****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: Council@billingsmt.gov.
  - 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

March 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 Joy

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: March 8, 2021

COURTESIES:

PROCLAMATIONS: National Service Day - April 6, 2021

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2a, 7 and 10 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. **Mayor Cole recommends that Council confirm the following appointments:**

1. Mayor Cole recommends that the City Council confirm the appointment to the following board.

	Name	Board/Commission	Term	
			Begins	Ends
1	Laura Drager	Parks, Recreation & Cemetery Board*	03/08/21	12/31/21

*1 Unexpired term of Larry Brewster

B. **Bid Awards:**

1. **Airport Commercial Ramp Construction Project, Schedule 3.** (Opened 3/9/2021) Recommend KnifeRiver Construction; $1,071,588.50.

C. **Contract** with JBT AeroTech to purchase and install eight (8) new passenger boarding bridges at the airport; $5,442,545.

D. **2021 High Intensity Drug Traffic Area (HIDTA)** award from the Executive Office of the President, Office of National Drug Control Policy; $228,697.

E. **Preliminary Subsequent Major Plat** of Annafeld North Subdivision, 1st Filing located on the north side of Elysian Road and west of the Hogan Slough; McCall Development, Inc., owner; Sanderson Stewart, agent. ** Quasi-Judicial*

** 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.

F. **Preliminary Subsequent Major Plat** of Annafeld North Subdivision, 2nd Filing located north of Elysian Road and east of East Lane; McCall Development, Inc., owner; Sanderson Stewart, agent. ** Quasi-Judicial*

** 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.

G. **Preliminary Subsequent Minor Plat** of Shiloh Crossing Subdivision, Amended located between Shiloh Road and Shiloh Crossing Boulevard; Opportunity Bank, owner; Stahly Engineering, agent. * *Quasi-Judicial*

* *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.

H. **Preliminary Subsequent Major Plat** of Parkland West Subdivision, 7th Filing located on the east side of South 36th Street West between Crater Lake and Rachelle Circle; Rod Lorenz, owner; WWC Engineering, agent. * *Quasi-Judicial*

* *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.

I. **Resolution** authorizing the issuance and public sale for refunding of the General Obligation (GO) Library Bonds.

J. **Resolution** ordering improvements identified in W.O. 20-12: South 32nd Street West.

K. **Second and Final Reading Ordinance** granting a non-exclusive franchise to Montana Dakota Utilities for the operation of a gas distribution system.

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

1. February 16, 2021
2. February 22, 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 AND RESOLUTION** creating SID 1416, Gleneagles Boulevard. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Debi Meling, Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution creating SID 1416, as recommended by staff.

a. **PROFESSIONAL SERVICES CONTRACT** for SID 1416, Gleneagles Boulevard; Stahly Engineering and Associates; $104,548. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Debi Meling, Public Works Director*

Recommended Motion: I move to approve the Professional Services Contract for SID 1416, as recommended by staff.

3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 989:** a zone change from EBURD-Central Works to EBURD-Industrial Sanctuary located at 5 North 16th Street. J & S Properties, Inc., owner; Simonsen Architect, 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 989 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.*

4. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 20-05B:** a property located West of AJ Way and North of Highway 3. 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 20-05B, 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. **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.

6. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 20-05A:** a property located East 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 20-05A, 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.

7. **DEVELOPMENT AGREEMENT** with Aviation Properties, LLC, for infrastructure improvements on COS 2037, Tract 14A, north of Highway 3 and west of the airport. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Debi Meling, Public Works Director*

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

8. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward I to include recently annexed property in Annexation 20-05A: a parcel located north of Highway 3 and East of AJ Way; legally described as portions of tracts 13 and 14, of Certificate of Survey No. 2037 totaling approximately 27.488 gross and 25.956 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.

9. **PUBLIC HEARING AND RESOLUTION FOR ANNEXATION 21-02:** a property located south of South Frontage Road, east of East Lane and north of Elysian Road and west of Hogan's Slough. Crown Enterprises, Inc., 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 21-02, 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.*

10. **DEVELOPMENT AGREEMENT** with Crown Enterprises for property located south of the Frontage Road and east of East Lane. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Debi Meling, Public Works Director*

Recommended Motion: I move to approve the development agreement with Crown Enterprises, as recommended by staff.

11. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 21-02: a parcel located south of South Frontage Road, east of East Lane and north of Elysian Road and west of Hogan's Slough; legally described as Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, totaling approximately 19.240 gross and 16.000 net acres. Crown Enterprises, Inc., 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 III, as recommended by staff.

PUBLIC COMMENT on "NON-AGENDA ITEMS". 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.)

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: 03/22/2021
Title: Board & Commission Appointment
Presented by: Wynnette Maddox
Department: City Hall Administration
Presentation: No

RECOMMENDATION

Mayor Cole recommends that the City Council confirm the appointment to the following board.

	Name	Board/Commission	Term	
			Begins	Ends
1	Laura Drager	Parks, Recreation & Cemetery Board*	03/08/21	12/31/21

*1 Unexpired term of Larry Brewster

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

The Mayor is requesting that the City Council confirm the appointment for the Board and Commission position that is vacant due to a resignation.

ALTERNATIVES

Council may:

- Confirm the proposed appointment; or
- Not confirm the appointment.

FISCAL EFFECTS

The proposed action has no financial impact.

City Council Regular

Date:	03/22/2021
Title:	Airport Commercial Ramp Construction Project - Schedule III (Opened 3/9/21) Recommend KnifeRiver Construction; $1,071,588.50.
Presented by:	Shane Ketterling, Assistant Director of Aviation and Transit
Department:	Airport
Presentation:	No

RECOMMENDATION

Staff recommends that the City Council approve and award the Airport's Commercial Ramp Construction Project - Schedule III to Knife River Construction for $1,071,588.50.

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

The Commercial Ramp is where the airline aircraft park and is located on the north side of the Terminal Building. These ramps are constructed with 16 inches of concrete to support the wheel load weight of the aircraft. Two sections of this ramp, Schedule I on the west side and Schedule II on the east side of the Terminal, were replaced in 2019/2020. The Airport plans to replace Schedule III in the Summer of 2021, and this ramp is directly northwest of the new A Concourse. Like Schedule I and II, the Schedule III concrete has been inflicted with Alkali-Silica Reaction (ASR). ASR is a reaction that occurs over time in concrete, between the highly alkaline cement paste and the reactive non-crystalline silica found in many common aggregates, and usually is triggered by excessive moisture. This reaction results in a soluble and viscous gel of sodium silicate causing the concrete to swell from inside, resulting in a loss of strength, significant spalling, and eventually debris as the concrete begins to chunk out. This sort of debris would be detrimental to aircraft engines if ingested. Additives that inhibit ASR from happening will be included in the new concrete mix. Additionally, this section of concrete needs to have the slopes adjusted to accommodate the new aircraft parking areas for the new A Concourse. This project includes the removal of the existing concrete pavement section, an asphalt pavement section, utility work, and the installation of 16 inches of P-501 Portland Cement Concrete Pavement over 4 inches of P-401 asphalt. Schedules I through III were bid separately so that different Federal Aviation Administration (FAA) grant funds could be applied to the cost of the project as grant funding became available.

This project was advertised in the *Yellowstone County News* on February 7, 14, and 21, and posted on the City and Airport's Websites. On March 9, 2021, the following bids were received:

Contractor	**Bid**
KnifeRiver Construction	$1,071,588.50
FirstMark Construction	$1,228,145.00
Treasure State (Belgrade)	$1,405,834.00

ALTERNATIVES

City Council may:

- Approve the award of Schedule III for the Commercial Ramp Construction Project to KnifeRiver Construction for $1,071,588.50; or
- Decline to approve the award, reject all bids, and delay the project.

FISCAL EFFECTS

The total cost of this project is $1,071,588.50. The project may be funded at 90% ($964,429.65) with FAA Airport Improvement Program (AIP) grant funds and 10% ($107,158.85) with local share funds. There is a possibility that the grant could provide 100% funding, the result of language in the pandemic relief bills. If the Airport is required to pay the local share, the funds are available in the Airport's Capital account.

City Council Regular

Date:	03/22/2021
Title:	Contract with JBT AeroTech to Purchase and Install Eight New Passenger Boarding Bridges
Presented by:	Kevin Ploehn, Director of Aviation and Transit
Department:	Airport
Presentation:	No

RECOMMENDATION

Staff recommends the City Council approve and the Mayor sign the contract agreement with JBT AeroTech Corporation, to supply, deliver, and install eight new Passenger Boarding Bridges for the total price of $5,442,545.00.

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

The Airport utilizes Passenger Boarding Bridges (PBB), which are enclosed, elevated passageways that extend from the Airport Terminal Gate to a commercial aircraft and are used to safely transport passengers to and from the airplane. During the Airport Terminal Concourse Expansion Project, five existing PBB are being removed and relocated in order to build the new A and B Concourses. In order to continue to use the existing PBB, which are 15+ years old, they would need to be refurbished. Subsequently, staff contracted with Morrison-Maierle to develop the base specification for the replacement or refurbishment of the five existing boarding bridges. The Airport advertised a Request for Proposals (RFP) to refurbish or replace the five existing bridges and to purchase three new bridges for a total of eight PBB, which will connect to the eight new airline gate holdroom locations on the new A and B Concourses. On January 15, 22, and 29, the Airport advertised the RFP, answered questions, issued addendums, and the RFP responses were due on February 5. The Airport received proposals from ThyssenKrupp, AERO Bridgeworks, and JBT AeroTech Corporation. All three proposals were very well done and simplified the review by the selection committee. On February 17, 2021, each member of the committee discussed their scoring with all three vendors via Zoom, and the successful proposal was awarded to JBT AeroTech Corporation.

During the proposal review, Airport staff evaluated whether it made more sense to refurbish the five old PBB or purchase five new bridges. After a cost benefit analysis was conducted, considering the cost difference ($52,000 per PBB), life cycle use (about 10 years longer), and the future maintenance and warranty, it was determined that it made more sense to purchase all new PBB. Additionally, these new PBB were designed for passenger comfort; will be heated in the Winter, cooled in the Summer, accommodate all airlines, and constructed so that they can connect to a variety of different aircraft types and sizes so that they will work well into the future to cover the Airport's needs. The installation of the new PBB will take place over the next two years as the various construction phases of the Terminal Concourse Expansion are completed. Specifically, when the new Concourse A is nearing completion this Fall, four new PBB (Gates A 1-4) will be installed so that they can be utilized when the airlines are moved to the new Concourse A around November. The remaining four bridges will not be installed until 2023.

ALTERNATIVES

City Council may:

- Approve the contract with JBT AeroTech to purchase and install eight new PBB; or
- Disapprove the contract with JBT AeroTech and advise staff on how to proceed.

FISCAL EFFECTS

This project will cost $5,442,545.00 which was budgeted in the overall cost of the Terminal Expansion Project and will be paid for with available local construction funds and/or with construction financing funds as needed.

City Council Regular

Date:	03/22/2021
Title:	Acceptance and Approval of the 2021 HIDTA Award in the Amount of $228,697
Presented by:	Rich St. John, Police Chief
Department:	Police
Presentation:	No

RECOMMENDATION

Staff recommends that City Council approve and accept the 2021 HIDTA award from the Executive Office of the President, Office of National Drug Control Policy, in the amount of $228,697, and authorize the Mayor to sign the necessary award documents when they are received.

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

In 2002, Montana was designated as a High Intensity Drug Traffic Area (HIDTA). The Office of National Drug Control Policy (ONDCP) has awarded grants to the Eastern Montana Drug Task Force for nineteen years and the City of Billings is the recipient and administrative agency for the grants. The ONDCP has offered a $228,697 grant for the calendar year 2021. The HIDTA Task Force consists of personnel from U.S. Marshals Service, FBI, Drug Enforcement Administration (DEA), Alcohol, Tobacco & Firearms (ATF), Immigration & Customs Enforcement (ICE), Department of Criminal Investigation (DCI), Yellowstone County Sheriff's Office, and the Billings Police Department. The Task Force is managed by a Sergeant from the Billings Police Department. The 2021 HIDTA Award will be used to pay for a Support Specialist position for the HIDTA Task Force, all task force overtime, administrative and investigative travel, cell phones, copier maintenance agreement, investigative/office supplies, and informant costs.

ALTERNATIVES

City Council may:

- Approve and accept the 2021 HIDTA Award in the amount of $228,697; or,
- Not accept the 2021 HIDTA Award in the amount of $228,697, thus costing the Public Safety Fund additional expenses for investigating and prosecuting drug related cases.

FISCAL EFFECTS

The 2021 HIDTA Award in the amount fo $228,697 will require no City match. The award has been budgeted in Fund 2550 for the balance of FY 20/21 and any remaining funds will be budgeted in FY22.

Consent

City Council Regular

Date:	03/22/2021
Title:	Annafeld North Subdivision, 1st Filing - Preliminary Major Plat
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Annafeld North Subdivision, 1st Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

The Board recommends 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 the City of Billings Engineering Division. This agreement shall outline the maintenance responsibilities of the storm water facilities.

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, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 1st Filing. The proposed subdivision creates 53 new lots for development. The subject property is generally located on the north side of Elysian Road and west of the Hogan Slough. The property has been annexed into the city. The property is zoned Neighborhood Mixed Use (NMU) and the proposed lots will be developed in substantial compliance with this zoning.

VARIANCES REQUESTED

No variance from City Subdivision Regulations has been requested.

PROCEDURAL HISTORY

- Pre-application meeting November 12, 2020
- Preliminary plat application submitted to the Planning Division on January 4, 2021.
- Departmental review meeting January 14, 2021
- Preliminary plat resubmittal January 21, 2021
- Planning Board plat review February 9, 2021

- Planning Board public hearing February 23, 2021
- Preliminary plat to City Council March 22, 2021
- 60 working-day preliminary plat review period ends March 31, 2021

PLAT INFORMATION

General location:	North of Elysian Road and west of the Hogan Slough.
Legal Description:	Lot 1, QFC Subdivision, 1st Filing
Owner/Subdivider:	McCall Development, Inc.
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	Neighborhood Mixed Use (NMU) and Mixed Residential 2 (NX2)
Existing land use:	Sod Farm
Proposed land use:	Residential
Gross and Net area:	17.85 acres / 14.04 acres
Proposed number of lots:	53
Lot size:	Max: 9.03 acres Min.: 2,212 square feet
Parkland requirements:	In accordance with 76-3-621(6)(a), MCA the overall development provides for land permanently set aside for park. These parks will be private and maintained by the HOA. The development meets or exceeds the 11% net land area dedication requirement.

STAKEHOLDERS

A brief presentation was given to the planning board regarding the proposed subdivision. President Woods called for questions and discussion. Brad McCall had no comments. Gary Owen, from Sanderson Stewart had no comments. Heidi Jensen, planning board member, voiced concern with the additional traffic on Mullowney Lane. Gary Owen stated a traffic impact study was conducted and intersections were identified that would be affected by the additional traffic. A cash contribution will be made by the developer to be used to construct the intersection improvements as necessary. Brad McCall said they have made contributions as the subdivisions were developed. President Woods asked about alternate routes. Brad McCall explained the additional turn lane on Mullowney Lane has helped to address the traffic and there is East Lane available and for those traveling west they can go down Elysian directly to the South Frontage Road.

There were no other comments from the board. President Woods opened the public hearing. There were no public comments.

President Woods asked for a motion, board member Thompson made a motion, the motion was seconded. The Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 1st Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

ALTERNATIVES

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(s), 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 proposed subdivision.

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plan. The 60 working day review period for the proposed subdivision ends on March 31, 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 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This subdivision will have no fiscal effect on the Planning Division.

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 Annafeld North Subdivision, 1st Filing. 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(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used as sod farmland it has been rezoned and is annexed into the City. This proposed development will remove about 17.85 acres of sod farming land out of production. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. Any irrigation facilities will continue to provide irrigation to the remaining sod farm area to the north. The subdivision should not affect agricultural water users' facilities, but it will take land out of agricultural production.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

   This subdivision will be installing an 8-inch water line in all the internal streets of this proposed filing. There will be connections provided for each lot within the subdivision. The main water lines will create a looped system to maintain equal water pressures throughout the development as the subdivision is constructed as outlined in the SIA under the heading VI Utilities.

   Sanitary sewer service will be provided by the City of Billings. All sanitary sewer lines will ultimately connect to an existing 24-inch gravity sewer trunk main that is in the south east corner of the subdivision. The subdivider will install new sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities.

   Private utility companies, such as gas and electric, will provide service to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers. Some of the private utility lines will go in the carriage ways / alleys.

b. **Storm water** – Storm water drainage is proposed to be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in some areas. The storm drainage pipes will discharge into a stormwater detention area that is located within a private park. This park will be deeded to the HOA and maintained by them. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division.

   Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Division regulations. The applicant will submit an Operating and Maintenance manual to be followed by the HOA. The applicant will have the HOA documents completed and reviewed by the Engineering Division for the maintenance of the storm water systems before final plat approval. **(Condition #1)**

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** – All internal streets are proposed to be built to City standards providing the required road width, curb/gutters, and boulevard sidewalks. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. Road within the subdivision that currently are not named will be named before final plat.

   Elysian Road is designated as a collector on the Functional Classification Map. Elysian Road will be improved along the first filing with curb and gutter along with pavement widening. The widening will include a travel lane, center turn lane / center median and a parking lane. Storm drainage will be handled with curb and gutters draining as approved by City Engineering. All proposed improvements on Elysian Road will be submitted to City Engineering for review and approval prior to construction. This is all outlined in the SIA under the heading III Transportation A Streets.

   A TIS to account for any roads or connections that will be impact by this subdivision has been submitted to City Engineering. In the SIA under the heading, III Transportation it discusses impacts to Mullowney Land and Elysian Road and the impacts to East Lane and Elysian Road to be completed on the south side with the required storm water drainage with curb and gutter. Impacts to the surrounding roads and the required contributions to those roads and intersections is all outlined in the SIA under the heading III Transportation A Streets.

e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 604 S. 24th St. West (Station #5). The Fire Department has reviewed the proposed subdivision and is satisfied with what is being proposed. The applicant

will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that "continued development will eventually require additional resources to maintain current levels of service". The subdivision is located within the ambulance service area of American Medical Response (AMR).

f. **Schools** – School District #23, Elysian School provides educational services to elementary through middle school students. Elysian School has indicated that they currently have additional capacity for students. West High School would serve as the high school for this subdivision. A response from School District #2 indicates that West High School is currently over capacity.

g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. Additional provisions in subdivision regulations allow dedication of parkland to be waived. Consideration for waiving dedication of parkland occurs if the subdivision provides for a development with land permanently set aside for park and recreational uses enough to meet the needs of the persons who will ultimately reside in the development. Consideration for waiving dedication of parkland occurs if the land and any improvements set aside for park purpose equals or exceeds the area otherwise required.

   The applicant is proposing to have parkland throughout this development that will be installed with the development of each filing. It will be privately owned and maintained by the Homeowners' Association for the subdivision. The developer is also providing a park on the north east corner of the subdivision.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision; they have indicated centralized mailbox units will be required. A paragraph in the SIA acknowledges this and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is relatively level farm land adjacent to urban development on its south and east sides. A geotechnical study was performed for the subdivision, dated December 2020, a summary of the information from that study will be included in the SIA under the heading VIII. 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. There is a paragraph in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2019 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:

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. 2019 Urban Area Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a long-range bike lane identified on Elysian Road and on East Lane. The applicant has constructed a multi-use pathway along the entire frontage of the property along the south side of Elysian Road and a pedestrian bridge has been constructed over Hogan Slough. The developer to the east also constructed a pathway along the south side of Elysian Road so there will be a multi-use pathway constructed from Mullowney Lane to East Lane for multi modal users and youth to get to Elysian School. There will be no requirement for additional trail from 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(8)(b)(1)]

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 (8)(b)(5)]

The subject property will be in City zoning district Neighborhood Mixed Use (NMU). The proposed subdivision lots meet the requirements of zoning and further zoning compliance will take place with the submittal of buildings on specific lots.

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 (8)(b)(2)]

The subdivider has provided utility easements as requested by MDU and NWE 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 (8)(b)(3)]

Legal and physical access is provided to the proposed lots from Elysian Road, the new proposed internal roads and connections to the other road within Annafeld North Subdivision, 1st Filing.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Annafeld North Subdivision, 1st Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements 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

The Planning Board recommends conditional approval of the preliminary plat of Annafeld North Subdivision, 1st Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 22, 2021

_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

ANNAFELD NORTH SUBDIVISION, FIRST FILING

BEING LOT 1 OF QFC SUBDVISION, FIRST FILING,
BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : MCCALL DEVELOPMENT, LLC

PREPARED BY : SANDERSON STEWART

DECEMBER, 2020

BILLINGS, MONTANA

- ○ FOUND SURVEY MONUMENT, REBAR WITH "SANDERSON STEWART" CAP 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.

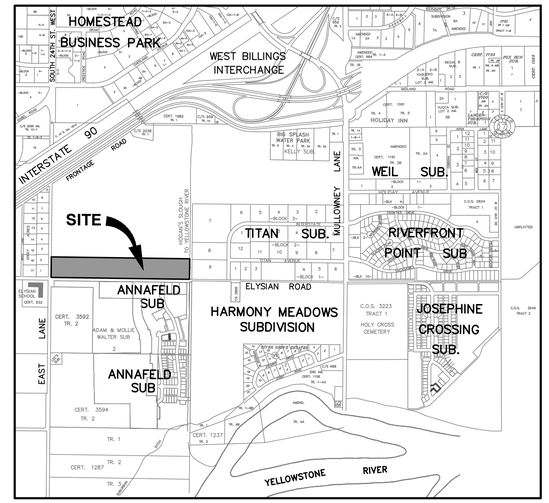
PLAT DATA

GROSS AREA	=	±17.85 ACRES
NET AREA	=	±13.73 ACRES
NUMBER OF LOTS	=	53
MINIMUM LOT SIZE	=	2,290 SF
MAXIMUM LOT SIZE	=	395,844 SF
LINEAL FEET OF STREETS	=	1,508 L.F.
PARKLAND REQUIREMENT	=	±0.552 ACRES
PARKLAND DEDICATION	=	±0.7315 ACRES
EXISTING ZONING	=	NEIGHBORHOOD COMMERCIAL
SURROUNDING ZONING:		
NORTH	=	HIGHWAY COMMERCIAL
SOUTH	=	P.U.D.
EAST	=	HIGHWAY COMMERCIAL
WEST	=	RESIDENTIAL 15000
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL

NORTH

80 40 0 80 160

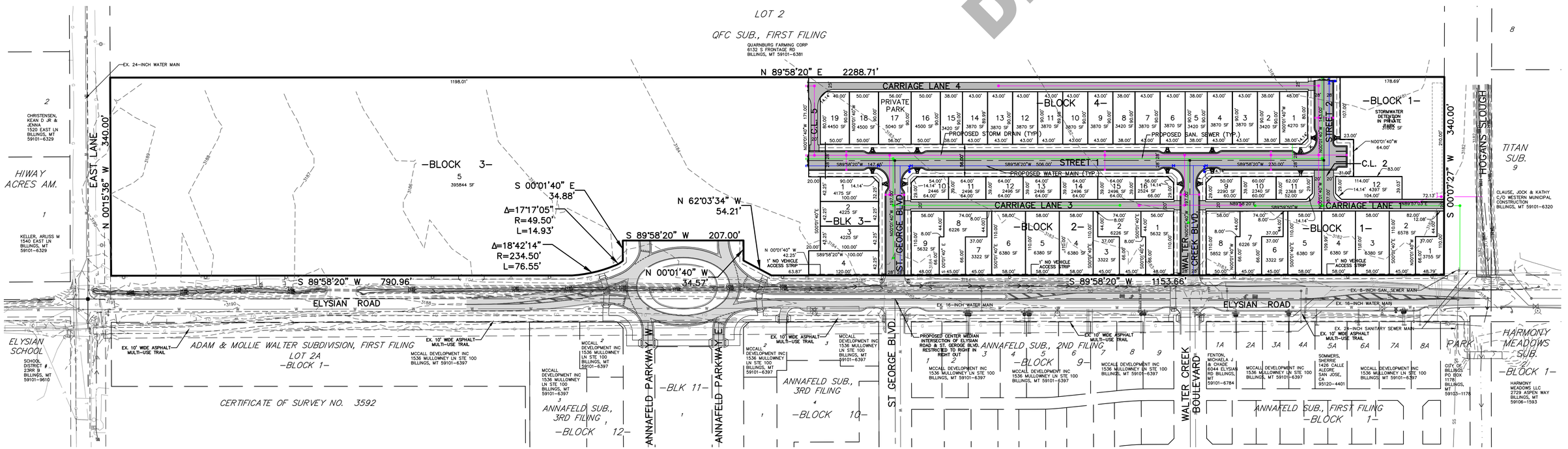
SCALE: 1"=80'



VICINITY MAP

NOT TO SCALE

DRAFT



Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD NORTH SUBDIVISION, FIRST FILING

CITY OF BILLINGS

Table of Contents

I.	Variances		SIA-2
II.	Property Conditions and Information for Lot Purchasers		SIA-2
III.	Transportation		SIA-4
	A.	Streets	SIA-4
	B.	Alleys	SIA-5
	C.	Sidewalks	SIA-5
	D.	Street Lighting	SIA-6
	E.	Traffic Control Devices	SIA-6
	F.	Access	SIA-6
	G.	Billings Area Bikeway and Trail Master Plan	SIA-6
	H.	Public Transit	SIA-6
IV.	Emergency Service		SIA-7
V.	Storm Drainage		SIA-7
VI.	Utilities		SIA-8
	A.	Water	SIA-9
	B.	Sanitary Sewer	SIA-9
	C.	Power, Telephone, Gas, and Cable Television	SIA-9
VII.	Parks/Open Space		SIA-9
VIII.	Homeowner's Associations		SIA-10
IX.	Postal Delivery		SIA-10
X.	Soils/Geotechnical Study		SIA-10
XI.	Financial Guarantees		SIA-10
XII.	Legal Provisions		SIA-11

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD NORTH SUBDIVISION, FIRST 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 North Subdivision, First Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on the __ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Annafeld North Subdivision, First Filing; and

WHEREAS, at a regular meeting conducted on the __ day of _____, 20__, the City Council conditionally approved a preliminary plat of Annafeld North Subdivision, First Filing; and

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

WHEREAS, a Development Agreement between the Subdivider and the City is of record in the office of the Clerk and Recorder, under Document No. _____; and

WHEREAS, the provisions of this agreement shall be effective and applicable to Annafeld North Subdivision, First 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 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 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. 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. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

E. 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.

F. Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld North Subdivision, First Filing.

