W. Admin	$ 480.00	All-inclusive strategic planning, creative & production
01/25/2021	839975	Land Design	Park Prgrms	$ 22,980.77	30% scoping for Landon's Legacy poly vista - 015960
01/25/2021	839978	M R Concrete	Urban Renewal	$ 2,907.50	523 S 27th St and 6th Ave S/S 27 - Tear Out 57 LF of Sidewalk

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01/25/2021	839979	Mahoney & Assoc Consulting	General	$ 5,900.00	FY20 Draft Documents; Contract / Full Cost Allocation Plan
01/25/2021	839985	MT Dakota Utilities	Airport	$ 466.48	129 573 1000 1. Mud Wash. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 204.86	160 723 3573 6. USDA. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 346.22	185 580 1000 7. TSA. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 91.86	229 573 1000 0. Detail Bay 1 Hertz. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 225.49	283 116 0655 3. IP-12 Alpine. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 1,563.54	285 580 1000 6
01/25/2021	839985	MT Dakota Utilities	Airport	$ 192.05	295 580 1000 4. Aero Interiors. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 106.32	369 573 1000 9. Detail Bay 3 Enterprise. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 107.99	429 573 1000 8. Detail Bay 4 Avis/Budget. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 56.27	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 6,489.84	595 580 1000 1
01/25/2021	839985	MT Dakota Utilities	Airport	$ 123.03	629 573 1000 6. Detail Bay 2 National/Alamo. January 2021
01/25/2021	839985	MT Dakota Utilities	Airport	$ 1,252.37	706 580 1000 7
01/25/2021	839985	MT Dakota Utilities	Airport	$ 1,016.36	889 373 1000 6. Car Wash. January 2021
01/25/2021	839985	MT Dakota Utilities	Park Dist 1	$ 97.43	501 473 1000 2
01/25/2021	839985	MT Dakota Utilities	Public Safety	$ 439.63	668 670 1000 2
01/25/2021	839985	MT Dakota Utilities	Wastewater	$ 37.91	596 733 1000 5
01/25/2021	839985	MT Dakota Utilities	Wastewater	$ 36.16	713 064 3190 0
01/25/2021	839985	MT Dakota Utilities	Wastewater	$ 38.46	843 879 2205 1
01/25/2021	839985	MT Dakota Utilities	Water	$ 24.52	373 580 1000 9
01/25/2021	839985	MT Dakota Utilities	Water	$ 24.53	373 580 1000 9
01/25/2021	839985	MT Dakota Utilities	Water	$ 104.68	541 380 1000 1
01/25/2021	839985	MT Dakota Utilities	Water	$ 36.80	921 580 1000 6
01/25/2021	839986	MT Dept Of Admin	General	$ 3,000.00	FY20 CAFR State Filing Fee
01/25/2021	839988	MT State Library	Library	$ 36,072.20	Montana Shared Catalog FY2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 3,631.15	0100483-7. Runway Lights. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 1,575.64	0100484-5. ARFF Facility. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 128.83	1138926-9. Aero Interiors. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 115.17	1647695-4. De Icer. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 449.82	1669567-8. TSA. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 1,038.51	1993430-6. Car Wash. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 362.12	2001846-1. Mud Wash. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 437.42	2001848-7. Detail Bay 1 Hertz. January 2021

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01/25/2021	839995	NorthWestern Energy	Airport	$ 206.40	2001855-2. Detail Bay 2 National/Alamo. January 2121
01/25/2021	839995	NorthWestern Energy	Airport	$ 127.94	2001862-8. Detail Bay 3 Enterprise. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 197.22	2001865-1. Detail Bay 4 Avis/Budget. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 94.18	2001867-7. Detail Bay 5 Thrifty/Dollar. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 97.18	3085107-5. New Employee Parking. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 156.40	3446396-8. USDA. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 1,412.33	3477231-9. Parking Zone. January 2021
01/25/2021	839995	NorthWestern Energy	Airport	$ 50.16	3733186-5. Airport Building. January 2021
01/25/2021	839995	NorthWestern Energy	Facilities	$ 778.37	1160802-3
01/25/2021	839995	NorthWestern Energy	Facilities	$ 2,448.50	1160804-9
01/25/2021	839995	NorthWestern Energy	Facilities	$ 2,907.69	1269391-7
01/25/2021	839995	NorthWestern Energy	General	$ 46.45	0712387-0
01/25/2021	839995	NorthWestern Energy	General	$ 191.80	0712536-2
01/25/2021	839995	NorthWestern Energy	General	$ 39.60	0720818-4
01/25/2021	839995	NorthWestern Energy	General	$ 131.02	0720821-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,919.29	SILMD 100 Acct# 0712559-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,621.43	SILMD 107 Acct# 0712560-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 4,066.44	SILMD 109 Acct# 0712561-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 191.57	SILMD 113 Acct# 0712562-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 875.06	SILMD 114 Acct# 0712563-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 205.90	SILMD 115 Acct# 0712564-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 540.46	SILMD 116 Acct# 0712565-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,940.90	SILMD 117 Acct# 0712566-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 188.62	SILMD 118 Acct# 0712567-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 114.90	SILMD 119 Acct# 0712568-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,316.35	SILMD 121 Acct# 0712570-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 173.66	SILMD 122 Acct# 0712571-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 308.84	SILMD 123 Acct# 0712572-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 900.80	SILMD 124 Acct# 0712573-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 360.32	SILMD 125 Acct# 0712574-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 180.16	SILMD 126 Acct# 0712575-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 651.20	SILMD 127 Acct# 0712576-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 455.83	SILMD 128 Acct# 0712577-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 308.84	SILMD 129 Acct# 0712578-4

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01/25/2021	839993	NorthWestern Energy	Light Maint	$ 4,432.59	SILMD 13 Acct# 0721276-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 110.37	SILMD 130 Acct# 0712579-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 797.84	SILMD 131 Acct# 0712580-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 204.97	SILMD 133 Acct# 0712581-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 473.02	SILMD 134 Acct# 0712582-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 477.54	SILMD 135 Acct# 0712583-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 437.54	SILMD 136 Acct# 0712584-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 344.47	SILMD 137 Acct# 0712585-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 694.91	SILMD 138 Acct# 0712586-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 231.64	SILMD 139 Acct# 0712587-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,141.16	SILMD 14 Acct# 0721277-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 540.46	SILMD 143 Acct# 0712588-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 25.71	SILMD 144 Acct# 0712589-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 434.13	SILMD 145 Acct# 0712590-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 334.58	SILMD 146 Acct# 0712591-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 406.43	SILMD 147 Acct# 0712592-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,480.68	SILMD 149 Acct# 0712593-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 694.60	SILMD 150 Acct# 0712594-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 591.94	SILMD 151 Acct# 0712595-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 3,994.85	SILMD 152 Acct# 0712596-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 499.25	SILMD 153 Acct# 0712597-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,128.78	SILMD 154 Acct# 0712598-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 463.27	SILMD 155 Acct# 0712599-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 846.58	SILMD 157 Acct# 0712600-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 746.38	SILMD 158 Acct# 0712601-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 897.32	SILMD 159 Acct# 0712602-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 669.17	SILMD 160 Acct# 0712603-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 976.82	SILMD 161 Acct# 0712604-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 43.87	SILMD 162 Acct# 0712605-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 716.34	SILMD 163 Acct# 0712606-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 347.32	SILMD 164 Acct# 0712607-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 823.56	SILMD 165 Acct# 0712608-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 217.08	SILMD 167 Acct# 0712609-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,068.45	SILMD 17 Acct# 0712553-7

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01/25/2021	839993	NorthWestern Energy	Light Maint	$ 520.97	SILMD 171 Acct# 0712610-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 473.00	SILMD 172 Acct# 0712611-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,085.34	SILMD 173 Acct# 0712612-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 911.68	SILMD 174 Acct# 0712613-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 303.90	SILMD 175 Acct# 0712614-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 31.35	SILMD 176 Acct# 0712615-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 238.78	SILMD 178 Acct# 0712616-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 477.54	SILMD 179 Acct# 0712617-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 93.65	SILMD 18 Acct# 0712554-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 325.62	SILMD 180 Acct# 0712618-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,569.97	SILMD 181 Acct# 0712619-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 542.69	SILMD 182 Acct# 0712620-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,085.36	SILMD 183 Acct# 0712621-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 347.32	SILMD 184 Acct# 0712622-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 130.25	SILMD 185 Acct# 0712623-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 647.19	SILMD 186 Acct# 0712624-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 217.08	SILMD 187 Acct# 0712625-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 260.48	SILMD 188 Acct# 0712626-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 217.08	SILMD 189 Acct# 0712627-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,128.78	SILMD 190 Acct# 0712628-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 387.44	SILMD 191 Acct# 0712629-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 282.19	SILMD 192 Acct# 0712630-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 694.60	SILMD 193 Acct# 0712631-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 283.86	SILMD 194 Acct# 0712632-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 227.09	SILMD 195 Acct# 0712633-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 72.47	SILMD 196 Acct# 0712634-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 72.47	SILMD 197 Acct# 0712635-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 108.55	SILMD 198 Acct# 0712636-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 99.74	SILMD 200 Acct# 0712637-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 455.83	SILMD 201 Acct# 0712638-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 602.95	SILMD 202 Acct# 0712639-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 19.32	SILMD 203 Acct# 0712640-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 419.40	SILMD 204 Acct# 0712641-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 25.06	SILMD 205 Acct# 0712642-8

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01/25/2021	839993	NorthWestern Energy	Light Maint	$ 303.90	SILMD 206 Acct# 0712643-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 347.32	SILMD 207 Acct# 0712644-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 256.13	SILMD 208 Acct# 0712645-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 499.25	SILMD 209 Acct# 0712646-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 86.95	SILMD 210 Acct# 0712647-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 48.31	SILMD 211 Acct# 0712648-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 48.31	SILMD 212 Acct# 0712649-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 28.99	SILMD 213 Acct# 0712650-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 350.57	SILMD 214 Acct# 0712651-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 130.25	SILMD 216 Acct# 0712652-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 368.78	SILMD 217 Acct# 0712653-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 267.35	SILMD 220 Acct# 0712654-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 6.27	SILMD 221 Acct# 0712655-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 76.66	SILMD 222 Acct# 0712656-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 115.96	SILMD 223 Acct# 0712657-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,327.86	SILMD 224 Acct# 0712658-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 407.31	SILMD 225 Acct# 0712659-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 255.01	SILMD 226 Acct# 0712660-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 634.03	SILMD 227 Acct# 0712661-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 746.38	SILMD 228 Acct# 0712662-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 386.07	SILMD 229 Acct# 0712663-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 900.80	SILMD 230 Acct# 0712664-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 540.46	SILMD 231 Acct# 0712665-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,342.07	SILMD 232 Acct# 0712666-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 854.83	SILMD 233 Acct# 0712667-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 479.44	SILMD 234 Acct# 0712668-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 536.23	SILMD 235 Acct# 0712669-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 170.31	SILMD 236 Acct# 0712670-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 369.03	SILMD 237 Acct# 0712671-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 12.54	SILMD 238 Acct# 0712672-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 86.82	SILMD 239 Acct# 0712673-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 408.75	SILMD 240 Acct# 0712674-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 541.77	SILMD 241 Acct# 0712675-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 77.21	SILMD 242 Acct# 0712676-6

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01/25/2021	839993	NorthWestern Energy	Light Maint	$ 102.94	SILMD 244 Acct# 0712677-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 68.69	SILMD 245 Acct# 0712678-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 308.84	SILMD 246 Acct# 0712679-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 903.09	SILMD 247 Acct# 0712680-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,547.96	SILMD 249 Acct# 0718734-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 204.38	SILMD 250 Acct# 0719001-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 3,608.41	SILMD 251 Acct# 0718801-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 514.73	SILMD 252 Acct# 0719162-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,693.45	SILMD 253 Acct# 0719644-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 153.30	SILMD 254 Acct# 0719763-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 112.13	SILMD 255 Acct# 0720813-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 912.18	SILMD 257 Acct# 0720360-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,430.79	SILMD 258 Acct# 0720606-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,448.22	SILMD 259 Acct# 0720810-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 463.27	SILMD 261 Acct# 0720705-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,879.67	SILMD 262 Acct# 0720937-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 998.99	SILMD 263 Acct# 0720716-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 167.23	SILMD 264 Acct# 0721427-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 337.89	SILMD 265 Acct# 0721556-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 60.29	SILMD 266 Acct# 0721684-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 446.22	SILMD 270 Acct# 0906944-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 889.40	SILMD 271 Acct# 0995095-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 2,636.15	SILMD 272 Acct# 0905005-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 191.32	SILMD 273 Acct# 0926386-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 486.61	SILMD 276 Acct# 0961926-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 793.93	SILMD 277 Acct# 1058710-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 215.72	SILMD 278 Acct# 1087619-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 55.22	SILMD 279 Acct# 1124127-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 745.69	SILMD 280 Acct# 1045653-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 468.13	SILMD 283 Acct# 1172743-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 303.77	SILMD 285 Acct# 1206985-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 227.59	SILMD 286 Acct# 1296582-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,728.94	SILMD 288 Acct# 1303978-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 227.91	SILMD 289 Acct# 1685375-6

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 156.39	SILMD 290 Acct# 1433921-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 566.20	SILMD 292 Acct# 1481532-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 217.08	SILMD 293 Acct# 1481534-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 434.13	SILMD 294 Acct# 1481535-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 102.94	SILMD 295 Acct# 1481536-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,150.46	SILMD 296 Acct# 1481537-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 195.37	SILMD 297 Acct# 1481539-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 173.66	SILMD 298 Acct# 1481540-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 380.72	SILMD 300 Acct# 1662840-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 5,150.60	SILMD 301 Acct# 1687005-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 322.39	SILMD 302 Acct# 1607534-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,003.45	SILMD 305 Acct# 1695873-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 210.49	SILMD 306 Acct# 1740353-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 3,462.72	SILMD 307 Acct# 2049005-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 252.86	SILMD 308 Acct# 2072459-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 412.14	SILMD 309 Acct# 2001311-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 288.30	SILMD 310 Acct# 2060519-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 338.68	SILMD 311 Acct# 3014475-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 316.96	SILMD 312 Acct# 3146127-0
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 486.54	SILMD 315 Acct# 3305804-1
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,130.46	SILMD 316 Acct# 3291842-7
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 103.71	SILMD 317 Acct# 3253826-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 760.18	SILMD 318 Acct# 3372018-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 55.71	SILMD 320 Acct# 0712569-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 558.10	SILMD 321 Acct# 3338917-2
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 96.42	SILMD 322 Acct# 3402033-9
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 811.67	SILMD 323 Acct# 3597170-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 376.05	SILMD 324 Acct# 1246537-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 292.32	SILMD 325 Acct# 3587598-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 64.51	SILMD 326 Acct# 3840455-4
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 173.66	SILMD 327 Acct# 3810801-5
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 358.29	SILMD 8 Acct# 0712544-6
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 332.25	SILMD 9 Acct# 0712545-3
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 498.42	SILMD 95 Acct# 0712556-0

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 9,069.95	SILMD 97 Acct# 0712557-8
01/25/2021	839993	NorthWestern Energy	Light Maint	$ 1,034.28	SILMD 99 Acct# 0712558-6
01/25/2021	839995	NorthWestern Energy	Park Dist 1	$ 32.72	0723045-1
01/25/2021	839995	NorthWestern Energy	Park Dist 1	$ 276.09	0925496-2
01/25/2021	839995	NorthWestern Energy	Park Dist 1	$ 21.28	1836666-6
01/25/2021	839995	NorthWestern Energy	Parking	$ 4.64	3835890-9
01/25/2021	839995	NorthWestern Energy	Public Safety	$ 606.69	0871546-8
01/25/2021	839995	NorthWestern Energy	Solid Waste	$ 2,497.15	3252194-0
01/25/2021	839995	NorthWestern Energy	Street/Traffic	$ 0.24	1740357-7
01/25/2021	839995	NorthWestern Energy	Street/Traffic	$ 0.59	1748896-6
01/25/2021	839993	NorthWestern Energy	Street/Traffic	$ 12,803.98	Signal Bills; 1.14.2021
01/25/2021	839995	NorthWestern Energy	Wastewater	$ 64,459.03	0100591-7
01/25/2021	839995	NorthWestern Energy	Wastewater	$ 895.45	0100606-3
01/25/2021	839995	NorthWestern Energy	Wastewater	$ 254.11	389 62nd ST LIFT ENTRANCE, BLGS, MT 59106 (12 2020)
01/25/2021	839995	NorthWestern Energy	Water	$ 1,426.82	0100485-2
01/25/2021	839995	NorthWestern Energy	Water	$ 68,054.93	0100606-3
01/25/2021	839995	NorthWestern Energy	Water	$ 2,686.38	0100606-3
01/25/2021	839995	NorthWestern Energy	Water	$ 1,851.71	0722264-9
01/25/2021	839995	NorthWestern Energy	Water	$ 2,080.31	0723040-2
01/25/2021	839995	NorthWestern Energy	Water	$ 24.75	0723059-2
01/25/2021	839995	NorthWestern Energy	Water	$ 743.35	1116452-2
01/25/2021	839998	Paddock Heat & Cool	Public Safety	$ 4,050.00	FIRE6: REPLACE E. BAY HEATER, ESTIMATE #1106
01/25/2021	839999	PeopleReady	Solid Waste	$ 4,021.01	26296203, 26296202, 26296020, 26294826
01/25/2021	840004	PW Administration	Water	$ 4,000.00	PWU Dec 2020 Engineering Permits - Watermain Repair
01/25/2021	840004	PW Administration	Water	$ 21,465.00	PWU Dec 2020 Engineering Permits - WSRP; 157476743
01/25/2021	840008	RDO Equipment	Park Dist 1	$ 583.28	dozer for riverfront park buckthorne removal
01/25/2021	840008	RDO Equipment	Solid Waste	$ 4,150.00	Labor to repair landfill Doppstadt grinder
01/25/2021	840017	SHI International	IT Resources	$ 2,551.50	Qty.75 Duo Licenses to be spread city wide
01/25/2021	840020	S Blgs Urban Renewal Assoc	Tax Incrmnt S	$ 33,500.00	FY2021 Consulting Services for SBURA 3rd Quarter
01/25/2021	840028	Tire-Rama	Solid Waste	$ 406.74	Rear tires for unit 38
01/25/2021	840028	Tire-Rama	Solid Waste	$ 16,874.40	Tires for the Landfill 1050012239
01/25/2021	840028	Tire-Rama	Solid Waste	$ 3,502.00	Tires for Solid Waste 1050012074
01/25/2021	840028	Tire-Rama	Solid Waste	$ 4,565.00	Tires for Solid Waste 1050012231
01/25/2021	840028	Tire-Rama	Solid Waste	$ 4,462.50	Tires for Solid Waste 1050012234

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	840028	Tire-Rama	Solid Waste	$ 206.00	Tires for Solid Waste 1050011028
01/25/2021	840028	Tire-Rama	Solid Waste	$ 3,722.00	Tires for Solid Waste 1050012072
01/25/2021	840028	Tire-Rama	Solid Waste	$ 2,286.00	Tires for Solid Waste 1050012085
01/25/2021	840028	Tire-Rama	Solid Waste	$ 2,375.00	Tires for Solid Waste 1050012232
01/25/2021	840028	Tire-Rama	Solid Waste	$ 2,660.00	Tires for Solid Waste 1050012237
01/25/2021	840028	Tire-Rama	Solid Waste	$ 948.00	Tires for the Landfill 1050011223
01/25/2021	840028	Tire-Rama	Solid Waste	$ 813.08	Tires for the Landfill 1050009382
01/25/2021	840028	Tire-Rama	Street/Traffic	$ 514.10	105 0010419
01/25/2021	840028	Tire-Rama	Street/Traffic	$ 1,606.80	105 0011637
01/25/2021	840024	T-O ENGINEERS	Airport	$ 2,475.00	Independent Fee Review for Ramp Replace - Federal Share
01/25/2021	840024	T-O ENGINEERS	Airport	$ 275.00	Independent Fee Review For Ramp Replacement - Local Share
01/25/2021	840029	Town & Country Supply	Airport	$ 15,815.58	Invoice #413158. QTA Car Rental Fuel
01/25/2021	840029	Town & Country Supply	Airport	$ 4,204.60	Invoice #413716. Diesel Fuel for Operations
01/25/2021	840029	Town & Country Supply	Fleet	$ 12,043.99	413039 PO NUM 311613
01/25/2021	840029	Town & Country Supply	Fleet	$ 13,381.28	414275 PO NUM 311660
01/25/2021	840029	Town & Country Supply	Fleet	$ 16,153.79	414277 PO NUM 311717
01/25/2021	840029	Town & Country Supply	Fleet	$ 9,883.64	414284 PO NUM 311717
01/25/2021	840029	Town & Country Supply	Public Safety	$ 586.50	413551 FIRE 1: BLENDED DIESEL DELIVERED 12/22/2020
01/25/2021	840029	Town & Country Supply	Public Safety	$ 482.78	413551 FIRE 1: UNLEADED DELIVERED 12/22/2020
01/25/2021	840029	Town & Country Supply	Public Safety	$ 293.25	413551 FIRE 3: BLENDED DIESEL DELIVERED 12/22/2020
01/25/2021	840029	Town & Country Supply	Public Safety	$ 789.82	413551 FIRE 5: BLENDED DIESEL DELIVERED 12/22/2020
01/25/2021	840029	Town & Country Supply	Public Safety	$ 492.66	413551 FIRE 6: BLENDED DIESEL DELIVERED 12/22/2020
01/25/2021	840029	Town & Country Supply	Transit	$ 11,348.95	413045 PO NUM 311656. Dyed Diesel
01/25/2021	840029	Town & Country Supply	Transit	$ 3,597.99	413363 PO NUM 311656. Unleaded
01/25/2021	840029	Town & Country Supply	Transit	$ 3,870.73	414439 PO NUM 311821. Unleaded Fuel
01/25/2021	840031	Transitional Marketing	Transit	$ 4,854.50	Invoice #6328. Transit Guide
01/25/2021	840034	Tyler Technologies	EOC 911	$ 5,172.65	9-1-1 Center Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	EOC 911	$ 33,058.67	CAD Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	IT Resources	$ 26,739.00	Sheriff Mobile Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	IT Resources	$ 23,912.00	Yellowstone County Jail Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	Public Safety	$ 842.00	1-NW Mobile License -Police Light Duty
01/25/2021	840034	Tyler Technologies	Public Safety	$ 9,278.67	Fire Mobile Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	Public Safety	$ 19,314.67	Fire Records Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	Public Safety	$ 954.00	LE Dispatch New World Mobile License -Street Crimes Unit.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	840034	Tyler Technologies	Public Safety	$ 477.00	New World Mobile License -Police
01/25/2021	840034	Tyler Technologies	Public Safety	$ 47,090.67	Police Annual New World Maintenance
01/25/2021	840034	Tyler Technologies	Public Safety	$ 96,818.67	Police Mobile Annual New World Maintenance
01/25/2021	840036	Unemployment Ins Contribution	Payroll Clearing	$ 25,633.17	Unemployment Insurance ending December 31, 2020
01/25/2021	840042	Verizon Wireless	Airport	$ 51.15	Airport
01/25/2021	840042	Verizon Wireless	Engineering	$ 134.85	PW-Engineering
01/25/2021	840042	Verizon Wireless	General	$ 98.55	City Administrator 0100-13130-403450
01/25/2021	840042	Verizon Wireless	Parking	$ 26.97	Parking 406-690-5822
01/25/2021	840042	Verizon Wireless	PD Program	$ 392.77	CCSIU Cell/PTT
01/25/2021	840042	Verizon Wireless	PD Program	$ 53.94	CCSIU MDT
01/25/2021	840042	Verizon Wireless	PD Program	$ 80.02	CCSIU RAVEN
01/25/2021	840042	Verizon Wireless	Public Safety	$ 600.35	MDT Toughbooks
01/25/2021	840042	Verizon Wireless	Public Safety	$ 80.02	Police iPad
01/25/2021	840042	Verizon Wireless	Public Safety	$ 40.01	Police MiFi
01/25/2021	840042	Verizon Wireless	Public Safety	$ 51.15	Police -Mike Robinson
01/25/2021	840042	Verizon Wireless	Solid Waste	$ 26.97	PW Dozer Trimble Dozer
01/25/2021	840042	Verizon Wireless	Solid Waste	$ 107.88	PW-Solid Waste
01/25/2021	840042	Verizon Wireless	Solid Waste	$ 256.45	PW-SW-ON CALL Solid Waste On Call
01/25/2021	840042	Verizon Wireless	Solid Waste	$ 479.40	Solid Waste Tablets -Routware
01/25/2021	840042	Verizon Wireless	Street/Traffic	$ 80.91	PW-Streets
01/25/2021	840042	Verizon Wireless	Street/Traffic	$ 161.82	PW-Streets City Works
01/25/2021	840042	Verizon Wireless	Transit	$ 308.27	MET AVL
01/25/2021	840042	Verizon Wireless	Wastewater	$ -	PW Mobile Service Orders
01/25/2021	840042	Verizon Wireless	Wastewater	$ 12.54	PW-DIS-COLL Cityworks 60/40
01/25/2021	840042	Verizon Wireless	Wastewater	$ (49.91)	PW-Distribution Collection Tablets 60/40
01/25/2021	840042	Verizon Wireless	Water	$ 26.97	PW Belknap Meter Shop
01/25/2021	840042	Verizon Wireless	Water	$ 26.97	PWBLKNP Water Treatment
01/25/2021	840042	Verizon Wireless	Water	$ 188.79	PWBLNP Comm-Meter CityWorks/Neptune
01/25/2021	840042	Verizon Wireless	Water	$ 18.80	PW-DIS-COLL Cityworks 60/40
01/25/2021	840042	Verizon Wireless	Water	$ (74.87)	PW-Distribution Collection Tablets 60/40
01/25/2021	840043	WatchGuard Video	PD Program	$ 17,530.00	Kits to retrofit Patrol Cars for Body Cams.
01/25/2021	840047	Western Municipal Const	Water	$ 241,149.82	WO 18-22 Leavens Reservoir Waterline and Improvements
01/25/2021	840048	Western Water Consult	Tax Incrmnt S	$ 74,711.28	WO 20-30 Hallowell Lane Improvements
01/25/2021	840049	Yellowstone County	PD Program	$ 7,844.05	1/2 cost- replace 24 strand fiber cable- YC Courthouse & CCSIU

Check Date	Check#	Name	Fund Name	Amount	Item Desc
01/25/2021	840052	Yellowstone Electric Co	Airport	$ 4,357.00	Invoice #9895. Electrical Relocation and Installation

City Council Regular

Date:	02/22/2021
Title:	Public Hearing - Brush Meadow Apartments, Edgewood Apartments and Shiloh Glen Low-Income Multi-Family Housing Projects
Presented by:	Wyeth Friday
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

No action is requested of the Billings City Council on this matter. This Public Hearing is held to meet the statutory requirements.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Brush Meadow Apartments is a 60-unit affordable housing community, Edgewood Apartments is a 63-unit affordable housing community and Shiloh Glen is a 120-unit affordable housing community, all of which are located in Billings, Montana. Residents enjoy a quiet lifestyle with easy access to shopping, healthcare, and major transportation arteries that connect to downtown Billings. Brush Meadows Billings 60 LLC, Edgewood Billings 62 LLC, Shiloh 3900 Olympic Blvd MT, LLC and Hearthstone Group, a 501(c)(3) non-profit corporation, are requesting this agenda item solely in order to comply with Section 15-6-221(2), MCA, which states, "Prior to applying to the department for the tax exemption provided for in this section, the unit of local government where the proposed project is to be located shall give due notice, as defined in 76-15-103, and hold a public hearing to solicit comment on whether the proposed qualifying low-income rental housing property meets a community housing need. A record of the public hearing must be forwarded to the board of housing." These entities are dedicated to providing safe, well-maintained, affordable housing to communities across the country.