G. 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.*

H. 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.

I. 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 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. Elysian Road is designated as a collector on the Billings/Yellowstone County Functional Classification Map. Curb and gutter will be constructed on the north side of Elysian Road adjacent to the First Filing, excluding the large lot for future 2nd Filing (Lot 5, Block 3). Improvements will also include the construction of necessary pavement widening to construct westbound travel lane, center turn lane/center median and parking lane adjacent the subdivision. A full access will be provided at Walter Creek Boulevard and Elysian Road. A restricted right in right out access with a center median will be provided at St. George Boulevard 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.

4. A traffic accessibility study has been completed for the Annafeld North Subdivision, First 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 North Subdivision, First Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

Mullowney Lane/Elysian Road	2.50%	$6,250.00
Elysian Road/East Lane	1.08%	$2,700.00

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 North Subdivision, First 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 (Lot 13, Block 1 and Lot 17, Block 4) 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.

D. Street Lighting

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for First 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 on Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

F. Access

Access to the subdivision will be provided by Walter Creek Boulevard and St. George Boulevard. 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 extends from the east boundary of the subdivision to the easterly right-of-way line of East Lane.

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

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a new detention facility that is located within the subdivision in a

private park on Lot 13, Block 1. This detention facility has been sized to accept additional runoff generated from the future Annafeld North Subdivision, Second Filing. The detention facility on site will be sized to store the stormwater generated by Annafeld North Subdivision, First and Second Filing. Treatment for the water quality runoff will be provided in the stormwater detention facility. The stormwater detention facility will discharge to Hogan's Slough. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The stormwater detention area is to be located within a private park lot deeded to the Annafeld North Subdivision HOA and will be an integral part of the public street drainage system. The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater detention area and associated drainage facilities shall be by the Annafeld North Subdivision HOA.

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 North Subdivision water system consists of a looped water main located in each of the local streets. The subdivision water system will consist of new 8-inch water mains in Walter Creek Boulevard, St. George Boulevard, Street 1 (temporary name) and Street 2 (temporary name). A new 8-inch water main will also be installed parallel to the existing 16-inch water main Elysian Road to serve Lots 1-8, Block 1 and Lots 1-9, Block 2. A stub for future connection will be provided in Street 2 (temporary name). Future filing of Annafeld North Subdivision 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 North Subdivision, First Filing will be provided by connecting to the existing 24-inch trunk sanitary sewer located in the south east corner of the subdivision. A stub for future connection will be provided in Street 2 (temporary name). 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

Per Section 76-3-621 of the Montana Code Annotated, 0.533 acres of parkland dedication is required for Annafeld North Subdivision, First Filing. The parkland provided with the platting of Annafeld North Subdivision, First Filing is 0.847 acres. The excess parkland dedication will be applied to the parkland provided for Annafeld North Subdivision, Second Filing. The Subdivider proposes to dedicate land as private parks. The private parks will be maintained by the Annafeld North Subdivision Homeowners Association (HOA).

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 is being performed for the subdivision. The report dated December 2020, will be available for review at the City of Billings Planning Department. Lot owners and contractors/builders will be encouraged to review the report and its recommendations.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts 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 two years from the date of substantial completion.

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 Second above written.

"SUBDIVIDER" **MCCALL DEVELOPMENT, INC.**

By:_____

Its:_____

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 _____of **MCCALL DEVELOPMENT, INC.** 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 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:

ANNAFELD NORTH SUBDIVISION, FIRST FILING

SUBDIVIDER/OWNER **MCCALL DEVELOPMENT, INC.**

By:_____

Its:_____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public in and for the State of _____, personally appeared _____, known to me to be the person who executed the foregoing instrument as the _____ 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:_____
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

March 22, 2021

McCall Development
c/o Sanderson Stewart
1300 Transtech Way
Billings, MT 59102

Dear Applicant:

On March 22, 2021, the Billings City Council conditionally approved the preliminary plat of Annafeld North Subdivision, 1st 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. 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: Sanderson Stewart

Consent

Planning Board

Date:	03/22/2021
Title:	Annafeld North Subdivision, 2nd Filing - Preliminary Major Plat
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Annafeld North Subdivision, 2nd Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

The Board recommends 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. 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, Sanderson Stewart, agent for McCall Development, Inc., applied for preliminary major plat approval for Annafeld North Subdivision, 2nd Filing. The proposed subdivision creates 50 new lots for development. The subject property is generally located on north side of Elysian Road and east of East Lane. The property has been annexed into the city. The property is zoned Neighborhood Mixed Use (NMU) and the proposed lots will be developed in substantial compliance with this zoning.

VARIANCES REQUESTED

No Variance from City Subdivision Regulations has been requested.

PROCEDURAL HISTORY

- Pre-application meeting November 12, 2020
- Preliminary plat application submitted to the Planning Division on January 4, 2021.
- Departmental review meeting January 21, 2021
- Preliminary plat re-submittal January 28, 2021
- Planning Board plat review February 9, 2021

- Planning Board public hearing February 23, 2021
- Preliminary plat to City Council March 22, 2021
- 60 working-day preliminary plat review period ends March 31, 2021

PLAT INFORMATION

General location:	North of Elysian Road and east of East Lane
Legal Description:	Lot 5, Block 3, Annafeld North Subdivision, 1st Filing
Owner/Subdivider:	McCall Development, Inc.
Engineer and Surveyor:	Sanderson Stewart
Existing Zoning:	Neighborhood Mixed Use (NMU) and Mixed Residential 2 (NX2)
Existing land use:	Sod Farm
Proposed land use:	Residential
Gross and Net area:	9.03 acres / 5.69 acres
Proposed number of lots:	50
Lot size:	Max: 9,393 square feet Min.: 1,732 square feet
Parkland requirements:	In accordance with 76-3-621(6)(a), MCA the overall development provides for land permanently set aside for park. These parks will be private and maintained by the HOA. The development meets or exceeds the 11% net land area dedication requirement.

STAKEHOLDERS

A brief presentation was given to the planning board regarding the proposed subdivision, information for the 2nd filing was provided during the 1st filing presentation. The board discussion was collective of both filings, so the information provided in this stakeholders section mirrors the information provided in the 1st filing staff report. President Woods called for questions and discussion. Brad McCall had no comments. Gary Owen, from Sanderson Stewart had no comments. Heidi Jensen, planning board member, voiced concern with the additional traffic on Mullowney Lane. Gary Owen stated a traffic impact study was conducted and intersections were identified that would be affected by the additional traffic. A cash contribution will be made by the developer to be used to construct the intersection improvements as necessary. Brad McCall said they have made contributions as the subdivisions were developed. President Woods asked about alternate routes. Brad McCall explained the additional turn lane on Mullowney Lane has helped to address the traffic and there is East Lane available and for those traveling west they can go down Elysian directly to South Frontage Road. There were no other comments from the board.

President Woods opened the public hearing. There were no public comments.

President Woods asked for a motion, board member Thompson made a motion, the motion was seconded. The Planning Board recommend conditional approval of the preliminary plat of Annafeld North Subdivision, 2nd Filing to the City Council, and adoption of the Findings of Fact as presented in the staff report.

ALTERNATIVES

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(s), 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 proposed subdivision.

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed subdivision ends on March 31, 2012. 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 60 working day review period, the City Council is required to:
1. Approve;
2. Conditionally Approve; or
3. Deny the Preliminary Plat

FISCAL EFFECTS

This subdivision will have no fiscal effect on the Planning Division.

Attachments

Findings of Fact

Proposed Plat

SIA

Mayors Letter

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Annafeld North Subdivision, 2nd Filing. 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(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is currently used as sod farmland it has been rezoned and is annexed into the City. This proposed development will remove about 9.03 acres of sod farming land out of production. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. Any irrigation facilities will continue to provide irrigation to the remaining sod farm area to the north. The subdivision should not affect agricultural water users' facilities.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. The developer will install new water mains in all the new local streets, new individual services to all of the lots, and new fire hydrants in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

   This subdivision will be installing an 8-inch water line in all the internal streets of this proposed filing. There will be connections provided for each lot within the subdivision. The main water lines will create a looped system to maintain equal water pressures throughout the development as the subdivision is constructed as outlined in the SIA under the heading VI Utilities.

   Sanitary sewer service will be provided by the City of Billings. The subdivider will install new 8-inch sewer mains in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities.

   Private utility companies, such as gas and electric, will provide service to the subdivision. Easements have been shown on the face of the plat that are acceptable to these utility providers. Some of the private utility lines will go in the carriage ways / alleys.

b. **Storm water** – Storm water drainage is proposed to be handled by curb and gutters that discharge into storm drainage piping as well as surface conveyance in

some areas. The storm drainage pipes will discharge into a stormwater detention area that is located within a private park in the Annafeld North Subdivision, 1st Filing. This park will be deeded to the HOA and maintained by them. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division.

Storm water facilities within the subdivision will be maintained by the Home Owners Association (HOA) as outlined by the City of Billings Engineering Division regulations. The applicant will submit an Operating and Maintenance manual to be followed by the HOA. The applicant will have the HOA documents completed and reviewed by the Engineering Division for the maintenance of the storm water systems before final plat approval. **(Condition #1)**

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** – All internal streets are proposed to be built to City standards providing the required road width, curb/gutters, and boulevard sidewalks. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. Roads within the subdivision that currently are not named will be named before final plat.

Elysian Road is designated as a collector on the Functional Classification Map. Elysian Road will be improved along the second filing with curb and gutter along with pavement widening. The widening will include a travel lane, center turn lane / center median and a parking lane. A roundabout will be constructed with the second filing in Elysian Road. It will connect the roads coming out of Annafeld subdivision on the south and on the north, Annafeld Parkway East and West. Storm drainage will be handled with curb and gutters draining as approved by City Engineering. All proposed improvements on Elysian Road will be submitted to City Engineering for review and approval prior to construction. This is all outlined in the SIA under the heading III Transportation A Streets.

A TIS to account for any roads or connections that will be impact by this subdivision has been submitted to City Engineering. In the SIA under the heading, III Transportation it discusses impacts to Mullowney Land and Elysian Road and the impacts to East Lane and Elysian Road to be completed on the south side with the required storm water drainage with curb and gutter. Impacts to the surrounding roads and the required contributions to those roads and intersections is all outlined in the SIA under the heading III Transportation A Streets.

e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 604 S. 24th St. West (Station #5). The Fire Department has reviewed the proposed subdivision and is satisfied with what is being proposed. The applicant

will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. The Billings Police noted in comments that "continued development will eventually require additional resources to maintain current levels of service". The subdivision is located within the ambulance service area of American Medical Response (AMR).

f. **Schools** – School District #23, Elysian School provides educational services to elementary through middle school students. Elysian School has indicated that they currently have additional capacity for students. West High School would serve as the high school for this subdivision. A response from School District #2 indicates that West High School is currently over capacity.

g. **Parks and Recreation** – Residential subdivisions creating lots with housing densities less than one dwelling unit per ½-acre are required by State and local laws to dedicate 11% of the net land area (or provide an equivalent cash contribution) for parkland. Additional provisions in subdivision regulations allow dedication of parkland to be waived. Consideration for waiving dedication of parkland occurs if the subdivision provides for a development with land permanently set aside for park and recreational uses enough to meet the needs of the persons who will ultimately reside in the development. Consideration for waiving dedication of parkland occurs if the land and any improvements set aside for park purpose equals or exceeds the area otherwise required.

   The applicant is proposing to have parkland throughout this development that will be installed with the development of each filing. It will be privately owned and maintained by the Homeowners' Association for the subdivision. The developer also provided a park on the north east corner of Annafeld Subdivision 1st Filing. The parkland proposed with both subdivisions is the correct amount for both filings.

h. **Mail Delivery -** The United States Postal Service will provide postal service to the subdivision; they have indicated centralized mailbox units will be required. A paragraph in the SIA acknowledges this and indicates the developer's intent to coordinate mailbox locations with the postal service.

3. Effect on the natural environment

The subject property is relatively level farm land adjacent to urban development on its south and east sides. A geotechnical study was performed for the subdivision, dated December 2020, a summary of the information from that study will be included in the SIA under the heading VIII. 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. There is a paragraph in the SIA that warns future lot owners of the presence of wildlife habitat in the area, and wildlife indigenous to the area may cause damage to their landscaping or

interface with domestic animals, residents, and visitors. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2019 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:

> **Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)
>
> **Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

2. 2019 Urban Area Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a long-range bike lane identified on Elysian Road and on East Lane. The applicant has constructed a multi-use pathway along the entire frontage of the property along the south side of Elysian Road and a pedestrian bridge has been constructed over Hogan Slough. The developer to the east also constructed a pathway along the south side of Elysian Road so there will be a multi-use pathway constructed from Mullowney Lane to East Lane for multi modal users and youth to get to Elysian School.

There is a trial identified on East Lane. A new 10-foot-wide multi-use path will be constructed on the east side of East Lane adjacent to Annafeld North Subdivision, 2nd Filing.

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(8)(b)(1)]

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 (8)(b)(5)]

The subject property will be in City zoning district Neighborhood Mixed Use (NMU). The proposed subdivision lots meet the requirements of zoning and further zoning compliance will take place with the submittal of buildings on specific lots.

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 (8)(b)(2)]

The subdivider has provided utility easements as requested by MDU and NWE 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 (8)(b)(3)]

Legal and physical access is provided to the proposed lots from Elysian Road, the new proposed internal roads and connections to the other road within Annafeld North Subdivision, 1st Filing.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Annafeld North Subdivision, 2nd Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements 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

The Planning Board recommends conditional approval of the preliminary plat of Annafeld North Subdivision, 2nd Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 22, 2021

_____

William A. Cole, Mayor

PRELIMINARY PLAT OF

ANNAFELD NORTH SUBDIVISION, SECOND FILING

BEING LOT 5, BLOCK 3, OF ANNAFELD NORTH SUBDIVISION, FIRST FILING, BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : MCCALL DEVELOPMENT, LLC

PREPARED BY : SANDERSON STEWART

DECEMBER, 2020

BILLINGS, MONTANA

- ○ FOUND SURVEY MONUMENT, REBAR WITH "SANDERSON STEWART" CAP 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.

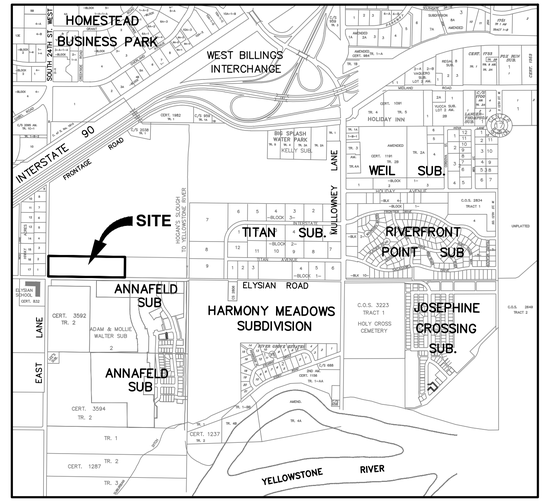
PLAT DATA

GROSS AREA	=	±9.09 ACRES
NET AREA	=	±5.69 ACRES
NUMBER OF LOTS	=	50
MINIMUM LOT SIZE	=	2,758 SF
MAXIMUM LOT SIZE	=	9,393 SF
LINEAL FEET OF STREETS	=	1,732 L.F.
PARKLAND REQUIREMENT	=	±0.624 ACRES
PARKLAND DEDICATION	=	±0.381 ACRES WITH EXCESS DEDICATION WITH ANNAFELD NORTH, 1ST FILING
EXISTING ZONING	=	NEIGHBORHOOD COMMERCIAL
SURROUNDING ZONING:		
NORTH	=	HIGHWAY COMMERCIAL
SOUTH	=	P.U.D
EAST	=	NEIGHBORHOOD COMMERCIAL
WEST	=	RESIDENTIAL 15000
EXISTING LAND USE	=	VACANT
PROPOSED LAND USE	=	RESIDENTIAL/COMMERCIAL

NORTH

50 25 0 50 100

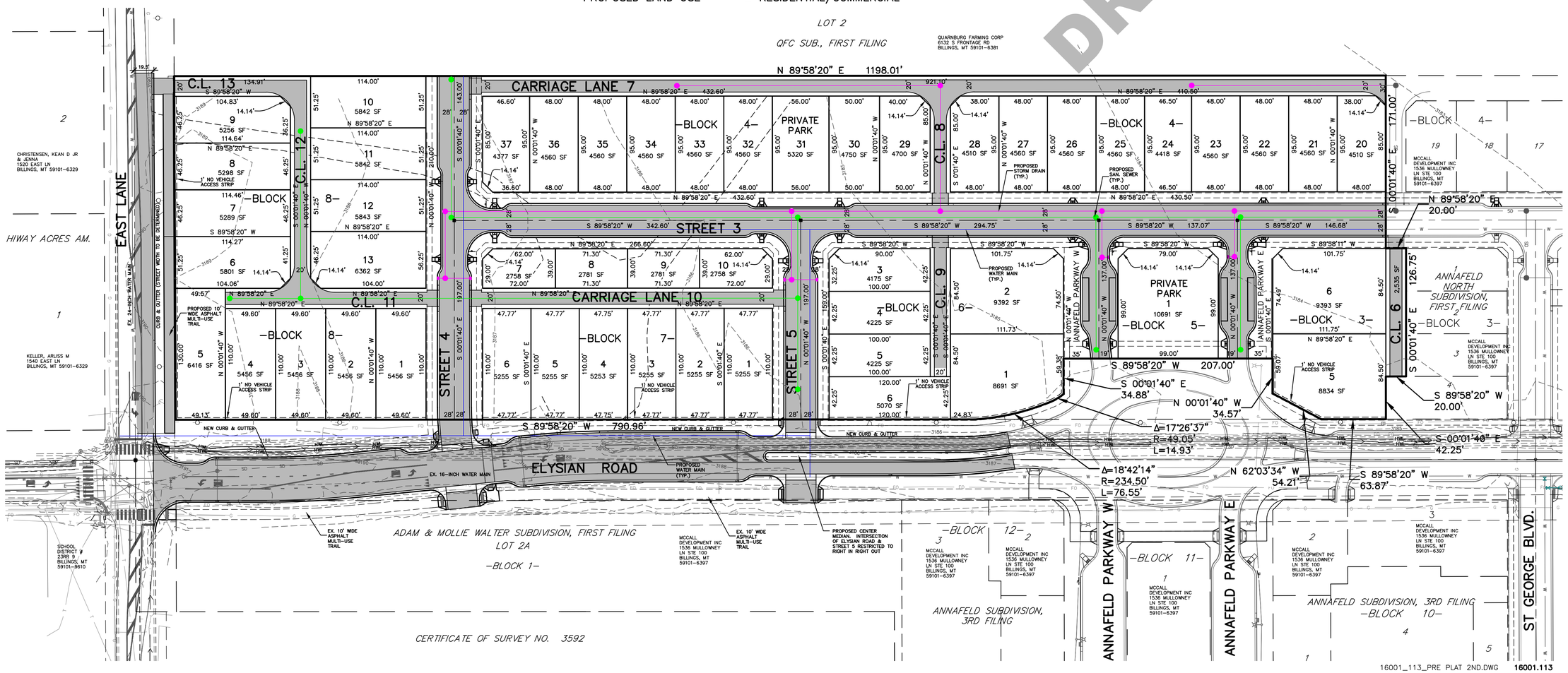
SCALE: 1"=50'



VICINITY MAP

NOT TO SCALE

DRAFT



Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD NORTH SUBDIVISION, SECOND FILING

CITY OF BILLINGS

Table of Contents

I.	Variances		SIA-2
II.	Property Conditions and Information for Lot Purchasers		SIA-2
III.	Transportation		SIA-4
	A.	Streets	SIA-4
	B.	Alleys	SIA-5
	C.	Sidewalks	SIA-6
	D.	Street Lighting	SIA-6
	E.	Traffic Control Devices	SIA-6
	F.	Access	SIA-7
	G.	Billings Area Bikeway and Trail Master Plan	SIA-7
	H.	Public Transit	SIA-7
IV.	Emergency Service		SIA-7
V.	Storm Drainage		SIA-8
VI.	Utilities		SIA-9
	A.	Water	SIA-9
	B.	Sanitary Sewer	SIA-9
	C.	Power, Telephone, Gas, and Cable Television	SIA-10
VII.	Parks/Open Space		SIA-10
VIII.	Homeowner's Associations		SIA-10
IX.	Postal Delivery		SIA-10
X.	Soils/Geotechnical Study		SIA-11
XI.	Financial Guarantees		SIA-11
XII.	Legal Provisions		SIA-11

Return to:
Sanderson Stewart
1300 North Transtech Way
Billings, MT 59102

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT DISTRICTS ANNAFELD NORTH SUBDIVISION, SECOND 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 North Subdivision, Second Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on the __ day of _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Annafeld North Subdivision, Second Filing; and

WHEREAS, at a regular meeting conducted on the __ day of _____, 20__, the City Council conditionally approved a preliminary plat of Annafeld North Subdivision, Second Filing; and

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

WHEREAS, a Development Agreement between the Subdivider and the City is of record in the office of the Clerk and Recorder, under Document No. _____; and

WHEREAS, the provisions of this agreement shall be effective and applicable to Annafeld North Subdivision, Second 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 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 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. 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. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

E. 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.

F. Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld North Subdivision, Second Filing.

G. 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.*

H. 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.

I. 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 a minimum drive aisle of 20-feet and parallel parking on both sides of the street. 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 will be constructed on the north side of Elysian Road adjacent to the Second Filing. Improvements will also include the construction of necessary pavement widening to construct westbound travel lane, center turn lane/center median and parking lane adjacent the subdivision. A full access will be provided at Elysian Road and Street 4 (temporary name). A restricted right in right out access with a center median will be provided at Street 5 (temporary name) and Elysian Road. A roundabout will be constructed at the intersection of Elysian Road and Annafeld Parkway East and West. 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. East Lane is designated as a collector on the Billings/Yellowstone County Functional Classification Map. Curb and gutter will be constructed on the east side of East Lane adjacent to the Second Filing. Improvements will also include the construction of necessary pavement widening to construct northbound travel lane, center turn lane/center median and parking lane adjacent the subdivision. 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. East Lane improvements will be completed by private contract or SID.

6. A traffic accessibility study has been completed for the Annafeld North Subdivision, Second 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 North Subdivision, Second Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

Mullowney Lane/Elysian Road	5.58%	$13,950.00
Elysian Road/East Lane	2.25%	$5,625.00

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 North Subdivision, Second 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 (Lot 31, Block 4 and Lot 1, Block 5) 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.

D. Street Lighting

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for Second 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 on Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

F. Access

Access to the subdivision will be provided by Annafeld Parkway East and West, Street 4 (temporary name) and Street 5 (temporary name). 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 extends from the east boundary of the subdivision to the easterly right-of-way line of East Lane. A new 10-foot-wide multi-use path will be constructed on the east side of East Lane adjacent to Annafeld North Subdivision, Second Filing. The multi-use path improvements will be completed by private contract or SID.

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

Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to the detention facility that is located within the Annafeld North Subdivision, First Filing, in a private park on Lot 13, Block 1. This detention facility in Annafeld North Subdivision, First Filing has been sized to accept additional runoff generated from Annafeld North Subdivision, Second Filing. The detention facility on site will be sized to store the stormwater generated by Annafeld North Subdivision, First and Second Filing. Treatment for the water quality runoff will be provided in the stormwater detention facility. The stormwater detention facility will discharge to Hogan's Slough. Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

The stormwater detention area is located within a private park lot deeded to the Annafeld North Subdivision HOA and will be an integral part of the public street drainage system. The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the stormwater

detention area and associated drainage facilities shall be by the Annafeld North Subdivision HOA.

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 North 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 8-inch water mains in Street 3 (temporary name), Street 4 (temporary name) and Street 5 (temporary name). A new 8-inch water main will also be installed parallel to the existing 16-inch water main Elysian Road to serve Lots 1-6, Block 7 and Lots 1-5, Block 8. A stub for future connection will be provided in Street 4 (temporary name).

B. Sanitary Sewer

Sanitary sewer service to Annafeld North Subdivision, Second Filing will be provided by connecting to the existing 8-inch sanitary sewer main located in the Street 3 (temporary name). A stub for future connection will be provided in Street 4 (temporary name). 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

Per Section 76-3-621 of the Montana Code Annotated, 0.624 acres of parkland dedication is required for Annafeld North Subdivision, Second Filing. The parkland provided with the platting of Annafeld North Subdivision, Second Filing is 0.381 acres. The remaining parkland was previously dedicated with Annafeld North Subdivision, First Filing. The Subdivider proposes to dedicate land as private parks. The private parks will be maintained by the Annafeld North Subdivision Homeowners Association (HOA).

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 is being performed for the subdivision. The report dated December 2020, will be available for review at the City of Billings Planning Department. Lot owners and contractors/builders will be encouraged to review the report and its recommendations.

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts 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 two year from the date of substantial completion.

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 Second above written.

"SUBDIVIDER" **MCCALL DEVELOPMENT, INC.**

By:_____

Its:_____

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 _____of **MCCALL DEVELOPMENT, INC.** 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 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:

ANNAFELD NORTH SUBDIVISION, SECOND FILING

SUBDIVIDER/OWNER **MCCALL DEVELOPMENT, INC.**

By:_____

Its:_____

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 executed the foregoing instrument as the _____ 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:_____
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

March 22, 2021

McCall Development
c/o Sanderson Stewart
1300 Transtech Way
Billings, MT 59102

Dear Applicant:

On March 22, 2021, the Billings City Council conditionally approved the preliminary plat of Annafeld North Subdivision, 2nd 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. 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: Sanderson Stewart

City Council Regular

Date:	03/22/2021
Title:	Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

Staff recommends conditional approval of the preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision, to the City Council, and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. 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.
2. 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 February 16, 2021, Stahly Engineering applied for preliminary minor plat approval for Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision. The proposed subdivision creates 2 lots for commercial development. The subject property is generally located between Shiloh Road and Shiloh Crossing Boulevard west of Scheels. The property is zoned Corridor Mixed-Use 2 (CMU2). The land currently has one commercial building under construction with the proposed second lot vacant.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations has been requested.

PROCEDURAL HISTORY

- Pre-application meeting January 14, 2021
- Preliminary plat application submitted to Planning Division February 16, 2021.
- Preliminary plat to City Council March 22, 2021
- 35 working-day preliminary plat review period ends April 6, 2021.

PLAT INFORMATION

General location: Between Shiloh Road and Shiloh Crossing Boulevard west of Scheels

Legal Description:	Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision
Owner/Subdivider:	Opportunity Bank of Montana
Engineer and Surveyor:	Stahly Engineering
Existing Zoning:	CMU2
Existing land use:	Commercial/Vacant
Proposed land use:	Commercial
Gross and Net area:	2.156 / 2.156 acres
Proposed number of lots:	2
Lot size:	Max: 1.383 acres Min.: 0.773 acres
Parkland requirements:	No parkland is required as this is a minor/ commercial 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 April 6, 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

This subdivision will have no fiscal impacts to the Planning Division.

SUMMARY

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/s, 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 proposed subdivision.

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 Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision. 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(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used as farmland. The original Shiloh Crossing Subdivision was previously a heavy industrial area and there were no water user facilities. The land has not been used for farming for quite some time. This proposed subdivision will have no effect on agriculture or water user facilities.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. Both proposed lots currently have water service to them, no additional water system improvements are required for this subdivision. The subdivider will make connections to the existing water service and any new fire hydrants will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ).

b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. Both proposed lots currently have sewer service to them, no additional sewer system improvements are required for this subdivision. The subdivider will make connections to the existing sewer service in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ.

   Private utilities exist for the lots and they are currently within easements that have been provided in the past for existing development.

c. **Storm water** – All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division.

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

e. **Streets** – The lots in this subdivision will take access from Shiloh Crossing Boulevard. Shiloh Crossing Boulevard is a private internal road built with curb

and gutter, boulevard sidewalks will be built with the development of the lots. There will be no additional road construction for this subdivision.

f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. This subdivision is in Fire Station number 5 service area. Station number 5 is located at 605 24th St. West. Fire hydrants will be installed as required by City of Billings Fire Department code.

   The Billings Police will provide service to this subdivision. The subdivision is located within the ambulance service area of American Medical Response (AMR).

g. **Schools** – No additional burden will be placed on School District #2 as this subdivision is for commercial development.

h. **Parks and Recreation** –No parkland dedication is required to be provided as this is a minor plat and also for commercial development.

i. **Mail Delivery -** The United States Postal Service (USPS) will provide postal service to the subdivision.

3. Effect on the natural environment

The subject property has been planned for commercial development for several years now, the impacts to the natural environment will be minimal. This property was part of a heavy industrial use site before the current overall development. The natural environment has not existed for quite some time. There will be no additional environmental impact on the subject property.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), 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:

Prosperity (promoting equal opportunity and economic advancement): A diversity of available jobs can ensure a strong Billings' economy (p. 9).

Successful businesses that provide local jobs benefit the community (p. 9)

Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses. (p. 9)

2. 2018 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a trail on the west side of Shiloh Road and sidewalk on the east side of Shiloh Road. There is no trail identified within 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(8)(b)(1)]

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 (8)(b)(5)]

The subject property conforms to the requirements of current zoning. Additional zoning requirements will be reviewed upon submission of a building permit for the subject lots.

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 (8)(b)(2)]

Private utilities exist for the lots and they are currently within easements that have been provided in the past for existing development. Private utilities will be extended to the new buildings when they are built on the subject property.

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 (8)(b)(3)]

Legal and physical access to the proposed lots is provided from Shiloh Crossing Boulevard.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to some of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements 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 recommends conditional approval of the preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision to the City Council, and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, March 22, 2021

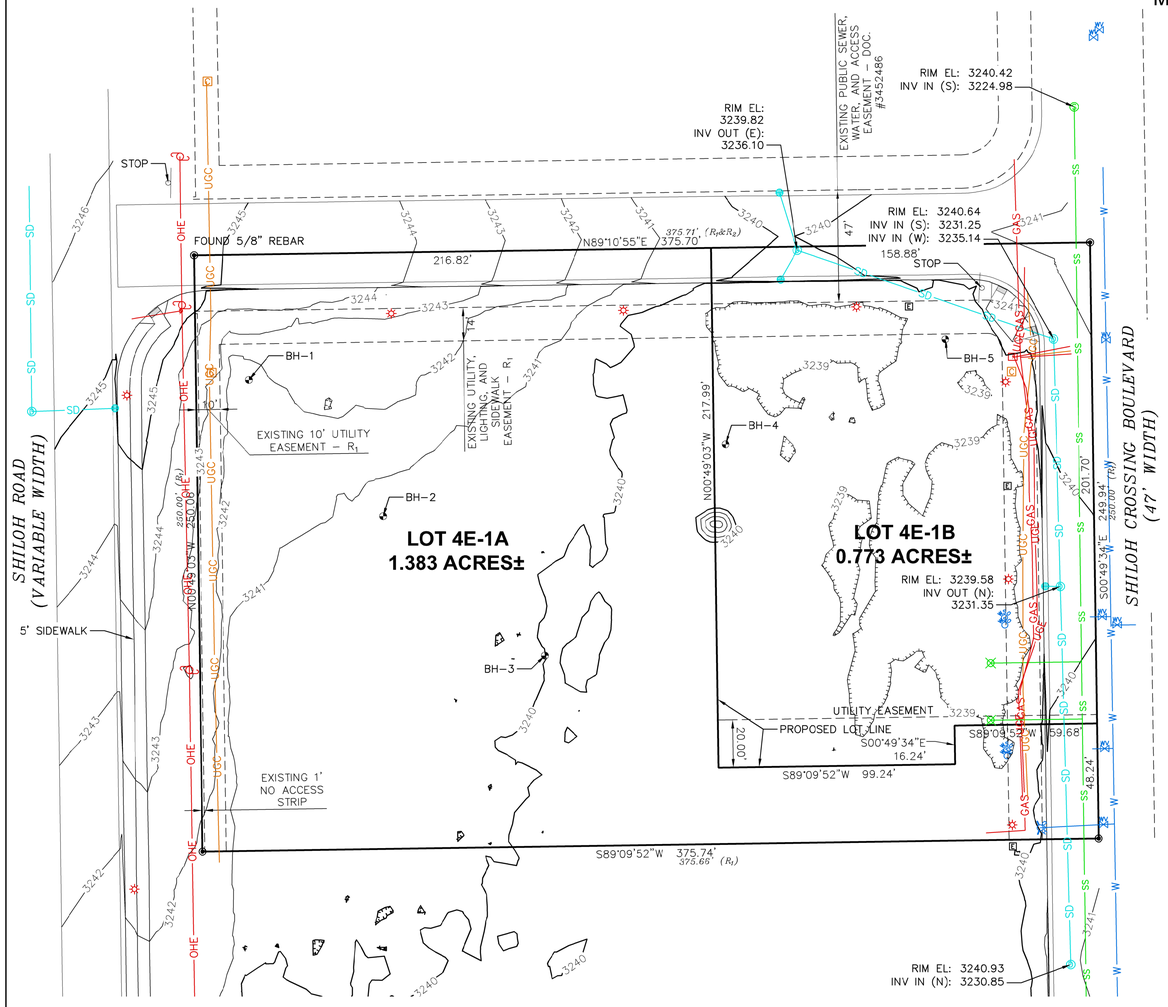
_____

William A. Cole, Mayor

pc. Stahly Engineering

PRELIMINARY SUBDIVISION PLAT

AMENDING LOT 4E-1, BLOCK 1, OF THE SHILOH CROSSING SUBDIVISION PLAT
LOCATED IN THE NW1/4 OF SECTION 14, TOWNSHIP 01 SOUTH, RANGE 26 EAST, P.M.M., CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



LEGEND

◉	FOUND YPC SS 8377 PLS UNLESS OTHERWISE NOTED
E	ELECTRIC LINE PULL BOX
E	ELECTRIC PEDESTAL
	ELECTRIC DROP
	LIGHT POLE
	POWER POLE
	BORE HOLE
	SIGN
	STORM DRAIN INLET
	STORM DRAIN MANHOLE
	WATER VALVE
	CURB STOP
	FIRE HYDRANT
S	SANITARY SEWER MANHOLE
	SANITARY SEWER SERVICE POST
C	COMMUNICATION PEDESTAL
3240	CONTOURS (1FT. INTERVALS)
	DEPRESSION CONTOUR (1FT. INTERVALS)
SD	STORM DRAIN MAIN
W	WATER MAIN
	WATER SERVICE LINE
GAS	UNDERGROUND GAS
SS	SANITARY SEWER MAIN
	SANITARY SEWER SERVICE LINE
UGC	UNDERGROUND COMMUNICATION
UGE	UNDERGROUND ELECTRIC
OHE	OVERHEAD ELECTRIC
	EASEMENT
	PROPERTY LINE
R_1	AMD. LT 4E BLK 1, SHILOH CROSSING SUB, DOC. #3611452
R_2	AMD. LT 4 BLK 1, SHILOH CROSSING SUB, DOC. #3473361
R_3	SHILOH CROSSING SUB, DOC. 3452484
YPC	YELLOW PLASTIC CAP MARKED "SANDERSON STEWART 8377–S"

CERTIFICATE OF DEDICATION

I, the undersigned property owner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots as shown by the plat herunto included, the following described land in Yellowstone County, to–wit:

LEGAL DESCRIPTION
A tract of land located within the northwest one quarter of Section 14, Township 1 South, Range 26 East, Principal Meridian Montana, City of Billings, Yellowstone County, Montana, being more particularly described as Lot 4E–1 of the Shiloh Crossing Subdivision, according to the official plat filed with the Clerk & Recorder of Yellowstone County, Montana, (Document #3611452), containing 2.156 acres or 54,834 square feet.

DEPARTMENT OF ENVIRONMENTAL QUALITY EXCLUSION
Lots 4E–1A and 4E–1B are excluded from Department of Environmental Quality review pursuant to ARM 17.36.605(2)(b)(i) "no facilities other than those previously approved exist or will be constructed on the parcel;

and

ARM 17.36.605 (2)(b)(ii) "the division of land will not cause approved facilities to deviate from the conditions of approval, in violation of 76–4–130, MCA."

DATED this _____ day of _____, A.D., 20__

_____
Darryl Rensmon, representative for Opportunity Bank of Montana

State of _____
County of _____

This instrument was acknowledged before me on

_____ _____ by
(Date)

_____as
(Name of signee)

_____of
(type of authority)

_____ _____ (party or entity)

_____
(Notary – printed)

_____
(Notary – signed)

Notary Public for the State of:
Residing at:
My commission expires:

CERTIFICATE OF CITY COUNCIL

I, _____, City of Billings, Montana, do hereby certify that the accompanying plat has been duly examined and have found the same to conform to the law, approve it, and hereby accept the dedication to public use.

DATED this _____ day of _____, A.D., 20__

CITY OF BILLINGS, MONTANA

BY: _____
Mayor

ATTEST: _____
City Clerk

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

This Certificate of Survey has been reviewed and approved by the Yellowstone City/County Health Department and the State Department of Environmental Quality.

DATED this _____ day of _____, A.D., 20__.

_____
Health Officer/Authorized Representative
Yellowstone County Health Department

CERTIFICATE OF CITY ATTORNEY

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

DATED this _____ day of _____, A.D., 20__.

Reviewed by: _____

CERTIFICATE OF COUNTY TREASURER

I, Sherry Long, Treasurer of Yellowstone County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

DATED this _____ day of _____, A.D., 20__.

_____
(Signature Treasurer of Yellowstone County)

CERTIFICATE OF EXAMINING LAND SURVEYOR

I, the undersigned, acting as an Examining Land Surveyor, do hereby certify that I have examined this plat for errors and omissions in drafting.

Dated this _____ day of _____, 20__.

_____
Examining Land Surveyor

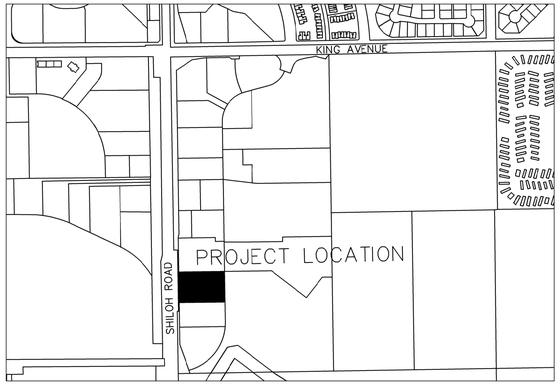
CERTIFICATE OF CLERK AND RECORDER

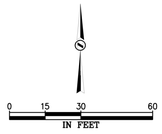
I, Jeff Martin, Clerk and Recorder of Yellowstone County, Montana, do hereby certify that the foregoing instrument was filed in my office at ___o'clock, (a.m., or p.m.), this day of , A.D., 20__ , and recorded in Book_____, of Plats on Page _____, as Document No._____, Records of the Clerk and Recorder, Yellowstone County, Montana.

_____
(Signature Clerk and Recorder)

VICINITY MAP

NTS





NOTES:

1. DATE OF SURVEY: November 5th, 2019; Prelim. Plat prepared 05/06/2020
2. PURPOSE OF SURVEY: Minor subdivision.
3. OWNERS OF RECORD: Opportunity Bank of Montana
4. SURVEY COMMISSIONED BY: Opportunity Bank of Montana
5. Number of Lots: 2
6. Maximum Lot Area: 1.383 Acres (60,264 sq. ft.)
7. Minimum Lot Area: 0.773 Acres (33,665 sq. ft.)
8. Area of Parkland: 0
9. Linear feet of streets: 0
10. Net and gross Acreage: 2.156 Acres
11. Existing and Proposed Zoning: Controlled Industrial
12. Existing and Proposed Land Use: Vacant\Commercial
13. Utilities shown on this survey should be considered approximate and should not be used as a reference for excavation. A one–call utility locate request should always be used prior to excavation.

CERTIFICATE OF SURVEYOR

I, the undersigned, Christopher W. Kosine, Professional Land Surveyor, do hereby certify that in November, 2019, I surveyed Lot 4–E–1 of the Shiloh Crossing Subdivision, and described the same as shown on the accompanying plat and platted in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76–3–101 through 76–3–625, MCA, and the Yellowstone County Subdivision Regulations.
DATED this _____ day of _____, A.D., 20__.

_____
Christopher W. Kosine, PLS.
Registration No 41478

MONTANA
CHRISTOPHER W. KOSINE
41478 LS
LICENSED
PROFESSIONAL LAND SURVEYOR

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone: (406)601–4055 Fax: (406)601–4062
3530 CENTENNIAL DR. HELENA, MT 59601 Phone: (406)442–8594 Fax: (406)442–8557
851 BRIDGER DR. STE. 1 BOZEMAN, MT 59715 Phone: (406)522–9526 Fax: (406)522–9528

SUBDIVISION PLAT NO. _____

COUNTY: YELLOWSTONE
PRINCIPAL MERIDIAN, MONTANA

1/4	SEC	T	R
X	14	01S	26E

DESIGNED: _
DRAWN: CWK
CHECKED: –
DATE: 05/05/2020

SHEET
1 OF 1

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

Amended Plat of Lot 4E-1, Block 1, Shiloh Crossing Subdivision

Table of Contents
(City of Billings)

I.	Variances	2
II.	Property Conditions and Information for Lot Purchasers	2
III.	Transportation	3
	A. Streets	
	B. Sidewalks	
	C. Street Lighting	
	D. Traffic Control Devices	
	E. Access	
	F. Billings Area Bikeway and Trail Master Plan	
	G. Public Transit	
IV.	Emergency Services	4
V.	Storm Drainage	5
VI.	Utilities	5
	A. Water	
	B. Sanitary Sewer	
	C. Power, Telephone, Gas, and Cable Television	
VII.	Parks/Open Space	6
VIII.	Irrigation	6
IX.	Soils/Geotechnical Study	6
X.	Phasing of Improvements	6
XI.	Financial Guarantees	6
XII.	Legal Provisions Applying to Subdivider	6

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

Amended Plat of Lot 4E-1, Block 1, Shiloh Crossing Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between Opportunity Bank of Montana, whose address for the purpose of this agreement is P.O. Box 4999, Helena, MT 59604-4999, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the amended plat of *Lot 4E-1, Block 1, Shiloh Crossing Subdivision*, 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 an amended preliminary plat of *Lot 4E-1, Block 1, Shiloh Crossing Subdivision*; 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 *Lots 4E-1A and 4E-1B, Block 1, Shiloh Crossing Subdivision* 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

There are no variances 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. 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 there are Covenants, Conditions and Restrictions of the Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision recorded in conjunction with this subdivision that outlines additional requirements specific to this subdivision.

D. A geotechnical engineering report was prepared for this development by Tetra Tech titled, *New Opportunity Bank – Shiloh Crossing, Billings, Montana,* dated October 17, 2019. This report details foundation design, and pavement and concrete sections specific to the proposed site improvements.

E. 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.

F. 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.

G. 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.

H. 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

A. Streets

Shiloh Road has a variable width constructed adjacent to the project limits with curb and gutter and an approximately 73' paved width. No improvements to Shiloh Road are proposed with this subdivision.

An unnamed access road to the north of the project limits has a 47' public sewer, water, and access easement. The road has curb and gutter and an approximately 39' paved width and no improvements are proposed with this subdivision.

Shiloh Crossing Boulevard has a 47' public sewer, water, and access easement. Immediately abutting the public access easement is a 14' utility, lighting and sidewalk easement all lying within the parcel. Shiloh Crossing Boulevard is fully constructed adjacent to the project limits with curb and gutter and an approximately 43' paved width. No improvements to Shiloh Crossing Boulevard are proposed with this subdivision.

B. Sidewalks

An approximately 5' wide concrete sidewalk is currently in place along Shiloh Road. No improvements to the boulevard or sidewalk along Shiloh Road are proposed with this subdivision other than replacing areas that are damaged during construction of the on-site improvements.

A variable width boulevard and 5' wide concrete sidewalk will be constructed along the frontage of the subject parcel along the unnamed north access road and Shiloh Crossing Boulevard. Timing of the sidewalk improvements will be determined in conjunction with City Engineering.

C. Street Lighting

There are no street lighting improvements proposed with this subdivision.

D. Traffic Control Devices

There are existing stop signs on the unnamed access road at the intersections with Shiloh Road and Shiloh Crossing Boulevard. There are no additional traffic control devices proposed with this subdivision.

E. Access

Legal access will be granted by way of the access easement for Shiloh Crossing Boulevard via one approach. A reciprocal access easement will be placed over the access drive to provide legal, shared access to both lots.

F. Billings Area Bikeway and Trail Master Plan

The Billings Area Bikeway and Trail Master Plan Update identifies a shared use path along Shiloh Road. This subdivision will not require the construction of any bikeway or trail improvements.

G. Public Transit

There are no public transit improvements proposed with this subdivision.

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.

The City of Billings Fire and Police Departments will provide emergency fire and law enforcement services. Emergency access shall be provided via Shiloh Crossing Boulevard. An operational fire hydrant is located south of the property on the west side of Shiloh Crossing Boulevard.

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 complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

The proposed stormwater management system will consist of separate infiltration systems on each lot. The collection system will tie into the Subdivision's existing storm sewer system.

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.

DRAFT

A. Water

Both proposed lots are currently served by individual water services. No additional water system improvements are proposed for this subdivision.

B. Sanitary Sewer

Both proposed lots are currently served by individual sanitary sewer services. No additional sanitary sewer system improvements are proposed for this subdivision.

C. Power, Telephone, Gas, and Cable Television

Both proposed lots are currently served by individual power, telephone, gas, and cable television services. No additional power, telephone, gas, or cable television improvements are proposed for this subdivision.

VII. PARKS/OPEN SPACE

There is no parkland requirement for amended plat of Lot 4E-1, Block 1, Shiloh Crossing Subdivision, as all parcels are nonresidential [MCA 76-3-621(3)(b)].

VIII. IRRIGATION

Both parcels will utilize private irrigation systems and are not within an irrigation district.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical engineering report was prepared for this development by Tetra Tech titled, *New Opportunity Bank – Shiloh Crossing, Billings, Montana,* dated October 17, 2019. This report details foundation design, and pavement and concrete sections specific to the proposed site improvements.

X. PHASING OF IMPROVEMENTS

There are no phases associated with this subdivision.

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.

DRAFT

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" *Opportunity Bank Of Montana*

By: _____

Its: _____

DRAFT

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 _____ of *Opportunity Bank of Montana*, 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: _____

DRAFT

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: _____

DRAFT

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 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 Lot 4E-1, Block 1, Shiloh Crossing Subdivision

Signed and dated this _____ day of _____, 20___.

Subdivider/Owner

_____

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 *Subdivider/Owner Name*, the person who executed the forgoing 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

March 22, 2021

Opportunity Bank of Montana
P.O. Box 4999
Helena, MT 59604

Dear Applicant:

On March 22, 2021, the Billings City Council conditionally approved the preliminary plat of Amended Lot 4E-1, Block 1, Shiloh Crossing Subdivision, subject to the following conditions of approval:

1. 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.

2. 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: Stahly Engineering

Consent

City Council Regular

Date:	03/22/2021
Title:	Parkland West Subdivision, 7th Filing - Preliminary Major Plat
Presented by:	David Green
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

The Planning Board recommends conditional approval of the preliminary plat of Parkland West Subdivision, 7th Filing, to the City Council, and adoption of the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

The Board 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, WWC Engineering, applied for preliminary major plat approval for Parkland West Subdivision, 7th Filing. The proposed subdivision creates 16 lots for residential development. The subject property is generally located on the east side of South 36th Street West between Crater Lake and Rachelle Circle. The property is part of a Planned Unit Development and is zoned Residential 9600 (R96). The PUD allows R96 zoning to have lots with square footage of 6,500. It should be noted, Planned Developments and underlying zoning were not impacted or changed by the recent adoption of Project Re:Code. The land is currently dryland grass with residential development to the north, west and east, with a church to the south.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROCEDURAL HISTORY

- Pre-application meeting October 29, 2020
- Preliminary plat application submitted to Planning Division January 4, 2021.
- Departmental review meeting January 14, 2021
- Preliminary plat re-submittal January 21, 2021
- Planning Board plat review February 9, 2021
- Planning Board public hearing February 23, 2021
- Preliminary plat to City Council March 22, 2021
- 60 working-day preliminary plat review period ends March 31, 2021

PLAT INFORMATION

General location:	The east side of South 36th Street West between Crater Lake and Rachelle Circle
Legal Description:	Parkland West 1st Filing, Lot 1A, Block 6
Owner/Subdivider:	Rod Lorenz
Engineer and Surveyor:	WWC Engineering
Existing Zoning:	R96
Existing land use:	Vacant land
Proposed land use:	Residential
Gross and Net area:	2.8046 acres / 2.8046 acres
Proposed number of lots:	16
Parkland requirements:	Parkland requirements were met with the Parkland West, 1st Filing

STAKEHOLDERS

A brief presentation was given to the planning board about the proposed subdivision. President Woods called for questions and discussion from the members of the Board. Board member Thompson commented that he thought Parkland West Subdivision was created in the 1990's along with a park maintenance district. The City Parks Department is responsible for the parkland maintenance. He asked Planning Staff regarding the parkland shown on the master site plan in area 7. Planning staff stated they do not believe this area of proposed parkland has been dedicated at this time. It was noted that there were three letters received from the same address from surrounding property owners stating some concerns with infrastructure, traffic and parkland. Staff presented the master plan that was done for this entire subdivision, and it shows that this development is progressing in substantial conformance as originally proposed. There have been plans for infrastructure in place for many years and the traffic has been accounted for and new updates to the traffic study are submitted as engineering requires. The parkland has been dedicated that is required at this time and as shown on the master site plan. Lot 1, Block 6 was master planned for a church and single family uses, the church is constructed the proposed homes would be the rest of what was master planned for Lot 1, Block 6.