ALTERNATIVES

Not applicable.

FISCAL EFFECTS

This public opportunity to comment has no fiscal consequences.

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Public Hearing & Resolution for Weed Assessments
Presented by: Andy Zoeller, Finance Director
Department: Finance

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and pass the attached assessment resolution.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The annual weed assessments have been completed and are ready to be placed on the tax rolls by the attached resolution.

Pursuant to the Billings, Montana City Code (BMCC), Section 25-304, property owners are notified in writing and given ten (10) days from the date of the notice of noncompliance to exterminate weeds or tall grass from their property. If owners fail to cut the vegetation, the City may cut it and assess the costs to the real property, together with an additional administrative fee of 25% of the cost of removal, plus a $25 penalty. If the charges are not paid within a given time, the costs and penalties constitute a lien on the property and special assessments may be levied. The General Fund initially pays the costs, so the collected assessments reimburse those expenses.

The properties on the attached list had weeds removed from them during the growing season, the owners did not pay the charges and the properties may be assessed to recover the costs, penalty and fee.

ALTERNATIVES

City Council may:

- Approve, or;
- Disapprove, in which case the property owners will not be assessed, and the General Fund will be responsible for paying for the weed removal.

FISCAL EFFECTS

The assessments total $1,981.25 and the payments will reimburse the General Fund.

Attachments

Resolution Weeds Abatement

RESOLUTION NO. 21_____

A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE COST OF CUTTING AND/OR EXTERMINATING WEEDS.

WHEREAS, Billings, Montana City Code, Section 25-307, provides that the City Clerk shall prepare and present a resolution containing a list of all parcels of land in the City, from which and adjacent to which, the weeds were cut, exterminated and/or removed, and such list shall contain opposite the number of such lots or description of such parcels of land, the name of the owner, if known, and the amount of cost for cutting and removing such weeds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. LEVYING OF SPECIAL ASSESSMENT. That for the purpose of collecting funds to defray the cost of cutting and removing of weeds, there is hereby levied an assessment upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.

3. DISPOSITION OF COLLECTIONS. All monies collected from the assessment shall be paid to the General Fund of the City of Billings.

4. NOTICE OF HEARING. On **Monday, February 22nd, 2021,** at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 22nd day of February, 2021.

CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise R. Bohlman, CITY CLERK

Exhibit A

NAME	MOWING ADDRESS	TAX CODE	AMOUNT
BLAINE, AMBERLE	1119 MEGAN CIR	A28744	177.50
DAWSON, MARK	4102 HEADWATERS	A34946B	202.50
EGGERT, DARIN	2147 SIERRA VISTA CIR	A35976	177.50
ERICKSON 2 LLC	1941 BELVEDERE DR	A06357	177.50
HAEKER, KURT	1st AVE S.	A08852	177.50
LECLAIR, DANA	1922 ALDERSON AVE	A17055	177.50
LEWIS, JACOB S. & KORAH A.	1103 CENTRAL AVENUE	A13762	177.50
MONTANA ASSETS LLC	3820 1ST AVE S.	A08853	177.50
R & B RENTALS OF BILLINGS LLC	1115 13TH ST W.	A06566	177.50
TREVATHAN, JAMES	302 S 30TH ST	A01373	181.25
WICK, RICHARD & CONNIE	114 S 29TH ST	A00914	177.50
	TOTAL WEED ABATEMENT		**$1,981.25**

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Public Hearing and Resolution- Annexation 20-05
Presented by: Monica Plecker
Department: Planning & Community Services **Division:** Planning

RECOMMENDATION
Staff recommends the City Council hold a public hearing and annex the petitioned property with the staff recommended conditions of approval.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)
Aviation Properties LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located north of Highway 3 and both East and West of AJ Way. The property is described as Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the Records of Yellowstone County; and Portions of Tracts 13 and 14, of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840.

The property contains 49.34 gross and 45.972 net acres. The property is currently zoned Heavy Commercial to the east of AJ Way and Ag Open to the west. The subject property is located west of AJ Way and is part of a concurrent Zone Change Application (ZC987) and will be used for new commercial development. On February 2, the City Zoning Commission recommended approval of Zone Change 987. In order for the Council to consider action on ZC987, the Resolution of Annexation must be approved.

Although MCA 7-2-4600 does not require a public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the City's Annexation Petition Area on its Limits of Annexation Map.
2. The City is able to provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the city.
3. Existing or proposed public improvements within the area to be annexed will meet City standards.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts.
5. If annexed, any proposed land use will comply with the zoning.

The Limits of Annexation Map and Annexation Policy was last amended by City Council in October of 2020. The Limits of Annexation Map sets policy by the Council that indicates to property owners the ability to petition for annexation. The Limits of Annexation Map is evaluated by all city departments and is recommended periodically to be updated. In this case, the map was amended in October 2020 to include areas west of the airport into the "Red Petition Area." This is an area of anticipated growth, especially with its proximity to the Inner Belt Loop. The following information was provided to Council at the time of the map amendment process. "Before the City was awarded a BUILD Grant in early September to construct the Inner Belt Loop and the Skyline Trail, there was already significant long-term planning and potential development activity along the Highway 3 Corridor west of the Airport. The City has limited water and sewer infrastructure in this vicinity but is planning for further service expansion. The Airport continues to monitor development impacts to its operations. Some rezoning in the County in the past 5 years in the area has led to initial development by Billings Flying Service north of Highway 3. The MPO's completion of the Highway 3 Corridor Study in 2015 laid out significant improvements to the road corridor and assessed future land use opportunities, as well as developed the Skyline Trail concept. Most recently, the adoption this summer of the Inner Belt Loop Corridor Study by the City and County also identified the future urban development potential for the area along Highway 3. While the area the Annexation Committee is recommending be included does not encompass all of the future development area, the Committee recognized the need to begin including this area so that new development in the short term will occur in the City on municipal services and send the message that this area should be served by the City. The City Annexation Committee members found that adding this area to the City Annexation Petition Area would not put a significant or immediate strain on City service delivery in this location and the benefits of having urban development in the City in this area versus rural County development outweighed any possible challenges." The City Council concurred with staff's findings and this area was amended into the red area of the Limits of Annexation Map.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not respond to this annexation request.

â€¢Water and Sanitary Sewer: Public water and sanitary sewer mains exist in Highway 3 and are accessible to this property with extensions. There could possibly be capacity issues with the existing sanitary sewer main size as well as with the water main and storage. The property would be served with water off of the existing 12" main which feeds off of the Logan Reservoir and Christiansen pump station. The existing sanitary sewer in this area drains through a 5" pipe which runs beneath the face of the rims and eventually to a 10" and 12" main in Colton Boulevard. There could be a possibility that capacities and main sizes will need to be increased. Though there are challenges with the property, they are not so significant that annexation should not be recommended. A Development Agreement is required as part of this annexation

and Council will consider the proposed agreement following action on this petition.

â€¢ Storm water: There is no City storm drain that serves this property. Runoff from this property will be governed by Section 2.1.1 and either or both Tables 2.2 (Subdivisions) and Table 2.3 (Commercial Property) of the SWMM depending on how the property develops. Section 6-1209 of City Code and Section 2.1.1 of the SWMM state that no runoff will be allowed to be discharged for properties that develop between the rims and Highway 3. Although this property is north of Highway 3, depending on where the existing runoff discharges, this property could have similar requirements.

â€¢ Transportation: The subject property fronts Highway 3 and AJ Way. Highway 3 is a principle arterial and is maintained by the State of Montana. Both the City and MDT have traffic study requirements at the time of development and would need to coordinate jointly.

â€¢ Fire Stations: The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to serve the property upon annexation. The Billings Fire Department stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station Fire Station #1, located on North 23rd Street, about 3.77 road miles south of the subject property.

â€¢ Parks: The subject property is to be developed with commercial uses. If or when subdivision occurs, no parkland dedication will be required as subdivision regulations do not require dedication or cash-in-lieu for commercial subdivisions.

â€¢ School facilities: The subject property being a commercial development as no direct impact on schools.

General City Services: These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Fire Department in its comments above did note its concerns as additional property is annexed into the City.

â€¢ Airport: This property is located within the City's Airport Influence Area and is subject to requirements of that ordinance. A condition of approval for perpetual air rights is included in the attached resolution.

â€¢ Transit: Expansion in outlying areas does create a burden for MET transit, however, given the location and commercial nature of this area MET does not anticipate high demand for this area.

â€¢ Police: The Police Department staff stated that while additional patrol staff have been approved, continued annexation without additional resources may affect response times and the ability to deliver services.

â€¢ Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.

â€¢ Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.

â€¢ Public Works-Solid Waste: The Solid Waste Division had no concerns with annexing the property, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.

â€¢ Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. This property may be within the area of acceptable response time.

â€¢ Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.

â€¢ Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports the annexation because of the narrative provided earlier in this report in regard to the recently amended Limits of Annexation Map. Planning staff believes this proposal is in accordance with the annexation policy.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on February 5, 2021 and published in the *Yellowstone County News* on February 5 and 12. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

ALTERNATIVES

The City Council may approve or deny the petition for annexation. Denial of the petition will mean the City Council cannot consider amendments to the Ward I boundary, concurrent development agreement and Zone Change 987.

- On November 9, 2020, the annexation petition was submitted to the Planning Division by the owner's agent. A delay in the application was requested so the annexation petition and zone change could be considered concurrently.
- On February 22, 2020 the City Council will conduct the public hearing for the annexation and may take action on the

request.

- On February 22, 2020, if the City Council approves the annexation resolution, a public hearing and first reading of an ordinance to include the property in City Council Ward I will be conducted.
- On March 8, 2021, the City Council will conduct the second and final reading for the ordinance expanding the Ward I boundary.

FISCAL EFFECTS

The item has no impact on the Planning Division budget.

Attachments

Annexation Resolution
Limits of Annexation Map Depicting Area 3 as adopted by Council 10/2020
Limits of Annexation Map

RESOLUTION NO. 21 -

A RESOLUTION APPROVING PETITION FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

   Tracts of Land situated in the NE 1/4 and the SE 1/4 of Section 26, T.1N., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

   Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the Records of Yellowstone County;

   Portions of Tracts 13 and 14, of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840, on file and of record in the Records of Yellowstone County, more particularly described as follows; Beginning at the southwest corner of said Tract 13; Thence N 00°37'33" W and along the west line of said Tract 13 for a distance of 847.83 feet to a point on the east line of

Tract 2 of Certificate of Survey No. 1889, recorded May 17, 1979, under Document No. 1129245, on file and of record in the Records of Yellowstone County; Thence N 89°41'30" E for a distance of 1337.25 feet to a point on the east line of said Tract 14; Thence S 00°28'51" E and along said Tract 14 for a distance of 844.53 feet to a point on the north Right-Of-Way line of Montana State Highway No. 3; Thence S 89°33'03" W and along said north Right-Of-Way for a distance of 1335.10 feet to the point of beginning; Basis of bearings being the proposed plat of Certificate of Survey 2037 Amended, being Tract 14-A of said proposed amended Certificate of Survey,

Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 49.34 gross and 45.972 net acres.

(# 20-05) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following condition:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;
- Within 30 days of Council's action on the Annexation the petitioner shall grant to the City of Billings and file with the Yellowstone County Clerk and Recorder a perpetual air rights easement in accordance with BMCC 5-400

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 22nd day of February, 2021.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

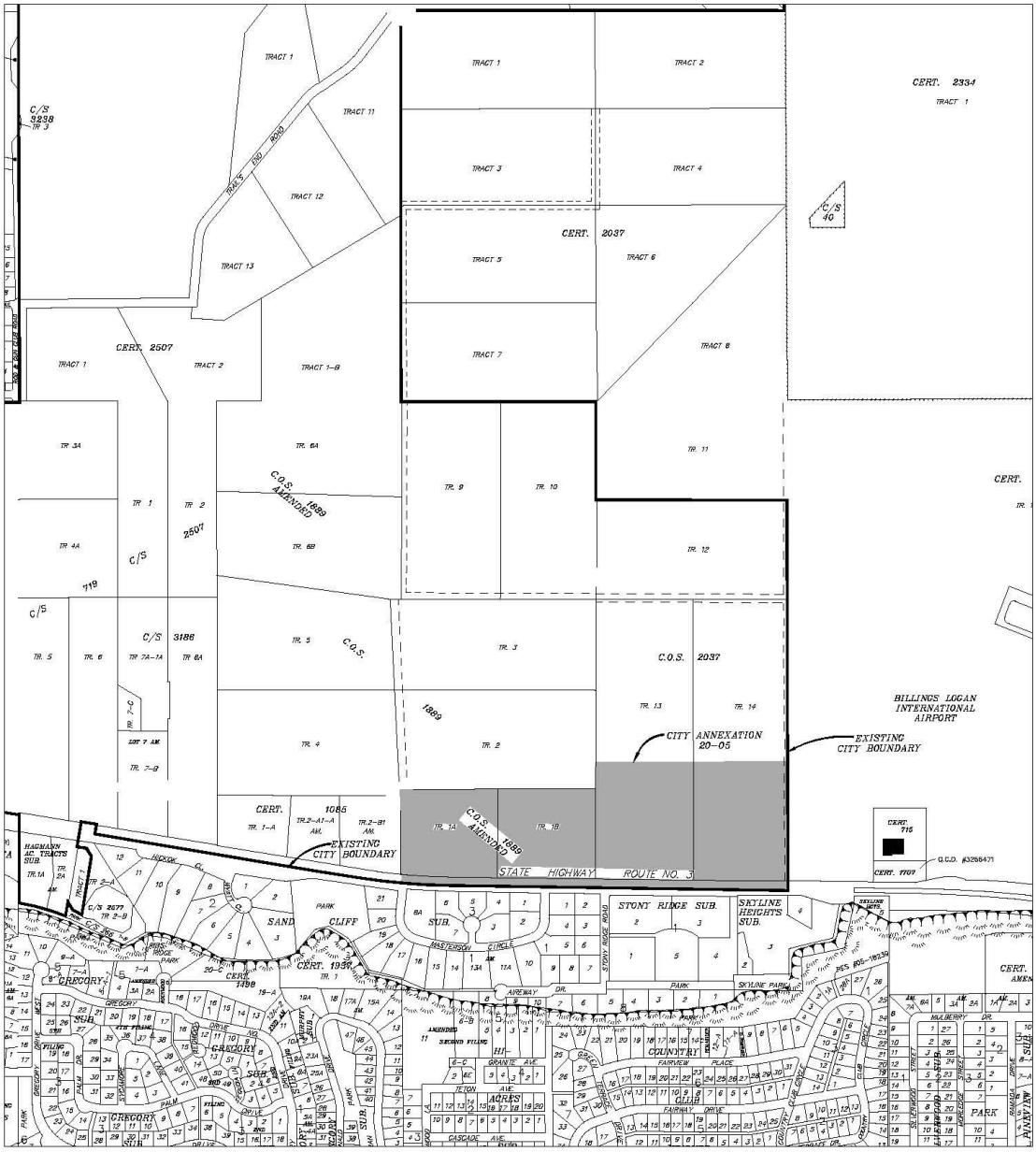
ATTEST:

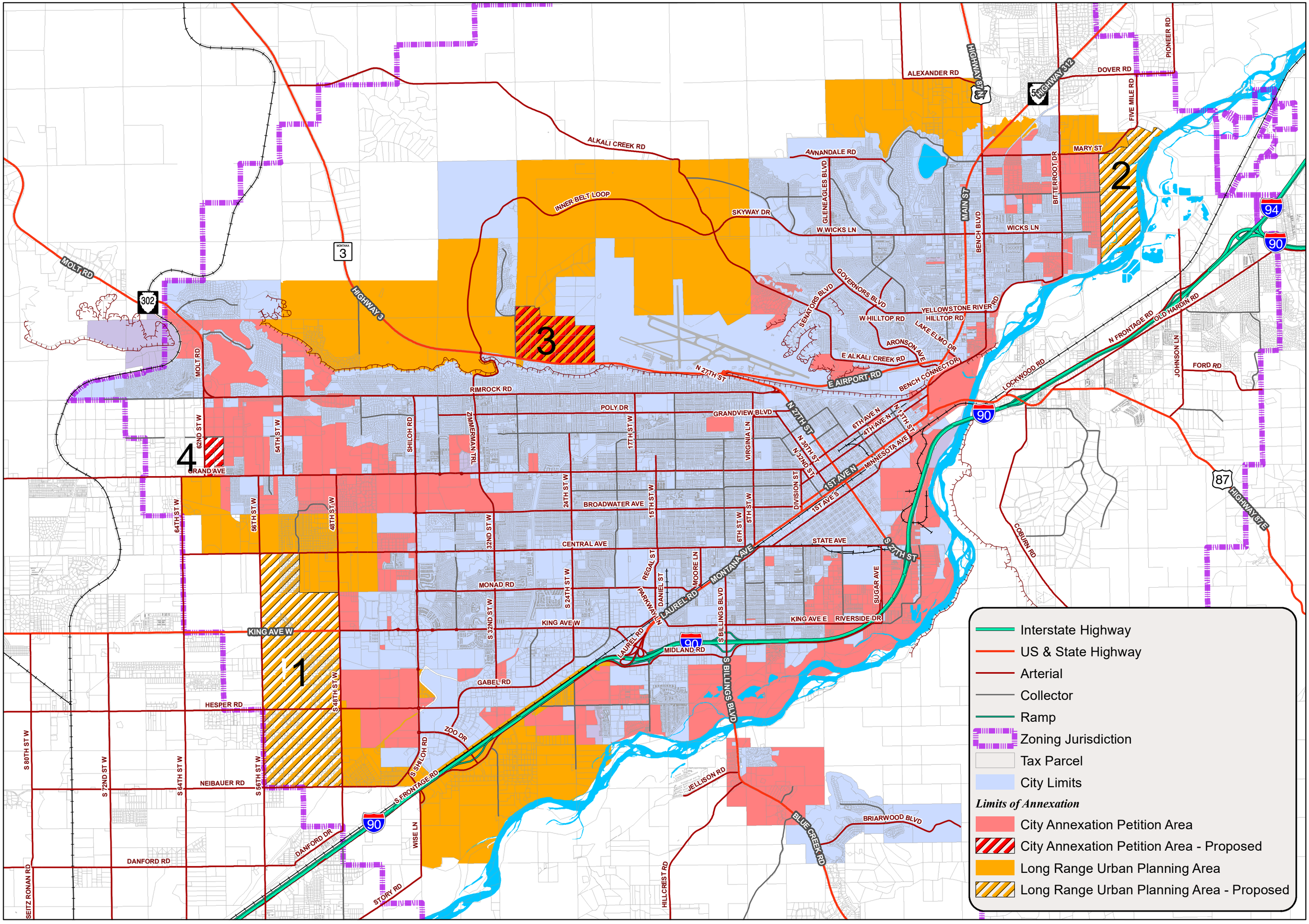
BY: _____

Denise R. Bohlman, City Clerk

(AN# 20-05)

EXHIBIT "A"


CERT. 2507
CERT. 2037
CERT. 2334
C.O.S. 2037
C.O.S. AMENDED 1869
CITY ANNEXATION 20-05
EXISTING CITY BOUNDARY
BILLINGS LOGAN INTERNATIONAL AIRPORT
STATE HIGHWAY ROUTE NO. 3
STONY RIDGE SUB.
SKYLINE HEIGHTS SUB.
COUNTRY CLUB
GREGORY SUB
PARK



Limits of Annexation Map

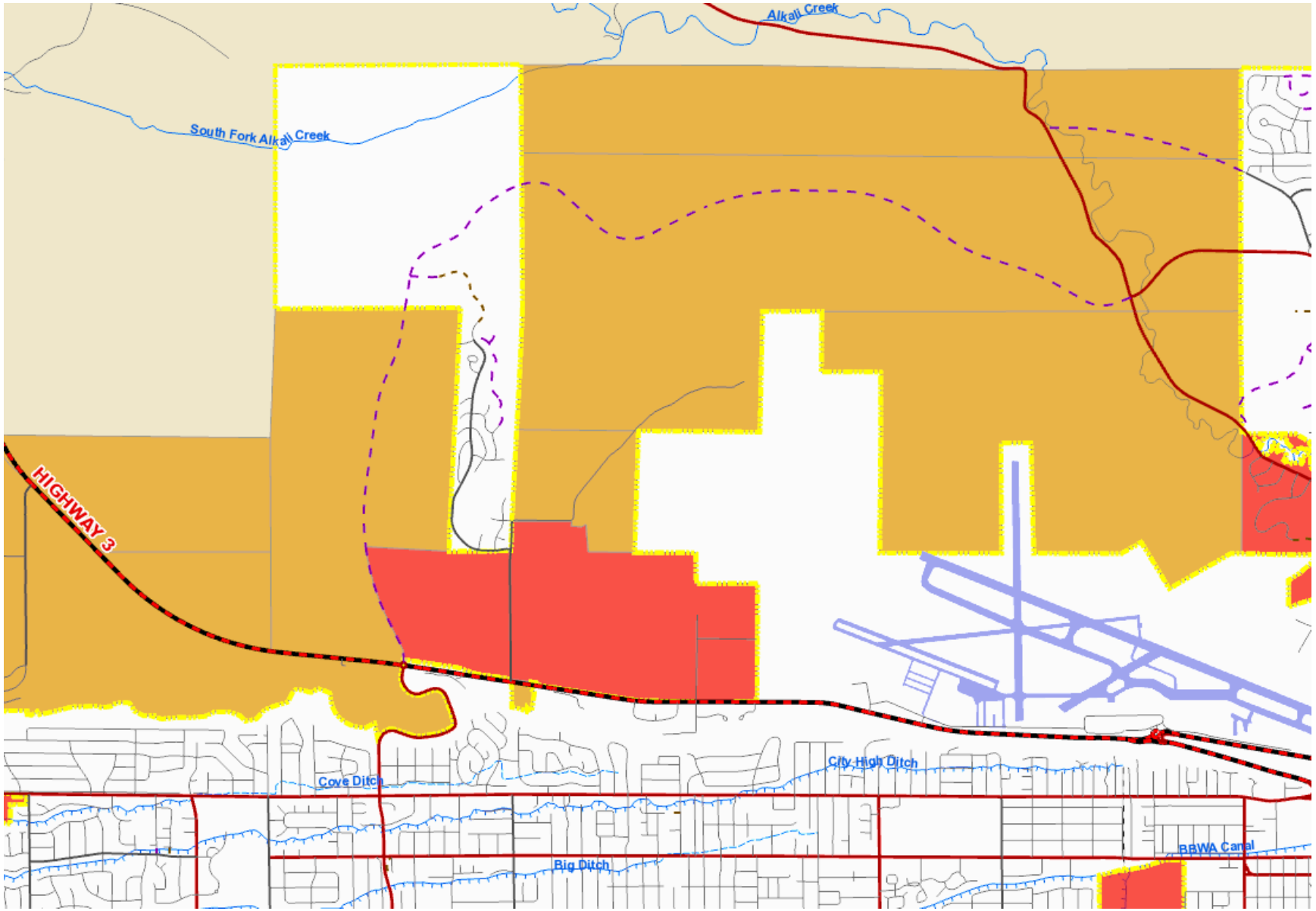
Revised June 18, 2020 (DRAFT ONLY)

Miles

0 0.5 1 2 3 4

Map Document: \\pwu-w12k07\GIS_Files\Mapping_Projects\Projects\Planning\2016\RFI_0097_LimitsofAnnexation\RFI_0097_LimitsOfAnnexation_17JUN20 (11x17).mxd
Date: 6/18/2020

N W E S



Limits of Annexation Map - Red = Petition Area

City Council Regular

Date:	02/22/2021
Title:	Development Agreement with Aviation Properties for Certificate of Survey 2037, Tract 14A and Certificate of Survey 1889 Tracts 1A and 1B
Presented by:	Debi Meling
Department:	Public Works
Presentation:	Yes

RECOMMENDATION

Staff recommends that the City Council approve the development agreement with Aviation Properties.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

At the February 22, 2021 meeting, City Council will consider annexation of Certificate of Survey 2037, Tract 14A and Certificate of Survey 1889 Tracts 1A and 1B. Certificate of Survey, Tract 14A is being created with a lot line adjustment being done in the county prior to annexation. Attached is a copy of that plat. The properties proposed to be annexed are located north of Highway 3 and west of the airport. Aviation Properties desires to develop the property as a commercial development. Typically, as a condition of approval of the annexation, the property owner is to enter into a development agreement with the City of Billings outlining necessary public improvements. The property owner has submitted the attached Development Agreement and the Council will consider whether to approve the agreement.

ALTERNATIVES

City Council may:

- If the annexation is approved, then approve the development agreement with the property owner; or
- Disapprove the development agreement. If the agreement is not approved, the responsibility for infrastructure improvements would be in accordance with policies in place at the time of development.

FISCAL EFFECTS

The financial impact of this agreement is dependent on policy changes that may occur before development. If development occurs before any changes to the City's development policies, there would be no financial impact. If development occurs after City development policies change, the financial impact would be dependent on the changes.

Attachments

Certificate of Survey 2037 Amended
Development Agreement

PEC STANDARD BW.CTB

2/9/2021 5:51:37 PM

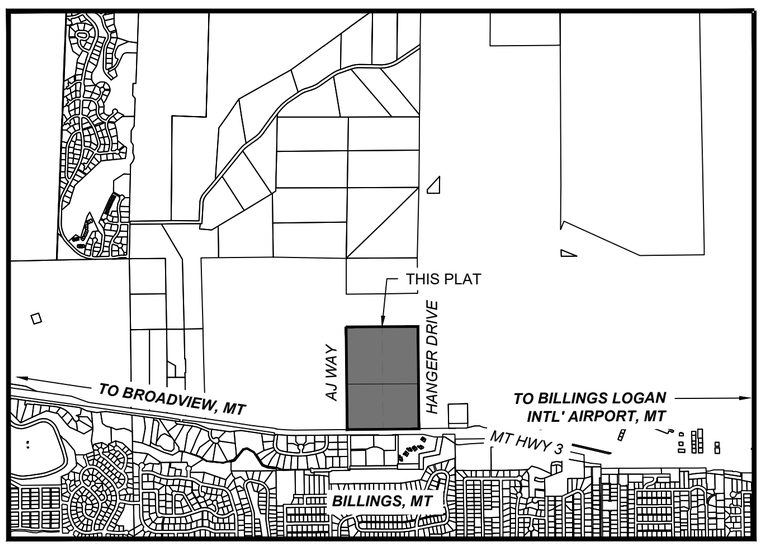
PLAT OF

CERTIFICATE OF SURVEY 2037 AMENDED

BEING TRACTS 13 AND 14 OF CERTIFICATE OF SURVEY #2037
LOCATED IN THE E 1/2 OF SECTION 26, TOWNSHIP 1S, RANGE 25E, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : AVIATION PROPERTIES, LLC
PREPARED BY : PERFORMANCE ENGINEERING, LLC
PURPOSE OF SURVEY : BOUNDARY RELOCATION

TOTAL AREA : ± 58.68 ACRES (2,556,088.96 SF)
DATE : FEBRUARY 2021
COUNTY EXEMPT PLAT

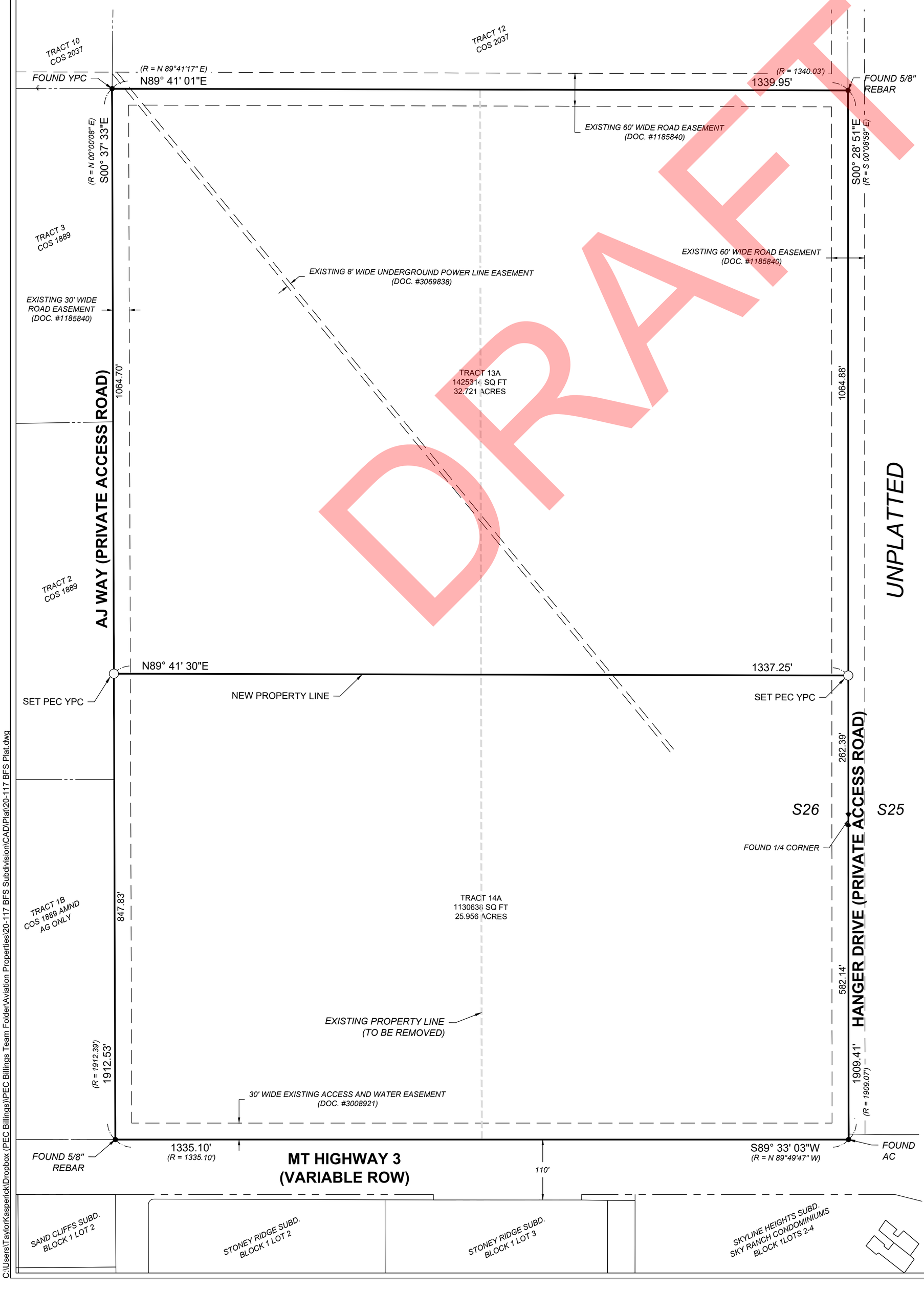


VICINITY MAP
NOT TO SCALE

LEGEND

- = FOUND QUARTER-CORNER
- = PROPERTY CORNER, FOUND AS DESCRIBED
- = PROPERTY CORNER, SET PEC YPC
- = PROPOSED PROPERTY BOUNDARY
- = EXISTING PROPERTY BOUNDARY
- = QUARTER CORNER LINE
- = CENTERLINE OF ROAD
- = EASEMENT LINE

0 100 200
IN FEET



DRAFT

PURPOSE OF SURVEY - RELOCATION OF BOUNDARY LINES

The undersigned hereby certifies that the purpose of this survey is to relocate the common boundary line between adjoining properties located inside a platted subdivision and therefore is exempt from subdivision review pursuant to Section 76-3-207(1)(d), M.C.A.

Pursuant to ARM 24.183.1104(1)(f)(iii)(C), the area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the amended plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

~~Lot 13-A & Lot 14-A are exempt from review by the Department of Environmental Quality pursuant to Section 76-4-125(d) MCA (inside a master planning area with adequate storm water drainage).~~

_____
Aviation Properties, LLC | Erin Heringer

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the County Attorney and it is acceptable as to form:

Dated this_____day of _____, 20_____.

Reviewed by _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-207(1)(d) MCA, that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land have been paid.

Dated this_____day of _____, 20_____.

_____
Yellowstone County Treasurer

CERTIFICATE OF SURVEYOR

I, the undersigned Mark W. Kadrmas, Registered Land Surveyor, do hereby certify that this survey was done under my direct supervision of a tract of land located in the E 1/2 of of Section 26, Township 1S, Range 25E, P.M.M., Yellowstone County, Montana, said tracts being Tract 13-A and Tract 14-A of Certificate of Survey 2037 Amended.

Said tract containing a gross and net area of 58.68 acres, more or less.

Said tract subject to all easements and right-of-ways of record or apparent on the ground.

This survey was conducted in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-625 MCA.

Dated this_____day of_____, 20_____.

_____
Mark W. Kadrmas, PLS 51414LS

BASIS OF BEARINGS

Bearings shown on this survey are derived from a low distortion Lambert Conformal Conic single parallel projection with parameters as follows:

Latitude of Origin: 45° 47' 00" N
Longitude of Origin: 108° 25' 00" W
Mapping Scale Factor: 1.0001518

Grid distances shown hereon are - for practical purposes - equal to ground distances.

SURVEYORS NOTE

Unless otherwise noted, record distances between found monuments shown hereon are within local accepted practice.

C:\Users\TaylorKasperick\Dropbox (PEC Billings)\PEC Billings Team Folder\Aviation Properties\20-117 BFS Subdivision\CAD\Plat\20-117 BFS Plat.dwg

Return to:
Performance Engineering, LLC
608 N. 29th Street
Billings, MT 59101

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made this _____ day of _____, 20____, by and between Aviation Properties, LLC, 6309 Jellison Road, Billings, MT 59101 hereinafter referred to as "DEVELOPER," and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the "CITY." DEVELOPER and CITY are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties."

WHEREAS, DEVELOPER is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

> Tract 14A of Certificate of Survey No. 2037 Amended (Document No. _____), Tracts 1A and 1B of Certificate of Survey No. 1889 Amended (Document No. 3574908), of which plats are on file and recorded at the Yellowstone County Clerk and Recorder's Office. Above referenced properties are hereinafter referred to as "Developer Tracts"

WHEREAS, DEVELOPER has submitted to the City a Petition for Annexation to the City for Developer Tracts; and

WHEREAS, DEVELOPER desires to annex Developer Tracts to the City; and

WHEREAS, DEVELOPER is proposing to develop the Developer Tracts in phases over time; and

WHEREAS, CITY has approved the Petition for Annexation by Resolution No. _____ for the Developer Tracts contingent upon a Development Agreement being executed between CITY and DEVELOPER to identify required off-site infrastructure improvements and guarantees of those improvements.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties do hereby agree as follows:

1. *Roads and Access.* The Developer Tracts will be accessed by way of approaches along Montana State Highway 3. Said approaches must be reviewed and approved by the Montana Department of Transportation (MDT) and City of Billings, who may require a traffic impact study at the time of development. The approach for AJ Way is existing but will be improved to meet City of Billings standards. The approaches must be meet current MDT and City codes and regulations.

2. *Sanitary Sewer.* The Developer Tracts will be served by proposed sanitary sewer improvements that will discharge to the existing sanitary sewer collection system in Stoney Ridge Road. DEVELOPER will be responsible for connecting the discharge line into the existing sewer manhole and extending the sewer main along the Developer Tracts frontage (excluding Tract 14A's frontage along State Highway 3) at the time of development. Should the City of Billings extend sanitary sewer along Tract 14A's State Highway 3 frontage in the future, DEVELOPER and/or individual lot owners waive the right to protest being included in a Special Improvement District (SID) for the proportionate share of said cost. All of the Developer properties can be assessed for installation of sanitary sewer along the frontage of Developer properties. DEVELOPER shall be responsible for payment of the City wastewater system development fee prior to the issuance of any building permits.

3. *Water.* The Developer Tracts will be served by proposed water lines connecting to the existing 12" distribution line owned by the City of Billings along State Highway 3. Water line sizes will be determined at the time of development and submitted to the City of Billings for approval. DEVELOPER shall be responsible for payment of the City water system development fee prior to the issuance of any building permits.

4. *Storm Drain.* The DEVELOPER will manage storm drainage within the Developer Tracts in accordance with the City of Billings Stormwater Management Manual (2018).

5. *Right-of-Way.* Right-of-Way will be dedicated to the City of Billings per the 2018 Billings Urban Area Long Range Transportation Plan and in accordance with the City of Billings Subdivision Regulations. Said plan calls for a collector road along the western boundary line of Tract 14A of COS 2037 Amended. Right-of-Way outside that listed above will be dedicated at time of future subdivision or development.

6. *Street Construction and Widening.* DEVELOPER will be required at the time of development to widen the existing paved roadway (AJ Way) along the western side of Tract 14A to meet the City of Billings standard requirements for roadways. A geotechnical report will be submitted to City Engineering to determine if the existing section of AJ Way meets the City's requirements. Similarly, at the time of development of each other tract included in the Developer Tracts, roadway conforming to the City of Billings standard requirements for roadways shall be constructed by the DEVELOPER.

   An 8 to 10 foot sidewalk or trail along the north side of State Highway 3 will be constructed in the future. DEVELOPER and/or individual lot owners waive the right to protest being included in a Special Improvement District (SID) for the proportionate share of said cost. All of the Developer properties can be assessed for installation of the sidewalk/trail along the frontage of Developer properties. The development shall be responsible for the maintenance of the sidewalk/trail after construction.

7. *Future Intersection Contributions*. A traffic impact study will be performed at the time of future subdivision and/or development to determine DEVELOPER contributions to future intersection improvements.

8. *Other Public Improvements.* For any other improvements not specifically listed in this Agreement, the CITY shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, street construction and paving, curb, gutter, sidewalks, participation in a pedestrian underpass crossing State Highway 3, driveways, storm drainage, and street lighting. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof. All of the Developer properties can be included in a Special Improvements District for improvements identified in Development Agreement regardless of location of individual properties in relation to the improvements.

8. *Compliance.* Nothing herein shall be deemed to exempt the Developer Tracts from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.

9. *Runs with Land.* The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall

be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

10. *Attorney's Fees.* In the event it becomes necessary for either Party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney fees and costs, including those fees and costs of in-house counsel.

11. *Amendments and Modifications.* Any amendments or modifications of this Agreement shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"DEVELOPER" Aviation Properties, LLC

By: _____

Title: _____

STATE OF MONTANA)
:ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the_____ of Aviation Properties, LLC, and who acknowledged to me that said DEVELOPER executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20___.

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 20___, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHT TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, Owner of the hereinafter described real property, does hereby waive the right to protest the formation of one or more Special Improvement Districts (SID) for the construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, Highway 3 pedestrian crossing, and other incidental improvements which the City of Billings may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall be recorded in the office of County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Tract 14A of Certificate of Survey No. 2037 Amended (Document No. _____), Tracts 1A and 1B of Certificate of Survey No. 1889 Amended (Document No. 3574908), and Tracts 2 through 6, inclusive, of Certificate of Survey No. 1889 (Document No. 1129245), of which plats are on file and recorded at the Yellowstone County Clerk and Recorder's Office.

"DEVELOPER" Aviation Properties, LLC

By: _____
Title:_____

STATE OF MONTANA)
:ss.
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____of Aviation Properties, LLC, and who acknowledged to me that said DEVELOPER executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 20-05
Presented by: Monica Plecker
Department: Planning & Community Services **Division:** Planning

RECOMMENDATION
Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward I.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)
Aviation Properties LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located north of Highway 3 and both East and West of AJ Way.The property is described as Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the Records of Yellowstone County; and Portions of Tracts 13 and 14, of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840.

The property contains 49.34 gross and 45.972 net acres.

Upon Council approval, this annexation requires a change in the boundaries of Ward I. Two readings are required for this action. The first reading of the ordinance is tonight at this Council meeting, along with a public hearing, and the second reading is scheduled for March 8, 2021.

ALTERNATIVES
City Council may:

- Approve adding the subject property to Ward I, or;
- Disapprove adding the subject property to Ward I.

Disapproval will not modify the boundary of Ward I and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS
This item has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD I PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward I the following described real property:

Tracts of Land situated in the NE 1/4 and the SE 1/4 of Section 26, T.1N., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Tracts 1A and 1B, of Certificate of Survey No. 1889 Amended, recorded December 28, 2010, under Document No. 3574908, on file and of record in the Records of Yellowstone County;

Portions of Tracts 13 and 14, of Certificate of Survey No. 2037, recorded December 23, 1980, under Document No. 1185840, on file and of record in the Records of Yellowstone County, more particularly described as follows;

Beginning at the southwest corner of said Tract 13; Thence N 00°37'33" W and along the west line of said Tract 13 for a distance of 847.83 feet to a point on the east line of Tract 2 of Certificate of Survey No. 1889, recorded May 17, 1979, under Document No. 1129245, on file and of record in the Records of Yellowstone County; Thence N 89°41'30" E for a distance of 1337.25 feet to a point on the east line of said Tract 14; Thence S 00°28'51" E and along said

Tract 14 for a distance of 844.53 feet to a point on the north Right-Of-Way line of Montana State Highway No. 3; Thence S 89°33'03" W and along said north Right-Of-Way for a distance of 1335.10 feet to the point of beginning; Basis of bearings being the proposed plat of Certificate of Survey 2037 Amended, being Tract 14-A of said proposed amended Certificate of Survey,

Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 49.34 gross and 45.972 net acres.

(# 20-05) See Exhibit "A" Attached

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 22nd day of February, 2021.

PASSED by the City Council on the second reading this 8th day of March, 2021.

THE CITY OF BILLINGS:

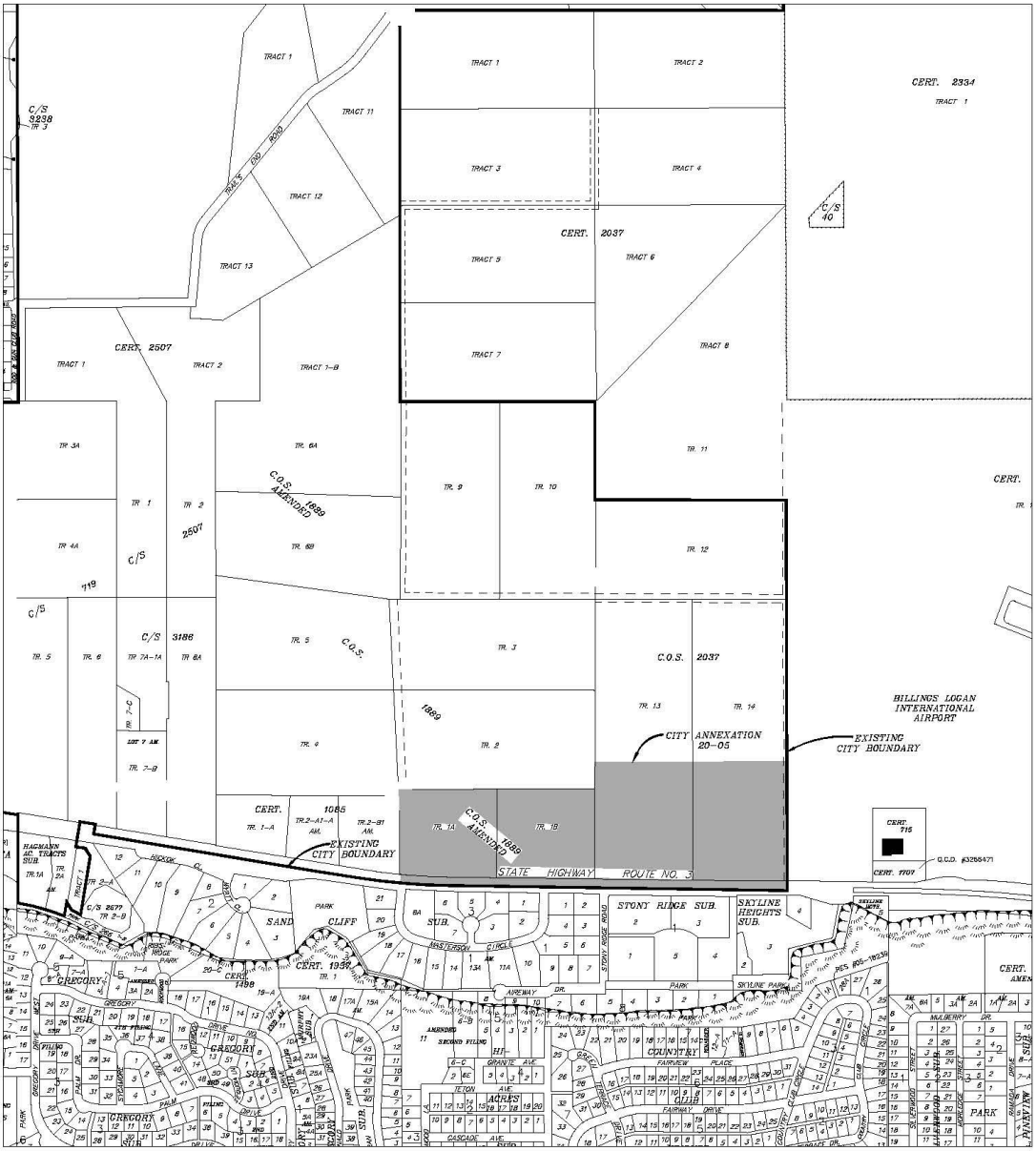
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(AN 20-05)

EXHIBIT "A"


CITY ANNEXATION 20-05
EXISTING CITY BOUNDARY
STATE HIGHWAY ROUTE NO. 3
BILLINGS LOGAN INTERNATIONAL AIRPORT
C.O.S. 2037
CERT. 2037
CERT. 2334
CERT. 2507
C.O.S. AMENDED 1889
C.O.S. 1889
C/S 3186
C/S 40
C/S 2238
STONY RIDGE SUB.
SKYLINE HEIGHTS SUB.
SAND CLIFF SUB.
COUNTRY CLUB ESTATES
HAGMANN MT. TRACTS SUB.
GREGORY SUB.
PARK

City Council Regular

Date:	02/22/2021
Title:	Zone Change 987 - Highway 3 and AJ Way
Presented by:	Nicole Cromwell
Department:	Planning & Community Services
Presentation:	Yes

RECOMMENDATION

The Zoning Commission is recommending approval of Zone Change 987 and adoption of the findings of the 10 review criteria on a 4-0-1 vote.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request from Agricultural (A) to Highway Commercial (HC/CX) on Tracts 1A and 1B of C/S 1889, a 20-acre parcel of land. A pre-application neighborhood meeting was held on December 9, 2020, at 3655 AJ Way, Billings, MT. Aviation Properties LLC is the owner. The request made by Aviation Properties is for land east of its current location for Billings Flying Service at 3655 AJ Way. The applicants purchased the property with the intent of providing additional land for ancillary and support businesses for the aviation industry. At one time, the Montana Air National Guard was in discussions with Aviation Properties about purchase and development on some of these acres to the west of Billings Flying Service. The owner has no definitive use or buyer for the land at this time. The zone change will entitle the owner to uses included in the proposed Heavy Commercial (CX) zone district for Tracts 1A and 1B of C/S 1889. The original application included an additional 118 acres (Tracts 2,3,4,5, 6A and 6B) proposed for Controlled Industrial (CI - I1) zoning. The applicant withdrew these parcels from the request. The proposed HC zoning will update to Heavy Commercial (CX) zoning if the City Council approves the zone change.