President Woods opened the public hearing and asked if there is anyone wishing to speak in favor or against West Meadows Subdivision, 7th Filing. There were no public comments called in to the Zoom meeting.

Greg Reid with WWC Engineering, representing developer Rod Lorenz, stated that his research of Parkland West was showing that the subdivision first began in 1982. He had no other comments.

President Woods asked for a motion on the proposed subdivision. A motion was made and seconded to forward a recommendation of conditional approval of the preliminary plat of Parkland West Subdivision, 7th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report. The motion carried with a unanimous voice vote.

ALTERNATIVES

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(s), 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 proposed subdivision.

In accordance with state law, the City Council has 60 working days to act upon this major preliminary plat. The 60 working day review period for the proposed subdivision ends on March 31, 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 60 working day review period, the City Council is required to:

1. Approve;
2. Conditionally Approve;
or 3. Deny the Preliminary Plat

FISCAL EFFECTS

This subdivision will have no fiscal effect on the Planning Division.

Attachments

Public Comment - Delores Jacobson
Public Comment - Joann Callahan
Public Comment - Ken Callahan
Findings of Fact
Preliminary Plat
Subdivision Improvement Agreement
Mayors Letter
Parkland West Master Site plan
Lot 1, Block 6 as it currently exists

Dear Billings City Council David Green,

I am writing as a resident at 290 Wind Cave Circle. I received a certified letter stating this was coming up in a Yellowstone County Planning Commission Meeting.

My concern regarding this development is: Infrastructure - is there enough to support another 16 homes in this immediate area. Will there be special assessments added to my property as a result of this development? What about emergency services? There is a new development south of this planned development that is adding to the emergency services and infrastructure demands. Where is the greenspace in this plan? Has there been a traffic study done for this area? With an additional 16 homes, I am very concerned about the flow of traffic and people just cutting through a residential neighborhood just to avoid the traffic on Monad.

I am asking that you deny this development.

Thank you,
Delores Jacobson

Dear Billings City Council - David Green,

I am writing as the new homeowner at 290 Wind Cave Circle. When I researched purchasing this home, I asked about any new development happening in the immediate area. I was assured there were no new developments and no upcoming special assessments. I purchased this home in November 2020. In February, the former owner received a certified letter stating this was coming up in a Yellowstone County Planning Commission Meeting.

My concern regarding this development is: Infrastructure - is there enough to support another 16 homes in this immediate area. Will there be special assessments added to my property as a result of this development? What about emergency services? There is a new development south of this planned development that is adding to the emergency services and infrastructure demands. Where is the greenspace in this plan? Has there been a traffic study done for this area? With an additional 16 homes, and the street going through to Banff, I am very concerned about the flow of traffic and people racing through a residential neighborhood just to avoid the traffic on Monad.

I am asking that you deny this development.

JoAnn M. Callahan, Owner
290 Wind Cave Circle
Billings, MT 59102

Dear Billings City Council,

I am writing as the new homeowner at 290 Wind Cave Circle. My wife researched purchasing this home, she asked about any development happening in the immediate area. We were assured there was no new developments and no upcoming special assessments. That was in November 2020. In February, the former owner and my current tenant received a certified letter stating this was coming up in a Yellowstone County Planning Commission Meeting.

My concern regarding this development is: Infrastructure - is there enough to support another 16 homes in this immediate area. Will there be special assessments added to my property as a result of this development? What about emergency services? There is a new development south of this planned development that is adding to the emergency services and infrastructure demands. Where is the greenspace in this plan? Has there been a traffic study done for this area? With an additional 16 homes, I am very concerned about the flow of traffic and people just cutting through a residential neighborhood just to avoid the traffic on Monad.

Used to own 290 Wind Cave Circle and when we purchased it back in I think 2004 we were told then there was no building around our homes and it was all park land. What has happened and how allowed this to change?

I am asking that you deny this development.

Ken Callahan
Industrial Services Manager
121 8th Ave West
Williston ND 58801
Office: 701-572-1620
Cell: 701-770-5030

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Parkland West Subdivision, 7th Filing. 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(8), 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 (8)(b)]

1. Effect on agriculture and agricultural water user facilities

The subject property is not used as farmland. The original Descro Subdivision, 7th Filing was platted in 1982 and is a Planned Unit Development. The land has not been used for farming for quite some time. This proposed subdivision will have no effect on agriculture or water user facilities.

2. Effect on local services

a. **Utilities** – Water service will be provided by the City of Billings. There are two existing water lines, one in Crater Lake on the north and one in Rachelle Circle on the south. Both water lines are 8 inch and will be extended the entire length of Rachelle Circle and extended to the end of the subdivision on the east. Water service stubs will be provided for all new proposed lots within the subdivision. New fire hydrants will be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). These requirements are outlined in the SIA under the heading VI. Utilities.

b. **Sewer** - Sanitary sewer service will be provided by the City of Billings. There are two existing sewer lines, one in Crater Lake on the north and one in Rachelle Circle on the south. Both sewer lines are 8 inch and will be extended the entire length of Rachelle Circle and extended to an existing manhole beyond the end of paving on Crater Lake to the east. Sewer service stubs will be provided for all new proposed lots within the subdivision. The subdivider will install new sewer line services for in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. These requirements are outlined in the SIA under the heading VI. Utilities.

   Private utilities will be extended during construction of the roads and located within the right of way and utility easements shown on the plat.

c. **Storm water** –The applicant is proposing to maintain storm water on site and with the use of a detention pond to the east of the subdivision. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater*

Management Manual and will be subject to review and approval by the City Engineering Division.

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

e. **Streets** – This subdivision will take access off South 36th Street West to Crater Lake and Rachelle Circle. Crater Lake and Rachelle Circle will be built within a 60-foot-wide right of way. They will be built to a City of Billings standard residential street of 34 feet from back of curb to back of curb. They will be built to meet the requirements of the City of Billings Engineering Division and receive their approval before any construction. This requirement is outlined in the SIA under the heading III Transportation A. Streets.

   Sidewalks will be built with this subdivision and will be 5-foot-wide boulevard sidewalks.

f. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The nearest fire station is located at 605 24th St. West (Station #5). The developer will install fire hydrants at the required locations to meet regulations outlined in Fire Code.

   The Billings Police noted in comments that "continued development will eventually require additional resources to maintain current levels of service". The subdivision is located within the ambulance service area of American Medical Response (AMR).

g. **Schools** – This subdivision is in School District #2. The schools that will be affected are Central Heights Elementary, Will James Middle School and West High School. At the time this staff report was written there were no comments received from School District #2.

h. **Parks and Recreation** – Parkland dedication requirements were met with the Parkland West 1st Filing.

i. **Mail Delivery -** The United States Postal Service (USPS) will provide postal service to the subdivision. The applicant will need to coordinate location of CBU with the USPS. **(Condition #1)**

3. Effect on the natural environment

The subject property is relatively level land and is in an area that has been experiencing development for many years. There should be minimal effect on the natural environment. In the SIA there is a paragraph notifying the future lot owner there may be limitations or special requirements of the lot soils that should be investigated before construction on the lots.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. This land has been experiencing development for many years and there is minimal habitat on the land. This subdivision should have a minimal effect on wildlife and wildlife habitat. There is a paragraph in the SIA that warn lot owners there may be some interface with animals.

5. Effect on the public health, safety and welfare

There should be no impacts to public health, safety and welfare because of this subdivision.

B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-902]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616 (2), 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 (relating public and private expenditures to public values):** Infill development and development near existing City infrastructure may be the most cost effective. (p. 6)
>
> **Home Base (healthy, safe and diverse housing options):** Homes that are safe and sound support a healthy community. (p. 9)

2. 2018 Billings Urban Area Long Range Transportation Plan

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

3. Billings Area Bikeways and Trail Master Plan (BABTMP)

The proposed subdivision lies within the jurisdiction of the BABTMP. There is no trail identified within the proposed subdivision. There is a trail along Monad Road to the south and a future trail along South 36th Street West is identified as a future location for a bike lane.

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(8)(b)(1)]

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 (8)(b)(5)]

The subject property will conform to the requirements of current zoning. When the lots are sold, and they submit for a building permit, additional requirements of zoning will be reviewed with the permit process.

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 (8)(b)(2)]

The subdivider has provided utility easements for private utility companies. Private utility companies will have locations available to them for installation of their services.

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 (8)(b)(3)]

Legal and physical access to the proposed lots is provided from South 36th Street West to Crater Lake and Rachelle Circle. Each lot will have access from street frontage on Crater Lake and Rachelle Circle.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Parkland West Subdivision, 7th Filing does not create any adverse impacts that warrant denial of the subdivision.

- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation Plan or Billings Area Bikeways and Trail Master Plan.

- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements 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

The Planning Board recommends conditional approval of the preliminary plat of Parkland West Subdivision, 7th Filing, to the City Council, and adopt the Findings of Fact as presented in the staff report.

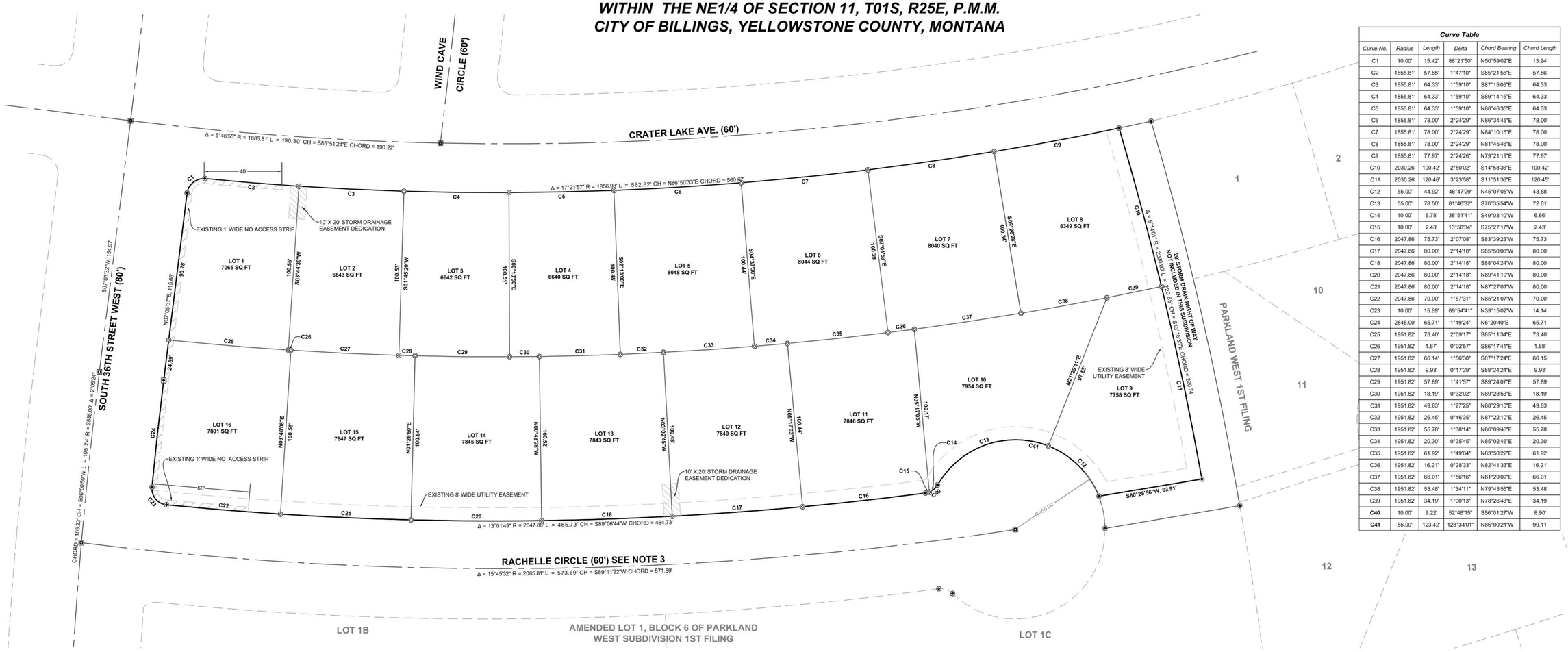
Approved by the Billings City Council, March 22, 2021

_____

William A. Cole, Mayor

PLAT OF PARKLAND WEST SUBDIVISION, 7TH FILING

BEING LOT 1A OF AMENDED LOT 1, BLOCK 6 OF PARKLAND WEST SUBDIVISION 1ST FILING, DOCUMENT NO. 3115231, WITHIN THE NE1/4 OF SECTION 11, T01S, R25E, P.M.M. CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



Curve Table

Curve No.	Radius	Length	Delta	Chord Bearing	Chord Length
C1	10.00'	15.42'	88°21'50"	N50°59'02"E	13.94'
C2	1855.81'	57.85'	1°47'10"	S85°21'55"E	57.86'
C3	1855.81'	64.33'	1°59'10"	S87°15'05"E	64.33'
C4	1855.81'	64.33'	1°59'10"	S89°14'15"E	64.33'
C5	1855.81'	64.33'	1°59'10"	N88°46'35"E	64.33'
C6	1855.81'	78.00'	2°24'29"	N86°34'45"E	78.00'
C7	1855.81'	78.00'	2°24'29"	N84°10'16"E	78.00'
C8	1855.81'	78.00'	2°24'29"	N81°45'46"E	78.00'
C9	1855.81'	77.97'	2°24'26"	N79°21'19"E	77.97'
C10	2030.26'	100.42'	2°50'02"	S14°58'36"E	100.42'
C11	2030.26'	120.46'	3°23'58"	S11°51'36"E	120.45'
C12	55.00'	44.92'	46°47'29"	N45°07'05"W	43.68'
C13	55.00'	78.50'	81°46'32"	S70°35'54"W	72.01'
C14	10.00'	6.78'	38°51'41"	S49°03'10"W	6.66'
C15	10.00'	2.43'	13°56'34"	S75°27'17"W	2.43'
C16	2047.86'	75.73'	2°07'08"	S83°39'23"W	75.73'
C17	2047.86'	80.00'	2°14'18"	S85°50'06"W	80.00'
C18	2047.86'	80.00'	2°14'18"	S88°04'24"W	80.00'
C20	2047.86'	80.00'	2°14'18"	N89°41'19"W	80.00'
C21	2047.86'	80.00'	2°14'18"	N87°27'01"W	80.00'
C22	2047.86'	70.00'	1°57'31"	N85°21'07"W	70.00'
C23	10.00'	15.69'	89°54'41"	N39°15'02"W	14.14'
C24	2845.00'	65.71'	1°19'24"	N6°20'40"E	65.71'
C25	1951.82'	73.40'	2°09'17"	S85°11'34"E	73.40'
C26	1951.82'	1.67'	0°02'57"	S86°17'41"E	1.68'
C27	1951.82'	66.14'	1°56'30"	S87°17'24"E	66.15'
C28	1951.82'	9.93'	0°17'29"	S88°24'24"E	9.93'
C29	1951.82'	57.89'	1°41'57"	S89°24'07"E	57.89'
C30	1951.82'	18.19'	0°32'02"	N89°28'53"E	18.19'
C31	1951.82'	49.63'	1°27'25"	N88°29'10"E	49.63'
C32	1951.82'	26.45'	0°46'35"	N87°22'10"E	26.45'
C33	1951.82'	55.78'	1°38'14"	N86°09'46"E	55.78'
C34	1951.82'	20.30'	0°35'45"	N85°02'46"E	20.30'
C35	1951.82'	61.92'	1°49'04"	N83°50'22"E	61.92'
C36	1951.82'	16.21'	0°28'33"	N82°41'33"E	16.21'
C37	1951.82'	66.01'	1°56'16"	N81°29'09"E	66.01'
C38	1951.82'	53.48'	1°34'11"	N79°43'55"E	53.48'
C39	1951.82'	34.19'	1°00'13"	N78°26'43"E	34.19'
C40	10.00'	9.22'	52°48'15"	S56°01'27"W	8.90'
C41	55.00'	123.42'	128°34'01"	N86°00'21"W	99.11'

CERTIFICATE OF CITY ATTORNEY

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

Dated this _____ day of _____, 2021

_____
Reviewed by

ERRORS AND OMISSIONS REVIEW

Reviewed for errors and omissions in calculations and drafting this ____ day of _____, 2021, 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 _____, 2021

_____
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 PARKLAND WEST SUBDIVISION, 7TH 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 _____, 2021

_____
John Bruckner
Registration Number 63052 LS

MONTANA JOHN BRUCKNER No. 63052 LS PROFESSIONAL LICENSED LAND SURVEYOR

SUBDIVISION IMPROVEMENTS AGREEMENT

Doucument No. _____

CERTIFICATE OF CITY COUNCIL APPROVAL

The City Council of the City of Billings, Yellowstone County, Montana does hereby certify that the accompanying plat for PARKLAND WEST SUBDIVISION, 7TH FILING has been duly examined and have found the same to confrom to the law and hereby approve it.

Dated this _____ day of _____, 2021

_____
CITY OF BILLINGS, MONTANA

BY: _____
Mayor

ATTEST: _____
City Clerk

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 _____, 2021

_____
CITY ENGINEER'S OFFICE

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 FILING BY CLERK AND RECORDER

LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION

State of Montana)
) :SS
County of Yellowstone)

KNOW ALL BY THESE PRESENTS: That we, the undersigned owners, do hereby certify that we, have caused to be surveyed, subdivided, and platted into lots blocks roads and alleys and other divisions and dedications, as shown by this plat hereunto included, the following described tract of land, to wit:

The parcel situated in the NE1/4 of Section 11, T01S, R25E, P.M.M., City of Billings, Yellowstone County, Montana, and more particularly described as Lot 1A of Plat of Amended Lot 1 of Parkland West Subdivision 1st Filing, Document No.3115231. Said tract being 2.805 acres in area, more or less.

The above described tract of land is to be known and designated as PARKLAND WEST SUBDIVISION, 7TH FILING, City of Billings, Yellowstone County, Montana. The undersigned do hereby grant unto all utility companies, as such are defined and established by Montana Law, and cable television companies, an easement for the location, maintenance, repair, removal of lines over, under and across the areas designated on the plat as Utility Easement to have and hold forever.

DATED THIS ____ DAY OF _____, 2021

Lorenz Construction, LLC

_____
Owner, Rod Lorenz

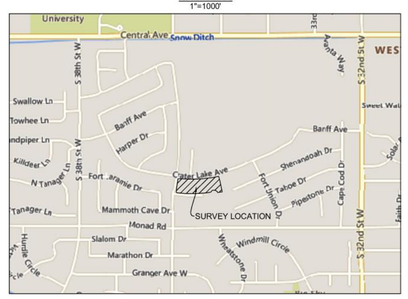
ACKNOWLEDGMENTS

State of Montana)
) :SS
County of Yellowstone)

on this _____ day of _____, 2021, before me, the undersigned a notary public for the State of _____, personally appeared Rod Lorenz, Owner of Lorenz Construction, LLC 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 _____

VICINITY MAP
1"=1000'



NOTES

1. *BASIS OF BEARING: NAD83(2011) MONTANA STATE PLANE COORDINATE SYSTEM, GRID*
2. *DISTANCES: GROUND, INTERNATIONAL FOOT*
3. *RACHELLE CIRCLE SHOWS A RECORD WIDTH OF 60 FEET PER THE AMENDED PLAT OF LOT 1, BLOCK 6 FILED AS DOCUMENT # 3115231. THE MONUMENTS FOUND IN THIS SURVEY AS WELL AS A CHECK OF RECORD PLAT DIMENSIONS FIND THE WIDTH OF RACHELLE CIRCLE TO BE +/- 59 FEET.*

LEGEND

- SET 5/8" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER 63052 LS)
- FOUND #5 REBAR
- FOUND YELLOW PLASTIC CAP "ENG. INC BILLINGS, MT"
- FOUND CENTERLINE MONUMENT
- SET CENTERLINE MONUMENT
- UTILITY EASEMENT LINE
- 1" NO ACCESS STRIP

N

0 30' 60'
SCALE: 1"=30'

PARKLAND WEST SUBDIVISION, 7TH FILING

PREPARED BY:
WWC ENGINEERING
550 S. 24TH STREET W, SUITE 201
BILLINGS, MT 59102
(406) 896-2210
www.wwcengineering.com

NO.	REVISION	BY	DATE

DESIGNED BY: JPB
DRAWN BY: JPB
CHECKED BY: AMR
DATE: 11/26/20

SHEET
1 of 1

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

Parkland West Subdivision, 7th Filing

Table of Contents
(City of Billings)

I. Variances 2
II. Property Conditions and Information for Lot Purchasers 2
III. Transportation 3
A. Streets 3
B. Sidewalks 4
C. Street Lighting 4
D. Traffic Control Devices 4
E. Access 4
F. Billings Area Bikeway and Trail Master Plan 4
G. Public Transit 4
IV. Emergency Services 5
V. Storm Drainage 5
VI. Utilities 6
A. Water 6
B. Sanitary Sewer 6
C. Power, Telephone, Gas, and Cable Television 6
VII. Parks/Open Space 6
VIII. Irrigation 7
IX. Soils/Geotechnical Study 7
X. Phasing of Improvements 7
XI. Financial Guarantees 7
XII. Legal Provisions Applying to Subdivider 7

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

Parkland West Subdivision, 7th Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between Rod Lorenz, whose address for the purpose of this agreement is **2050 Broadwater Ave, Suite D, Billings, MT 59102**, 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 _____, 20__, the Board of Planning recommended conditional approval of a preliminary plat of Parkland West Subdivision, 7th Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the City Council conditionally approved a preliminary plat of Parkland West Subdivision, 7th 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 Parkland West Subdivision, 7th 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

There are no variances being 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. 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. Refer to Section IX for additional information regarding soil characteristics of the site.

D. 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.

E. 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 Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.

F. 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

A. Streets

- Rights-of-way widths of 60 feet for Rachelle Circle and Crater Lake Avenue were dedicated in previous filings.
- Private Contract P – 762 shall construct public streets and curb & gutter within the Subdivision. All roads shall be 34 feet 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 shall be reviewed and approved by City Engineering prior to construction.

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.
- 5-foot boulevard walk shall be constructed on the north frontage of Lot 1C of Parkland West Subdivision 1st Filing Private Contract P-762.
- An 8-foot sidewalk shall be constructed within the 20-foot Storm Drain Right-of-Way.
- Sidewalk shall be 5-foot wide with 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 is not required for this subdivision but are included in the waiver of right to protest

E. Access

- Location to the lots will be from drive approaches installed at the time of lot development.
- There are existing 1-foot no access strips adjacent to the subdivision.
  - The north property line of Lot 1 of Block 1 has a 40 foot no access strip from the radius point on Crater Lake Avenue adjacent to South 36th Street West extending east. This easement length shall be reduced to 15 feet on the filing of Parkland West Subdivision, 7th Filing.
  - The south property line of Lot 16 of Block 1 has a 50 foot no access strip on Rachelle Circle extending from the property line adjacent to South 36th Street West to the east. This easement shall be reduced to 20 feet on the filing of Parkland West Subdivision, 7th Filing.

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

- This subdivision is located within the jurisdiction of the BABTMP, but no future trail corridors are identified within this subdivision area. There is an existing bike lane on Monad Road and a future bike lane on 36th Street West.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service. The nearest public transit stop is at the intersection of Monad Road and South 36th Street West.

IV. EMERGENCY SERVICE

Emergency service to the Subdivision will be provided via Rachelle Circle and Crater Lave Avenue.

At the time of future lot development 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.

- A gravel turnaround will be constructed east of Lot 8 on Crater Lake Avenue. Drawings shall be submitted and approved by City Engineering and Fire Department prior to construction.

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. 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 Private Contract P – 762.

As part of the Parkland West Subdivision, 7th Filing, the developer shall install stormwater improvements as included herein. Developer shall extend the 21" Storm Drain on Crater Lake Avenue beyond the eastern property line as required for construction of a temporary turnaround at the end of Crater Lake Avenue. The Crater Lake Avenue storm main shall discharge to a temporary storm pond constructed within the public right of way. The temporary storm pond shall be sized as required by the Stormwater Management Manual. Storm infiltration basins or storm gardens shall be installed on Rachelle Circle to meet the

requirements of the Storm Water Manual. The storm gardens will be front yard depressions with yard inlets to a below grade boulder pit and shall have curb cuts to allow flows into the property. Sidewalks shall pass flows beneath in a manner approved by the City Engineer. An 8' sidewalk shall be constructed to bypass flows from the end of Rachelle Circle to Crater Lake Avenue within the 20' Storm Drain Right-of-Way on the east side of the property.

Such stormwater facilities including piping, inlets, structures, vegetation shall be maintained through the Parkland West Subdivision, 7th Filing HOA as outlined in the HOA Stormwater Maintenance Agreement.

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.

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 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

There are existing 8-inch water mains located in Rachelle Circle and Crater Lake Avenue that currently terminate on the east side of the existing pavement. Private Contract P – 762 will extend the 8-inch water mains along the length of Rachell Circle and Crater Lake Avenue beyond the proposed paving surface of the Subdivision. Water services will be installed for all lots within the subdivision.

B. Sanitary Sewer

There are existing 8-inch sanitary mains located in Rachelle Circle that currently terminates approximately 10 feet beyond the existing pavement and Crater Lake Avenue that currently terminates at a manhole in the intersection of Crater Lave Avenue and Wind Cave Circle. Private Contract P – 762 will extend the 8-inch sanitary main along the length of Rachell Circle and sufficient to provide service to all proposed lots on Rachelle Circle. The 8-inch sanitary main on Crater Lake Avenue will be extended to a manhole constructed beyond the proposed paving surface of the Subdivision. Sewer services will be installed for all lots within the subdivision.

C. 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

The parkland requirements were previously met by Parkland West Subdivision, 1st Filing.

VIII. IRRIGATION

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

IX. SOILS/GEOTECHNICAL STUDY

A Geotech Investigation will be performed for the subdivision and information will be provided here.

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 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 City of Billings Public Works.

XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER

A. Subdivider agrees to guarantee all public improvements for a period of two years 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" Rod Lorenz

By: _____

Title: _____

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 Rod Lorenz, 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 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:

Parkland West Subdivision, 7th Filing

Signed and dated this _____ day of _____, 20___.

Lorenz Construction, LLC

_____
Owner, Rod Lorenz

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 *Rod Lorenz*, the person who executed the forgoing 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

March 22, 2021

Rod Lorenz
2050 Broadwater Ave, Suite D
Billings, MT 59102

Dear Applicant:

On March 22, 2021, the Billings City Council conditionally approved the preliminary plat of Parkland West Subdivision, 7th Filing, 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.

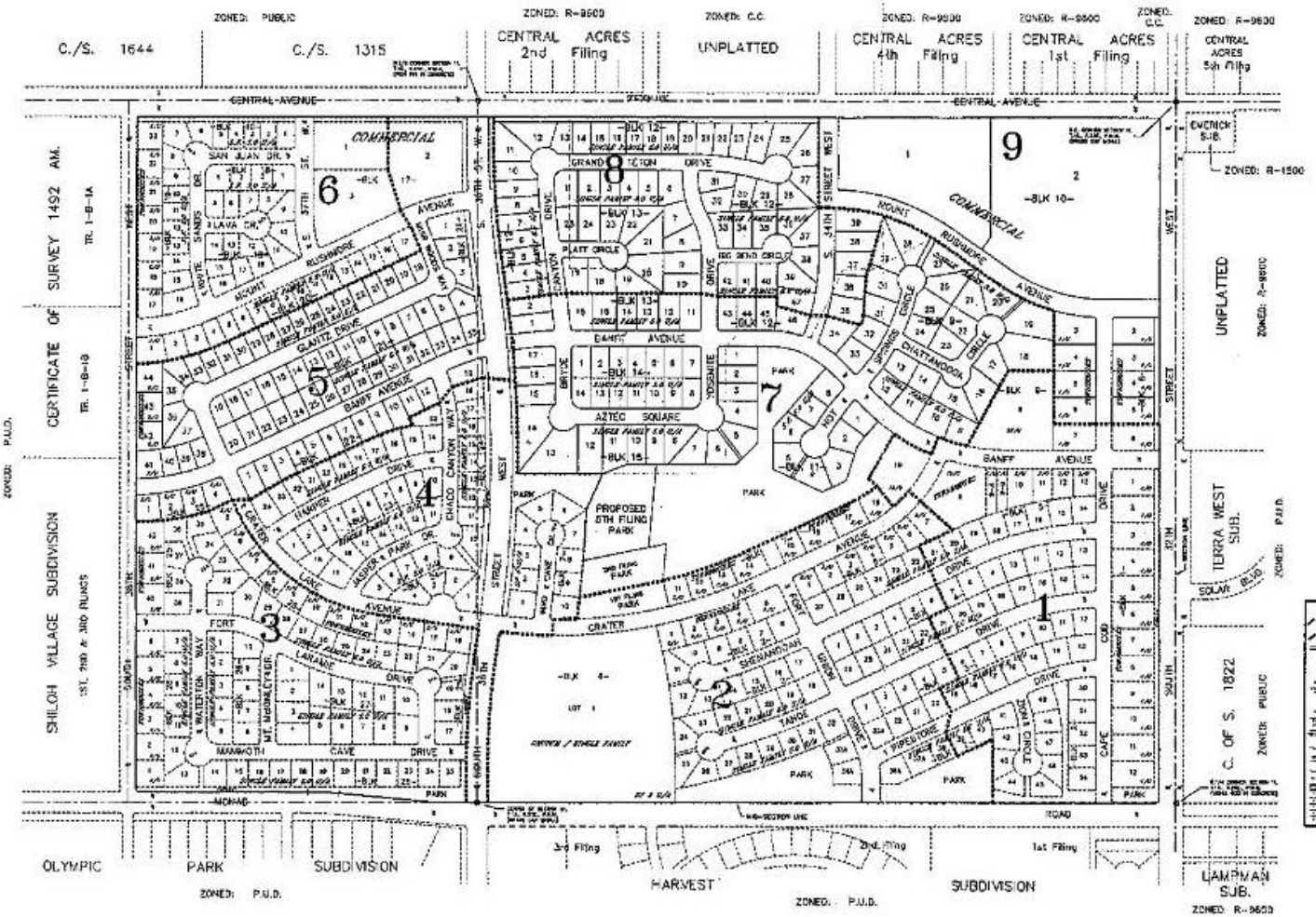
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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: WWC Engineering

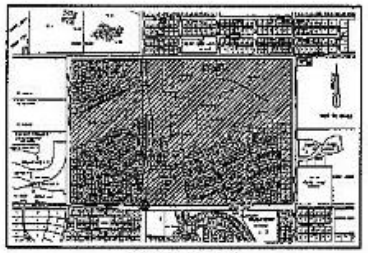


NORTH

SCALE: 1" = 200'

NOTES :

- GROSS AREA = ±240 ACRES
- NET AREA = ±162 ACRES
- MINIMUM LOT SIZE = 6,520 SQ. FT.
- ZONE = P.U.D.
- PARK REQUIREMENTS TO BE MET BY LAND DEDICATION
- PARK AREA = 11% OF NET AREA (MINIMUM) PER STATE STATUTE
- UTILITY EASEMENTS TO BE SHOWN ON FINAL PLATS
- BENCHMARKS TO BE ESTABLISHED ON FINAL PLATS



VICINITY MAP

ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
SUITE 220 GRTERSHOT
P.O. BOX 1814
BILLINGS, MONTANA 59103-1345
406-656-3295

PARKLAND WEST SUBDIVISION

SITUATED IN THE N1/2 OF SECTION 11, T1 S., R.25 E., P.M.M.
SILLINGS, YELLOWSTONE COUNTY, MONTANA

MASTER PLAN - JANUARY, 1996

DRAWN BY: AM
CHECKED BY:
APPROVED BY:
DATE: 12/08/95
REVISIONS: 12/12/95
12/29/95

SCALE: 1"=200'
FILE: PKMPS.DWG
PROJECT NO.: 7812.02
SHEET 1 OF 1

C:\Project\78170-46\Dwg\Lot1b6.dwg Thu Aug 03 16:42:17 2000 Andres Himiob

PLAT OF AMENDED LOT 1, BLOCK 6 OF

PARKLAND WEST SUBDIVISION FIRST FILING

SITUATED IN THE NE 1/4 SECTION 11, T. 1 S., R. 25 E., P.M.M.

YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: LDS CHURCH
PREPARED BY : ENGINEERING, INC.
SCALE: 1" = 100'

o = FOUND SURVEY MONUMENT

• = SET 5/8" REBAR WITH CAP MARKED "ENG INC BLGS MT"

⊕ = FOUND STREET MONUMENT

■ = STREET MONUMENT TO BE SET UPON COMPLETION OF STREET IMPROVEMENTS

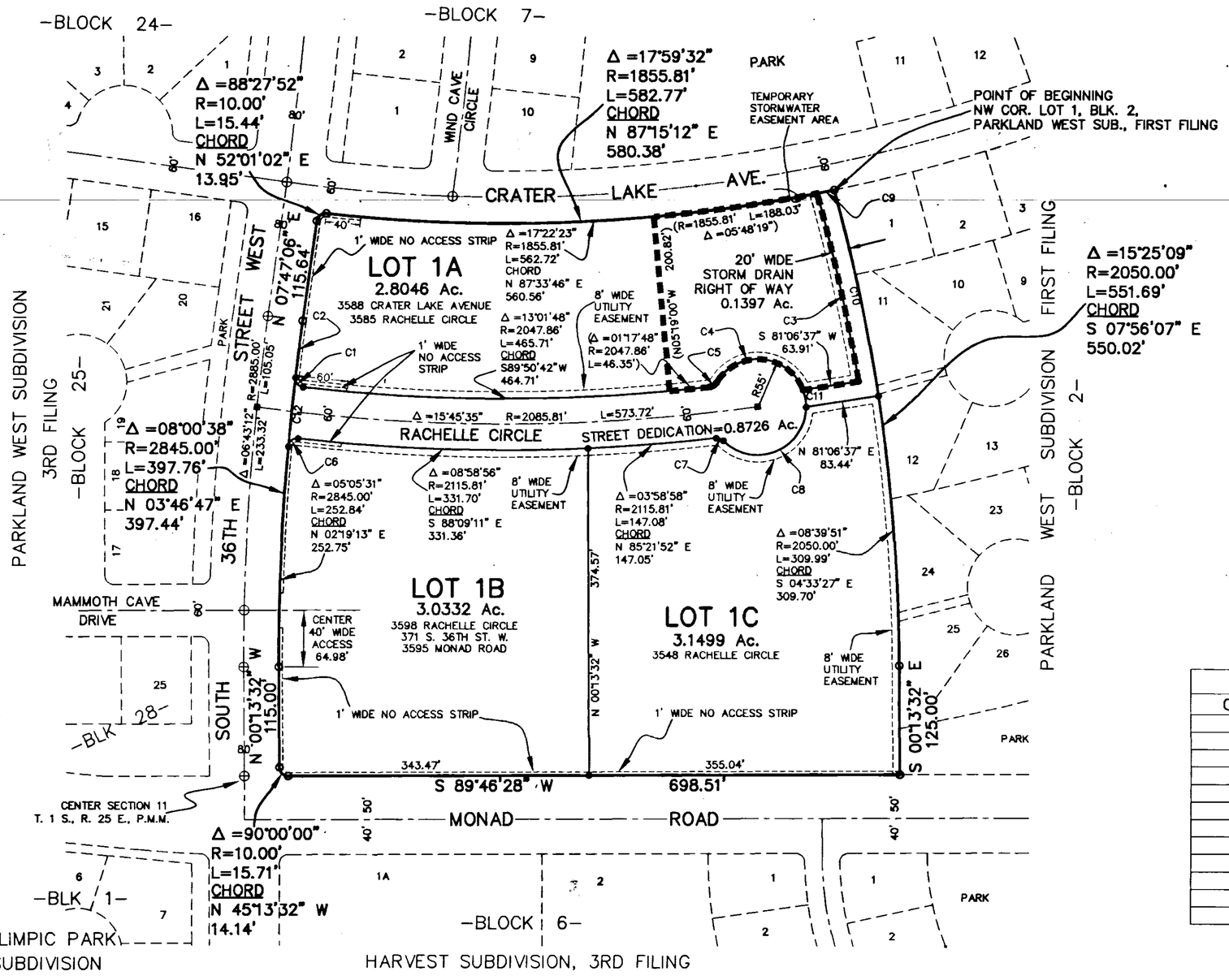
= TEMPORARY STORMWATER EASEMENT AREA DOC. No._____

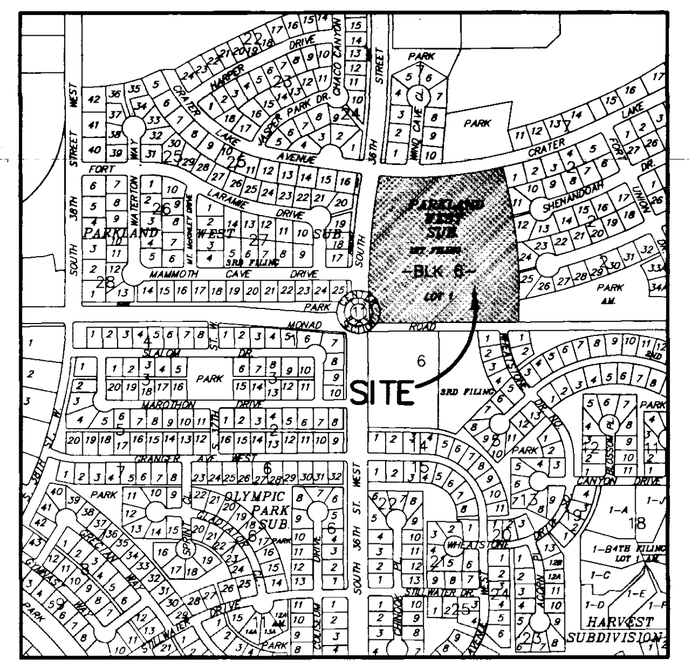
JANUARY, 2000
BILLINGS, MONTANA

100 50 0 100 200

BASIS OF BEARING: PLAT OF PARKLAND WEST SUBDIVISION FIRST FILING

NORTH





VICINITY

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD
C1	15.73'	10.00'	90°06'09"	N 38°35'20" W	14.15'
C2	65.67'	2845.00'	1°19'21"	N 07°07'25" E	65.67'
C3	220.81'	2030.00'	6°13'56"	S 12°34'13" E	220.70'
C4	123.39'	55.00'	128°32'35"	N 85°15'58" W	99.09'
C5	9.23'	10.00'	52°52'04"	S 56°53'47" W	8.90'
C6	15.96'	10.00'	91°28'18"	N 50°36'08" E	14.32'
C7	9.07'	10.00'	51°59'12"	S 70°38'01" E	8.77'
C8	129.97'	55.00'	135°23'40"	N 67°39'45" E	101.77'
C9	20.05'	1855.81'	0°37'09"	N 78°34'00" E	20.05'
C10	241.69'	2050.00'	6°45'18"	S 12°16'02" E	241.55'
C11	20.12'	55.00'	20°57'36"	N 10°30'52" W	20.01'
C12	79.25'	2845.00'	1°35'46"	S 05°39'52" W	79.25'

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
:ss
County of Yellowstone)

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of January, 2000, a survey was performed under his supervision of a tract of land to be known as AMENDED LOT 1, BLOCK 6, PARKLAND WEST SUBDIVISION FIRST 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 thereon and that the gross area is 10.0000 acres and the net area is 8.9877 acres.

ENGINEERING, INC.
By: Patrick B. Tyler
Montana Registration No. 8377-S
Date: August 14, 2000

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 14th day of AUGUST, 2000.

Notary Public in and for the State of Montana
Residing at Billings, MONTANA
My commission expires 10-5-2003

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 8/17/2000
Daryl M. Ulsh
Vice - President
Jeff Ballman
Executive Secretary, Acting

3115231
Page: 1 of 1
01/17/2001 10:31A
Yellowstone County SP 6.50

SUBDIVISION IMPROVEMENT AGREEMENT

Filed on the 17 day of Jan, 2000,
at 10:31 o'clock A M.
Document No. 3115233

APPROVED
FOR
Brent Brooks 9-22-2000
CITY ATTORNEY

CERTIFICATE OF APPROVAL BY CITY ENGINEER'S OFFICE

STATE OF MONTANA)
:ss
Yellowstone County)

I hereby certify that I have examined the annexed and foregoing PLAT OF AMENDED LOT 1, BLOCK 6, PARKLAND WEST SUBDIVISION FIRST FILING, 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.

I further certify that the annexed and forgoing plat conforms with Section 76-4-124(1), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and the lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this 18TH day of SEPT, 2000.

James L. Fehlhaber ES
City Engineer's Office

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per Montana Code Annotated 76-3-611-1b/76-3-207-(3).

Date: September 19, 2000 January 17-01
Yellowstone County Treasurer
By: Judy Norton Deputy

CERTIFICATE OF APPROVAL

STATE OF MONTANA)
:ss
County of Yellowstone)

We hereby certify that we have examined the annexed and foregoing PLAT OF AMENDED LOT 1, BLOCK 6, PARKLAND WEST SUBDIVISION FIRST FILING, and find that said plat conforms with the requirements of the laws of the State of Montana, and that the requirement for park donation has been met to the satisfaction of the Yellowstone County Board of Planning. It is therefore approved and accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this 10th day of October, 2000.

CITY OF BILLINGS, MONTANA
By: Charles F. Tooley
Mayor
Attest: Colleen R. Schell-Berg
City Clerk

SEAL

CERTIFICATE OF DEDICATION

STATE OF UTAH)
:ss
County of Salt Lake)

KNOW ALL MEN BY THESE PRESENTS: That the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, 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 NE1/4 of Section 11, T1S, R25E, P.M.M., Yellowstone County, Montana, said tract being also known as Lot 1, Block 6, Parkland West Subdivision First Filing AND being more particularly described as follows, to-wit:

Beginning at a point which is the northwest corner of Lot 1, Block 2, Parkland West Subdivision First Filing; thence, along the west line of said Block 2, along a curve to the right with a radius of 2050.00 feet a distance of 551.69 feet (chord bearing S07°56'06"E, chord distance 550.02 feet); thence, continuing along said west line of Block 2, S00°13'32"E a distance of 125.00 feet to a point on the north right-of-way line of Monad Road; thence, along said north right-of-way line, S89°46'28"W a distance of 698.51 feet; thence, continuing along said north right-of-way line, along a tangent curve to the right with a radius of 10.00 feet a distance of 15.71 feet (chord bearing N45°13'32"W, chord distance 14.14 feet) to a point on the east right-of-way line of South 36th Street West; thence, along said east right-of-way line, N00°13'32"W a distance of 115.00 feet; thence, continuing along said east right-of-way line, along a tangent curve to the right with a radius of 2845.00 feet a distance of 397.76 feet (chord bearing N03°46'47"E, chord distance 397.44 feet); thence continuing along said east right-of-way line, N07°47'06"E a distance of 115.64 feet; thence, continuing along said east right-of-way line, along a tangent curve to the right with a radius of 10.00 feet a distance of 15.44 feet (chord bearing N52°01'02"E, chord distance 13.95 feet) to a point on the south right-of-way line of Crater Lake Avenue; thence along said south right-of-way line, along a reversing curve to the left with a radius of 1855.81 feet a distance of 582.77 feet (chord bearing N87°15'12"E, chord distance 580.38 feet) to the point of beginning.

The park requirement for this subdivision has been previously met.

The undersigned hereby grant unto 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.

Said tract to be known and designated as AMENDED LOT 1, BLOCK 6, PARKLAND WEST SUBDIVISION FIRST FILING, and the lands included in all streets, avenues and storm drain rights-of-way as shown on the annexed plat are hereby granted and donated to the use of the public forever.

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation sole

By: Edwin J. Pond
Authorized Agent
J.L.D.

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS CORPORATE SEAL OF THE PRESIDING BISHOP

STATE OF UTAH)
:ss
County of Salt Lake)

On this 9th day of August, 2000, personally appeared before me Edwin J. Pond, personally known to me to be the Authorized Agent of the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the forgoing instrument as Authorized Agent for the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that the seal impressed on the within instrument is the seal of said Corporation; and that said instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same.

Rita C. Jensen
Notary Public in and for The State of Utah

RITA C. JENSEN
NOTARY PUBLIC • STATE of UTAH
50 EAST NORTH TEMPLE
SALT LAKE CITY, UT 84150
COMM. EXP. 06-17-04

LOT1B6.DWG 78170.46 08-03-00 ah

City Council Regular

Date:	03/22/2021
Title:	Resolution Authorizing the Issuance and Public Sale for Refunding of the General Obligation Library Bonds
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No

RECOMMENDATION

City staff recommends that City Council approve the resolution authorizing the public sale for refunding the Library General Obligation Bonds. If approved, the Council is authorizing the City to sell and issue general obligation bonds with an aggregate principal amount of $8,350,000.

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

On November 8, 2011, the voters authorized the City to issue and sell general obligation bond for the purpose of paying the cost of constructing and equipping a new library building. The call date on the original bonds is approaching, and are now eligible for refunding. Based upon current market conditions and the City's favorable bond rating (Aa2 - Moody's October 2019) the City has an opportunity to refinance the bonds at a lower interest rate. The estimated savings would be approximately $1,000,000 in present value savings based on current market conditions.

The City will offer and sell the bonds at a public competitive sale using a sealed bid. The award of the sale will be made to the bidder with the lowest true interest cost. The bids will be accepted on April 12th, 2021, and will be tabulated and presented at the Council meeting on that night.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve the resolution and not refund the Library G.O. Bonds

FISCAL EFFECTS

The term of the bond will remain the same, maturing in 2032. The actual interest rate, and net savings, will be determined at the time of the sale and presented to Council. The reduced interest rate will result in a lower number of mills levied on taxable property within the city limits.

Attachments

resolution

DRAFT 03/04/2021

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION RELATING TO GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on March 22, 2021 and 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 Council Members voted in favor thereof: _____ _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 22nd day of March, 2021.

(SEAL)

_____
City Clerk

RESOLUTION NO. _____

RESOLUTION RELATING TO GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF

BE IT RESOLVED by the City Council (the "Council") of City of Billings, Montana (the "City"), as follows:

Section 1. Recitals. At an election duly called and held on November 8, 2011, the electors of the City authorized the sale and issuance of general obligation bonds in the principal amount of $16,300,000. Pursuant to such authorization, this Council sold and issued general obligation bonds of the City denominated "General Obligation Bonds, Series 2012," in the original aggregate principal amount of $15,460,000 (the "Series 2012 Bonds"), for the purpose of paying the costs of designing, constructing and equipping a new library building in replacement of the Parmly Billings Library and related improvements.

It is proposed that the Series 2012 Bonds with stated maturities on and after July 1, 2022 and outstanding in the aggregate principal amount of $8,215,000 (the "Refunded Bonds") be refunded by bonds issued by the City.

Section 2. Authorization. For the purposes of reducing the interest cost on the Refunded Bonds and reducing the taxes necessary to pay the principal of and interest on the Refunded Bonds, it is hereby determined that it is in the best interests of the City and the owners of taxable property therein for the City to pursue the sale of general obligation refunding bonds in order to refund the Refunded Bonds.

Pursuant to Montana Code Annotated, Title 7, Chapter 7, Parts 42 and 43, as amended (the "Act"), this Council hereby authorizes the City to proceed with the issuance and sale of its General Obligation Refunding Bonds, Series 2021 (the "Series 2021 Bonds"), in order to refund the Refunded Bonds and to pay costs of issuance of the Series 2021 Bonds and costs of the refunding. Proceeds of the Series 2021 Bonds shall be deposited in an escrow account with U.S. Bank National Association, as escrow agent, in an amount sufficient to pay the redemption price of the Refunded Bonds on the redemption date.

The indebtedness to be evidenced by the Series 2021 Bonds, together with all other indebtedness of the City but excluding the indebtedness evidenced by the Refunded Bonds, will not exceed the City's statutory debt limit.

Section 3. Public Sale. The Series 2021 Bonds shall be offered and sold at a public competitive sale pursuant to the Terms and Conditions of Sale substantially in the form attached hereto as Exhibit A, which are incorporated by reference and made a part hereof. Bids for the purchase of the Series 2021 Bonds shall be received by the City pursuant to the instructions set forth in the Terms and Conditions of Sale until 10:00 a.m., M.T., on April 12, 2021, at which time bids will be opened and tabulated. The tabulation of the bids will be presented to the Council at its regular meeting at 5:30 p.m., M.T., on April 12, 2021. The Council will consider the bids and, if a responsive and acceptable bid is received, award the sale of the Series 2021

Bonds. Award of sale will be made to the bidder with the lowest true interest cost. The City Clerk is authorized and directed to cause notices of the sale of the Series 2021 Bonds to be published, as required by Section 7-7-4251 of the Act, in the *Yellowstone County News* once each week for two successive weeks preceding the week which contains the date of sale. The notice of sale shall be published substantially in the form set forth on Exhibit B.

Section 4. Preliminary Official Statement. The City Finance Director and other officers of the City, in consultation with BakerTilly, are hereby authorized and directed to prepare on behalf of the City a Preliminary Official Statement with respect to the Series 2021 Bonds to be distributed to potential bidders. The Preliminary Official Statement shall contain the Terms and Conditions of Sale for the Series 2021 Bonds and such other information as shall be advisable and necessary to describe accurately the City, the terms and conditions of the Series 2021 Bonds and the security therefor. The City Finance Director is authorized on behalf of the Council to deem the Preliminary Official Statement "final" as of its date, in accordance with Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934.

Section 5. Continuing Disclosure. In order to permit bidders for the Series 2021 Bonds and other participating underwriters in the primary offering of the Series 2021 Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), the City will covenant and agree in the Bond Resolution for the benefit of the registered holders and beneficial owners from time to time of the outstanding Series 2021 Bonds, to provide annual reports of specified information and notice of the occurrence of certain events. The City is the only "obligated person" in respect of the Series 2021 Bonds within the meaning of the Rule for the purposes of disclosing information on an ongoing basis. A description of the undertaking will be set forth in the Official Statement. Failure of the City to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Series 2021 Bonds.

Section 6. Proceedings. The City Clerk is hereby authorized and directed to furnish a certified copy of all proceedings taken by the City with respect to the issuance of the Series 2021 Bonds to Dorsey & Whitney LLP, bond counsel to the City, and to the original purchaser(s) of the Series 2021 Bonds.

Section 7. Effective Date. This Resolution shall become effective upon passage.

PASSED by the City Council of City of Billings, Montana, this 22nd day of March, 2021.