APPLICATION DATA

OWNER: Aviation Properties, LLC
AGENT: Jeff Kanning - Collaborative Design Architects
LEGAL DESCRIPTION: Tracts 1A and 1B of C/S 1889
ADDRESS: None assigned
CURRENT ZONING: A (Agriculture)
EXISTING LAND USE: Vacant - grazing land
PROPOSED USE: Same with potential heavy commercial uses
SIZE OF PARCEL: 20 acres for HC (CX)
CONCURRENT APPLICATIONS - Concurrent Petition for annexation (AN 20-05) petition for 46 acres of land including existing CX zoned area of Tracts 13 and 14 of C/S 2037 to the east

The proposed zone change will cover 20 acres in two parcels of land described as Tracts 1A and 1B of C/S 1889. Most of this land has been used for low intensity agricultural uses such as grazing and dry land hay production. There is currently one physical access to the property (AJ Way) but an additional access point from Highway 3 may be proposed in the future on the west side of Tract 1A. Highway 3 is a high speed arterial that provides a unique entryway to Billings from the north and west. The City and County completed a corridor study in 2015 to achieve several safety, access and stormwater control objectives. The adopted study also included an objective to maintain the scenic entry to Billings, study the effects of the Inner Belt Loop (connecting to the west of this parcel) and to optimize the function of the highway corridor. The study predicted that average daily traffic on this corridor segment would grow about 1.9% per year over the 20-year study horizon. In the 5 years since the completion of the study, the increase in traffic year over year has matched this estimate. Currently, this segment of Highway 3 carries about 12,500 vehicles per day. This proposed zone change will likely increase the average daily traffic over these estimates. Any new development that adds a new type of traffic or includes a significant increase to the current traffic load will require a traffic study. The study would be reviewed and approved by both MDT and City Engineering.

The property is within the Airport Influence area adopted for land surrounding the Billings Logan Airport. This influence area was adopted originally in 1983 in order to protect the substantial public investment in the airport and ensure adjacent private development does not hamper the utility of the airport and future airport expansions. The influence area has a height restricted area as well as a noise gradient where certain uses - residential, hospitals or other noise sensitive uses - would have to provide additional sound-proofing in building materials to be compatible with the airport. The proposed zoning and associated land uses would not be incompatible with the airport influence area for height or noise-sensitive uses. Each building permit or development proposal would be evaluated based on the Airport Influence Area regulations (BMCC 5-400). As part of the annexation concurrent to this proposed zone change, city staff is recommending that as a condition of annexation approval, the city will be provided with a Perpetual Air Rights Easement over the property. This will grant to the City of Billings free and unobstructed navigation and passage of all types of aircraft in and through the airspace above the real property involved in the annexation.

The county has approved three zone changes for the 60 acres directly east of the subject property. The original zone change for these parcels in 2016 was controversial especially in regard to the proposed heliport just west of the airport. In addition, the CI zoning would be the first instance of this zone district above the Yellowstone Valley and in the Billings Heights. The CI zoning was chosen to support uses that would serve the heliport including avionics, aircraft engine repair and rebuilding. The County Commissioners approved the zone change but adjacent landowners appealed the approval to District Court. As part of the court settlement with the owners, the CI zone district was reduced from 20 acres to about 12.5 acres between the

Public zone on the north and the HC zone along the highway frontage. A large concern was the aircraft noise from the heliport and impact on residential properties just below the rim top. The heliport has been in operation since early 2017. There are several smaller fixed wing aircraft on the property as well for storage. The largest building is the hangar for the helicopters. There is also a shop/repair building to the south and a storage building to the west of the hangar.

The applicant has adjusted the zone change request from 118 acres of CI (I1) and 20 acres of HC (CX) to include just the proposed 20 acres of HC (CX) zoning. The proposed CX zone allows a wide variety of commercial uses and will provide all the flexibility the owner desires for potential marketing and buyers of this 20 acres and the adjacent 26 acres to the east.

Planning staff reviewed the proposal and recommended approval to the Zoning Commission based on the proposed findings of the 10 review criteria. The Zoning Commission concurred with this recommendation. The proposed zoning is in conformance with the 2016 Billings Growth Policy Guidelines and the Preferred Growth Scenario for this area of Billings Heights. The location is separated from nearby residential neighborhoods by the high-speed state Highway 3. The adjacent city airport land increases the possibility of uses that support aviation in general and cater to the business services in demand for aviation. The existing Airport Influence regulations within the city code will keep incompatible uses from developing on the property that might interfere with airport activity. The area does support some very low density agricultural uses that are compatible with the airport and can be compatible with any future uses on the subject property. The city has the ability to serve the property with municipal water and sewer at least in the first phase of the annexation.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on February 2, 2021, and received the staff report, testimony from the applicant and agent, and from the public. In addition, the Zoning Commission received 12 letters of comment (See Attachments) from surrounding owners and the Rimrock Neighborhood Task Force. All of these letters of comment were opposed to the zone change request.

Surrounding owners who called in comments include Brenda Dosset of 3420 Masterson Circle, Jim Scott of 224 Stoney Ridge Drive, Bill Cole of 3733 Tommy Armour Circle, Alice Lahren of 108 Sky Ranch Drive, Tim Blattie of 2745 Highway 3, Paul Scarpari of 3440 Masterson Circle, Howard Evans of 3481 Masterson Circle, and Steve Payne of 3441 Masterson Circle. The surrounding owners expressed concern about changes in traffic volume and patterns, effect on the property value of their residences, and possible location of prisons or junkyards in the proposed zoning.

Mr. Kanning, agent for Aviation Properties, explained while there is no firm development plan for the property, the zoning would not allow prisons or junkyards and the city's billboard moratorium is still in place. The intent is to market the property to larger format retailers, or those in need of a small shop or warehouse space close to the airport and close to a major transportation corridor. Some callers requested a delay or a change in the requested zoning from HC/CX to a Corridor Mixed Use zone district. Mr. Kanning stated some of the marketable uses in the CX zone are not allowed in the CMU zone districts such as contract storage warehousing or similar uses. Mr. Kanning stated these uses are allowed in Highway Commercial and this is why they requested this zone that would be an analogous zone to the new CX zone. Tyler Dugger, attorney representing Aviation Properties, stated the CX zoning is already in place on the directly adjacent property to the east, and this is just a request to add 20 acres of the same zoning along a high-speed highway corridor.

Commission member Trina White made a motion to recommend approval and adoption of the findings of the 10 criteria. The motion was seconded by Commission member Dan Brooks. The motion was approved on a 4-0-1 vote. Commission member Jack King recused himself from the hearing and voting on this request based on a conflict of interest.

ALTERNATIVES

The City Council may:

- Adopt the findings of the 10 criteria as recommended by the Zoning Commission and approve the application; or
- Amend the findings of the 10 criteria as recommended by the Zoning Commission and approve or deny the application; or
- Delay action up to 30 days.

FISCAL EFFECTS

The approval or denial of the requested zone change should have no effect on the Planning Division budget.

SUMMARY

Prior to any decision on the zone change request, the City Council shall consider the findings of the 10 review criteria as recommended by the City Zoning Commission.

1. Is the new zoning designed in accordance with the City of Billings 2016 Growth Policy?
The proposed zoning does conform to the following City of Billings 2016 Growth Policy and guidelines:

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy·
- Successful businesses that provide local jobs benefit the community·
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses·

- Retaining and supporting existing businesses helps sustain a healthy economy·
- Continued workforce training benefits the community and helps attract and retain businesses·
- Strategically placed industrial parks will encourage a more diverse city economy, and will better help manage effluent and emission from industrial processes

The potential uses with a HC (CX) zone are currently limited until the property is annexed to the city limits. The proposed zoning is consistent with the character of the area and the preferred land use patterns along high speed highway corridors. This area includes zoning for agriculture including commercial greenhouses, commercial horse stables, riding arenas, veterinaries, commercial dog kennels as well as low density residential uses. The adjacent property has been developed for a heliport and support services for Billings Flying Service. The 2016 Billings Growth Policy examined this area of Billings Heights to identify a preferred growth scenario. The Inner Belt Loop will provide a much-needed transportation connection from the northern part of the Heights to Highway 3 west of the airport. This corridor will activate some development interest west of Main Street and north of the airport. The preferred growth scenario included some heavier commercial uses west of the airport along Highway 3. There is a growing demand for a workforce skilled in aviation and aviation support. The proposed zoning will help support the growth in this economic sector. The proposed zoning can also support a wider range of commercial uses and services than a less intense commercial district that is more appropriate to a slower speed transportation corridor.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes.

3. Whether the new zoning will promote public health, public safety and general welfare?
The proposed zoning may promote the health and general welfare. The proposed HC (CX) zoning will allow the owner to ensure future development is not intrusive to property across Highway 3 while still allowing compatible uses adjacent to the CX & I1 zoning to the north and east.

4. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?
Transportation: The proposed zoning will have a measurable effect on traffic generation. The property currently has one access point. The primary access is along the east property line of tract 1B and tract 13 of C/S 2037 to the east. The access is named AJ Way. The current use of the property -- occasional grazing of livestock -- generates little or no traffic on a daily basis. When new development is proposed the state MDT and City Engineering will review the proposal and any traffic access plan for the use. Traffic control and potential mitigation of impacts may be necessary. The City and County recently completed a Highway 3 Corridor transportation study in partnership with the Montana Department of Transportation (MDT). The study has several recommendations for improving traffic safety, pedestrian access and storm water management. The study included traffic volume projections out to 2035. It appears Highway 3, with improvements, may handle any additional traffic. The study recommended upgrades to the intersections with Rod & Gun Club Road and to Zimmerman Trail. The types of traffic generated from HC zoning are different than current traffic patterns in the area. MDT may require some traffic analysis and improvements depending on the type and volume of traffic generated from specific developments on the property. The City Traffic Engineer may require a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

Water and Sewerage: The property will be served by public water and sewer systems when it is annexed to the City. There is a pending petition to annex the subject property and a portion of the adjacent property to the east.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Once annexed, fire protection and building plan review will be done at the time of building permit application. Public safety services will be provided by the City Police Department.

5. Whether the new zoning will provide adequate light and air.
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. The Airport Influence and Noise Overlay zone will also limit some uses and building heights. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. Whether the new zoning will effect motorized and non-motorized transportation.
The proposed zoning itself will not generate more traffic on any of the adjacent streets. When development is proposed, impacts to transportation systems will be evaluated. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails on a high-speed state highway. The Highway 3 Corridor Study identified the need for a multi-use trail on the north side of Highway 3 at this location and pedestrian tunnel connections to the south side of Highway 3 to access the public park area along the rims. Residential development is generally located south of the property and the main motorized access to the rim top parks are along the south side of Highway 3.

7. Whether the new zoning will promote compatible urban growth.
The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property west of the subject parcels is zoned A (agricultural) and is used for occasional grazing and very low density residential purposes.

Property to the south is zoned for higher density residential neighborhoods within the city limits. This area is within the City's Limits of Annexation Map and is petitioning for annexation for a portion of the property with future phases of annexation. The proposed zoning is compatible with the adjacent zoning and existing land uses.

8. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses.
The subject property is in an area adjacent to a high-speed highway entry corridor to the City and County. The property is near Billings Logan Airport property and there are several aviation and highway oriented land uses to the east. The current and proposed zoning is compatible with the character of the highway and aviation uses to the east. There are no immediate developments plan for the subject property.

9. Whether the new zoning will conserve the value of buildings.
The new zoning is not expected to alter the value of any buildings in the area. It is not known if its proximity to residential property in the area will affect the value of residential buildings. The value of the residential homes on the south side of Highway 3 are based on their location with the valley view as opposed to frontage along a highway corridor. Any development of the property will need to meet the site development requirements in the zoning code, including landscaping, screening, building heights and setbacks.

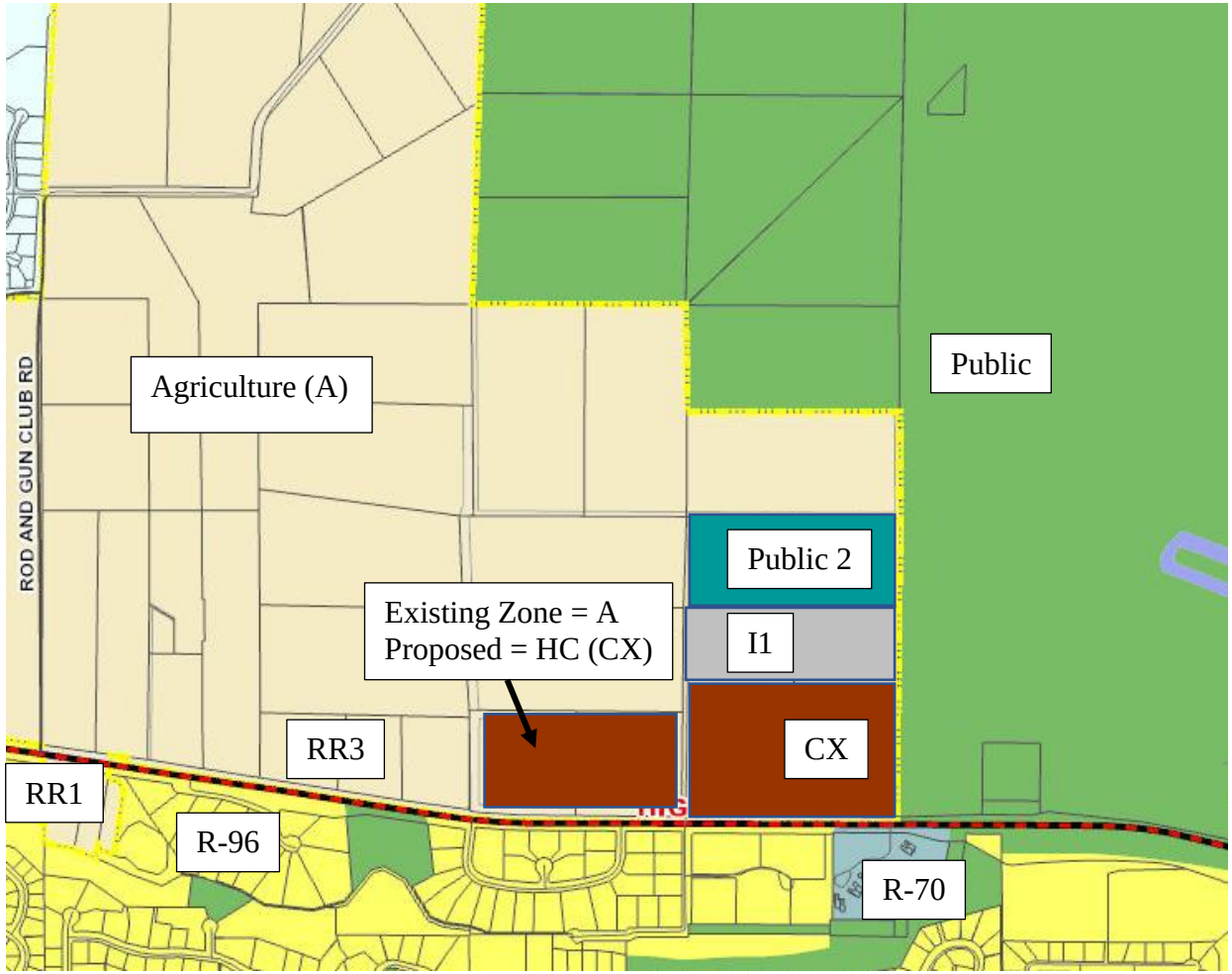
10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.
The proposed zoning does encourage the most appropriate use of land in this area of the City given it is adjacent to the Billings Airport and allows the same uses as are permitted on the Airport property. It is also in an area where aircraft are arriving and departing regularly. HC (CX) zoning could allow more intense uses than currently allowed in adjacent zoning districts but the potential universe of intense uses may be limited based on the Airport Influence area regulations.

Attachments

Zoning Map and Site Photos
Application and Letter
Public Comments as of Feb 2 2021
Zone Change 987 Ordinance

City Zone Change 987

Zoning Map and Site Photos



Subject Property
Tracts 1A & 1B C/S 1889
20 acres
HIGHWAY 3

Subject Property from Highway 3 view north

Subject property view north and east

Subject property view north and west

View south and west across Highway 3

View south across Highway 3 to intersection of Stony Ridge Rd

View east along Highway 3

Zone Change 987
Applicant's Letter and Information

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 987 **- Project #** PZ-21-00001

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: Open Ag

Proposed Zoning: HC & CI

TAX ID# See Attached CITY ELECTI

Legal Description of Property: See Attached

CS 1889 ; TR 6A, 6B, 1A, 1B, 2, 3 & 4

Modified to Tr 1A & 1B C/S 1889 only – HC (CX) 20 acres

Address or General Location (If unknown, contact City Engineering): None Assigned

Size of Parcel (Area & Dimensions): See Attached

Present Land-Use: Agricultural

Proposed Land-Use: Commercial Development

Covenants or Deed Restrictions on Property: Yes_____ No X

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Aviation Properties, LLC

(Recorded Owner)

3055 AJ Way, Billings, MT 59101

(Address)

406-252-6071 erin@flybfg.com

(Phone Number) (email)

Agent(s): Collaborative Design Architects

(Name)

1280 Grant Road, Billings, MT 59102

(Address)

406-248-3443 jeff@cda-mt.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: _____ Date: 12/29/20

(Recorded Owner)

RECEIVED
DEC 29 2020
PLANNING & COMMUNITY SERVICES DEPARTMENT

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning**: Open Ag
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: _____
3. **Subject Property Map**: please attach to this form
4. **Legal Description of Property**: See Attached
5. **Neighborhood Task Force Area**: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: _____
6. **Roster of persons who attended the pre-application neighborhood meeting**: please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results.** please attach to this form
9. **The undersigned affirm the following:**
   1) The pre-application neighborhood meeting was held on the 9th day of December 2020
   2) The zone change application is based on materials presented at the meeting.

Owner (s): Aviation Properties LLC Telephone: 406-252-6937
Address: 2655 Airway Email: erin@flybfg.com
Billings, MT 59101

Agent (s): Collaborative Design Telephone: 406-248-7455
Address: 2290 Grant Rd, Ste. C Email: jeff@cd-mt.com
Billings, MT 59102

Aviation Properties
Neighborhood rezoning meeting
December 9, 2020

NAME	SIGNATURE	DATE
Norma Boyd	Norma Boyd	12/9/2020
Paul R. Scarpari	Paul R. Scarpari	Dec 9, 2020
Jim & Theresa Helus	Jim Helus	12-9-2020
		12-9-2020
		12-9-2020
Bart Ramlow	Barb Ramlow	12-9-20
Donna Deleeuw		12-9-20
Lyle Gabrian	Lyle Gabrian	12/9/20 RNTF
Rosie Blattie		12-9-20

Hello Neighbors,

Lyle Gabrian, Chair and Alice Lahren, Vice-Chair, RNTF, attended a pre-application neighborhood meeting hosted by Aviation Properties on 12/9/20 along with nine other neighbors who were sent meeting invitations. The meeting was about their pending zone change request. They did not give any opening presentation; however, one of the owners of Aviation Properties and a representative from Collaborative Design Architects opened the meeting with only a short statement that they are requesting a zone change from Agricultural (Ag) zoning to Controlled Industrial (CI) on six tracts of land and a zone change from (Ag) zoning to Highway Commercial (HC) zoning on two tracts they also own, all shown on a large site plan map in the room (see attached site map). They shared with us some types of businesses that could be allowed in (CI) and (HC) zoning; however, they said that there are no immediate plans for any development at this time.

Most of the information we gathered from them was from questions of the attending neighbors and their answers were very guarded. To our questions regarding development, they repeatedly answered that there was no development plan and no immediate plans to do any development at this time. We asked if their intention was to develop the land in the future within the City with water and sewer services or within the County without these services. They answered this question indirectly as they don't have a current development plan for the properties that they are asking for a zone change; however, they do plan to request annexation into the City for tracts 13 and 14 which are currently zoned (CI) and (HC) (see attached site map). We also asked if it was their intention to sell or lease any of the properties they own. They said they didn't have any intention now. When asked why they are asking for a zone change now without any development plans, they said it would be better to do the zone changes now rather than just before any future development, saving time, etc. They also shared that the City has purchased tract(s)12 (white on the site map) for airport expansion and it should be annexed into the City soon.

Aviation Properties will apply for the zone changes on the eight tracts they own currently zoned (Ag) and also ask for City annexation of two tracts currently zoned (CI) and (HC) on Monday 1/4/2021 (see attached site map).

They said that they want to be good neighbors and want to continue the communication and will share information with us as it develops. We are open to continued communication with them and others since these zone change requests are very important to the neighbors living in the RNTF area. We will continue to share with you information regarding this zone change application, as appropriate.

--
Rimrock Neighborhoods Task Force
www.ci.billings.mt.us/index.aspx?NID=1730

ARCHITECTS

COLLABORATIVE DESIGN

STATEMENT OF PRE-APPLICATION MEETING – AVIATION PROPERTIES, LLC

Per the City of Billings Zone Change Information Packet, the required Pre-Application Neighborhood Meeting was held at 10:00 am on Wednesday December 9, 2020 in a hangar on the Billings Flying Service property located at 3655 AJ Way, Billings, MT. A Pre-Application map and a description of the proposed zone change was mailed to the addresses provided by the Planning Department. That same map and description was presented at the meeting for comments and discussion. A copy of the map used, and the sign-in sheet of attendees is attached. Below is a brief synopsis of the meeting discussion.

- Attendees on the behalf of Aviation Properties, LLC were Erin Heringer – Billings Flying Service, Jeff Kanning – Collaborative Design Architects, and Tyler Dugger – Toliver Law Firm.
- Erin opened the meet providing an overview of the zoning request and provided the description of the two current zoning classifications. There was discussion about Project Re-Code and the proposed comparable zoning districts.
- Erin further confirmed coordination meetings were held with the City Planning Division, City Engineering and the Public Utilities Division. An additional meeting was held with Kevin Ploehn at the Billings Logan Airport.
- Jeff discussed the potential impact of Project Re-Code and some of the new development requirements.
- Neighbors expressed concern about increased vehicular traffic – Jeff noted future development that had more than 500 trips per day would require a Traffic Accessibility Study to be completed and any new development would be required to follow the mandates of the study.
- Neighbors asked about future annexation plans.
- Neighbors raised concerns about noise, light, and billboards – Jeff referenced sections of the zoning code regulating the same as well as the Area of Influence Ordinance requirements from the airport.
- Neighbors raised potential concerns about property values.
- Most questions concerned future development plans for the property – Erin confirmed no set plans were in place.

Agent – Jeff Kanning, AIA

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ARCHITECTS

COLLABORATIVE DESIGN

ZONE CHANGE APPLICATION – QUESTIONS
AVIATIONS PROPERTIES, LLC

1.A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

In the current Billings Growth Policy Scenario Planning, three separate scenarios are proposed. The North Public Preferred Scenario calls for this area to be developed to Commercial High Density and Industrial Light-Craftsman land uses. The zone changes proposal's request for Highway Commercial and Controlled Industrial are the most closely aligned with and consistent with the Preferred Growth Scenario.
The property, for which the zone change is being requested, has been submitted for annexation as it borders the current city limits and is adjacent to both public water and sewer services. This will allow for adequate provision for those services as well as transportation and other public requirements.

1.B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

Under the current Open Ag zoning, the property cannot be developed to the Preferred Growth Scenario and for a development of a commercial service area to support the Billings Logan Airport. A supporting airport service area will provide a diversity of jobs to ensure a strong Billings economy. This type of community investment can attract and retain a strong, skilled and diverse workforce. A strategically placed commercial development like this will encourage a more diverse City economy and can provide predictable, reasonable City tax assessments.
Essential investments like this will provide for landscaping of public rights-of-way and entryways to make Billings more visually appealing to residents and visitors. This infrastructure and service investment will stabilize or improve property values, secure future utility costs and be cost effective.

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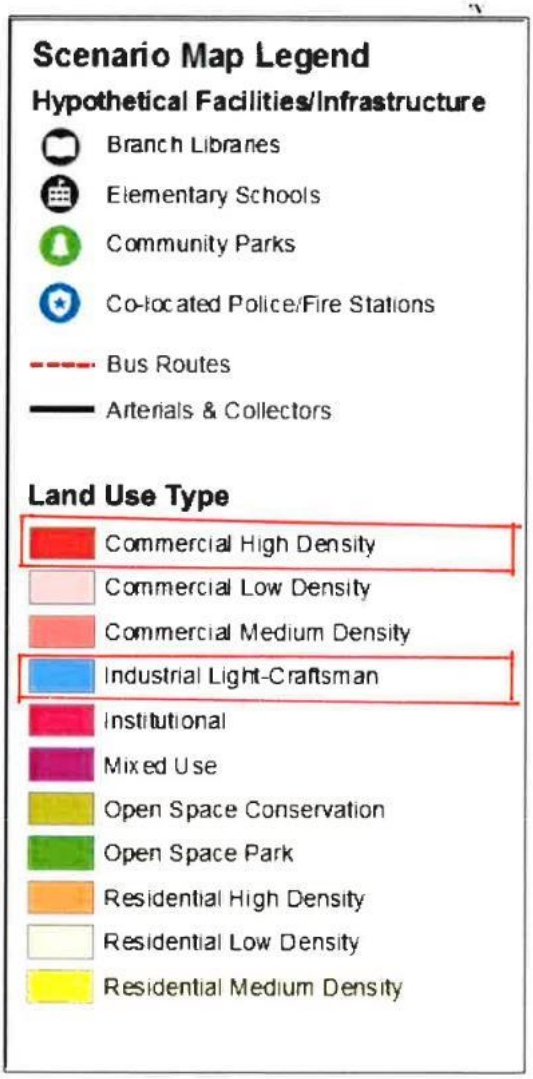
The final scenarios showing the added hypothetical transportation network, bus routes, and other facilities used as indicators are shown in the following series of images.