_____

Mayor

Attest:

_____

City Clerk

(SEAL)

EXHIBIT A

TERMS AND CONDITIONS OF SALE

$8,350,000
General Obligation Refunding Bonds, Series 2021
City of Billings, Montana

The City Council (the "Council") of the City of Billings, Montana (the "City"), will receive bids for the purchase of General Obligation Refunding Bonds, Series 2021, in the aggregate principal amount of $8,350,000 (the "Series 2021 Bonds"), subject to adjustment as described below. Bids will be received by sealed bid to Baker Tilly Municipal Advisors, LLC, the City's municipal advisor ("BakerTilly") or by electronic transmission through PARITY® pursuant to the instructions set forth herein until 10:00 a.m., M.T., on April 12, 2021, at which time bids will be opened and tabulated. The tabulation of bids will be presented to the Council at its regular meeting at 5:30 p.m., M.T., on April 12, 2021, remotely by videoconference, at which time the Council will consider the bids received and, if a responsive and acceptable bid is received, award sale of the Series 2021 Bonds to the bidder with the lowest true interest cost.

SUBMISSION OF BIDS

All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Series 2021 Bonds regardless of the manner in which the proposal is submitted.

BakerTilly will assume no liability for the inability of a bidder or its proposal to reach BakerTilly prior to the time of sale specified above, and neither the City nor BakerTilly shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Series 2021 Bonds regardless of the manner in which the proposal is submitted.

Sealed Bidding. Completed, signed proposals may be submitted to BakerTilly by email to bondservice@bakertilly.com or by fax (651) 223-3046, and must be received prior to the time of sale specified above.

OR

Electronic Bidding. Proposals may also be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal. Neither the City, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY® shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any

liability for any delays or interruptions of or any damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Series 2021 Bonds, and PARITY® is not an agent of the City.

To the extent any instructions or directions set forth in PARITY® conflict with these Terms and Conditions of Sale, these Terms and Conditions of Sale shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®
1359 Broadway, 2nd Floor
New York, New York 10018
Customer Support: (212) 849-5000

THE SERIES 2021 BONDS

The Series 2021 Bonds shall be dated, as originally issued, as of their date of delivery, expected to be May 11, 2021, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2022, to the registered owners of the Series 2021 Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month, at a rate or rates designated by the successful bidder at public sale and approved by the Council. Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The Series 2021 Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds), subject to adjustment as described below:

Year	Principal Amount	Year	Principal Amount
2022	$ 975,000	2028	$ 740,000
2023	710,000	2029	745,000
2024	715,000	2030	755,000
2025	720,000	2031	765,000
2026	720,000	2032	775,000
2027	730,000		

The City reserves the right, after bids are opened and prior to award, to increase or decrease the amount of any maturity or maturities in multiples of $5,000 in order to produce sufficient net proceeds and to meet the City's structuring goals. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per $1,000 of Series 2021 Bonds as that of the successful bid. Gross spread for this purpose is the differential between the price paid to the City for the Series 2021 Bonds and the prices at which the bid indicates the Series 2021 Bonds are initially offered to the investing public.

Bidders will have the option of combining the Series 2021 Bonds into one or more term bonds. If any Series 2021 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than July 1, 2032, at a redemption price equal to the principal amount of such Series 2021 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2021 Bonds would have matured if they were not included in a term bond.

The Series 2021 Bonds with stated maturities on or after July 1, 2030 will be subject to redemption on July 1, 2029, and any date thereafter, at the option of the City, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. If less than all of the Series 2021 Bonds are to be redeemed, the Series 2021 Bonds to be redeemed shall be from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in $5,000 principal amounts selected by the Registrar by lot or other manner as directed by the City).

The Series 2021 Bonds shall be in the denomination of $5,000 each or any integral multiple thereof of single maturities. The Series 2021 Bonds will be issued as fully registered bonds only. The Series 2021 Bonds will be issued in book-entry only form.

BOOK ENTRY

The Series 2021 Bonds will be issued by means of a book entry system with no physical distribution of Series 2021 Bonds made to the public. The Series 2021 Bonds will be issued in fully registered form and will be registered in the name of Cede & Co. as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository of the Series 2021 Bonds. Individual purchases of the Series 2021 Bonds may be made in the principal amount of $5,000 or any multiple thereof of a single maturity, through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Series 2021 Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners.

PURPOSE AND SECURITY

The proceeds of the Series 2021 Bonds will be used to (i) refund the City's General Obligation Bonds, Series 2012 with stated maturities in the years 2022 and thereafter; and (ii) pay costs associated with the sale of the Series 2021 Bonds and the refunding.

The Series 2021 Bonds are general obligations of the City, and the City's full faith and credit and taxing power are pledged to the payment of the principal and interest thereon. Bidders should consult a copy of the Official Statement for a discussion of the security for the Series 2021 Bonds and the form of opinion of bond counsel relating to the Series 2021 Bonds.

CONTINUING DISCLOSURE

In order to permit bidders for the Series 2021 Bonds and other participating underwriters in the primary offering of the Series 2021 Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), the City will covenant and agree for the benefit of the registered holders and beneficial owners from time to time of the outstanding Series 2021 Bonds to provide annual reports of specified information and notice of the occurrence of certain events. The City is the only "obligated person" in respect of the Series 2021 Bonds within the meaning of the Rule for the purposes of disclosing information on an ongoing basis. A description of the undertaking will be set forth in the Official Statement. Failure of the City to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Series 2021 Bonds.

BIDDING PARAMETERS

Proposals shall be for not less than $8,283,200 (99.2% of par), plus accrued interest, if any, on the total principal amount of the Series 2021 Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The interest rates on the Series 2021 Bonds must be at least one-half of 1% less than the interest rate on the Refunded Bonds; provided that the Series 2021 Bonds may bear interest in excess of the rate on the Refunded Bonds if there is a reduction of total debt service cost to the City. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Series 2021 Bonds of the same maturity shall bear a single rate from the date of the Series 2021 Bonds to the date of maturity. No conditional proposals will be accepted.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the successful bidder is required to submit a good faith deposit via wire transfer to the City in the amount of $167,000 (the "Deposit") no later than 1:00 p.m. M.T. on April 12, 2021. The successful bidder shall be solely responsible for the timely delivery of its Deposit, and neither the City nor BakerTilly have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from BakerTilly following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the successful bidder will be retained by the City and no interest will accrue to the successful bidder. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the successful bidder fails to comply with the accepted proposal, the Deposit will be retained by the City.

AWARD

The Series 2021 Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling. The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Series 2021 Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

BOND REGISTRAR, TRANSFER AGENT AND PAYING AGENT

The City will select a bank, financial institution or trust company to act as bond registrar, transfer agent and paying agent (the "Registrar") in connection with the Series 2021 Bonds. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Series 2021 Bonds will be paid by the Registrar. The City will pay the charges of the Registrar for such services. The City reserves the right to remove the Registrar and to appoint a successor.

QUALIFIED TAX-EXEMPT OBLIGATIONS

The Series 2021 Bonds will be designated by the City as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and financial institutions described in Section 265(b)(5) of the Code may treat the Series 2021 Bonds for purposes of Sections 265(b)(2) and 291(e)(1)(B) of the Code as if they were acquired on August 7, 1986.

LEGAL OPINION

An opinion as to the validity of the Series 2021 Bonds and the exclusion from gross income for federal and Montana income tax purposes of the interest on the Series 2021 Bonds will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, as Bond Counsel. The legal opinion will be delivered at the time of closing. The legal opinion will state that the Series 2021 Bonds are valid and binding special, limited obligations of the City enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors' rights.

DELIVERY

On or about May 11, 2021, the City will deliver to the Registrar the printed Series 2021 Bonds for completion, authentication and delivery to The Depository Trust Company ("DTC"), which will act as securities depository for the Series 2021 Bonds. The Series 2021 Bonds will be issued as fully registered bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of DTC. The successful bidder will not receive physical certificates

representing its interest in the Series 2021 Bonds. Payment for the Series 2021 Bonds must be received by the City in immediately available funds at its designated depositary on the day of closing.

ESTABLISHMENT OF ISSUE PRICE AT TIME OF AWARD

In order to establish the issue price of the Series 2021 Bonds for federal income tax purposes, the City requires bidders to agree to the following, and by submitting a bid, each bidder agrees to the following.

If a bid is submitted by a potential underwriter for the Series 2021 Bonds, the bidder confirms that (i) the underwriters for the Series 2021 Bonds have offered or reasonably expect to offer the Series 2021 Bonds to the public on or before the date of the award at the offering price (the "initial offering price") for each maturity as set forth in the bid and (ii) the bidder, if it is the winning bidder, shall require any agreement among underwriters, selling group agreement, third-party distribution agreement or other agreement relating to the initial sale of the Series 2021 Bonds to the public to which it is a party to include provisions requiring compliance by all parties to such agreements with the provisions contained herein. For purposes hereof, Series 2021 Bonds with a separate CUSIP number constitute a separate "maturity," and "the public" does not include underwriters of the Series 2021 Bonds (including members of a selling group or retail distribution group) or persons related to underwriters of the Series 2021 Bonds.

If, however, a bid is submitted for the bidder's own account in a capacity other than as an underwriter of the Series 2021 Bonds, and the bidder has no current intention to sell, reoffer, or otherwise dispose of the Series 2021 Bonds, the bidder shall notify the City to that effect at the time it submits its bid and shall provide a certificate to that effect in place of the certificate otherwise required below.

If the winning bidder intends to act as an underwriter of the Series 2021 Bonds, the City shall advise the winning bidder at or prior to the time of award whether (i) the competitive sale rule or (ii) the "hold-the-offering price" rule applies.

If the City advises the successful bidder that the requirements for a competitive sale have been satisfied and that the competitive sale rule applies, the successful bidder will be required to deliver to the City at or prior to closing a certification, substantially in the form of Annex A attached hereto, as to the reasonably expected initial offering price as of the award date.

If the City advises the successful bidder that the requirements for a competitive sale have not been satisfied and that the hold-the-offering price rule applies, the successful bidder shall (1) upon the request of the City confirm that the underwriters of the Series 2021 Bonds did not offer or sell any maturity of the Series 2021 Bonds to any person at a price higher than the initial offering price of that maturity during the period starting on the award date and ending on the earlier of (a) the close of the fifth business day after the sale date or (b) the date on which the underwriters of the Series 2021 Bonds have sold at least 10% of that maturity to the public at or below the initial offering price; and (2) at or prior to closing, deliver to the City a certification substantially in the form of Annex B attached hereto, together with a copy of the pricing wire.

Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by BakerTilly.

Bidders should prepare their bids on the assumption that the Series 2021 Bonds will be subject to the "hold-the-offering-price" rule. Any bid submitted pursuant to the Notice of Sale shall be considered a firm offer for the purchase of the Series 2021 Bonds, and bids submitted will not be subject to cancellation or withdrawal.

BOND INSURANCE AT PURCHASER'S OPTION

The City has not applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Series 2021 Bonds. If the Series 2021 Bonds qualify for municipal bond insurance and a bidder desires to purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The City specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest true interest cost to the City. All costs associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the City) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Series 2021 Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Series 2021 Bonds.

COSTS; CUSIP NUMBERS

The City will pay the fees and charges of its municipal advisor, bond counsel, and Registrar, along with costs of printing the Official Statement. If the Series 2021 Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Series 2021 Bonds, but neither the failure to print such numbers on any Series 2021 Bond nor any error with respect thereto will constitute cause for failure or refusal by the successful bidder to accept delivery of the Series 2021 Bonds. BakerTilly will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the successful bidder.

RATING

The City has applied for a rating from Moody's Investors Service on the Series 2021 Bonds. If the City obtains such rating, rating agency fees for obtaining the rating will be the responsibility of the City.

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Series 2021 Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to

BakerTilly, by telephone (651) 223-3000, or by email bondservice@bakertilly.com. The Preliminary Official Statement will also be made available at https://go.bakertilly.com/bond-sales-calendar.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Series 2021 Bonds, together with any other information required by law. By awarding the Series 2021 Bonds to the successful bidder, the City agrees that, no more than seven business days after the date of such award, it shall provide to the successful bidder an electronic copy of the Final Official Statement. The City designates the successful bidder as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The successful bidder agrees that if its proposal is accepted by the City, (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated: March 22, 2021.

BY ORDER OF THE CITY COUNCIL

City Clerk
City of Billings, Montana

ANNEX A

ISSUE PRICE CERTIFICATE – COMPETITIVE SALES WITH AT LEAST THREE BIDS FROM ESTABLISHED UNDERWRITERS

$[_____]
General Obligation Refunding Bonds, Series 2021
City of Billings, Montana

The undersigned, on behalf of [NAME OF UNDERWRITER] ("[SHORT NAME OF UNDERWRITER]"), hereby certifies as set forth below with respect to the sale of the obligations named above (the "Series 2021 Bonds").

1. ***Reasonably Expected Initial Offering Price***.

(a) As of the Sale Date, the reasonably expected initial offering prices of the Series 2021 Bonds to the Public by [SHORT NAME OF UNDERWRITER] are the prices listed in Schedule A (the "Expected Offering Prices"). The Expected Offering Prices are the prices for the Maturities of the Series 2021 Bonds used by [SHORT NAME OF UNDERWRITER] in formulating its bid to purchase the Series 2021 Bonds. Attached as Schedule B is a true and correct copy of the bid provided by [SHORT NAME OF UNDERWRITER] to purchase the Series 2021 Bonds.

(b) [SHORT NAME OF UNDERWRITER] was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by [SHORT NAME OF UNDERWRITER] constituted a firm offer to purchase the Series 2021 Bonds.

2. ***Defined Terms***. For purposes of this Issue Price Certificate:

(a) *Issuer* means City of Billings, Montana.

(b) *Maturity* means Series 2021 Bonds with the same credit and payment terms. Any Series 2021 Bonds with different maturity dates, or with the same maturity date but different stated interest rates, are treated as separate Maturities.

(c) *Member of the Distribution Group* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Series 2021 Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Series 2021 Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Series 2021 Bonds to the Public).

(d) *Public* means any person (*i.e.*, an individual, trust, estate, partnership, association, company, or corporation) other than a Member of the Distribution Group or a related party to a

Member of the Distribution Group. A person is a "related party" to a Member of the Distribution Group if the Member of the Distribution Group and that person are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other).

(e) *Sale Date* means the first day on which there is a binding contract in writing for the sale of the respective Maturity. The Sale Date of each Maturity was [_____], 2021.

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents [SHORT NAME OF UNDERWRITER]'s interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate and with respect to compliance with the federal income tax rules affecting the Series 2021 Bonds, and by Dorsey & Whitney LLP in connection with rendering its opinion that the interest on the Series 2021 Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Series 2021 Bonds.

[UNDERWRITER]

By:_____

Name:_____

Dated: [_____], 2021

SCHEDULE A
EXPECTED OFFERING PRICES
(*Attached*)

SCHEDULE B
COPY OF UNDERWRITER'S BID
(*Attached*)

ANNEX B

ISSUE PRICE CERTIFICATE – COMPETITIVE SALES WITH FEWER THAN THREE BIDS FROM ESTABLISHED UNDERWRITERS - HTOP

$[_____]
General Obligation Refunding Bonds, Series 2021
City of Billings, Montana

The undersigned, on behalf of [NAME OF UNDERWRITER/REPRESENTATIVE] (["[SHORT NAME OF UNDERWRITER]")][the "Representative")][, on behalf of itself and [NAMES OF OTHER UNDERWRITERS] (together, the "Underwriting Group"),] hereby certifies as set forth below with respect to the sale of the obligations named above (the "Series 2021 Bonds").

1. ***Initial Offering Price of the Series 2021 Bonds***. [SHORT NAME OF UNDERWRITER][The Underwriting Group] offered the Series 2021 Bonds to the Public for purchase at the specified initial offering prices listed in Schedule A (the "Initial Offering Prices") on or before the Sale Date. A copy of the pricing wire for the Series 2021 Bonds is attached to this certificate as Schedule B.

2. ***First Price at which Sold to the Public.*** On the Sale Date, at least 10% of each Maturity [listed in Schedule C] was first sold to the Public at the respective Initial Offering Price [or price specified [therein][in Schedule C], if different].

3. ***Hold the Offering Price Rule***. [SHORT NAME OF UNDERWRITER][Each member of the Underwriting Group] has agreed in writing that, (i) for each Maturity less than 10% of which was first sold to the Public at a single price as of the Sale Date, it would neither offer nor sell any of the Series 2021 Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the "Hold-the-Offering-Price Rule"), and (ii) any agreement among underwriters, selling group agreement, or retail distribution agreement contains the agreement of each underwriter, dealer, or broker-dealer who is a party to such agreement to comply with the Hold-the-Offering-Price Rule. Based on the [Representative][SHORT NAME OF UNDERWRITER]'s own knowledge and, in the case of sales by other Members of the Distribution Group, representations obtained from the other Members of the Distribution Group, no Member of the Distribution Group has offered or sold any such Maturity at a price that is higher than the respective Initial Offering Price during the respective Holding Period.

4. ***Defined Terms***. For purposes of this Issue Price Certificate:

(a) *Holding Period* means the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date ([_____], 2021), or (ii) the date on which Members of the Distribution Group have sold at least 10% of such Maturity to the Public at one or more prices, none of which is higher than the Initial Offering Price for such Maturity.

(b) *Issuer* means City of Billings, Montana.

(c) *Maturity* means Series 2021 Bonds with the same credit and payment terms. Any Series 2021 Bonds with different maturity dates, or with the same maturity date but different stated interest rates, are treated as separate Maturities.

(d) *Member of the Distribution Group* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Series 2021 Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Series 2021 Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Series 2021 Bonds to the Public).

(e) *Public* means any person (*i.e.*, an individual, trust, estate, partnership, association, company, or corporation) other than a Member of the Distribution Group or a related party to a Member of the Distribution Group. A person is a "related party" to a Member of the Distribution Group if the Member of the Distribution Group and that person are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other).

(f) *Sale Date* means the first day on which there is a binding contract in writing for the sale of the respective Maturity. The Sale Date of each Maturity was [_____], 2021.

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents [NAME OF UNDEWRITING FIRM][the Representative's] interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate and with respect to compliance with the federal income tax rules affecting the Series 2021 Bonds, and by Dorsey & Whitney LLP in connection with rendering its opinion that the interest on the Series 2021 Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Series 2021 Bonds.

[UNDERWRITER][REPRESENTATIVE]

By:_____
Name:_____

Dated: [_____], 2021

SCHEDULE A
INITIAL OFFERING PRICES OF THE BONDS
(*Attached*)

SCHEDULE B
PRICING WIRE
(*Attached*)

SCHEDULE C
SALES OF AT LEAST 10% OF MATURITY TO THE PUBLIC ON THE SALE DATE AT THE INITIAL OFFERING PRICE
(*Attached*)

EXHIBIT B

NOTICE OF BOND SALE

$8,350,000
General Obligation Refunding Bonds, Series 2021
City of Billings, Montana

NOTICE IS HEREBY GIVEN by the City Council (the "Council") of the City of Billings, Montana (the "City"), that the City will receive bids for the purchase of General Obligation Refunding Bonds, Series 2021, in the aggregate principal amount of $8,350,000 (the "Series 2021 Bonds") by sealed bid to Baker Tilly Municipal Advisors, LLC, the City's municipal advisor ("BakerTilly") or by electronic transmission through PARITY®, pursuant to the instructions set forth in the Terms and Conditions of Sale, in each case until 10:00 a.m., M.T., on April 12, 2021, at which time bids will be opened and tabulated. The tabulation of bids will be presented to the Council at its regular meeting at 5:30 p.m., M.T., on April 12, 2021, remotely by videoconference, at which time the Council will consider the bids received and, if a responsive and acceptable bid is received, award sale of the Series 2021 Bonds to the bidder with the lowest true interest cost.

The proceeds of the Series 2021 Bonds will be used to (i) refund the City's General Obligation Bonds, Series 2012 with stated maturities in the years 2022 and thereafter; and (ii) pay costs associated with the sale of the Series 2021 Bonds and the refunding.

The Series 2021 Bonds shall be dated, as originally issued, as of their date of delivery, expected to be May 11, 2021, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2022, to the registered owners of the Series 2021 Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month, at a rate or rates designated by the successful bidder at public sale and approved by the Council. Each interest rate must be expressed in an integral multiple of 1/8 or 1/100 of 1%. The interest rates on the Series 2021 Bonds must be at least one-half of 1% less than the interest rate on the Refunded Bonds; provided that the Series 2021 Bonds may bear interest in excess of the rate on the Refunded Bonds if there is a reduction of total debt service cost to the City. The initial price to the public as stated in the bid proposal for each maturity must be at least 98.0% of the aggregate principal amount of the Series 2021 Bonds of such maturity. All Series 2021 Bonds of the same stated maturity must bear interest from date of original issue until paid at a single, uniform rate. Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The Series 2021 Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds), subject to adjustment as described below:

Year	Principal Amount	Year	Principal Amount
2022	$ 975,000	2028	$ 740,000
2023	710,000	2029	745,000
2024	715,000	2030	755,000
2025	720,000	2031	765,000
2026	720,000	2032	775,000
2027	730,000		

The City reserves the right, after bids are opened and prior to award, to increase or decrease the amount of any maturity or maturities in multiples of $5,000 in order to produce sufficient net proceeds and to meet the City's structuring goals. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per $1,000 of Series 2021 Bonds as that of the successful bid. Gross spread for this purpose is the differential between the price paid to the City for the Series 2021 Bonds and the prices at which the bid indicates the Series 2021 Bonds are initially offered to the investing public.

Bidders will have the option of combining the Series 2021 Bonds into one or more term bonds. If any Series 2021 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than July 1, 2032, at a redemption price equal to the principal amount of such Series 2021 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2021 Bonds would have matured if they were not included in a term bond.

The Series 2021 Bonds with stated maturities on or after July 1, 2030 will be subject to redemption on July 1, 2029, and any date thereafter, at the option of the City, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

The Series 2021 Bonds shall be in the denomination of $5,000 each or any integral multiple thereof of single maturities. The Series 2021 Bonds will be issued as fully registered bonds only. The Series 2021 Bonds will be issued in book-entry only form.

To have its proposal considered for award, the successful bidder is required to submit a good faith deposit via wire transfer to the City in the amount of $167,000 (the "Deposit"), as described in the Terms and Conditions of Sale. In the event the successful bidder fails to comply with the accepted proposal, the Deposit will be retained by the City.

The City will designate the Series 2021 Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The City reserves the right to reject any and all bids and to sell the Series 2021 Bonds at a private or other sale.

Copies of the Terms and Conditions of Sale, the Preliminary Official Statement, Official Bid forms and additional information may be obtained through BakerTilly, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101. Prospective bidders should consult the Terms and Conditions of Sale and the Preliminary Official Statement for a detailed description of the Series 2021 Bonds, the security therefor, and the form of legal opinion proposed to be rendered by Dorsey & Whitney LLP, of Missoula, Montana, as bond counsel.

Dated: March 22, 2021.

BY ORDER OF THE CITY COUNCIL

City Clerk
City of Billings, Montana

Publish: April 1, 2021
April 8, 2021

City Council Regular

Date:	03/22/2021
Title:	WO 20-12: S 32nd St W - Resolution Ordering Improvements
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No

RECOMMENDATION

Staff recommends that City Council approve the resolution ordering improvements identified in WO 20-12, South 32nd Street West reconstruction project.

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

WO 20-12 South 32nd Street West consists of reconstructing South 32nd Street West between King Avenue West and Gabel Rd. It will be widened to a 3-lane street including two travel lanes and a two-way-left-turn-lane. Other improvements include a trail connection from King Avenue West south to Transtech Way on the west side and sidewalk on the east side. Street lights will be added between King Ave W and Transtech Way. The project will also include striping improvements on South 32nd Street West from King Avenue north to Monad Road and sidewalk widening on the west side, also from King Avenue to Monad Road. Staff has contacted and visited with property owners individually during project development.

This resolution was created in accordance with Resolution 18-10719. All properties within the City limits fronting South 32nd St W are being assessed for curb and gutter, sidewalk, partial street reconstruction, and other appurtenant miscellaneous improvements such as concrete drive approaches, driveway asphalt, and seeding relative to each property.

City funds are being used to reconstruct most of the street in the project and is consistent with how similar streets are being constructed in other neighborhoods.

ALTERNATIVES

City Council may:

- Approve the resolution ordering improvements; or,
- Not approve the resolution ordering improvements. If City Council does not adopt the resolution, the property owners cannot be assessed and the improvements will not be constructed.

FISCAL EFFECTS

The project is funded through direct property assessments of $900,000 and arterial funds of $3,373,668 for a total estimated amount of $4,273,668.

Attachments

Resolution Ordering Improvements

Exhibit A
Exhibit B

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. 21-_____, entitled: **A RESOLUTION RELATING TO W.O. 20-12, S 32nd St W**; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE (the "Resolution") was duly adopted by the City Council of the City at a meeting on **March 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 _____, 2021.

_____
Denise R. Bohlman
City Clerk

RESOLUTION NO. 20 - _____

A RESOLUTION RELATING TO W.O. 20-12 S 32nd St W; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings, Montana (the "City"), as follows:

Section 1. Authorization. Certain curbs, gutters, sidewalks, drive approaches, alley approaches and/or appurtenant features or a combination thereof in certain locations in the City have deteriorated, settled and cracked, or none exist, and the safety and convenience of the public require installation, construction, reconstruction, repair and/or replacement thereof. Pursuant to M.C.A. 7-14-4109, the Council is authorized to order the installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches and/or appurtenant features or a combination thereof (the "Improvements") in certain locations in the City and without creation of a special improvement district.

Section 2. Ordering of Improvements. It is hereby ordered that the Improvements, consisting of the construction and installation of curbs, gutters, sidewalks, drive approaches and appurtenant features as shown on Exhibit A hereto and as more particularly described herein, be installed, constructed, reconstructed, repaired and/or replaced.