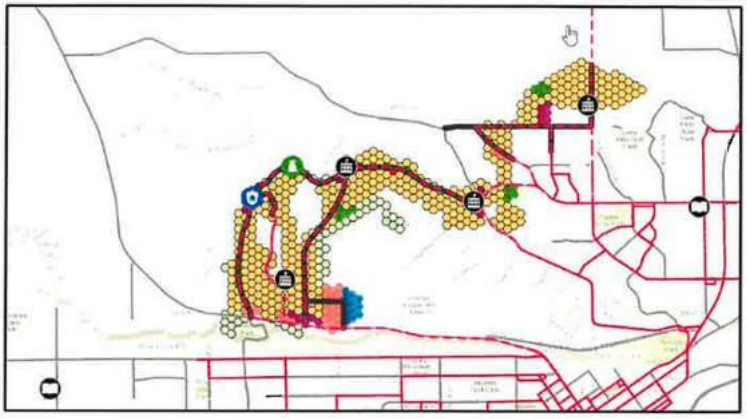
1 hexagon = 5.739 acres or approximately 2.8 city blocks

Residential high & mixed use density = 16 d.u./acre

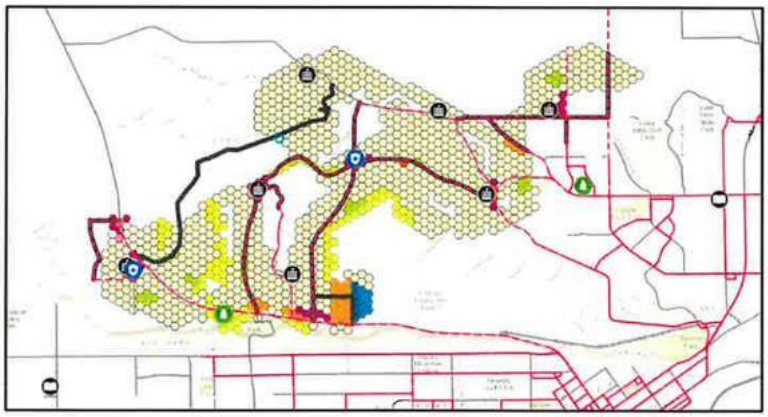
Residential medium density = 9 d.u./acre

Residential low density = 5 d.u./acre

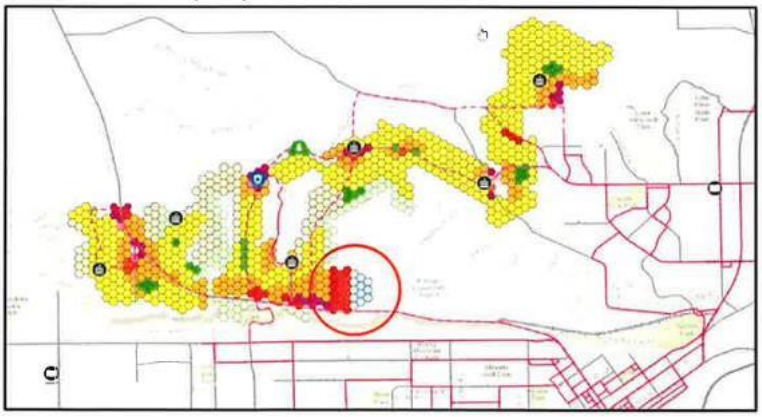
NORTH HIGH DENSITY SCENARIO (NHD)



NORTH LOW DENSITY SCENARIO (NLD)



NORTH PUBLIC PREFERRED SCENARIO (NPP)



From: Jennifer Hansen <jenfoxfid@gmail.com>
Sent: Tuesday, February 2, 2021 1:00 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] #987 Zone Change Request

I recently bought and moved into a condo along Highway 3 across it from the property under consideration for the zone change from Highway Commercial to Heavy Commercial by Aviation Properties. I am in opposition to this proposed zone change.

Coming from Iowa, I was thrilled to find this amazing residential area in Billings. Situated on the rims in relatively quiet surroundings, I thought it was the best place in Billings to live. Supporting my enthusiasm for my new home is the beautiful walking trail adjacent and the plans for its enhancement. Put bluntly, it seems allowing the entry of heavy commercial development in this uniquely lovely site will ruin it.

The Heavy Commercial (CX) zone is "intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited." This description in no way can be used to describe the current area of the zone change application.

Please consider a zoning change more in keeping with a beautiful residential neighborhood.

Sincerely,
Jennifer Hansen
109 Sky Ranch Drive
Billings, MT

From: Jim Beley <jammerjim114@gmail.com>
Sent: Monday, February 1, 2021 10:01 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] City zone change 987 Jim and Beckie Beley

Dear City/County Planning Staff,

As owners of property across Highway 3 from the proposed zone change area, we strongly suggest your staff stand firm and deny proposed zone change 987.

If you agree to this zone change you would be allowing such activities as industrial storage, heavy equipment repair, manufacturing, mining, waste storage, and other unsightly, unsuitable uses along this beautiful gateway to our city! This location is NOT where such activities should be located. Such land uses belong along the railroad corridor and other places in Billings where such land uses are ALREADY PRESENT.

This zone change would violate your own Criteria 7, 8, 9, and 10. This zone change would clearly lower property values of all the residential areas across the highway.

The rims are an icon of our city. Don't degrade this beautiful entrance to our city for short sided tax advantages. Listen to the advice of our dedicated Rimrock Neighborhoods Task Force and deny this proposed zone change . . . please.

Sincerely,

James and Beckie Beley
3382 Stoney Ridge Rd
Billings Montana 59106

January 31, 2021
Planning Division, City of Billings,
Attn: Nicole Cromwell, Zoning Coordinator
Hello Ms. Cromwell,

I am recently aware of proposed zoning changes and annexation requests from Billings Flying Service for property they own on the north side of MSH 3, west of Logan Int'l Airport and immediately adjacent to property that has been developed for their helicopter maintenance and repair facilities'.

My residence in Sky Ranch, while not directly across the highway from the property in description above, will still be affected by whatever is planned and developed on the subject acreage, especially if the property in any size is zoned as CX, as is now proposed by the landowners.

The south side of State Highway 3 is now developed as residential housing and has been for many years; in the case of Sky Ranch, residences here are approaching 4 decades in age and we are in a location that is considered as "very special" because of the views and lack of commercial or industrial development in close proximity to us.

It is my opinion that CX zoning will bring projects that will have a direct negative impact on our way of life and the value of our properties. I am also concerned about increased traffic to such enterprises that may be developed in CX zoning as we have only one entrance/exit to our homes accessed from State Highway 3, and we are now already experiencing increased traffic at highway speeds at our location.

CX zoning allows for types of commercial projects that are not compatible with residential development that is already in place, but other than a request to change zoning and annexation, we have not been advised of any specific type of development by BFS that would justify such zoning. Changing the current zoning without a plan in place to justify such a change would be highly irregular and would result in collective discord in the area.

Please do contact me at any time for additional information or to continue with discourse on this subject.

Sincerely,

Jim Decker
djnjdecker@charter.net
406-200-7012

From: lgabrian@bresnan.net <lgabrian@bresnan.net>
Sent: Monday, February 1, 2021 8:58 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Comments for City Zoning Commission on Zone Change 987

Members of the City Zoning Commission,

I oppose the proposed zone change #987 request as written. I believe the requested Heavy Commercial (CX) zoning is not compatible with the neighbors living in the area, particularly when there are no covenants or even a general plan for development. Specifically, many of the land uses permitted under the Heavy Commercial (CX) zoning district are not compatible to nearby residents. As stated in the Zoning Code's Heavy Commercial (CX) description, "this district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited." There is an established residential neighborhood and the future Skyline Trail both within 150 feet of the property in the zone change request.

The applicant's property and the residential neighbors in the Highway 3 Corridor, including neighbors within the zone change valid protest area, are all in the Rimrock Neighborhoods Task Force (RNTF) area. Because of the COVID-19 pandemic, the RNTF has not been able to meet to discuss this zone change request; therefore, there is no RNTF position on the zone change. However, in visiting with neighbors in the zone change area, many have said that many of the land uses permitted in the Heavy Commercial (CX) zoning district are not acceptable or compatible to their neighborhood. Others are undecided because of the lack of information given to them and that the information is hard to find and is confusing because of the changes in the zoning codes due to Project Re:Code. They ask are we dealing with the old or new code or both on this zone change request? In addition, neighbors said they did not get any notice except from the RNTF that the applicant had amended their zone change application.

Perhaps the City Zoning Commission could consider a postponement of any action on this zone change request until the applicant and the City Planning Dept. can give the nearby neighbors more specific information on the amended zone change request. Additional communication between the applicant and the neighbors would be beneficial, particularly, if other zoning districts such as Commercial Mixed-Use (CMU1) or (CMU2) are discussed.

Lyle Gabrian, Chair

Rimrock Neighborhoods Task Force

From: Barbara Ramlow <crkside100@gmail.com>
Sent: Monday, February 1, 2021 10:06 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] proposed Billings zoning change #987

To the Billings City Zoning Committee:

We are astonished to see you are considering a zoning change proposed before your committee, #987, the rezoning of Tracts 1A, 1B, 13, and 14 to CX (Heavy Commercial). I attended a required informational meeting 12/9/20, hosted by Aviation Properties, which outlined the changes they were proposing to you. They indicated those parcels would be HC (Highway Commercial). They DID NOT TELL US they were requesting rezoning to HEAVY COMMERCIAL which would be totally inappropriate for the location. Are they required to host another informational meeting before you consider the issue?

Please take into consideration:

- This area now is an attractive and welcoming corridor for our citizens as well as travelers arriving and departing beautiful Billings.

- HEAVY COMMERCIAL should NOT be located on this corridor, just across the street from our neighborhood as well as others.

- HEAVY COMMERCIAL should NOT be across the street from the soon-to-be constructed Skyline Trail which is intended to allow millions of people to get outdoors to enjoy several miles of views from the Rims.

No matter future development, we suggest the following requirements:

1. No parcel access should be directly from Rt #3. We were assured at the 12/9/20 meeting that all traffic access to parcels would be from AJ Way.

2. Before development there should be a high berm constructed along the Rt #3 frontages of these parcels, on the north side of the highway, to preserve the natural beauty of the corridor.

Thank you for your consideration and doing what is best for Billings citizens and visitors.

Respectfully yours,

Barbara and Donald Ramlow
3450 Masterson Circle, Billings 59106
406-534-2102

From: Bob <courouge@vcn.com>
Sent: Monday, February 1, 2021 11:09 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Cc: Council <council@billingsmt.gov>
Subject: [EXTERNAL] Protest to Zone Change #987-Aviation Properties, LLC

Ladies & Gentleman,

My name is Brenda K. Dossett, I along with my husband Robert O. Dossett are the property owners of 3420 Masterson Circle, Lot 1, Blk 1, of the Sand Cliff Subdivision, Billings, immediately adjacent to the property involved in the request for zoning change under Zone Change #987.

As property owners in the immediate area we object and protest the rezoning and annexation of the property right across Highway 3 from our property.

We realize that Aviation Properties, LLC, (the Blains), have an investment in that property and they would like to get it developed; but, the fact of the matter is that when they acquired the property, they were fully aware of the zoning status and went forward knowingly and acquired the property.

Aviation Properties, LLC, (the Blains), have to realize that our property is also a monetary investment we've made toward our retirement funds and it has served as our home for the last 14 years.

We feel that the purposed zoning change to heavy commercial, would adversely effect the quality of life that we now enjoy, the investment we've made in our property, as well as our neighbors.

We would like to work with Aviation Properties, LLC, (the Blains), for a different use of this acreage, possibly residential, that wouldn't adversely effect the value our property/investment.

Further, I would take this opportunity to note, my husband and myself didn't receive any notices regarding the February 2nd deadline, for change. We are within the 150 foot notification area, and were wondering why we did not receive the required notice information. We heard about this Zone/Annexation Change from a concerned neighbor, yesterday (1-31-2021).

In closing, and for the record, we do object to the rezoning & annexation of Aviation Properties, LLC, (the Blains), property on Highway 3. Aviation Properties, LLC, (the Blains) were aware of the existing zoning regulations existing at the time of their acquisition.

We appreciate your consideration and strenuously objection to the rezoning and annexation of the proposed Zone Change #987.

Thank You-

Brenda K. Dossett

Property Owner & Mailing Address: 3420 Masterson Circle, Lot 1, Block 1, Sand Cliff Subdivision, in the City of Billings

Phone: 406-534-1255 (Home)

From: Howard Evans <howardevans@bresnan.net>
Sent: Sunday, January 31, 2021 5:58 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Council <council@billingsmt.gov>
Subject: [EXTERNAL] Zone Change 987 (Rims)

As a landowner and resident if the Sand Cliffs subdivision, I am writing in response to subject zone change.

I fully understand the need to better utilize the property under discussion, but strongly oppose the proposed Heavy Commercial designation. This designation would open development which could seriously impact traffic on Highway 3 as well as the aesthetics of the Rim area. Traffic on Highway 3 is treacherous to the residents of Sand Cliffs when trying to enter the roadway and especially hazardous for westbound traffic when trying to turn into the subdivision. I have had many close near rear-end encounters which have resulted in having to continue and instances where the following car had to pull into the borrow pit to avoid a collision.

Entering the town from Highway 3 and Airport Road presents a pleasant and welcoming experience to visitors to the Magic City. We should preserve and promote this feeling.

As a homeowner, I am also concerned about the value of my property. Having such a potentially disruptive and commercial area as a neighbor will decrease land values and possibly deny me enjoyment of my property. Heavy Commercial development does not belong on the Rims.

I am also concerned about the use of city utilities and the ability to provide the infrastructure to support such an area. What improvements would be necessary?

There are many other areas within the city and county which are open to Heavy Commercial development, including the East End Corridor. Why the Rims area?

Any commercial development along the Rims should be a planned development with provisions for spacing, construction, utilities, roadways, and allowed business designations. I am totally against a hodge-podge approach to developing this property. In my mind, something like a solar office park with supporting businesses would be ideal for this area and would be a showcase for the city and county.

I am asking that you give this request serious consideration as to long-term planning and the affect it will have on Billings' iconic Rims.

Howard Evans
LCDR, USN (Ret.)

3481 Masterson Circle
Billings, MT 59106
(406) 252-3558

From: rdfergus <rdfergus@bresnan.net>
Sent: Monday, February 1, 2021 3:37 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Zone Change 987 Dennis and Roleene Fergus

We are against the proposed zone change to CX on Tract 1A and 1B.

The proposed CX zoning is in close proximity to an established residential neighborhood.

Zoning should be intended to provide areas for commercial and service enterprises which are primarily intended to serve tourist, travelers, recreation or the general traveling public - NOT heavy commercial, warehouse and wholesale distribution facilities.

We strongly feel that zoning should be CMU1 or CMU2, preferably CMU!.

The West Entrance to our City should promote attractive, high quality development to provide an appealing image to the traveling public and community.

CX zoning DOES NOT promote compatible land use transition with sensitivity toward existing residential developments.

Zoning should preserve the iconic scenic vistas the Rimrocks offer. Additionally, Sky Line Trial will run parallel to the proposed CX zoned area.

Dennis and Roleene Fergus
3523 Masterson Circle
Billings, MT 59106

From: alahren@bresnan.net <alahren@bresnan.net>
Sent: Saturday, January 30, 2021 2:57 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Zone Change 987

I am opposing the proposed Zone Change 987 request. CX zoning does not promote an attractive, high quality development, to provide an appealing image of the City of Billings, to the travelling public and the community. This area is in the HWY 3 corridor and is the west entrance to Billings located on our iconic Rimrocks. I feel it is important to promote a development that will support the growth of the City and will provide services for Airport travelers and the surrounding residential areas. I am asking the Zoning Committee to reassess the zoning code associated with this area.

The proposed CX zoning is across the street (Hwy 3) from an established neighborhood. The description of a CX district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. The million dollar Skyline trail will run parallel to this CX zone.

The zoning in this area should provide areas for commercial and service enterprises which are primarily intended to serve tourists, travelers, recreationists or the general traveling public--not heavy commercial which will permit livestock auction yards, truck wash, servicing of heavy machinery, manufacturing and processing of goods.

Thank you for your consideration.

Alice Lahren
108 Sky Ranch Dr
Billings, MT

From: Dave <kinnlaw@bresnan.net>
Sent: Tuesday, February 2, 2021 11:41 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Zone Change Request No. 987

As long-time residents along Highway 3, we wish to protest and object to the second amended zone change/annexation application of Aviation Properties for a Heavy Commercial classification along the Highway 3 frontage. A portion of its land directly across from our subdivision (24 acres) was zoned Highway Commercial several years ago but under Project Recode has magically become Heavy Commercial. The remainder (20 acres) currently zoned Agricultural is just across the highway and west of our subdivision. If the second amended application is granted, it will also become Heavy Commercial.

The new Heavy Commercial zone under Project Recode is intended to replace the previous Highway Commercial zone and is meant for uses that need major arterial access and should not be directly adjacent to residential neighborhoods. The staff apparently decided to ignore that in their mistaken belief that the separation of Highway 3 somehow cures that second factor.

It appears the applicant is trying to take the benefit of Project Recode's new classifications before the ink is even dry on those documents adopted by the City Council last month after much deliberation. Of course the maps for the same are not yet available nor has the second amendment to the application been made readily available to the public for review. It's like playing whack a mole with the public process. The applicant has requested these changes with no defined development plans for the property, so why the rush and inability to make effective public comment?

As of today, from Indian Cliffs to Zimmerman County Park there is only residential and ag land, then from Zimmerman Trail to the east side of Sky Ranch, there are only family residences that have existed starting primarily in 1973. On the opposite side of Highway 3 from Indian Cliffs to the Aviation Properties land there is only agricultural and a few single family residences. As such, of all the major highway routes, this entry corridor into Billings is the only one that can make that claim. It is truly a blank canvas for this City to design and exercise reasonable and proper development for the long range betterment of the entire community.

The City and County, in conjunction with MDOT, have spent hundreds of thousands of dollars studying this very access and similar access points into Billings and concluded that the Highway 3 corridor in particular should be "enhanced as a scenic entryway into the City" and it should be utilized to "enhance recreational and aesthetic opportunities along the Rims". *Highway 3 Corridor Study, Final Report, April 2015*. That opportunity will be severely compromised or lost forever if this action is approved, as many of the allowable uses under Recode would clearly not be compatible or desirable along a gateway area to the city, especially one adjacent to residential areas. Examples would be truck service stations, stops, car washes, manufactured home, RV and trailer sales lots, truck and heavy equipment sales/rental, contractor yards, car sales and rental lots, manufacturing facilities, warehouses and livestock auction yards to name just a few.

Ironically, in September 2020, the City was lucky enough to be awarded an $11.6M federal highway BUILD grant which will be used (along with local funding and donations) to fund the construction of the Inner Belt Loop and the Skyline Trail as the Highway 3 portion of the trail along the Rims. The citizens of this community are excited to see the opportunities that such a multi-use path will afford our city, as it will allow users to access one of the premier views of our fair city, the river valley and the mountains beyond. What a magnificent thing to attract people to Billings and improve its quality of life. Highway 3 is already a busy road as anyone who lives along it can attest, so with the lack of development plans and proposed uses, is the land encompassed in the zone change and annexation request compatible with the premier Skyline Trail development and uses?

We support the objections of the Rimrock Task Force and other neighbors to these actions. Please forward this to the commission members and advise if you have any further questions or need further information.

Dave and Elaine Kinnard
106 Sky Ranch Drive
kinnlaw@bresnan.net

From: Steve <ladwh@yahoo.com>
Sent: Monday, February 1, 2021 11:41 PM
To: Bartley, Robbin <bartleyr@billingsmt.gov>
Cc: loi1916@hotmail.com
Subject: [EXTERNAL] Fw: Proposed rezone of Aviation Properties along Route 3

To Whom It May Concern - Please see below and ensure this message is forwarded to the appropriate city council members and planning/zoning personnel. Also, please note that the agenda published today for tomorrow's meeting regarding this matter contained a different email address and accelerated deadline for comment than the material sent out on 01/15/2021. At best, these last minute changes underscore the ineffectiveness of email and online communications for events and decisions of this magnitude, and also suggest a haphazard approach that undermines public confidence in the integrity & professionalism of this essential government function.

Steve & Lisha Payne

Hello Councilmembers,

I hope all is well and that your new year is off to a good start. I'm Steve Payne and I own 3441 Masterson Circle in Billings. My family & neighbors (many of whom are senior citizens) live across the street from the Aviation Properties, LLC property that was recently rezoned from agricultural to highway commercial (HC), and is under consideration to be further rezoned to heavy commercial (CX) use. We have several concerns about this matter, and respectfully request that it be postponed or discontinued, until such time as the following issues can be discussed & addressed by all concerned parties at in-person meetings, rather than via email & online meetings that don't provide all appropriate details or equitable access for everyone, especially many senior citizens and their families, who'll be negatively impacted by the proposed changes.

1) Zoom/Facebook meetings are not equitably inclusive, because they require equipment, broadband communication, social media accounts & technical knowledge that not all residents have. These challenges are often exacerbated for seniors, which are the majority of adjacent property owners & residents. Email suffers from some of the same challenges, and isn't an efficient, effective medium for the discussion of important or complex issues affecting hundreds or thousands of people.

2) The recent change from agriculture zoning to highway commercial was undesirable. However, the proposed adjustment to heavy commercial is completely out of keeping with the use and character of the adjacent areas. An established neighborhood with many well-maintained homes, owned by residents who've lived here for decades, is located immediately south of the subject property. To the west are scenic open fields and the Rehberg Ranch subdivision, with modern family homes and popular playgrounds & parks. To the north is a scenic natural Montana landscape with a stream and charming wildlife. None of these things are in keeping with the proposed rezoning for heavy commercial development.

3) The proposed rezoning and subsequent development present a serious public health & safety risk, especially for the numerous senior citizens and children who live nearby or visit frequently, as they're at higher risk for the negative health & environmental impacts commonly associated with heavy commercial uses, such as runoff; air, soil & ground water pollution; pedestrian safety hazards associated with the use of heavy machinery; etc.

4) Route 3 is a popular artery for travelers entering Billings from the west and for nearby neighborhood residents. As such, development of the subject property would be best suited to useful amenities, contemporary residential housing or a park, rather than heavy commercial uses that don't augment the existing neighborhoods or present Billings in a welcoming, family-friendly manner. It would also significantly undermine the continued use & development of Sky Trail and other nearby hiking areas, which are frequented by thousands of Billings residents.

5) In addition to substantially undermining the safety & character of the existing neighborhoods near the subject property, the proposed rezoning & heavy commercial development would significantly damage existing property values, which would have a corresponding effect on local property tax revenues. Any potential rezoning of the subject property must defer to the existing character & zoning of the surrounding area, especially in the absence of any substantial public safety benefit. This is the overriding tenet of fair, effective zoning & city planning.

6) Last, it appears that the lots in question are rated at less than LDN 65 or at LDN 65-70 (for those further from the street) related to the airport area of impact. This makes it eligible for homes, schools, libraries, churches, dance studios, gyms, grocery stores, shopping centers, coffee shops, hotels, government buildings, medical facilities, general retail etc. Development in this vein builds communities, welcomes visitors, supports neighborhood development & engagement, provides services to a wide range of consumers, and provides business income & property tax revenue for the city. The heavy industrial commerce allowed under CX zoning doesn't achieve these benefits and undermines the families who've already made this area their home. A rezone of NMU or CMU1 would be much more fitting to the area, public health & safety, and the long-term growth of the unique, historic rims area.

Given the substantial importance & complexity of the aforementioned issues, it's respectfully requested that this matter be postponed until additional details regarding the proposed rezoning & development are provided, and appropriate in-person meetings can be conducted, to ensure the equitable participation of all affected Billings citizens & nearby residents in this essential community decision. Thank you, in advance, for your prompt attention to and fair, good faith handling of this matter, especially during the ongoing COVID-19 pandemic, when some have sought to exploit public health measures & the unprecedented decrease of in-person interactions for personal or political gain.

Steve

Paul and Jill Scarpari
3440 Masterson Circle
Billings MT

On January 31, 2021. Paul and Jill Scarpari of 3440 Masterson Circle left a voice mail message with Nicole Cromwell to oppose Zone Change 987 for the proposed Highway Commercial (Heavy Commercial) zoning and to propose another zoning would be more appropriate such as Corridor Mixed Use 2.