Section 3. Estimated Costs of the Improvements. The City estimates that the costs of the Improvements are $900,000.00. Costs of the Improvements include costs of the design, engineering, construction and installation of the Improvements, costs of funding a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund"), costs associated with the sale of the Bonds (as hereinafter defined), and all other incidental costs as described below:

Construction Costs	$663,142.78
Consultant Management Costs	$139,597.72
City Engineering (Project Management)	$21,059.50
Finance	$1,200.00
Revolving Fund	$45,000.00
Bond Discount	$18,000.00
Issuance Costs	$12,000.00
Total Assessed Costs	$900,000.00

Section 4. Property to be Assessed. The properties which are adjacent to the Improvements will be assessed for costs of the Improvements as shown on Exhibit B hereto. The cost to be assessed against each property will vary depending upon the actual construction that is required adjacent to each such property.

Section 5. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners. Each such owner will have thirty (30) days from the date of said notice in which to install the Improvements with respect to its property at its own expense. In the event that any owner does not install the Improvements with respect to its property, the City will install such Improvements and will assess the costs of the Improvements against such property.

Section 6. Payment for Improvements. Costs of the Improvements (unless paid directly by the affected property owner) are to be paid from the proceeds of Sidewalk, Curb, and Gutter Improvement Bonds (the "Bonds") in an aggregate principal amount not to exceed $900,000.00.

Section 7. Bond Financing; Pledge of Revolving Fund; Findings and Determinations. The Bonds will be repaid from the assessments for costs of the Improvements, together with interest thereon calculated pursuant to M.C.A. 7-12-4189, to be levied against the properties to be assessed for the Improvements. Assessments for the costs of the Improvements, together with interest thereon, shall be payable over a term not exceeding 12 years, each in equal semiannual installments as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Principal of and interest on the Bonds will be paid from such assessments.

After the Bonds are issued, all property owners to be levied for the Improvements shall have the right to prepay assessments as provided by law.

This Council further finds that it is in the public interest, and in the best interest of the City and the properties to be assessed for the Improvements, 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 the issuance of the Bonds and the pledge of the Revolving Fund therefor, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated market value of the properties to be assessed for the Improvements as of the date of adoption of this resolution, as estimated by the County Assessor, ranges from $119.00 to $7,565,100 and is set forth in Exhibit B. The estimated average market value of the properties to be assessed for the Improvements is $1,750,828.00 and the median market value of the properties to be assessed for the Improvements is $1,245,268. The special assessments to be levied against each property listed on Exhibit B hereto are less than

the increase in estimated value of the properties as a result of the construction of the Improvements.

(b) Diversity of Property Ownership. There are a total of 31 properties to be assessed for the Improvements and such properties are owned by 14 separate owners.

There is one parcel with common area of interest that encompasses 22 of the 31 tax codes. The common area includes the Transtech Center.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Based on an analysis of the aggregate amount of the proposed assessments, any outstanding 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 property to be assessed for the Improvements) against each property to be assessed for the Improvements in comparison to the estimated market value of such property after the Improvements, the City concludes that, overall, the estimated market value of the properties to be assessed for the Improvements exceeds the sum of the proposed assessments, outstanding assessments and delinquent property taxes, and is set forth in Exhibit B hereto.

(d) Delinquencies. An analysis of the amount of delinquencies in the payment of outstanding assessments or property taxes levied against the properties to be assessed for the Improvements is set forth in Exhibit B hereto, which analysis shows that of 31 properties, 0 properties were delinquent.

(e) Public Benefit of the Improvements. The Improvements are required for the safety and convenience of the public. Pursuant to the City's Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new sidewalk, curb, gutter, and drive approaches is to be borne by the adjacent property owners.

8.1 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.

8.2 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.

8.3 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 $900,000.00. 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.

8.4 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.

8.5 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.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 22nd of March, 2021.

_____
Mayor

Attest:

_____
City Clerk

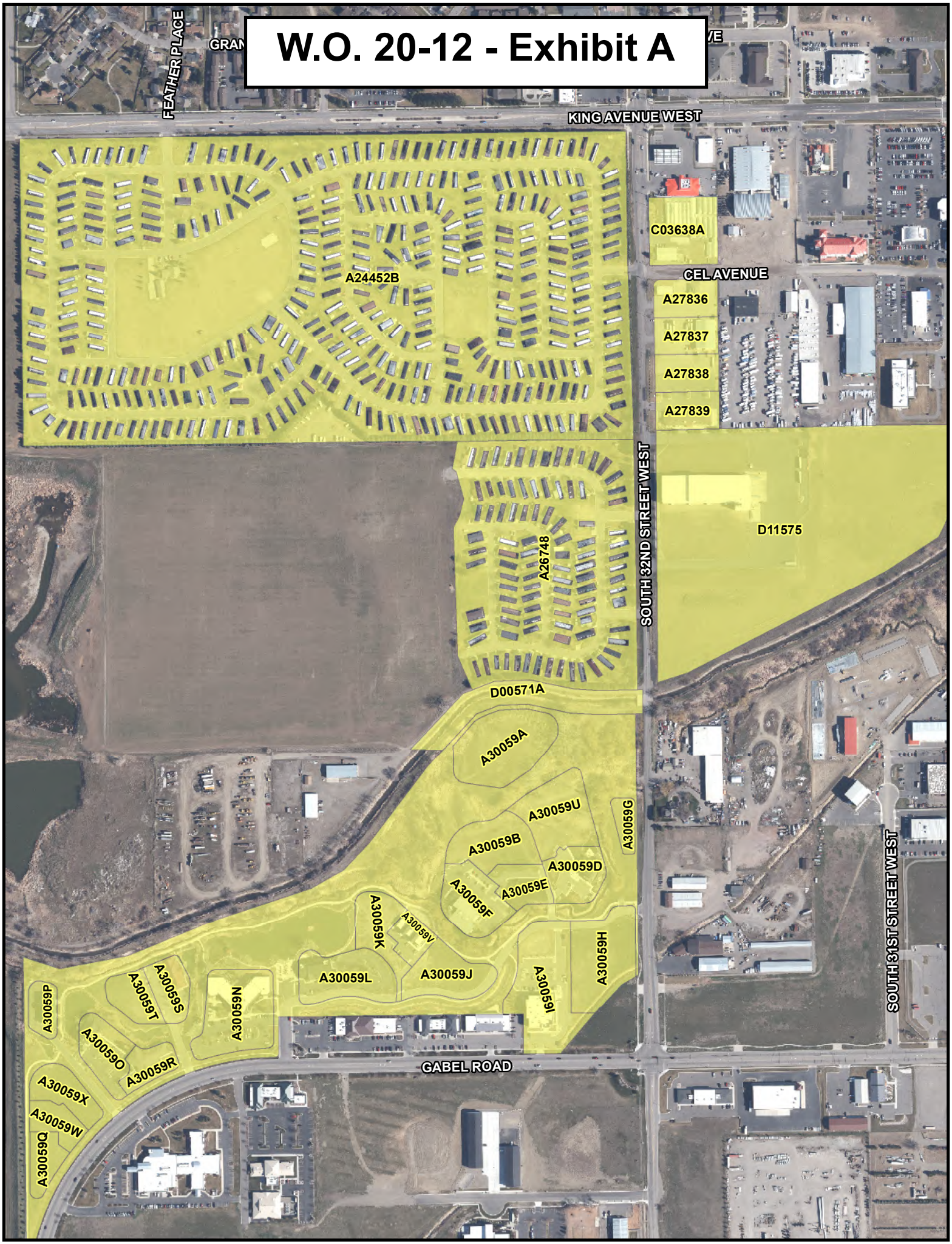

W.O. 20-12 - Exhibit A
FEATHER PLACE
KING AVENUE WEST
C03638A
CEL AVENUE
A24452B
A27836
A27837
A27838
A27839
SOUTH 32ND STREET WEST
D11575
A26748
D00571A
A30059A
A30059U
A30059G
A30059B
A30059D
A30059E
A30059F
A30059K
A30059V
A30059L
A30059J
A30059I
A30059H
SOUTH 31ST STREET WEST
A30059P
A30059T
A30059S
A30059N
A30059O
A30059R
A30059X
A30059W
A30059Q
GABEL ROAD

Exhibit B

WO 20-12 S 32nd St W

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	Assessment (C)	A + B + C	Market Value
A24452B	1379	$26,430.97		$138,597.19	$165,028.16	$7,565,100.00
A26748				$169,175.59	$169,175.59	$1,774,700.00
D00571A				$11,896.46	$11,896.46	$119.00
A30059A				$10,960.54	$10,960.54	$1,013,439.00
A30059B				$6,960.71	$6,960.71	$1,252,524.00
A30059D				$5,168.59	$5,168.59	$1,687,500.00
A30059E				$3,856.97	$3,856.97	$712,061.00
A30059F				$6,804.88	$6,804.88	$2,358,443.00
A30059G				$1,857.05	$1,857.05	$177,621.00
A30059H				$9,609.95	$9,609.95	$1,705,850.00
A30059I				$12,960.44	$12,960.44	$4,463,000.00
A30059J				$6,921.76	$6,921.76	$1,245,268.00
A30059K				$5,233.53	$5,233.53	$1,016,225.00
A30059L				$8,103.53	$8,103.53	$2,065,200.00
A30059N				$10,687.83	$10,687.83	$5,316,000.00
A30059O				$2,688.18	$2,688.18	$2,305,900.00
A30059R				$3,220.63	$3,220.63	$1,428,500.00
A30059S				$8,597.01	$8,597.01	$1,292,700.00
A30059T				$3,155.70	$3,155.70	$716,386.00
A30059V				$4,324.48	$4,324.48	$495,312.00
A30059P				$5,155.60	$5,155.60	$2,115,200.00
A30059Q				$3,181.66	$3,181.66	$599,752.00
A30059W				$3,895.93	$3,895.93	$587,157.00
A30059X				$3,882.94	$3,882.94	$794,709.00
A30059U				$2,636.24	$2,636.24	$1,532,457.00
D11575				$237,386.94	$237,386.94	$7,122,246.00
A27839				$31,412.02	$31,412.02	$840,600.00
A27838				$38,341.56	$38,341.56	$300,007.00
A27837				$42,967.08	$42,967.08	$608,000.00
A27836				$40,338.51	$40,338.51	$505,500.00
C03638A				$60,020.64	$60,020.64	$678,200.00

Average				$29,032.00	$29,885.00	$1,750,828.00
Median				$6,961.00	$6,961.00	$1,245,268.00
Low				$1,857.05	$1,857.05	$119.00
High				$237,387.00	$237,387.00	$7,565,100.00

City Council Regular

Date:	03/22/2021
Title:	Second Reading on Ordinance Granting Franchise to MDU
Presented by:	Gina Dahl
Department:	Legal
Presentation:	No

RECOMMENDATION

Staff recommends that Council adopt the proposed ordinance granting a non-exclusive franchise to Montana Dakota Utilities ("MDU") for the operation of a gas distribution system within the City of Billings.

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

MDU was provided a franchise to operate a gas distribution system within the City of Billings via Ordinance 4232 in 1979. That franchise was renewed on April 24, 2005 via Ordinance 05-5325 for 15 years which expired May 9, 2020.

The proposed franchise is a non-exclusive franchise to operate for 15 years that addresses issues related to relocation, system development, and other key operational areas. City staff worked with Brandon Lance, Regional Director of MDU in Billings to ensure there were no issues which needed to be addressed in the language of the proposed ordinance. The proposed ordinance has been reviewed by both Legal and Public Works and there have been no substantive changes made to the Ordinance granting the franchise.

Montana law provides that utilities may assert some statutory rights to use public rights-of-way for utility lines and facilities. Permit fees can be charged for work done in the ROW but franchise fees have been found to be illegal by the Supreme Court. The Montana Supreme Court held gross-revenue fees on public utilities for use of the ROW is an impermissible tax. This was a lawsuit brought by several public utilities and telecommunications corporations (specifically, MDU, Montana Power Co., Yellowstone Valley Electric Coop, and Touch America) against the City of Billings in 2000-2001. These utilities had transmission lines, cables, pipelines and other facilities located within the City of Billings' public ROWs and they challenged the franchise fee as an illegal tax. The Court held that the City could not unilaterally impose a gross revenue based fee (which the court found was effectively a tax). This case was decided Dec. 2003, which was before the previous franchise was granted in 2005. Therefore, the City of Billings has not collected any fees other than permit fees since that time.

It is unclear from the Supreme Court case whether some type of fees would be permissible if they are related to specific costs and are mutually agreed upon by the parties. It is possible some type of fee could be based on costs to the City in providing a service to MDU If the fee were based on some regulatory purpose. Accordingly, we asked all major cities in Montana, including Helena, Bozeman, Missoula, Kalispell/Whitefish, and Great Falls, and none charge similar fees to public utilities. Also, the fact that the utilities have occupied the City's ROW for decades hinders the ability of the parties to negotiate additional fees. This ordinance simply allows the City to regulate MDU's use and to establish terms and conditions of MDU's use of the public rights-of-way.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

None

SUMMARY

This ordinance allows the City to set terms and conditions for MDU to use the public right-of-way as approved by the City pursuant to this franchise and city ordinances.Regardless of the approval of this franchise, a public utility must have the ability to use the public right-of-way for utility lines and facilities and this grant of franchise allows the City to set terms and conditions for MDU's use of the public right-of-way.

Attachments

Draft MDU Franchise Ordinance

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, PROVIDING FOR THE REPEAL OF ARTICLE 7-1500, SECTIONS 7-1501 THROUGH 7-1517 OF THE BILLINGS, MONTANA CITY CODE AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT; FURTHER PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY ADDING NEW ARTICLE 7-1500, SECTIONS 7-1501 THROUGH 7-1517, GRANTING TO MONTANA-DAKOTA UTILITIES CO. A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR A GAS DISTRIBUTION SYSTEM WITHIN PUBLIC RIGHTS-OF-WAY OF THE CITY OF BILLINGS, MONTANA.

NOW, WHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Article 7-1500, Sections 7-1501 through 7-1517 inclusive, of the Billings, Montana City Code is hereby repealed and declared null and void and of no effect.

Section 2. That the Billings, Montana City Code be amended by adding a new Article 7-1500, Sections 7-1501 through 7-1517, to read as follows:

"ARTICLE 7-1500. MONTANA-DAKOTA UTILITIES' NON-EXCLUSIVE FRANCHISE

WHEREAS, Montana Code Annotated Section 7-14-4101, Billings, Montana City Code Sections 22-401 through 22-703, and Billings' self-governing powers grant the City broad authority to regulate the use of the public right-of-way; and

WHEREAS, the City Council of the City of Billings ("City") passed a franchise granting Montana-Dakota Utilities Co. ("MDU") the authority to operate a gas distribution system September 24, 1979 via Ordinance 4232;

WHEREAS, the City extended that franchise through April 24, 2005 via Ordinance 04-5299;

WHEREAS, the City further extended that franchise through May 9, 2020 via Ordinance 05-5325;

WHEREAS, MDU has operated under that franchise in good faith and provided service to the citizens of Billings;

WHEREAS, the City Council finds that it is in the best interests of the health, safety and welfare of residents of the Billings community to grant a non-exclusive franchise to MDU for the operation of a gas distribution system within the City right-of-way and, therefore, enacts the following ordinance.

Sec. 7-1501. Definitions. The following terms contained herein, unless otherwise indicated, shall be defined as follows:

City: The City of Billings, a municipal corporation of the State of Montana, specifically including all areas incorporated therein as of the effective date of this ordinance and any other areas later added thereto by annexation or other means.

Days: Calendar days.

Director: The City Administrator or designee.

Facilities: All pipes, access ways, pump stations, storage facilities, equipment, and supporting structures, located in the City's right-of-way, utilized by the Utility in the operation of activities authorized by this Ordinance. The abandonment by Utility of any facilities as defined herein shall not act to remove the same from this definition.

Permittee: A person who has been granted a permit by the Permitting Authority.

Permitting Authority: The head of the City department authorized to process and grant permits required to perform work in the City's right-of-way, or the head of any agency authorized or designated to perform this function on the City's behalf. Unless otherwise indicated, all references to Permitting Authority shall include the designee of the department or agency head.

Person: An entity or natural person.

Right-of-way: As used herein shall refer to the surface of and the space along, above, and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement, and/or road right-of-way now or hereafter held or administered by the City of Billings.

Utility: Montana Dakota Utilities Co.

Sec. 7-1502. Franchise Granted.

(a) The City hereby grants to Utility, its successors and assigns, subject to the terms and conditions hereinafter set forth, a Franchise to provide gas distribution services beginning on the effective date of this Ordinance.

(b) This Franchise shall grant Utility the right, privilege and authority, subject to the terms and conditions hereinafter set forth, to construct, operate, maintain, replace, and use all necessary equipment and facilities for a gas distribution system, in, under, on, across, over, through, along or below the public right-of-way located in the City of Billings, as approved under City permits issued by the Permitting Authority pursuant to this Franchise and City ordinances.

(c) This Franchise is granted upon the express condition that it shall not in any manner prevent the City from granting other or further franchises in, along, over, through, under, below or across any right-of-way. Such Franchise shall in no way prevent or prohibit the City from using any right-of-way or other City property or affect its jurisdiction over them or any part of them, and the City shall retain the authority to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, dedication of the same as the City may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-way or other public properties of every type and description.

Sec. 7-1503. Franchise Term.

The term of the Franchise granted hereunder shall be for the period commencing upon the effective date of this ordinance through and extending for fifteen (15) years therefrom.

Sec. 7-1504. Fees or Taxes.

As a material term of this Franchise agreement, and in consideration of the right granted to Utility to occupy City rights-of-way for the purpose of operating a gas utility within the City, Utility agrees:

(a) To timely pay all fees or taxes currently adopted, or as hereinafter may be adopted by the City pertaining to the Utility's operations within the City.

(b) Proceeds of any fee or tax shall be distributed to the City in accordance with the terms of any adopting document or, if not specified in such document, no later than 30 days after the end of each calendar quarter (quarters ending at the end of March, June, September and December).

(c) Should the Utility be prevented by judicial or legislative action from collecting a fee or tax adopted by the City or any portions thereof, then the Utility shall be excused from the collection and distribution of that portion of the fee or tax.

Sec. 7-1505. City Ordinances and Regulations.

Nothing herein shall be deemed to direct or restrict the City's ability to adopt and enforce all necessary and appropriate ordinances regulating the performance of the conditions of this Franchise, including any reasonable ordinance made in the exercise of its police powers in the interest of public safety and for the welfare of the public. The City shall have the authority at all times to control, by appropriate regulations, the location, elevation, and manner of construction and maintenance of any facilities of Utility located within the City right-of-way. Utility shall promptly conform with all such regulations, unless compliance would cause Utility to violate other requirements of law.

Sec. 7-1506. Right-of-Way Management.

(a) Excavation.

(1) During any period of relocation or maintenance, all surface structures, if any, shall be erected and used in such places and positions within the right-of-way so as to interfere as little as possible with the safe and unobstructed passage of traffic and the unobstructed use of adjoining property. Utility shall at all times post and maintain proper barricades and comply with all applicable safety regulations during such period of construction as required by the City ordinances or traffic control plans approved by the City consistent with state law and MPWS Section 01570 as modified by the City.

(2) Whenever Utility excavates in any right-of-way for the purpose of installation, construction, repair, maintenance or

relocation of its facilities, it shall apply to the City for a permit to do so in compliance with the ordinances and regulations of the City requiring permits to operate in the right-of-way. In no case shall any such work commence within any right-of-way without a permit, except as otherwise provided in this Ordinance. During the progress of the work, Utility shall not unnecessarily obstruct the passage or use of the right-of-way, and shall provide the City with plans, maps, and information showing the proposed and final location of any facilities in accordance with subsection (i) herein.

(b) Abandonment of Utility's Facilities. Facilities laid, installed, constructed, or maintained in the right-of-way by Utility may be abandoned in place after notification of such intent is provided to the City. The City may require removal of abandoned facilities in conjunction with the process described in subsection (h), Relocation. All necessary permits must be obtained prior to commencing removal.

(c) Restoration after Construction.

(1) Utility shall, after any installation, construction, relocation, maintenance, or repair of facilities within the Franchise area, restore the right-of-way to at least the condition the same was in immediately prior to any such abandonment, installation, construction, relocation, maintenance or repair as determined by the City Engineer or designee. All concrete encased monuments, which have been disturbed or displaced by such work, shall be restored pursuant to all federal, state and local standards and specifications. Utility agrees to promptly complete all restoration work and to promptly repair any damage caused by such work at its sole cost and expense.

(2) If it is determined that Utility has failed to restore the right-of-way in accordance with this section, the City shall provide Utility with written notice including a description of actions the City believes necessary to restore the right-of-way. If the right-of-way is not restored in accordance with the City's notice within fifteen (15) days of that notice, the City, or its authorized agent, may restore the right-of- way. Upon request from the Utility, the City may agree to an extension to the time provided to restore the right-of-way as long as doing so does not endanger the public. Utility is

responsible for all costs and expenses incurred by the City in restoring the right-of-way in accordance with this Section. The rights reserved to the City under this paragraph shall be in addition to those otherwise provided by this Franchise.

(d) Bonding Requirement. Utility must comply with the City's standard bonding requirement for working in the City's right-of-way.

(e) Emergency Work, Permit Waiver. In the event of any emergency where any facilities located in the right-of-way are broken or damaged, or if Utility's construction area for their facilities is in such a condition as to place the health or safety of any person or property in imminent danger, Utility shall immediately take any necessary emergency measures to repair or remove its facilities without first applying for and obtaining a permit as required by this Franchise. However, this emergency provision shall not relieve Utility from later obtaining any necessary permits for the emergency work. Utility shall apply for the required permits the next business day following the emergency work or as soon as practical given the nature and duration of the emergency.

(f) Safety.

(1) The Utility, in accordance with applicable federal, state, and local safety rules and regulations shall, at all times, employ ordinary care in the installation, maintenance, and repair utilizing methods and devices commonly accepted in their industry of operation to prevent failures and accidents that are likely to cause damage, injury, or nuisance to persons or property.

(2) All of Utility's facilities in the right-of-way shall be constructed and maintained in a safe and operational condition.

(g) Dangerous Condition, Authority for City to Abate.

(1) Whenever Facilities or the operations of the Utility cause or contribute to a condition that appears to endanger any person or substantially impair the lateral support of the adjoining right-of-way, public or private property, the Director may direct the Utility, at no charge or expense to the City, to take actions to resolve the condition or remove the endangerment.

Such directive may include compliance within a prescribed time period.

(2) In the event the Utility fails or refuses to promptly take the directed action, or fails to fully comply with such direction, or if emergency conditions exist which require immediate action to prevent imminent injury or damages to persons or property, the City may take such actions as it believes are necessary to protect persons or property and the Utility shall be responsible to reimburse the City for its costs.

(h) Relocation of System Facilities.

(1) Utility agrees and covenants to protect, support, temporarily disconnect, relocate or remove from any right-of-way its facilities without cost to the City, when so required by the City to facilitate the completion of or as a result of a public project, provided that Utility shall in all such cases have the privilege to temporarily bypass, in the authorized portion of the same right-of-way and upon approval by the City, any facilities required to be temporarily disconnected or removed. As used in this Section, the term "public project" is a project included in any City adopted Capital Improvement Program.

(2) All Facilities utilized for providing gas distribution service within Utility's service area and within the right-of-way shall be considered owned, operated and maintained by Utility.

(3) If the City determines that a public project necessitates the relocation of Utility's existing facilities, the City shall utilize the following process unless otherwise agreed:

a. As soon as possible, but not less than sixty (60) days prior to the commencement of such project, provide Utility with written notice requiring such relocation; and

b. Provide Utility with copies of any plans and specifications pertinent to the requested relocation and a proposed temporary or permanent relocation for Utility's facilities.

c. After receipt of such notice and such plans and

specifications, Utility shall complete relocation of its facilities at no charge or expense to the City at least ten (10) days prior to commencement of the project, unless otherwise agreed.

(4) Utility may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. The City shall evaluate such alternatives and advise Utility in writing if any of the alternatives are suitable to accommodate the work that necessitates the relocation of the facilities. If so requested by the City, Utility shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by Utility full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, Utility shall relocate its facilities as provided in this Section.

(5) The provisions of subsection (h) herein shall not preclude the Utility from seeking reimbursement for relocation expenses from state or federal resources to the extent such funds are available to Utility in connection with such relocation expenses.

(6) The provisions of subsection (h) herein shall in no manner preclude or restrict Utility from making any arrangements it may deem appropriate when responding to a request for relocation of its Facilities by any person other than the City, where the improvements to be constructed by said person are not or will not become City owned, operated or maintained, provided that such arrangements do not unduly delay or increase the cost of a planned City construction project.

(i) Utility's Map and Records

(1) As a condition of this Franchise, and without charge to the City, Utility agrees to provide the City with record plans, maps, and records that show the horizontal and vertical (when available) location of its facilities within the right-of-way using a minimum scale of one inch equals one hundred feet (1" = 100'). This information is to be provided in digital format that can be readily imported into the City's Geographic Information System (GIS), and, upon request,

in hard copy plan form used by Utility. This information shall be provided between one hundred twenty (120) and one hundred eighty (180) days of the effective date of this Ordinance and shall be updated by the Utility utilizing information in their possession upon reasonable request by the City.

(2) The City will keep the information provided by the Utility confidential to the extent allowed by law. If the City gets a records request demanding disclosure of Utility system information previously provided to the City by the Utility, then the City will provide the Utility notice of such request and provide the Utility the opportunity to seek to prevent the disclosure of said information through appropriate legal action.

Sec. 7-1507. Planning Coordination.

(a) System Information. Utility shall submit information related to the general location, proposed location, and size of all existing and proposed Facilities within the City as requested by the Director within a reasonable time, not exceeding sixty (60) days from receipt of a written request for such information.