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON Tract 1A and Tract 1B of C/S 1889, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. **DESCRIPTION.** **Tract 1A and Tract 1B of C/S 1889**, is presently zoned **Agriculture (A)** and is shown on the official zoning map within this zone.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Tract 1A and Tract 1B of C/S 1889,** is hereby changed from **Agriculture (A)** to **Highway Commercial (HC)**, a zone that will update to **Heavy Commercial (CX) on February 25, 2021** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Heavy Commercial (CX)** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of February, 2021.

PASSED, ADOPTED and APPROVED on second reading this 8th day of March, 2021.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 987 – Highway 3 and AJ Way

City Council Regular

Date:	02/22/2021
Title:	Public Hearing and Resolution- Annexation 21-01
Presented by:	Monica Plecker
Department:	Planning & Community Services
Presentation:	Yes

RECOMMENDATION

Staff recommends the City Council hold a public hearing and annex the petitioned property with the staff recommended conditions of approval.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

BCJM LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located at the northeast corner of Hawthorne Lane.The property is described as The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003.

The property contains16.741 gross and net acres. The property is currently zoned Agricultural Open Space. The petitioner is also seeking a zone change to R-7000 which would become N2. On February 2, after conducting a public hearing, the City Zoning Commission recommended approval of Zone Change 988. In order for the Council to consider action on ZC988, the Resolution of Annexation must first be approved.

Although MCA 7-2-4600 does not require a public services plan, it is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. The proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area is located within the City's Annexation Petition Area on its Limits of Annexation Map.
2. The City is able to provide adequate city services within a time period mutually agreed to by the property owners requesting annexation and the city.
3. Existing or proposed public improvements within the area to be annexed will meet City standards.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest future Special Improvement Districts.
5. If annexed, any proposed land use will comply with the zoning.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below. The County Public Works Department did not respond to this annexation request.

â€¢Water and Sanitary Sewer: Water is within the Heights Water District and Sanitary sewer is available through the existing sewer system serving Bitterroot Height Subdivision.

â€¢ Storm water: City storm drain is available for this development via the existing infrastructure installed with the last phase of the development. Future development would need to meet the requirements of the Stormwater Management Manual.

â€¢ Transportation: The area, when developed, will be responsible for adding 4' of pavement to Hawthorne Lane. Additionally, Strapper Lane will be improved and extended to provide access to the site as well. These improvements are not required as a condition of annexation, rather they will be required with future development as the Subdivision Regulations require.

â€¢ Fire Stations: The subject property is currently served by the Billings Fire Department through the Billings Urban Fire Service Area and the Billings Fire Department will continue to serve the property upon annexation. The Billings Fire Department stated that as this and other annexations are built out, additional fire department resources will be needed. The nearest fire station is Station Fire Station #6, located on Wicks Lane, about 2.65 road miles north of the subject property.

â€¢ Parks: It is anticipated if the zone change and annexation are approved, an application for subdivision will follow. Residential subdivisions require the developer provide parkland dedication or a cash-in-lieu contribution. Dedication and maintenance will be handled through the Subdivision Improvement Agreement.

â€¢ School facilities: It is anticipated over time this area will develop as a residential use. School District No. 2 will serve the development.

General City Services: These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers

that responded did not object to the annexation of this property.

â€¢ Transit: The closest route to this location is located at Pemberton and Bench. As with other areas of the Heights, MET Transit anticipates demand in this area.

â€¢ Police: The Police Department staff stated that while additional patrol staff have been approved, continued annexation without additional resources may affect response times and ability to deliver services. Continued expansion without commensurate resources will affect the department's ability to delivery services.

â€¢ Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.

â€¢ Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.

â€¢ Public Works-Solid Waste: The Solid Waste Division had no concerns with annexing the property, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.

â€¢ Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. This property may be within the area of acceptable response time.

â€¢ Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.

â€¢ Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports this proposal is in accordance with the annexation policy. This area is immediately adjacent to existing city limits and existing residential development.

STAKEHOLDERS

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property on February 5 and published in the Yellowstone County News on February 5 and 12. The Planning Division has not received any inquiries about this petition at the time this memo was prepared.

ALTERNATIVES

The City Council may approve or deny the petition for annexation. Denial of the petition will mean the City Council cannot consider amendments to the Ward II boundary, concurrent development agreement and Zone Change 988.

- On January 5, 2021, the annexation petition was submitted to the Planning Division by the owner's agent. A delay in the application was requested so the annexation petition and zone change could be considered concurrently.
- On February 22, 2020 the City Council will conduct the public hearing for the annexation and may take action on the request.
- On February 22, 2020, if the City Council approves the annexation resolution, a public hearing and first reading of an ordinance to include the property in City Council Ward II will be conducted.
- On March 8, 2021, the City Council will conduct the second and final reading for the ordinance expanding the Ward II boundary.

FISCAL EFFECTS

The item has no impact on the Planning Division budget.

Attachments

Resolution
Limits of Annexation Map

RESOLUTION NO. 21 -

A RESOLUTION APPROVING PETITION FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

   Tracts of Land situated in the SE 1/4 of Section 11, T.1N., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

   The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003.

Said annexation containing a combined total of 16.741 gross and net acres more or less

(# 21-01) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following condition:

- Prior to site development, a Development Agreement shall be executed between the owner(s) and the City that shall stipulate specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of Special Improvement Districts will be recorded;

3. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 22nd day of February, 2021.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

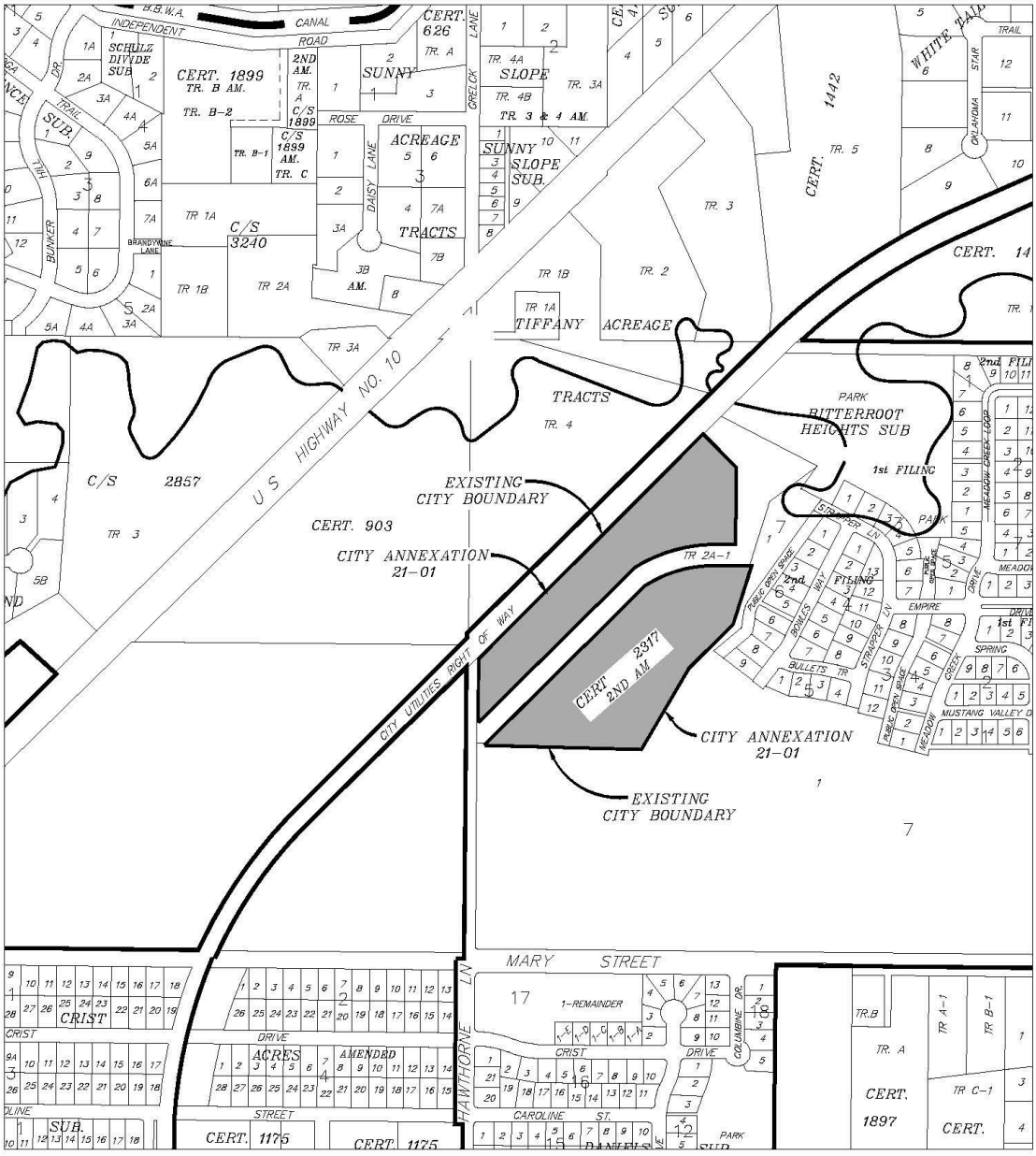
ATTEST:

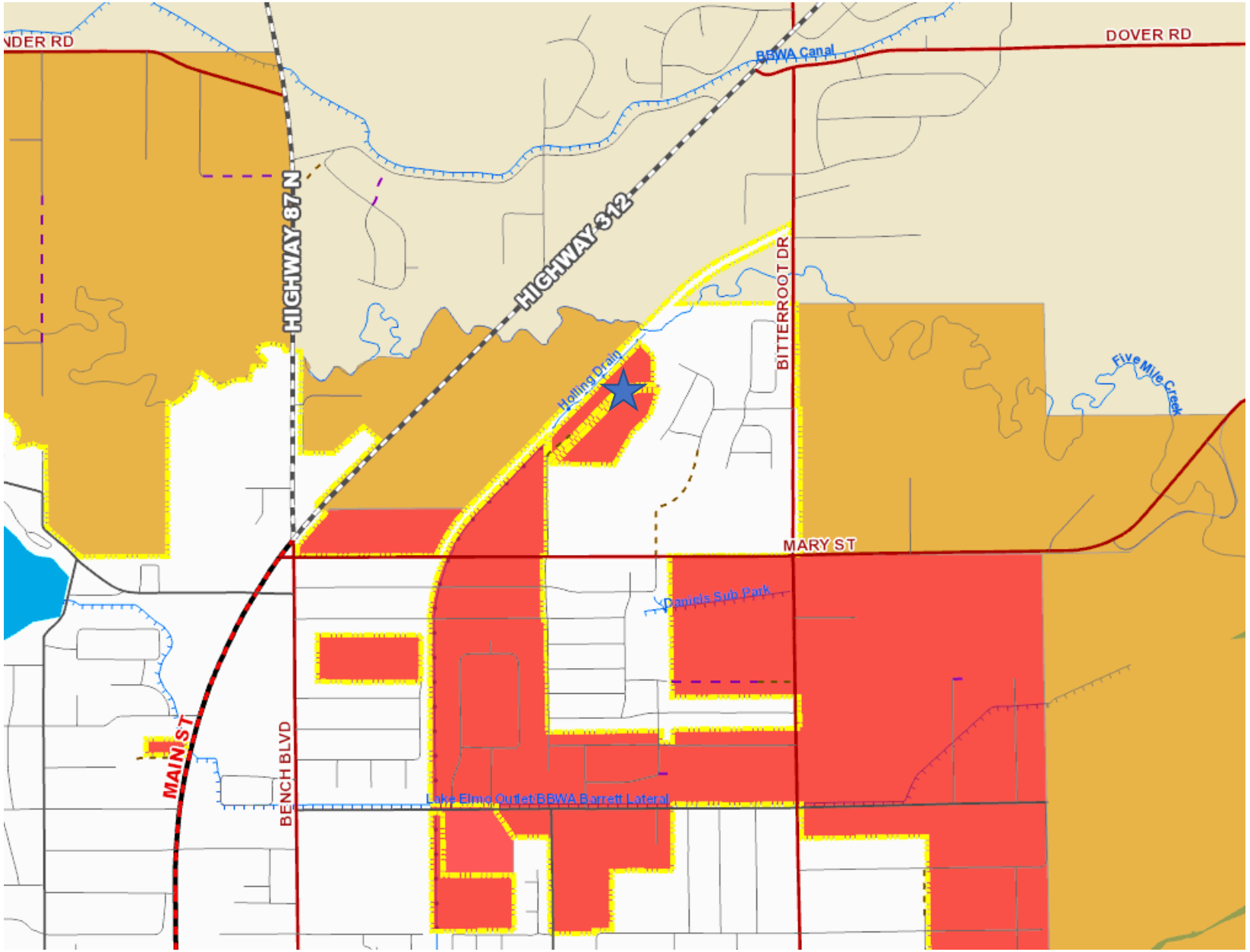
BY: _____

Denise R. Bohlman, City Clerk

(AN# 21-01)

EXHIBIT "A"


U S HIGHWAY NO. 10
EXISTING CITY BOUNDARY
CITY ANNEXATION 21-01
CERT. 2317 2ND AM.
CITY UTILITIES RIGHT OF WAY
CERT. 903
TIFFANY ACREAGE
SUNNY SLOPE SUB.
SUNNY ACREAGE TRACTS
SCHULZ DIVIDE SUB
CERT. 1899 TR. B AM.
TR. B-2
C/S 3240
C/S 2857
CERT. 626
CERT. 1442
BITTERROOT HEIGHTS SUB
1st FILING
2nd FILING
MEADOW CREEK LOOP
EMPIRE
SPRING CREEK
MUSTANG VALLEY
HAWTHORNE LN
MARY STREET
CRIST DRIVE
CRIST ACRES AMENDED
CAROLINE ST.
COLUMBINE DR.
CERT. 1175
CERT. 1897
PARK
1-REMAINDER



Limits of Annexation Map - Red = Petition Area

City Council Regular

Date:	02/22/2021
Title:	Development Agreement with BCJM Properties, LLC for Certificate of Survey 2317 2nd Amended, Tract 2A-1
Presented by:	Debi Meling
Department:	Public Works
Presentation:	Yes

RECOMMENDATION

Staff recommends that the City Council approve the development agreement with BCJM Properties, LLC.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

At the February 22, 2021 meeting, City Council will consider annexation of the Certificate of Survey 2317 2nd Amended,Tract 2A-1. The property is located south of Mary Street and west of Bitterroot Drive. The property owner desires to subdivide the land as a residential subdivision. Their intention is to submit for subdivision review in the spring of 2021. Typically, as a condition of approval of the annexation, the property owner is to enter into a development agreement with the City of Billings outlining necessary public improvements. The property owners submitted the attached development agreement and the Council will consider whether to approve the agreement. The development agreement outlines required improvements if this property were to develop without subdividing. When a subdivision is submitted, the property owners will enter into a Subdivision Improvements Agreement outlining required improvements.

ALTERNATIVES

City Council may:

- If the annexation is approved, then approve the development agreement with the property owner; or
- Disapprove the development agreement. If the agreement is not approved, the responsibility for infrastructure improvements would be in accordance with policies in place at the time of development.

FISCAL EFFECTS

The financial impact of this agreement is dependent on policy changes that may occur before development. If development occurs before any changes to the City's development policies, there would be no financial impact. If development occurs after City development policies change, the financial impact would be dependent on the changes.

Attachments

Development Agreement

Return to:
Performance Engineering, LLC
608 N 29th Street
Billings, MT 59101

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made this _____ day of _____, 20____, by and between BCJM Properties, LLC, 2409 Nina Clare Rd., Billings, MT 59102 hereinafter referred to as "DEVELOPER," and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the "CITY." DEVELOPER and CITY are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties."

WHEREAS, DEVELOPER is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

> The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003 hereinafter referred to as "Developer Tract"

WHEREAS, DEVELOPER has submitted to the City a Petition for Annexation to the City for Developer Tract; and

WHEREAS, DEVELOPER desires to annex Developer Tract into the City; and

WHEREAS, DEVELOPER is proposing to develop the Developer Tract in one phase as shown in Exhibit A of this document: and

WHEREAS, CITY has approved the Petition for Annexation by Resolution No. _ _____ for the Developer Tract contingent that a Development Agreement,

be executed between CITY and DEVELOPER to identify required off-site infrastructure improvements and guarantees of those improvements.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties do hereby agree as follows:

1. *Roads and Access.* The Developer Tract will be accessed by way of one existing approach along Bitterroot Drive (Empire Drive). The Developer Tract will also be accessed by way of one proposed approach off Mary Street via Hawthorne Lane at the time that the City deems it necessary during subdivision review. All internal roads within Developer Tract will be paved and public.

2. *Sanitary Sewer.* The Developer Tract will be served by extending an existing sanitary sewer main located in the 2nd Filing of Bitterroot Heights Subdivision. Developer will be responsible for this construction. Sanitary sewer system development fees shall be paid at the time of building permits are issued to each individual residence.

3. *Water.* The Developer Tract will be served by extending an existing water main along Strapper Lane operated and maintained by the County Water District of Billings Heights.

4. *Storm Drain.* The DEVELOPER will manage storm drainage within the Developer Tract in accordance with the City of Billings Stormwater Management Manual (2018).

5. *Right-of-Way.* No dedication of right-of-way is required from the Developer Tracts.

6. *Street Widening.* Hawthorne Lane shall be widened to a 30-foot asphalt road at the time of development of Development Tracts.

7. *Future Intersection Contributions*. If subdivided in the future, DEVELOPER will be required to submit a traffic impact study in accordance with the City of Billings Subdivision Regulations. This will determine, if necessary, any cash-in-lieu contributions toward the improvement costs associated with any future intersection improvements.

8. *Other Public Improvements.* For any other improvements not specifically listed in this Agreement, the CITY shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, street

construction and paving, curb, gutter, sidewalks, driveways, storm drainage, and street lighting. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof.

8. *Compliance.* Nothing herein shall be deemed to exempt the Developer Tracts from compliance with any current or future City laws, rules, regulations, or policies that are applicable to the development, redevelopment, or use of the subject property.

9. *Runs with Land.* The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.

10. *Attorney's Fees.* In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs, including those fees and costs of in-house counsel.

11. *Amendments and Modifications.* Any amendments or modifications of this Agreement shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"DEVELOPER" BCJM Properties, LLC

By: _____

Title: _____

STATE OF MONTANA)
:ss
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the_____ of BCJM Properties, LLC, and who acknowledged to me that said DEVELOPER executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

This Agreement is hereby approved and accepted by City of Billings, this ___ day of _____, 20___.

"CITY" CITY OF BILLINGS, MONTANA

By:_____
Mayor

Attest:_____
City Clerk

STATE OF MONTANA)
:ss
County of Yellowstone)

On this _____ day of_____, 20___, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

Approved as to Form:

_____
City Attorney

WAIVER OF RIGHT TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, Owner of the hereinafter described real property, does hereby waive the right to protest the formation of one or more Special Improvement Districts (SID) for the construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area and other incidental improvements which the City of Billings may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall be recorded in the office of County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003, Yellowstone County, Montana.

"DEVELOPER" BCJM Properties, LLC

By: _____
Title:_____

STATE OF MONTANA)
:ss.
County of Yellowstone)

On this ____ day of _____, 20___, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as the _____of BCJM Properties, LLC, and who acknowledged to me that said DEVELOPER executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

_____
Notary Public in and for the State of Montana
Printed name:_____
Residing at:_____
My commission expires:_____

Regular City Council Meeting
Meeting Date: 02/22/2021
Title: Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 21-01
Presented by: Monica Plecker
Department: Planning & Community Services **Division:** Planning

RECOMMENDATION

Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward II.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

BCJM LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located at the northeast corner of Hawthorne Lane.The property is described as The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003. The property contains 16.741 gross and net acres.

Upon Council approval, this annexation requires a change in the boundaries of Ward II. Two readings are required for this action. The first reading of the ordinance is tonight at this Council meeting, along with a public hearing, and the second reading is scheduled for March 8, 2021.

ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward II, or;
- Disapprove adding the subject property to Ward II.

Disapproval will not modify the boundary of Ward II and will create a problem where property inside the City Limits is not within a City Ward.

FISCAL EFFECTS

This item has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD II PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward II the following described real property:

   Tracts of Land situated in the SE 1/4 of Section 11, T.1N., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

   The remainder of Tract 2A-1, of Certificate of Survey No. 2317, 2nd Amended, recorded June 9, 2005, under Document No. 3335995, on file and of record in the Records of Yellowstone County, also being Yellowstone County islands wholly surrounded by the City of Billings city limits created by Resolution No. 85-14995, as approved by the City of Billings City Council August 5, 1985, Resolution No. 93-16756, as approved by the City of Billings City Council October 4, 1993 and Resolution No. 03-18013, as approved by the City of Billings City Council August 25, 2003.

Said annexation containing a combined total of 16.741 gross and net acres more or less

(# 21-01) See Exhibit "A" Attached

2. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify

the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

PASSED by the City Council on the first reading this 22nd day of February, 2021.

PASSED by the City Council on the second reading this 8th day of March, 2021.

THE CITY OF BILLINGS:

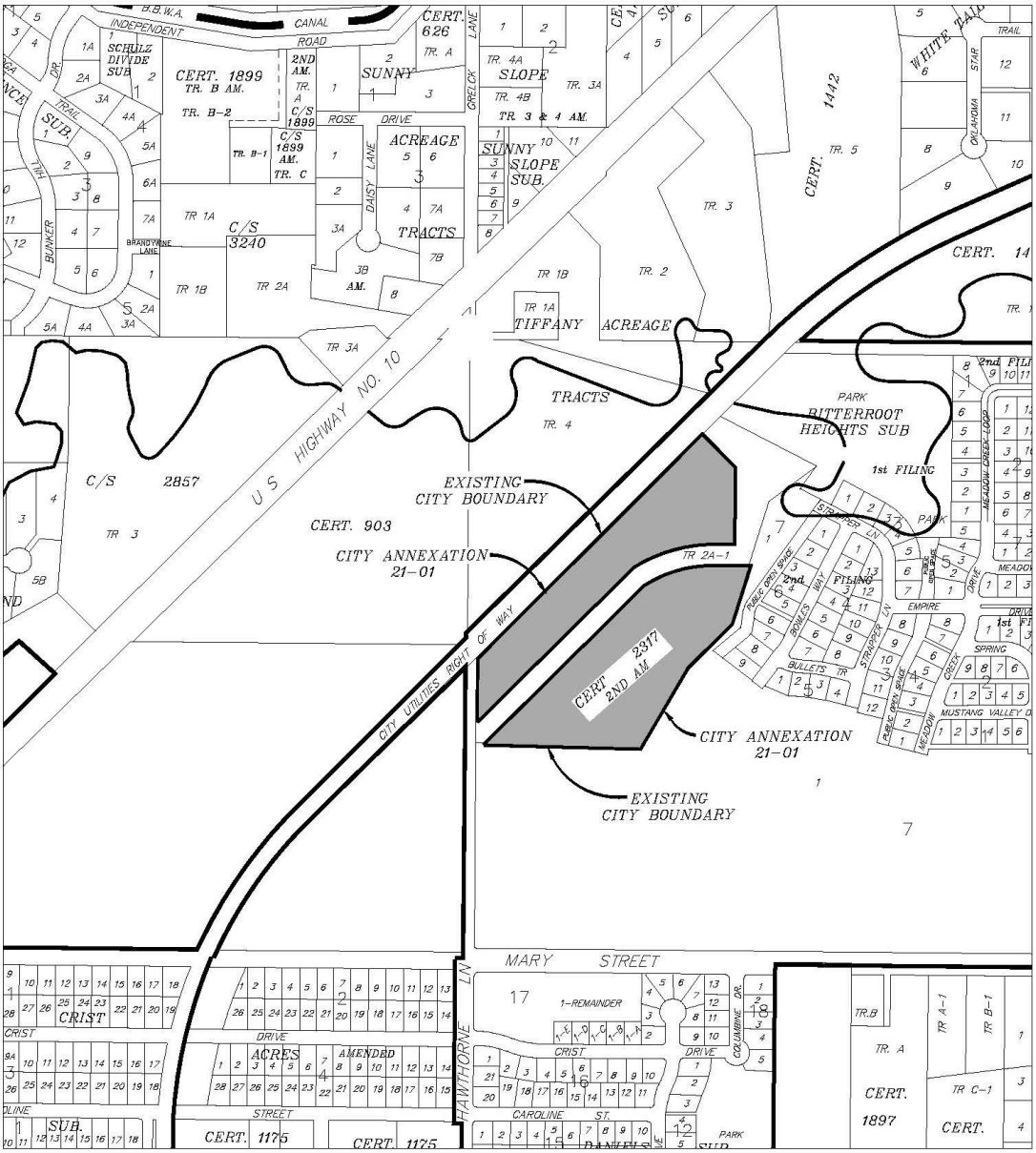
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(AN 21-01)

EXHIBIT "A"


U S HIGHWAY NO. 10
EXISTING CITY BOUNDARY
CITY ANNEXATION 21-01
TR 2A-1
CERT. 2317 2ND AM.
CITY UTILITIES RIGHT OF WAY
CERT. 903
C/S 2857
C/S 3240
TRACTS
TIFFANY ACREAGE
SUNNY SLOPE SUB.
BITTERROOT HEIGHTS SUB
1st FILING
2nd FILING
MARY STREET
HAWTHORNE LN
CAROLINE ST.
CRIST DRIVE
CERT. 1175
CERT. 1897
CERT. 1442
CANAL
INDEPENDENT DITCH
ROAD
ROSE DRIVE
DAISY LANE
ORELOCK LANE
BRANDYWINE LANE
BUNKER TRAIL
WHITE TAIL TRAIL
OKLAHOMA STAR
MEADOW CREEK LOOP
EMPIRE DRIVE
SPRING CREEK
MUSTANG VALLEY DR
COLUMBINE DR
PARK
1-REMAINDER
AMENDED ACRES
SCHULZ DIVIDE SUB
SUB.

City Council Regular
Date: 02/22/2021
Title: Zone Change 988 - 2526 Hawthorne Lane
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes

RECOMMENDATION

The Zoning Commission recommends approval and adoption fo the findings of the 10 criteria for Zone Change 988 on a 4-1 vote.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request from Agricultural (A) to Residential-7000 (R-70), on Tract 2A-1 of Certificate of Survey 2317 2nd Amended, a 16.41-acre parcel of land. A pre-application neighborhood meeting was held on December 14, 2020, via virtual Zoom meeting. BCJM Properties, LLC is the owner. The subject property currently outside the city limits and is zoned Agriculture, a county zoning district. The proposed zoning of R-70 would update to the new N2 zone district upon annexation and the effective date of the new zoning code and districts. The N2 and R-70 zone districts are analogous and both districts allow one or two-family dwellings on mid-sized lots. The current zoning uses a minimum lot area for zoning and the new zoning uses minimum lot frontage per principal structure for lot design. Both zone districts can allow single family dwellings on individual lots or on common land as in a townhome style development.

The adjacent property has gone through four zone change processes over the past 35 years. In 1985, the owners of the former gravel mine on this property proposed a manufactured home park. The proposal was met with stiff resistance from the surrounding owners and was well beyond the city limits making city service provision challenging. This application was withdrawn. In 1991, the owners proposed a small zone change from the A-1 zone to R-70 on the northern 29 acres of Lot 3A. This area was annexed and the zoning approved but was never developed. In 2003, the remaining 100+ acres of Tract 3A was annexed to the city and zoned R-96 and single family only zone district. In 2004, the owner proposed a zone change to R-70. This was also approved but had much opposition from the surrounding owners, county neighborhoods and Heights Task Force. The owners signed a pre-subdivision covenant and restriction for Tract 3A stating no lot within a future subdivision of Tract 3A would be used for "a duplex or multi-family use", and that lots along the perimeter of Tract 3A on the south and east would be at least 9,600 square feet in area. This covenant does not apply to Tract 2A-1, the subject property of this zone change request. In early 2005, the city approved the last zone change for Lot 3A (Bitterroot Heights, 1st Filing and 2nd Filing) from R-70 to R-70-R. This zoning district allowed smaller lots (7,000 square feet) but restricted uses to single-family only on any lot in the subdivision. Private covenants and restrictions for Bitterroot Heights, 1st and 2nd Filings included the restriction on "duplex or multi-family uses". The original covenant from 2004 for Tract 3A expires in 2029.

APPLICATION DATA
OWNER: BCJM Properties, LLC
AGENT: Performance Engineering - Rob Neihart
LEGAL DESCRIPTION: Tract 2A-1 of C/S 2317
ADDRESS: 2526 Hawthorne Lane
CURRENT ZONING: Agriculture (A)
EXISTING LAND USE: Vacant
PROPOSED USE: Single family and two-family dwellings
SIZE OF PARCEL: 16.41 acres
CONCURRENT APPLICATIONS
AN 21-01 Petition for Annexation

The proposed 2004 subdivision master plan for Bitterroot Heights included Tract 2A - now Tract 2A-1. The layout of the lots was not definitive but the filings of the subdivisions intended to connect streets and utilities throughout. This proposed zone change could allow the same level of density in the existing filings of Bitterroot Heights of about 4 to 6 dwelling units per acre. Any new subdivision would require compliance with city engineering requirements, street designs, utility design and stormwater control. The current number of dwellings in the first two filings of Bitterroot Heights is 115 single family dwellings on about 35 acres of land (including street right of ways). The Billings Heights Neighborhood Plan (2006) indicates this area of Billings Heights should continue to develop with the same types of housing and density. In the adopted plan, the areas closer to Bench Boulevard, Main Street and Lake Elmo Road were chosen for higher densities and for mixed uses including mixed use buildings. New development tends to sustain and support existing development property values especially in new neighborhoods.

The property has a legal and physical access at the gate at the dead end of Hawthorne Lane. There is one existing storage building on the property. The proposed zoning should not affect the value or utility of this existing structure. Any development of the property for a subdivision will require two full access points. A connection to the existing Bitterroot Heights Subdivision is possible although the owner may choose a different second access point.

The Planning staff reviewed the request and recommended approval to the Zoning Commission based on the findings of the 10 review criteria. The Zoning Commission concurred. The adjacent zoning and development is similar and will provide continuity between the developments. County land uses to the north and west are agricultural but there is sufficient land area

to ensure compatibility. Planning staff received one letter of comment concerned about the possibility of townhomes (two-family dwellings) and not just single family dwellings for sale on individual lots. The adopted Growth Policy of Billings does support compatibility of development however, single family and two-family dwellings are not considered incompatible uses. The type of two-family townhomes developed by this owner include units on the 800 block of Avenue D that command a market price of up to $400,000 per unit ($800,000 per structure). This area of Billings Heights is at the edge of the limits of annexation, and is the last piece of the owner's property to petition for annexation. The proposed zoning and uses are conforming to the growth policy and development can occur without disrupting the existing neighborhood fabric.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on February 2, 2021 and received the staff report and testimony from the applicant's agent, and surrounding property owners. In addition, the Zoning Commission received eight letters of comment from surrounding owners against the zone change and a four-page petition against the zone change (See Attachments).

Rob Neihart of Performance Engineering provided testimony to the Zoning Commission explaining the need for the zoning to allow a few housing options in this next phase of the Bitterroot Heights Subdivision. He stated as currently drawn, this phase will have about 12 lots capable of having a two-unit townhomes on the property. The total number of lots in this next phase will be about 70. He stated the owner has developed similar townhomes in the city and those townhomes are currently marketing for 300K to 400K per unit. This is a similar price point to some of the new single family detached homes in the neighborhood. Mr. Neihart stated there is land between the existing homes in Bitterroot Heights and this phase so no one in an existing single family residence will be directly adjacent to one of the new townhome lots. He also stated that a future subdivision and annexation will require further review and approval by the City Council.

The surrounding neighbors who called in include Lindsay Richardson of 2905 Spring Gulch Way, Warren Schaff of 2523 Bowles Way, LuAnn Herring of 2626 Meadow Creek Loop, Joey Kiernan of 2526 Strapper Lane, Thomas Klunder of 2650 Meadow Creek Loop, Dennis Dirks of 2514 Bowles Way, and Marty Edwards of 2520 Bowles Way. The primary concern of the callers was the fact the developer showed and marketed the entire area, including the subject property, as a single family only exclusive area. The owners are concerned about turning the area into a rental property that will lead to additional crime. The neighbors were concerned the proposed zoning was only to make some additional money from the property but at the expense of their property values.

Mr. Neihart stated the new full second access to Bitterroot Heights Subdivision will be the Hawthorne Lane access from Mary Street. The current emergency access from the end of Strapper Lane can then be retired. He stated townhomes or twin homes are already prohibited on any lot in the existing Bitterroot Heights Subdivision including the remainder of Tract 3A-1 to the south as that tract is subject to the 2004 restrictive covenant. He stated with a price point of 300K per townhome unit it is not likely the units would become rentals. He stated the concern about "doubling" the traffic is not true given the number of potential twin home lots is 12 out of the 70 planned lots. He stated if City Engineering requires an update to the already completed traffic analysis for Bitterroot Heights Subdivision, they will provide the update.

Commission member Dan Brooks made a motion to recommend approval and adoption of the findings of the 10 review criteria for Zone Change 988. The motion was seconded by Commission member Trina White. The motion was approved on a 4-1 vote. Commission member Jack King voted in opposition to the motion.

ALTERNATIVES

City Council may:

- Adopt the findings of the 10 criteria as recommended by the Zoning Commission and approve the application; or
- Amend the findings of the 10 criteria as recommended by the Zoning Commission and approve or deny the application; or
- Delay action up to 30 days.

FISCAL EFFECTS

Approval or denial of the requested zone change should have no effect on the Planning Division budget.

SUMMARY

Prior to making a decision on the zone change, the City Council shall consider the findings of the 10 criteria as recommended by the Zoning Commission.

1. Is the new zoning designed in accordance with the Growth Policy?
The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:
Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:
To provide safe, good quality and affordable housing in the Heights. Develop housing patterns that are compatible with existing neighborhoods. Encourage high density multi-family development along arterial routes. Maintain similar housing in established neighborhoods.

The proposed zoning will allow another housing choice in an area with primarily only one housing choice. The Bitterroot Heights Subdivision to the east has allowed only one housing choice. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where the only choice right now is a detached single family residence on a larger lot. The overall density will remain essentially the same throughout the area.

2. Is *the new zoning designed to secure from fire and other dangers?*
The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not significantly increase post-development traffic volume. A traffic impact study (TIS) or an update to an existing TIS will be necessary at the time of development.
Water and Sewer: The City provides water and sewer to the property.
Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The existing Bitterroot Heights Subdivision has dedicated parkland and trail easements. If any additional parkland is necessary, this will be determined at the time of development.
Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?
The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
Traffic generation from a potential 60 to 90 new dwelling units will be between 480 and 720 new vehicle trips per day. This trip counts includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new development will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning designation itself should not have any increase effect on the transportation system.

7. Will the new zoning promote compatible urban growth?
The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhood.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?
The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area.

9. Will the new zoning conserve the value of buildings?
There is one existing building on the property and the closest existing residence is about 130 feet to the west on Bowles Way.

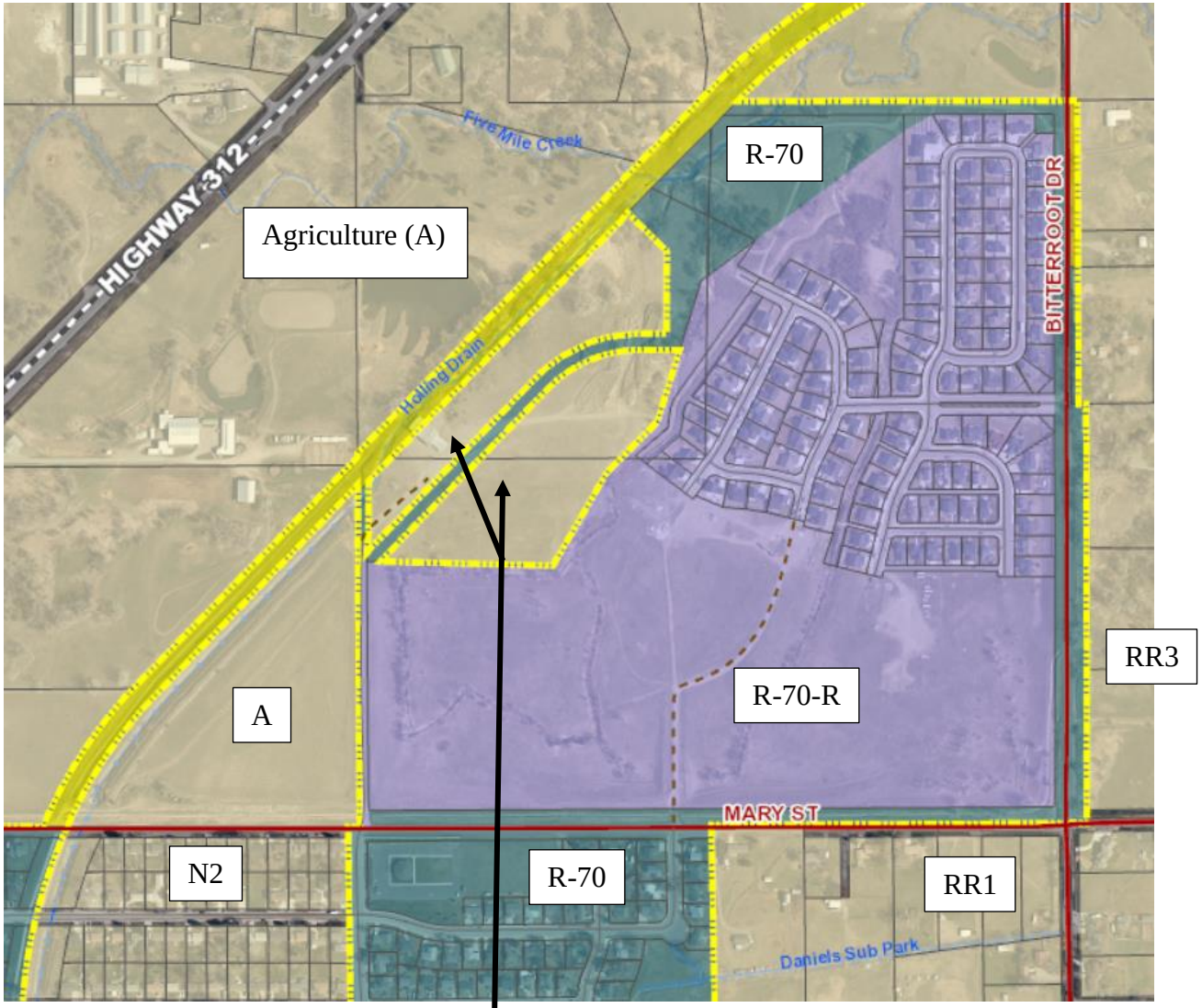
10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will allow the development of another housing choice in this area of Billings Heights. This is the most appropriate use of the land.

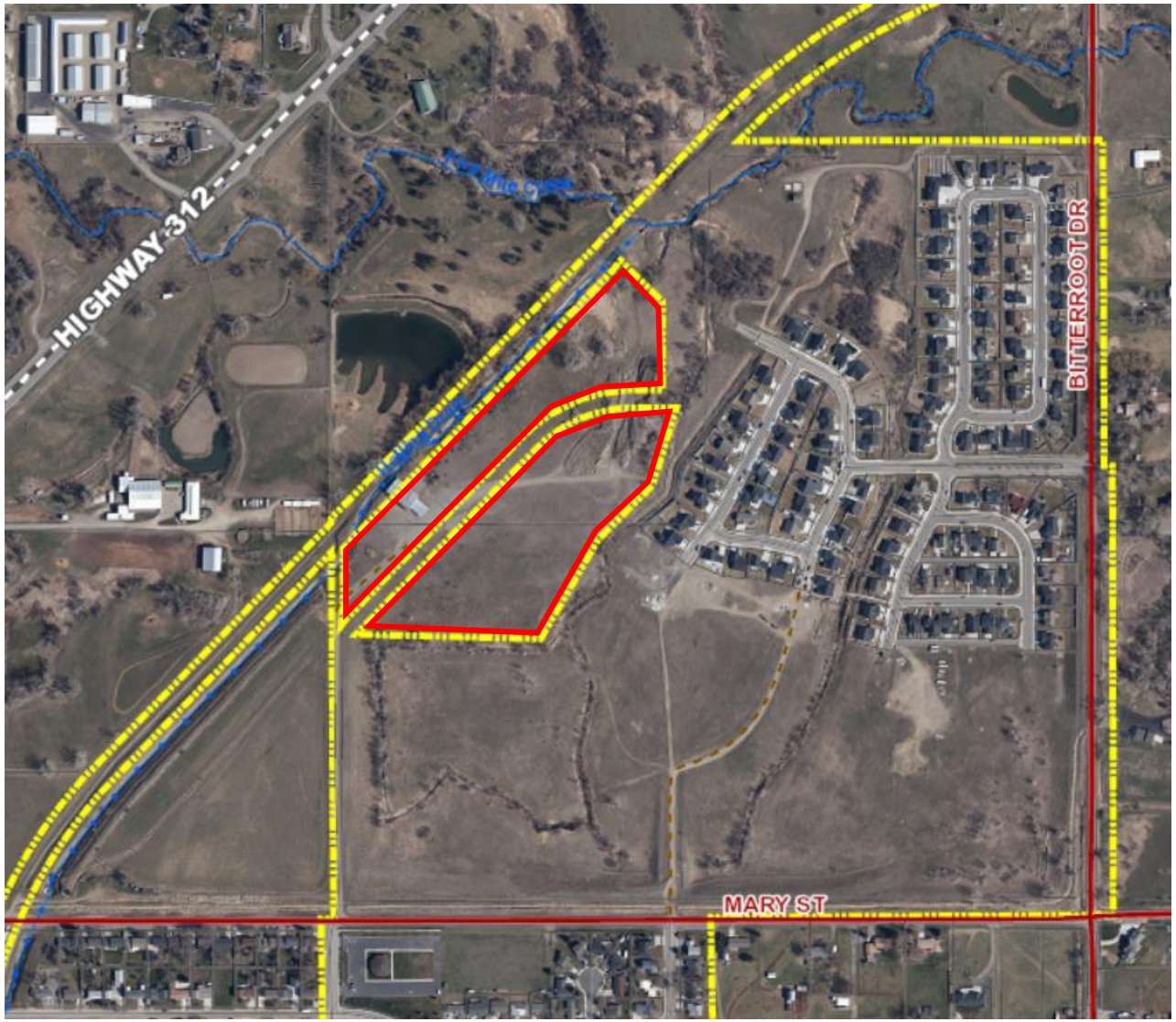
Attachments

Zoning Map and Site Photos
Application and Letter
Public Comments as of Feb 2 2021
Zone Change 988 Ordinance

City Zone Change 988

Zoning Map and Site Photos




HIGHWAY 312
BITTERROOT DR
MARY ST

Subject Property from Hawthorne Lane gate

Subject property view north and east

Subject property view north and east

View of Bitterroot Heights Subdivision north and east

View south across Mary Street at intersection with Hawthorne Lane

View south west at Mary St and Hawthorne Lane

Entrance to Bitterroot Heights Subdivision from Bitterroot Drive (2015)

Zone Change 988
Applicant's Letter and Information

ZONE CHANGE REQUEST

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Regulations.

Check one: ☑ **City of Billings Zone Change** ☐ **Yellowstone County Zone Change**

Address 2526 HAWTHORNE LN

Legal Description Tract 2A-1 of COS 2317 2nd Amd less previous annexed portions (R91-16418)

STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?
2. Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
3. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

REQUIRED UPLOADS Online Applications: https://services.billingsmt.gov/citizenaccess/

--Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

--Signed Application and Zone Change Statement (Zone Change questions)

--Site Plan --Typed Mailing Labels Certified Surrounding Property Owners

--Radius Map & Certified List of Property Owners

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. I attest that all the information presented herein is factual and correct.

Recorded Owner(s) BCJM Properties, LLC

Owner's Address 2409 Nina Clare Rd, Billings, MT 59102

Owner's Phone Number 406-672-8916 **E-mail** brosovich@bresnan.net

Applicant/Agent Performance Engineering

Applicant/Agent's Address 608 N. 29th Street

Applicant/Agent's Phone Number 406-384-0080 **E-mail** rob@performance-ec.com

Signature of Recorded Owner(s) Brittany Doucette Date 01/04/21

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. SEC. 27-1502. AMENDMENTS TO CHAPTER. (a) General. This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

AUTHORITIES: Procedures and Review Criteria for Zone Change requests Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER. (a) General. Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. ****Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.**

ZONE CHANGE PRE-APPLICATION MEETING AFFIRMATION

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.

Check one: ☑ **City of Billings Zone Change** ☐ **Yellowstone County Zone Change**

Property Address 2526 HAWTHORNE LN

Legal Description Tract 2A-1 of COS 2317 2nd Amd less previous annexed portion as part of City Resolution 91-16418

Present Zoning A-1 Agricultural-Open Space (County Only) **Proposed Zoning** R-70 Residential 7,000

Neighborhood Task Force Area? Heights Task Force

Task Force Chairperson Jennifer Owen

Task Force Chairperson Mailing Address SecretaryHeightsTaskForce@gmail.com

Required Uploads to Online Project Attachments:

- **Zone Change Pre-application Meeting Affirmation Form**
- **STATEMENT:**

  Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- **Subject Property Map**
- **Roster of persons who attended the pre-application neighborhood meeting**
- **Meeting Notice and a brief synopsis of the meeting results**

Affirmation:

1) The pre-application neighborhood meeting was held on: December 14th, 2020

2) The zone change application is based on materials presented at the meeting.

Recorded Owner(s) BCJM Properties, LLC

Owner's Address 2409 Nina Clare Rd, Billings, MT 59102

Owner's Phone Number 406-672-8916 **E-mail** brosovich@bresnan.net

Applicant/Agent Performance Engineering

Applicant/Agent's Address 608 N. 29th St.

Applicant/Agent's Phone Number 406-384-0080 **E-mail** rob@performance-ec.com

Date 01/04/21

**Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

PERFORMANCE ENGINEERING
608 North 29th Street, • Billings, MT 59101 • (406) 384-0080

Bitterroot Heights – Zone Change Neighborhood Meeting Notes

The meeting began at 6:05 pm on December 14, 2020 via a virtual Zoom meeting. Those in hosting the meeting were Craig Dalton & Robert Neihart (Performance Engineering).

Approximately thirteen (13) people from the public logged into the meeting at some point during the discussion. Questions from the individuals and subsequent responses are shown below:

- Will this zone change drop home values on lots within the existing subdivision?

  It is anticipated that the proposed development will not have a detrimental effect on existing home values. The developer plans to develop covenants and restrictions in effort to maintain quality and aesthetic consistency throughout the subdivision.

- Questions on what the target audience is for the proposed townhomes (i.e. single family with kids, retirees, etc)?

  Target audience is difficult to pin down at this point and is likely to be dictated by the market. Generally, it is young families, young professionals, or older people downsizing.

- What are the price points of the proposed townhomes?

  The market will ultimately dictate pricing, however, the anticipated price point for the townhomes will be in the $250-300k range for each unit. The developer intends to develop covenants and restrictions to maintain quality and aesthetic consistency throughout the development.

- What are the landowner's plans for developing the area south to Mary St.?

  At this point in time the developer does not have a plan for the undeveloped area south to Mary St. This will be determined at the time the landowner intends to develop this area and what the housing market looks like at that time. With that said, Project ReCode is proposing the entire development be classified as N2 which limits structures to two units or less.

- Will this zone change request set a precedence for the land south to Mary St.?

  This zone change will have no effect and not set precedence on the land south to Mary St. Each zone change is looked at independently. Under the new Project ReCode the entire development is proposed to go to one consistent zoning (N2).

- What is the difference between a townhome and a duplex?

The definition of a townhome and duplex according to the City Code is listed below:

Duplex: A building constructed and designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units, where the dwelling units share a common separation such as a ceiling, wall, etc. (including, without limitation, the wall of an attached garage or porch) and where access cannot be gained between the units through an internal doorway.

Townhome or townhouse: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

- **Will this zone change cause traffic to increase?**

  The proposed zone change will have minimal effect on traffic generated from the development. A Traffic Impact Study (TIS) was already completed for the preliminary master planned development. The Engineering Department will determine if an updated TIS will need to be completed during the subdivision process.

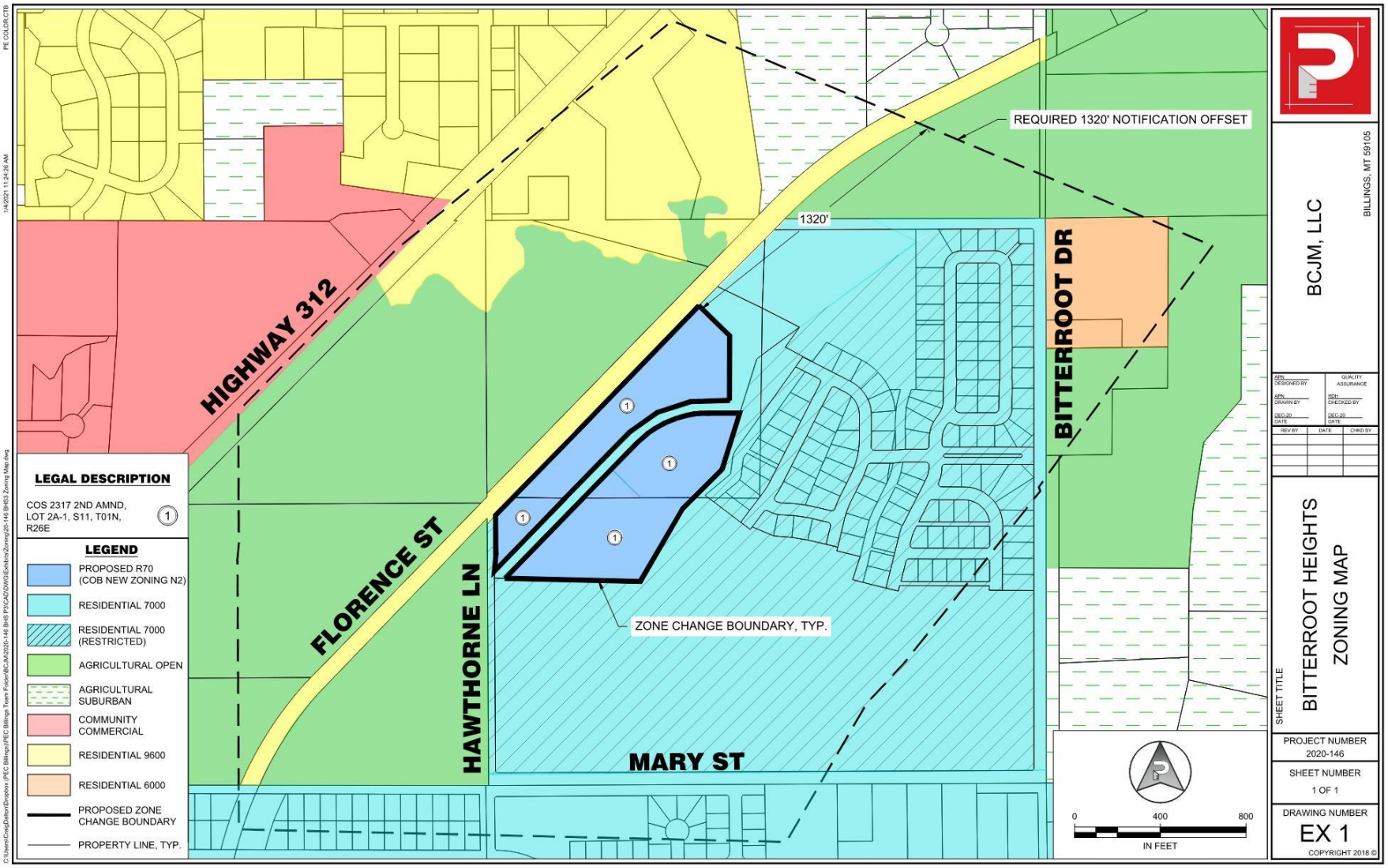
- **Will this zone change increase rentals within the subdivision?**

  The requested zone change will allow for either single-family or townhouse structures to be built on each lot within the subdivision. Similar to the existing development, there is the possibility that either a single-family or townhouse could be rented out.

- **Concern that the development will not be consistent with the original master plan?**

  The developer is requesting this zone change concurrently with an annexation application to bring the remaining portions of Tract 2A-1 of COS 2713 into the City for subsequent subdivision and construction in the Spring of 2021. Currently, the annexed portion of Tract 2A-1 of COS 2713 (City Resolution R91-16418) is zoned R-7000, with the County portions zoned as Agricultural Open. With this request, one consistent zoning will be created for Tract 2A-1 as it enters into the City. Furthermore, the requested zoning aligns with the future zoning classification proposed in Project ReCode (N2), limiting structures to two units or less.

The meeting ended at 6:45 pm.


REQUIRED 1320' NOTIFICATION OFFSET
1320'
HIGHWAY 312
BITTERROOT DR
FLORENCE ST
HAWTHORNE LN
MARY ST
ZONE CHANGE BOUNDARY, TYP.
LEGAL DESCRIPTION
COS 2317 2ND AMND, LOT 2A-1, S11, T01N, R26E
1
LEGEND
PROPOSED R70 (COB NEW ZONING N2)
RESIDENTIAL 7000
RESIDENTIAL 7000 (RESTRICTED)
AGRICULTURAL OPEN
AGRICULTURAL SUBURBAN
COMMUNITY COMMERCIAL
RESIDENTIAL 9600
RESIDENTIAL 6000
PROPOSED ZONE CHANGE BOUNDARY
PROPERTY LINE, TYP.
0
400
800
IN FEET
BCJM, LLC
BILLINGS, MT 59105
APN: DESIGNED BY
QUALITY ASSURANCE
APN: DRAWN BY
RDH: CHECKED BY
DEC-20 DATE
DEC-20 DATE
REV BY
DATE
CHKD BY
SHEET TITLE
BITTERROOT HEIGHTS ZONING MAP
PROJECT NUMBER
2020-146
SHEET NUMBER
1 OF 1
DRAWING NUMBER
EX 1
COPYRIGHT 2018 ©

From: Liz Lockwood <jehovahluvsall@gmail.com>
Sent: Friday, January 29, 2021 1:57 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Bitterroot heights rezoning

I'm the property owner at 1520 mustang valley drive located in bitterroot heights and I'm writing with my concerns about the rezoning as when I bought my home I was sold on a promise that there would only be single family homes along with a natural habitat area and wet land for the animals and was told that in the pamphlet I have attached. I feel that this is breech of contract and that my property value will suffer. Was looking forward to the park that was promised also in the pamphlet. Also I would like to ask if there is an attorney in this matter representing the current property owners? Thank you for your time in this matter

Elizabeth Lockwood

To Whom it may concern

We would like to express our concern over the proposed zoning change presented to us regarding Bitterroot Heights subdivision on December 7th by the attached letter (1). Reading the letter and looking at the map attached it appears that from the letter the area presently being proposed for construction and rezoning is Residential 7000 restricted with a small area zoned as agricultural. We question why this small portion of agricultural land was included in this development to begin with and not rezoned in the 2nd filing. As you can see by the attachment map of the second filing (2) there is a sliver of lot 7 that really is not buildable, and this appears to be in the present area of issue. With the rest of the subdivision being Residential 7000 restricted in the second filing it seems unfair that the developers are proposing to change zoning for the entire subdivision to allow for townhomes. As you can see in the attached promotional flyer (3) the intent of the entire subdivision being promoted was to be single family housing. Also included with this letter is a copy of the covenants (4) for the subdivision and they too require single family homes. That was the reason we chose to build a home here.

While we understand that the city of Billings is no longer using a Residential 7000 R zoning classification, it is our request that there be a variance to current city regulations for this instance to allow that the agricultural land portion of this zoning be grandfathered into Residential 7000 restricted and to leave the rest of the development zoned as such. Maintaining a single family home subdivision is very important to us.

Another issue that should be addressed in this meeting is access. Presently all traffic coming into and going out of Bitterroot Heights enters and exits from Empire Drive and Bitterroot Drive. There is only one ingress/egress into the subdivision. This isn't an ideal access to begin with because of the limited site view. We also have concerns that having more traffic in and out of the area with only one entrance/exit is not only going to have a negative impact on the wear and tear to our streets but also create increased potential for accidents at Empire and Bitterroot. We understand that with the upcoming improvements effecting Mary Street the developer and the city might have concerns about finishing the two streets that will add additional access to this subdivision. These streets are Hawthorne (gated and inaccessible) and the presently gated but accessible road just east of there that is often being accessed by driving around the gate by traffic not belonging to this subdivision. We believe that there is a requirement for 2 accesses into any subdivision and with this new development this needs to be considered and amended as the subdivision is developed further.

We have some last concerns for the developers. Although this is not relevant to the zoning process it appears that the undeveloped portion of this subdivision is becoming a dumping ground as well as an offroad speedway. Various areas of the undeveloped subdivision have become dumping spots for trees and debris as well as construction waste. This is unsightly and we request that it be stopped and cleaned up. The second item is the continual traffic of off-road vehicles and some regular vehicles using the undeveloped part of the subdivision as their playground. They go around the locked gates and road closed signs with no regard for the current residents even driving through our yards on multiple occasions. If the gates off of Mary aren't going to be sufficient to stop this then why not complete the street and open it up to the law abiding residents of the subdivision so they can use it for not only convenience but safety as a second entrance and exit.

Thank you for your consideration of our concerns and wishes.

Respectfully submitted,

Dennis and Susan Dirks

2514 Bowles Way

From: Marty Edwards <marcar2131@gmail.com>
Sent: Sunday, January 31, 2021 8:35 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Re zoning

My name is Marty Edwards, I live at 2518 Bowles Way Billings, Mt. I am writing this email in opposition of the proposed zone change.
When my wife and I decided to buy in this subdivision we were led to believe that all phases of this project would be single family homes, approximately (380) when completed. In fact, the artists rendition of this subdivision, which was used to sell homes, shows all single family homes. It appears that most of the area is already zoned as 7000 restricted. Why do we need a zone change? I expect and welcome further development to our neighborhood, with as like single family homes. Was there restrictions added to protect this subdivision from previous neighboring opposition? (Bitterroot and Mary residents) I am also concerned about added traffic that a zone change would bring to this neighborhood. We presently have only 1 way in and 1 way out. With the addition of multi family residences, be it town homes or duplexes, we would see increased traffic through the entire subdivision. I am asking the city to consider keeping this development the same as the first three phases.

Marty Edwards

From: joey.kiernan51 <joey.kiernan51@gmail.com>
Sent: Friday, January 29, 2021 1:56 PM
To: Council <council@billingsmt.gov>
Cc: Cromwell, Nicole <CromwellN@billingsmt.gov>; Lindsay Richardson <lrichardson@downtownbillings.com>
Subject: [EXTERNAL] re-zoning my neighborhood

Council members,
I am desperately corresponding with you about the proposed zoning change for Bitterroot Heights sub division. I live at 2625 Strapper Ln. When I purchased a lot 3 years ago and built my retirement dream home, I was given the beautiful plans for this subdivision. Now the developer wants to change his plan and build townhouses and duplexes. I totally understand that a dense development will mean more revenue for the developer and the city, but it would be devastating to the rest of the single home residences living here.
I purchased my home in good faith, that the plan the developer presented would be honored. Some much for honor! Duplex and townhouses are simply code for cheap rentals. It only takes a drive around the heights to see how large rental areas impact the homes around them. If the re-zone is granted, I will be forced to quickly sell my home before the buyer can see what is happening. If I wait my home will be so devalued that I can't sell. No buyer will pay full price for a home on the edge of a high density, rental subdivision. Please intervene in any possible way to stop this zone change. The developer must be compelled to develop his original plan.
Joey Kiernan

From: Joey Kiernan <joey.kiernan51@gmail.com>
Sent: Friday, January 29, 2021 12:03 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>; Lindsay Richardson <lrichardson@downtownbillings.com>
Subject: [EXTERNAL] Additional Comment

I have been doing additional research about the proposed zoning change next to my subdivision (Bitterroot Heights). My opposition to the re-zoning has not changed. It appears that the rentals will come smack up against our subdivision. When I reluctantly bought in the heights, I knew that much of the open space would eventually be developed. But I only imagined more single family homes. This re-zoning would put me in the position of trying to quickly sell my home before potential buyers could see what is happening next door. If I wait, the value of my home will go down. One only needs to drive around the Heights to see what this kind of development does to the entire area. We desperately need to develop neighborhoods not simply housing.
I STRONGLY OPPOSE this re-zone. We would rather it be re-zoned single family dwellings.

From: joey.kiernan51 <joey.kiernan51@gmail.com>
Sent: Friday, January 29, 2021 9:35 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Bitterroot Heights rezoning

Ms Cromwell,
I am a current resident of Bitterroot Height subdivision. I would like to express my STRONG OBJECTION to rezoning this subdivision in any way. I live at 2625 Strapper Ln. I absolutely did not get any letter about this rezoning request. I also have neighbors who are certain that they did not receive a letter. That aside, I bought a lot and built my dream retirement home here. I looked extensively at the area plans and purchased my lot in good faith. The developer of this sub division is not acting in that same good faith. This is simply a play by the developer to make a lot more money at the expense of those who already live in the neighborhood. This project would permanently change the character of our neighborhood. It would most certainly make us a renters neighborhood. When that occurs the families who own their homes are the only ones with a vested interest. Renters have no interest in upkeep or improvement of their units. The owners of the rentals are only trying to make a profit and seldom make improvements and only do minimal upkeep. Even if the developer wants to sell the units, most likely the units will eventually become rentals.

The families that own their homes will try to sell, and get into the neighborhood that they thought they were buying here. This is a lovely middle class neighborhood, so PLEASE, PLEASE, PLEASE, DO NOT REZONE.

Joey Kiernan

From: LuAnn Herring <LHerring@sullinscorp.com>
Sent: Monday, January 25, 2021 2:16 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] FW: Bitterroot CITY Zone Change 988 Project# PZX-21-00004

Hi Nicole Cromwell,
I am writing regarding Bitterroot CITY Zone Change 988 Project# PZX-21-00004
This just seems very wrong to me that you can promise one thing and then change. Please see attached. I tried to put as much information as I could starting with Billing Gazette 2004 meeting about multi-family homes on this property. I would not have had my home built here if I knew this would change. (other people on the Phone call on Dec. 14th stated the same). It was never brought up to me when building in 2018-2019 That this would be happening. All pictures and paperwork showed, this area would be single family homes.
This is one of the reasons I did not want to buy a McCall home in the Josephine Crossing Development because of town homes. This seems very dishonest. It seems they do not have issues selling homes here after being built. They seem to sell pretty fast. I understand they want to make more money with their land but at a cost to home owner? I have the most expensive home here I paid $651,000 which I knew would be the highest home, but I liked the area. At the time I was at the architect before I built. I was worried about the other home owners because my home is more modern. (Yes I cared about the other homeowners) I stated this and was told that this would be checked into. I was told that the other homeowners would be glad to have my home here because it would bring their home values up because of my home cost. I really feel If a promise was made to this development and people around it. It should be kept.

Sincerely,
LuAnn Herring
2626 Meadow Creek Loop
858-735-7236

PS. please advise if there is anyone else I should send this email to. I did call on DEC 15th and relate all this information to Performance Engineering but I guess it went nowhere.

From: Genny Wink <gmwacct@yahoo.com>
Sent: Thursday, January 28, 2021 6:18 PM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Subject: [EXTERNAL] Bitterroot Heights Subdivision

Ms. Cromwell,

I am writing to you as a resident of the Bitterroot Heights Subdivision to strongly oppose the re-zoning of our subdivision to multi-family houses. I built my house in this subdivision with the expectation that only single-family homes would ever be built here. I would be one of the residents in which the multi-family homes would look directly down into my back yard losing all privacy I currently have and that is devastating to think I could just have random people looking down into my personal space.

I believe this is a great nighborhood and to keep it that way would be to keep it to only single-family homes as was the original intent.

Thank you,

Genevieve Wink
2620 Bowles Way
931-698-3677

From: Lindsay Woods Richardson <lwoods11@gmail.com>
Sent: Friday, January 29, 2021 9:53 AM
To: Cromwell, Nicole <CromwellN@billingsmt.gov>
Cc: Keith Hart <keith@thebrokeragereo.com>; lherring@sullinscorp.com; joey.kiernan51@gmail.com
Subject: [EXTERNAL] Letter in Opposition to City Zone Change 988– 2526 Hawthorne Lane

Hello Ms. Cromwell & the Yellowstone County Zoning Commission,

I am writing in opposition to the following rezoning application:
City Zone Change 988– 2526 Hawthorne Lane - Ag to R-70 - A zone change request from Agricultural to Residential-7000 (R-70), on Tract 2A-1 of Certificate of Survey 2317 2nd Amended, a 16.41-acre parcel of land. A pre-application neighborhood meeting was held on December 14, 2020, via virtual Zoom meeting. Tax ID: A30368 City Ward II (pending), Planner: Nicole Cromwell, Zoning Coordinator, 247-8662, cromwelln@billingsmt.gov
Project PZ-21-00004
The above application for rezoning was just brought to my attention on 1/28 if it had been brought to my attention sooner I would have been in attendance at the meeting held on December 14th.
My husband & I live at & own 2509 Spring Gulch Way (a home built during Phase 1 of the Bitterroot Height Subdivision). My husband and I purchased our home in April/May 2020. As you can see in the 1st image below we are 1 house away from the undeveloped piece ar the south of the Bitterroot Heights Subdivision at Bitterroot & Mary, and you can see in the second image below where our home sits in both the 2005 & 2016 master plans of the Bitterroot Heights Subdivision that includes land mentioned in the above rezoning application.

The area circled in yellow is the undeveloped land remaining in our Subdivision.

Having JUST purchased our home (a large investment for our small family), we purchased under the understanding of where we were located in the master plan and that more single family homes would be built on the remaining undeveloped land. See attached 2005 Parks and Developer master plan for the PMD & the most recent Subdivision Master plan when phase 3 started in 2016. Some of the Phase 3 homes are still in completion and or just completed in 2020.

My husband and I read all the initial documents between the developer and the City. The zoning of this land & subdivision was a big topic to the existing residents in the area back in 2004, 2016, and when it was addressed again in 2018. In the beginning developer went a few rounds with the City trying to rezone the land, including a mention of "their word and good record should speak for itself" as they promise that they would be building only single family homes (no townhomes or duplexes), See Gazette article here.

I would like to lastly add the developer would have zero challenge selling more homes in this development, homes are rarely available in this neighborhood as many of the owners are first or second owners. The completion of this development as was sold to its residents would sell quickly as other developments in Billings are proving such. We

personally have many friends who have been waiting for more lots to sell here to join us in the neighborhood. There is a demand for our subvision to be completed.

We oppose the application for rezoning on the table as it puts my family's investment in our home and this neighborhood at jeopardy. We absolutely would be distraught if instead of the development we purchased into, townhomes or duplexes were added to the land right outside our front room window. We purchased this home less than 12 months ago with a long term plan of living here and we are currently feeling shaky and very uneasy about the conversation on the table. It would mean we and the hundreds of other owners in and around our neighborhood were sold a home under false pretenses at no fault of our realtor but 100% at the fault of the developer and the City for allowing this change.

I thank you for your time reading this concern and letter of opposition.

Lindsay & Michael Richardson
2509 Spring Gulch Way
Billings MT 59105

1/27/21

PETITION FORM For: Rezoning Bitterroot Heights CITY Zone Change 988
Project# PZX-21-00004

Reason for requesting stop rezoning:

Residents of Bitteroot Height do not want the our neighborhood rezoned to multi-family residential housing (townhomes or condos) ~~or commercial businesses~~. As per the covenants residents agreed on property purchase because Bitteroot Heights subdivision was zoned for single family homes only.

#	Printed Name	Address	Signature
1.	Brandy Farmer	2611 Meadow Creek Loop	Brandy Farmer
2.	L A Farmer	" " "	
3.	Tyler Schwantje	2616 Meadow Creek Loop	
4.	Wendy Farmer	2616 Meadow Creek	
5.	Christy Speck	2611 Meadow Creek Loop	Christy A Speck
6.	David R Speck	2611 Meadow Creek Loop	David R Speck
7	John Pasco	2612 Meadow Creek Loop	
8.	Paul Larsen	2613 Meadow Creek Loop	Paul Larsen
9.	Jenny Larsen	2613 Meadow Creek Loop	Jenny Larsen
10.	Jason Davidson	2609 Meadow Creek Loop	
11.	David Klunder	2650 " " "	David Klunder
12.	Tom Klunder	2650 Meadow Creek Lp	
13.	Penny Rockrum	2647 Meadow Creek Loop	
14.	April Hoell	2643 Meadow Creek Loop	
15.	Jeremy Dickey	2602 Meadow Creek Loop	Jeremy Dickey
16.	LuAnn Herring	2626 Meadow Creek Loop	LuAnn Herring
17.	Zoya Garcia	2626 Meadow Creek Loop	Zoya Garcia
18	Ron Bayson	26060 Meadow Creek Loop	Ron Bayson
19	William Brigham	2667 Meadow Creek Loop	
20.	Kyle Leinberger	2651 Meadow Creek Loop	
21.	Ashley Rich	2611 Meadow Creek Loop	Ashley Rich
22.	Britney Hales	2640 Meadow Creek Loop	Britney Hales
23.	Brett Hales	2640 Meadow Creek Loop	Brett Hales
24	Katie Schindler	2630 Meadow Creek Loop	
25.	Kelly Schindler	2630 Meadow Creek Loop	
26.	Rebecca VanHook	26358 Meadow Creek Loop	Rebecca A VanHook
27.	Jansen Collins	26351 Meadow Creek Loop	Jansen Collins
28.	James Collins	26351 Meadow Creek Loop	
29.	Kassadie West	2641 Meadow Creek Lp	
30.	Jim Brown	2614 Meadow Creek Loop	Jim Brown
31.	Cynthia Utter	2614 Meadow Creek Loop	
32.	Bret Barnes	1432 Bullets Trail	
33.	Troy Guptill	1428 Bullets Trail	

1/27/21

34.	Dennis Dirks		2514 Bowles Way
35.	Tokie Ruff		2522 Bowles Way
36.	Troy Ruff		2522 Bowles Way
37.	Ken Thomson	KENNETH THOMSON	2526 Bowles Way
38.	Shelleah Thomson	Shelleah Thomson	25226 Bowles Way
39.	Shawn Schaff		2523 Bowles Way
40.	Sheila Schaff		2523 Bowles Way
41.	Brandon Cook		2610 Bowles Way
42.	Linda Loff	2625 Strapper Lane	Linda Loff
43.	Joey Kiernan		2625 Strapper Lane
44.	Valerie Jahl		2613 Strapper Lane
45.	Genevieve Wink		2620 Bowles Way
46.	Regine Alquier		2645 Meadow Creek Dr
47.	Lindsey Richardson		2509 Spring Gulch Way
48.	Logan Lovell		2521 Strapper Lane
49.	Blaze Bennett		2525 Strapper Lane
50.	Bishop Hall		2522 Meadow Creek Dr.
51.	Hillary Ryan		2516 Meadow Creek Dr
52.	Kayla Pietz		2608 Strapper Ln
53.	Jake Bergen		2608 Strapper Ln
54.	Elizabeth Lockwood		1520 Mustang Valley Dr
55.	David C Brown		1519 Mustang Valley Dr
56.	Bobbie Scott	Bobbie Scott	1515 Mustang Valley
57.	Dawn Shea		1518 Spring Gulch Way
58.	Michael Shea		1518 Spring Gulch Way
59.			

1/27/21

PETITION FORM For: Rezoning Bitterroot Heights CITY Zone Change 988-2526 Project# PZX-21-00004

Reason for requesting stop rezoning:

Residents of Bitteroot Height do not want the our neighborhood rezoned to multi-family residential housing (townhomes or condos) ~~or commercial businesses.~~ As per the covenants residents agreed on property purchase because Bitteroot Heights subdivision was zoned for single family homes only.

#	Printed Name	Address	Signature
1.	Rebecca Mann	2601 Strapper Lane	Rebecca Mann
2.	Rollin Pitts	1429 Bullets Trail	
3.	Nancy Jo Dolve	1511 Mustang Valley Dr.	
4.	Shaunna Zimmerman	2513 Spring Gulch Way	
5.	John Klier	2514 Meadow Creek Dr	
6.	Judy Klier	2514 Meadow Creek Dr	
7	Eugenia Norville	1508 Mustang Valley	
8.	Terrill Norville	1508 Mustang Valley	
9.	Daniel B Hansard	2513 Strapper Lane	
10.	Deanna Hansard	✓	
11.	Alesia Fowler	1512 Mustang Valley Dr.	Alesia Fowler
12.		2605 Strapper Ln	
13.	Michelle Butcher	2605 Strapper Lane	
14.	Angie Schmidt	1516 Mustang Valley Dr	
15.	Galin Miller	2601 Strapper Lane	
16.	Lindsay Miller	2614 Bowles Way	
17.	Allyson Bourque	2604 Strapper Ln	
18	Jared Bourque	2604 Strapper Ln	
19	Marty Edwards	2518 Bowles Way	
20.	Carol Edwards	2518 Bowles Way	Carol Edwards
21.		2505 Spring Gulch Way	
22.	Derek Smith	2528 Strapper Ln	
23.	Jenna Weiler	2526 Strapper Ln	
24	Rick Anderson	2529 Spring Gulch Way	
25.	Kenaly Anderson	2529 Spring Gulch Way	Kenaly Anderson
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33.			

AGAINST MULTIFAMILY Housing Zone change 988

Project # P2X-21-00004 1/27/21

34.	Lisa Neihaus	2606 Bowles Way, Billings, MT 59105	
35.	Mac Mechin	2604 Bowles Way	
36.	Scott M. Mark	2615 Bowles Way, Billings MT 59105	
37.	Cory Johnson	1440 Bullet Trail, Billings MT 59105	
38.			
39.			
40.			

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON Tract 2A-1 of C/S 2317, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. **RECITALS.** *Title 76, Chapter 2, Part 3, MCA,* and *Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. **DESCRIPTION.** **Tract 2A-1 of C/S 2317**, is presently zoned **Agriculture (A)** and is shown on the official zoning map within this zone.

Section 3. **ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Tract 2A-1 of C/S 2317,** is hereby changed from **Agriculture (A)** to **Residential 7,000 (R-70)**, a zone that will update to **Mid-Century Neighborhood Residential (N2) on February 25, 2021** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Mid-Century Neighborhood Residential (N2)** as set out in the Billings, Montana City Code.

Section 4. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22nd day of February, 2021.

PASSED, ADOPTED and APPROVED on second reading this 8th day of March, 2021.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 988 – 2526 Hawthorne Lane