(1) Utility will update information provided to the City under this Section whenever there are major changes in Utility's system plans for Billings.

(2) The City will provide information relevant to the Utility's operations within a reasonable period of written request to assist the Utility in the development or update of its System Plan. Provided that such information is in the City's possession, or can be reasonably developed from the information in the City's possession.

(b) System Development Information. Utility will assign a representative whose responsibility shall be to coordinate with the City on planning for Capital Improvement Program projects. At a minimum, such coordination shall include the following:

(1) By October 31st of each year, Utility shall provide the Director with a schedule of its planned capital improvements for the following calendar year, which may affect the right-of-way for that year;

(2) By October 31st of each year, City shall provide Utility with a schedule of its budgeted projects for the following calendar year that may affect the right-of way and Utility's facilities

located therein;

(3) Utility shall meet with the City, other franchisees and users of the right-of-way, according to a schedule to be determined by the City, to schedule and coordinate construction; and

(4) All construction locations, activities, and schedules shall be coordinated, as required by the Director to minimize public inconvenience, disruption, or damages and taking into account potential impacts to Utility facilities.

(c) Emergency Operations. The City and Utility agree to cooperate in the planning and implementation of emergency operations response procedures.

Sec. 7-1508. Indemnification.

(a) Utility hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards, attorney's fees, or liability to any person, including claims by Utility's own employees to which Utility might otherwise be immune, arising from personal injury or damage to property to the extent due to the negligent or intentional acts or omissions of Utility, its agents, servants, officers or employees in performing activities authorized by this Franchise. This covenant of indemnification shall include, but not be limited by this reference, claims against the City arising as a result of the acts or omissions of Utility, its agents, servants, officers or employees except for claims for injuries and damages to the extent caused by the negligence of the City. If final judgment is rendered against the City, its elected officials, employees, agents, and volunteers, or any of them with respect to a claim covered by Utility's indemnification obligations set forth in this franchise, Utility shall satisfy and pay the judgment. The City may appear in any proceeding it deems necessary to protect the City's or the public's interests.

(b) Inspection or acceptance by the [1]City of any work performed by Utility at the time of completion of construction shall not be grounds for avoidance of any of these covenants of indemnification. These indemnification obligations of Utility shall extend to and include any and all claims that have not yet resulted in a suit and any asserted or submitted claims that may be settled

prior to the culmination of any litigation or the institution of any litigation.

(c) In the event Utility refuses to undertake the defense of any filed suit or any claim asserted against the City, after the City's request for defense and indemnification has been made pursuant to the indemnification clauses contained herein, and Utility's refusal is subsequently determined by a court having jurisdiction (or such other tribunal that the parties shall agree to decide the matter), to have been a wrongful refusal on the part of Utility, then Utility shall pay all of the City's costs and expenses for defense of the action, including reasonable attorneys' fees of recovering under this indemnification clause as well as any judgment against the City.

(d) In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of Utility and the City, its officers, employees and agents, Utility's liability hereunder shall be only to the extent of Utility's comparative negligence. This waiver has been mutually negotiated by the parties.

(e) The City hereby releases and agrees to indemnify, defend and hold harmless the Utility, its elected officials, employees, agents, and volunteers from any and all claims, costs, judgments, awards or liability to any person arising from Utility's compliance with Section 7-1504.

Sec. 7-1509. Insurance.

(a) Utility shall procure and maintain for the duration of the Franchise, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to Utility, its agents or employees. A combination of self-insurance and excess liability insurance may be utilized by Utility. Utility shall provide to the City an insurance certificate and proof of self-insurance, if applicable, evidencing the required insurance, for City's inspection prior to the commencement of any work or installation of any Facilities pursuant to this Franchise, and such insurance shall evidence the following required insurance:

(1) Automobile Liability insurance for owned, non-owned and hired vehicles with limits no less than $2,000,000 Combined Single Limit per accident for bodily injury and property damage; and

(2) Commercial General Liability insurance policy, written on an occurrence basis with limits no less than $750,000 dollars per claim and 1.5 million dollars per occurrence or $500,000 dollars combined single limit together with a one million dollars ($1,000,000) excess or umbrella policy. The City shall be named as a primary, additional insured. The Utility's policy shall be endorsed to be primary and noncontributory. Utility shall also maintain a policy of Professional Liability insurance in an insurable amount not less than $750,000 dollars per claim and $1,500,000 dollars per occurrence. Utility shall demonstrate written proof of these mandatory minimum coverages and noncontributory endorsement by providing a Certificate of Insurance to the City evidencing such prior to execution of this contract for personal injury, bodily injury and property damage. Coverage shall include premises, operations, independent contractors, products completed operations, personal injury and advertising injury. There shall be no endorsement or modification of the Commercial General Liability insurance excluding liability arising from explosion, collapse or underground property damage.

(3) Excess Liability in an amount of $5,000,000 each occurrence and $5,000,000 aggregate limit. The City shall be named as an additional insured on the Excess Liability insurance policy.

(b) Payment of deductible or self-insured retention shall be the sole responsibility of Utility.

(c) The insurance policy shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Utility's insurance shall be primary. Any insurance, self insurance, or insurance pool coverage maintained by the City shall be excess of Utility's insurance and shall not contribute with it. Coverage shall not be suspended, voided, canceled by either party,

reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City.

(d) Utility shall require all its subcontractors to carry insurance consistent with this section and shall provide evidence of such insurance to the City upon request.

Sec. 7-1510. Enforcement.

(a) In addition to all other rights and powers retained by the City under this Franchise, the City reserves the right to revoke and terminate this Franchise and all rights and privileges of the Utility in the event of a substantial violation or breach of its terms and conditions.

(b) A substantial violation or breach by a Utility shall include, but shall not be limited to, the following:

(1) An uncured violation of any material provision of this Franchise, or any material rule, order or regulation of the City made pursuant to its power to protect the public health, safety and welfare;
(2) An intentional evasion or knowing attempt to evade any material provision of this Franchise or practice of any fraud or deceit upon the system customers or upon the City;
(3) Failure to provide the services specified in the Franchise;
(4) Misrepresentation of material fact during negotiations relating to this Franchise or the implementation thereof;
(5) A continuous and willful pattern of grossly inadequate service;
(6) An uncured failure to pay fees associated with this Franchise;

(c) No violation or breach shall occur which is without fault of the Utility or the City, or which is as a result of circumstances beyond the Utility's or the City's reasonable control. Neither the Utility, nor the City, shall be excused by economic hardship nor by nonfeasance or malfeasance of its directors, officers, agents or employees; provided, however, that damage to equipment causing service interruption shall be deemed to be the result of circumstances beyond a Utility's or the City's control if it is caused by any negligent act or unintended omission of its employees (assuming proper training) or agents (assuming reasonable diligence in their selection),

or sabotage or vandalism or malicious mischief by its employees or agents. A Utility, or the City, shall bear the burden of proof in establishing the existence of such conditions.

(d) Except in the case of termination pursuant to subsection (b)(4) above, prior to any termination or revocation, the City, or the Utility, shall provide the other with detailed written notice of any substantial violation or material breach upon which it proposes to take action. The party who is allegedly in breach shall have a period of 60 days following such written notice to cure the alleged violation or breach, demonstrate to the other's satisfaction that a violation or breach does not exist, or submit a plan satisfactory to the other to correct the violation or breach. If, at the end of said 60-day period, the City or the Utility reasonably believes that a substantial violation or material breach is continuing and the party in breach is not taking satisfactory corrective action, the other may declare that the party in breach is in default, which declaration must be in writing. Within 20 days after receipt of a written declaration of default, the party that is alleged to be in default may request, in writing, a hearing before a "hearing examiner" as provided by the City's development regulations. The hearing examiner's decision may be appealed to any court of competent jurisdiction.

(e) The City may, in its discretion, provide an additional opportunity for the Utility to remedy any violation or breach and come into compliance with this agreement so as to avoid the termination or revocation.

(f) Any violation existing for a period greater than 30 days may be remedied by the City at the Utility's expense.

Sec. 7-1511. Survival.

All of the provisions, conditions and requirements of Section 7-1506(a) Excavation, Section 7- 1506(b) Abandonment Of Utility's Facilities, Section 7-1506(c) Restoration After Construction, Section 7-1506(g) Dangerous Conditions, Authority For City To Abate, Section 7-1506(h) Relocation of System Facilities, and Section 7-1508 Indemnification, of this Franchise shall be in addition to any and all other obligations and liabilities Utility may have to the City at common law, by statute, or by contract, and shall survive the City's Franchise to Utility for the use of the areas mentioned in Section 7-1502 herein, and any renewals or

extensions thereof. All of the provisions, conditions, regulations and requirements contained in this Franchise Ordinance shall further be binding upon the heirs, successors, executors, administrators, legal representatives and assigns of Utility and all privileges, as well as all obligations and liabilities of Utility shall inure to its heirs, successors and assigns equally as if they were specifically mentioned wherever Utility is named herein.

Sec. 7-1512. Assignment.

This Franchise shall not be sold, transferred, assigned, or disposed of in whole or in part either by sale, voluntary or involuntary merger, consolidation or otherwise, without the written approval of the City, which consent shall not be unreasonably withheld or delayed. This paragraph shall not act to require City approval of any Utility action to mortgage or otherwise encumber its facilities, or other action related to corporate financing, financial reorganization, or refinancing activity.

Sec. 7-1513. Notice.

Any notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

Region Director	City Administrator
Montana-Dakota Utilities Co.	City of Billings
5181 Southgate Drive	P.O. Box 1178
Billings, MT 59101-4627	Billings, MT 59103
Phone: (406) 896-4221	Phone: (406) 657-8433
Fax: (406) 896-4272	Fax: (406) 657-8390

Sec. 7-1514. Non-Waiver.

The failure of either party to enforce any breach or violation by the other party of any provision of this Franchise shall not be deemed to be a waiver or a continuing waiver by the non-breaching party of any subs

Sec. 7-1515. Alternate Dispute Resolution.

If the parties are unable to resolve disputes arising from the terms of this Franchise, prior to resorting to a court of competent jurisdiction, the parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the parties. Unless otherwise agreed between the parties or determined herein, the cost of that process shall be shared equally.

Sec. 7-1516. Entire Agreement.

This Franchise constitutes the entire understanding and agreement between the parties as to the subject matter herein and no other agreements or understandings, written or otherwise, shall be binding upon the parties upon execution and acceptance hereof.

Sec. 7-1517. Directions to City Clerk.

The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the Utility set forth in this ordinance. The Utility shall have sixty (60) days from receipt of the certified copy of this ordinance to accept in writing the terms of the Franchise granted to the Utility in this ordinance.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. SEVERABILITY. If any Section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other Section, sentence, clause or phrase of this Franchise Ordinance. The Parties may amend, repeal, add, replace, or modify any provision of this Franchise to preserve the intent of the parties as expressed herein prior to any finding of invalidity or unconstitutionality. To this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 8th day of March, 2021.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of March, 2021.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	03/22/2021
Title:	Payment of Claims for week of February 16, 2021
Presented by:	Chris Nagel
Department:	Finance
Presentation:	No

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $2,414,758.45 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 02162021

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840423	Ace Electric	Wastewater	$ 2,362.50	REPLACE EXHAUST FANS IN RESTROOMS
02/16/2021	840423	Ace Electric	Water	$ 7,087.50	REPLACE EXHAUST FANS IN RESTROOMS
02/16/2021	840423	Ace Electric	Water	$ 40,927.65	WO 18-15 Voelker Pump Station Improvements and Staples Generator
02/16/2021	840443	Boingo LLC	Airport	$ 3,000.00	Invoice #2449397. January - March 2021 Management Fee
02/16/2021	840452	Cop Construction	Water	$ 149,421.57	2019 Water/Sewer Replacement Project Sch 1
02/16/2021	840455	Crowley Fleck PLLP	General	$ 6,000.00	Work on government affairs issues January 2021
02/16/2021	840457	Cy-Corp	Wastewater	$ 6,360.00	25-Foot Tandem Axle Trailer
02/16/2021	840457	Cy-Corp	Water	$ 9,540.00	25-Foot Tandem Axle Trailer
02/16/2021	840460	David Turch & Assoc	P.W. Admin	$ 4,000.00	Consulting for Infrastructure Projects
02/16/2021	840461	Dell Computer	Public Safety	$ 7,995.60	10-Dell Towers 7080 SFF,i5 Processor, 8GB RAM, 128GB SSD
02/16/2021	840466	DOWL	Arterial Streets	$ 9,860.00	24th St W/Central Ave Signal Improvements
02/16/2021	840466	DOWL	Arterial Streets	$ 17,265.90	WO 20-12 S 32nd St W (King Ave W to Gabel)
02/16/2021	840466	DOWL	SID Const	$ 1,507.50	SID 1410 Annafeld Subdivision 2nd Filing Streetlights&Park Improve
02/16/2021	840467	Downtown Blgs BID	Downtown BID	$ 94,051.26	Paid November 2020 and distributed December 2020
02/16/2021	840469	Eastern Oregon Commun	Water	$ 4,975.00	APRISA'S FOR RADIO UPGRADE
02/16/2021	840475	ESRI Inc	Engineering	$ 11,740.75	Pubic Works Enterprise Licenses
02/16/2021	840475	ESRI Inc	EOC 911	$ 883.33	ESRI Annual Maintenance FIRE
02/16/2021	840475	ESRI Inc	General	$ 400.00	ESRI Annual Maintenance City Admin
02/16/2021	840475	ESRI Inc	General	$ 1,400.00	ESRI Annual Maintenance PARKS
02/16/2021	840475	ESRI Inc	General	$ 107.40	ESRI Annual Renewal -Finance
02/16/2021	840475	ESRI Inc	IT Resources	$ 5,507.40	ESRI Annual Maintenance IT
02/16/2021	840475	ESRI Inc	IT Resources	$ 3,798.14	ESRI Annual Maintenance PLANNING
02/16/2021	840475	ESRI Inc	IT Resources	$ 21,957.39	ESRI Annual Maintenance PW BELKNAP
02/16/2021	840475	ESRI Inc	P.W. Admin	$ 4,696.31	Pubic Works Enterprise Licenses
02/16/2021	840475	ESRI Inc	Parking	$ 200.00	ESRI Annual Maintenance Parking
02/16/2021	840475	ESRI Inc	Public Safety	$ 1,283.33	ESRI Annual Maintenance POLICE
02/16/2021	840475	ESRI Inc	Street/Traffic	$ 7,044.45	Pubic Works Enterprise Licenses
02/16/2021	840475	ESRI Inc	Wastewater	$ 11,740.75	Pubic Works Enterprise Licenses
02/16/2021	840475	ESRI Inc	Water	$ 11,740.75	Pubic Works Enterprise Licenses
02/16/2021	840478	FCS	Storm Sewer	$ 5,879.63	WO 20-37 Stormwater Utility Development
02/16/2021	840480	First Am Title	CDBG	$ 15,000.00	FTHB Trisha Warner 3 Berg Avenue
02/16/2021	840481	FirstMark Const	SID Const	$ 28,409.50	SID 14-10 Annafeld Park Trail Improvements, CO 1
02/16/2021	840483	Fisher's Technology	Central Services	$ 253.32	871015-PD-2AB05076
02/16/2021	840483	Fisher's Technology	Central Services	$ 65.56	872809- CC -UMV04657

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840483	Fisher's Technology	Public Safety	$ 1.54	876144 - ICAC -NMC01138
02/16/2021	840483	Fisher's Technology	Public Safety	$ 22.57	COLOR [EST. 450/MONTH @ $.0792
02/16/2021	840483	Fisher's Technology	Public Safety	$ 10.09	COPIES BW (EST. 1,500 COPIERS/MONTHLY @ $.010/EACH
02/16/2021	840483	Fisher's Technology	Solid Waste	$ 165.57	869848- SW- RRD10421
02/16/2021	840483	Fisher's Technology	Solid Waste	$ 103.00	872810 -SW- CNBCMDL245 & 241
02/16/2021	840483	Fisher's Technology	Water	$ 3,541.99	NEW COLOR COPIER FOR CONTROL ROOM
02/16/2021	840487	Hach Chemical Co	Wastewater	$ 9,781.10	All weather Sampler Bundle
02/16/2021	840490	HDR, Inc.	Water	$ 43,885.44	WO 1912 Westend Reservoir FEMA Grant Witting Services
02/16/2021	840495	Iaff	Payroll Clearing	$ 5,241.56	Payroll Summary
02/16/2021	840502	Jacobs Engineering	Gas Tax	$ 1,408.74	Asset Management Program Project
02/16/2021	840502	Jacobs Engineering	Light Maint	$ 1,408.74	Asset Management Program Project
02/16/2021	840502	Jacobs Engineering	Storm Sewer	$ 2,817.46	Asset Management Program Project
02/16/2021	840502	Jacobs Engineering	Street/Traffic	$ 4,226.19	Asset Management Program Project
02/16/2021	840502	Jacobs Engineering	Wastewater	$ 9,156.76	Asset Management Program Project
02/16/2021	840502	Jacobs Engineering	Water	$ 9,156.76	Asset Management Program Project
02/16/2021	840508	Kenco Enterprises	Engineering	$ 243.54	Change order #1 to increase total cost by $1,230
02/16/2021	840508	Kenco Enterprises	Engineering	$ 306.90	Change order #2 to increase total cost by $1,551
02/16/2021	840508	Kenco Enterprises	Public Safety	$ 25,699.63	Security Access System.
02/16/2021	840508	Kenco Enterprises	Wastewater	$ 243.54	Change order #1 to increase total cost by $1,230
02/16/2021	840508	Kenco Enterprises	Wastewater	$ 306.90	Change order #2 to increase total cost by $1,550
02/16/2021	840508	Kenco Enterprises	Wastewater	$ 72.48	Gerald Underwood Water Treatment
02/16/2021	840508	Kenco Enterprises	Wastewater	$ 4,762.92	Install Badge Access Control System- PW on Belknap Ave & MT Ave
02/16/2021	840508	Kenco Enterprises	Water	$ 730.62	Change order #1 to increase total cost by $1,230
02/16/2021	840508	Kenco Enterprises	Water	$ 920.70	Change order #2 to increase total cost by $1,550
02/16/2021	840508	Kenco Enterprises	Water	$ 217.42	Gerald Underwood Water Treatment
02/16/2021	840508	Kenco Enterprises	Water	$ 14,288.75	Install Badge Access Control System- PW on Belknap Ave & MT Ave
02/16/2021	840513	Landscape Structures	SID Const	$ 69,731.20	SID 1410 Annafeld Subdivision 2nd Filing, INV-089070
02/16/2021	840517	Mailing Technical Services	Central Services	$ 5,883.70	January 2021
02/16/2021	840517	Mailing Technical Services	Parking	$ 136.88	January 2021
02/16/2021	840517	Mailing Technical Services	Planning	$ 615.83	January 2021
02/16/2021	840527	MFPE	Payroll Clearing	$ 2,741.25	Payroll Summary
02/16/2021	840523	Montana CSED	Payroll Clearing	$ 2,907.40	Payroll Summary
02/16/2021	840533	Moulton Bellingham	General	$ 225.00	Inv.#139861 Ron Hill v. COB
02/16/2021	840533	Moulton Bellingham	General	$ 10,571.00	Inv.#139862 Houser WWFF

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840533	Moulton Bellingham	General	$ 1,830.00	Inv.#139863 Abromeit et al v. COB
02/16/2021	840533	Moulton Bellingham	General	$ 7,560.67	Inv.#139864 County Water District Contract Dispute
02/16/2021	840533	Moulton Bellingham	General	$ 7,330.00	Inv.#139865 McDaniel v. COB
02/16/2021	840534	MPPA	Payroll Clearing	$ 3,618.85	Payroll Summary
02/16/2021	840524	MT Dakota Utilities	General	$ 343.33	902 360 1000 6
02/16/2021	840524	MT Dakota Utilities	Public Safety	$ 419.69	307 111 5825 0
02/16/2021	840524	MT Dakota Utilities	Public Safety	$ 17.52	357 004 5071 7
02/16/2021	840524	MT Dakota Utilities	Public Safety	$ 963.84	819 360 1000 8
02/16/2021	840524	MT Dakota Utilities	Public Safety	$ 191.28	958 650 1000 3
02/16/2021	840524	MT Dakota Utilities	Solid Waste	$ 107.86	602 680 9335 2
02/16/2021	840524	MT Dakota Utilities	Wastewater	$ 71.60	017 739 3911 9
02/16/2021	840524	MT Dakota Utilities	Wastewater	$ 42.12	470 750 1000 0
02/16/2021	840524	MT Dakota Utilities	Wastewater	$ 17.52	559 250 1000 5
02/16/2021	840524	MT Dakota Utilities	Water	$ 18.72	610 490 1000 4
02/16/2021	840524	MT Dakota Utilities	Water	$ 378.80	825 150 1000 5
02/16/2021	840528	MT Lines	Arterial Streets	$ 103,625.87	WO 20-16 Rectangular Rapid Flashing Beacons Installations, MT Lines/4
02/16/2021	840530	MT Peterbilt	Fleet	$ 38.46	11399B PO NUM 311957
02/16/2021	840530	MT Peterbilt	Fleet	$ 423.48	11898B PO NUM 311957
02/16/2021	840530	MT Peterbilt	Fleet	$ (505.20)	11938B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 525.26	10187B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 14.80	10493B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 182.20	10523B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 98.18	10679B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 227.47	10680B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 98.56	10706B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 137.36	10733B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 170.60	10912B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 846.81	11067B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 98.18	11102B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 52.69	11385B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 217.96	11769B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 268.80	11829B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 150.98	11886B
02/16/2021	840530	MT Peterbilt	Solid Waste	$ 80.00	1192B

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840530	MT Peterbilt	Solid Waste	$ (525.26)	CM10187B
02/16/2021	840531	MT State Firemen	Payroll Clearing	$ 4,431.32	Payroll Summary
02/16/2021	840537	Neibauer Painting	Transit	$ 3,135.72	6842. Body Work & Paint Unit 1872. W/O 197794
02/16/2021	840538	NeighborWorks MT	CDBG	$ 3,074.30	NWMT C & C Reimbursement Request #6
02/16/2021	840539	NorthWestern Energy	Airport	$ 15.93	0712534-7. Gate 16 Light. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 21.81	0712791-3. Gate 16. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 37.18	0712795-4. Gate 17. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 21.97	0712797-0. Gate 9. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 5.80	0712805-1. IP-10. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 7.17	0712813-5. Burn Pit. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 23.80	0719759-3. Gate 12. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 79.70	0719760-1. Gate 14. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 13.43	0719761-9. Gate 15. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 25.30	0719762-7. Gate 13. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 21.15	0720296-3. Gate 29. January 2021
02/16/2021	840539	NorthWestern Energy	Airport	$ 30.42	2114868-9. Runway Weather System. January 2021
02/16/2021	840540	Northwestern Energy	Airport	$ 15,530.00	Invoice #90253805. Relocation of Transformer That Feeds IP-5
02/16/2021	840539	NorthWestern Energy	Building	$ 16.27	1569631-3
02/16/2021	840539	NorthWestern Energy	CDBG	$ 25.89	817 N 22nd Street / Account #3793773-7
02/16/2021	840539	NorthWestern Energy	General	$ 97.74	0712538-8
02/16/2021	840539	NorthWestern Energy	General	$ 100.69	0712539-6
02/16/2021	840539	NorthWestern Energy	General	$ 82.79	0712683-2
02/16/2021	840539	NorthWestern Energy	General	$ 5.32	0720841-6
02/16/2021	840539	NorthWestern Energy	General	$ 8.66	1635289-0
02/16/2021	840539	NorthWestern Energy	General	$ -	1692666-9
02/16/2021	840539	NorthWestern Energy	General	$ 5.80	3178260-0
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0722253-2
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 212.93	0722256-5
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 7.72	0722258-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 11.27	0722259-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 7.88	0722272-2
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 224.00	0722273-0
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 12.17	0722274-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 104.13	0722275-5

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 25.01	0722277-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 32.18	0722278-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 15.93	0722279-7
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0722280-5
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0722281-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0722283-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0722284-7
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 15.93	0722808-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 6.62	0722852-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 7.72	0722862-0
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 65.91	0722901-6
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 6.11	0722976-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 109.15	0722995-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 72.20	0723005-5
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.90	0723025-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ -	0723039-4
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.80	0723046-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 14.99	0723049-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 12.29	0723053-5
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 16.10	0723064-2
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 16.10	0723065-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 3.87	0723391-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 133.15	0723884-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 16.10	0723887-6
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ -	0793134-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 18.74	0813489-2
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.80	0831702-6
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 18.58	0920801-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 12.39	0978917-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 30.80	0999807-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ -	1141284-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.92	1156527-2
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ -	1160780-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ -	1191404-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.80	1230066-1
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.80	1588262-4
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 43.18	1849408-8
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 7.04	1902257-3
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 44.19	1904944-4
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 44.61	1941243-6
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 36.38	3020837-5
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 32.62	3241436-9
02/16/2021	840539	NorthWestern Energy	Park Dist 1	$ 5.80	3477233-5
02/16/2021	840539	NorthWestern Energy	Parking	$ 9.55	3835890-9
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.25	0722272-2
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723384-4
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 7.40	0723385-1
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 7.40	0723386-9
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 7.40	0723387-7
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 7.40	0723388-5
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 2.58	0723391-9
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.56	0723392-7
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.68	0723393-5
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723394-3
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723395-0
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723396-8
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723397-6
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723398-4
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 5.90	0723835-5
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 7.72	0723836-3
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.04	0723840-5
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ -	0723879-3
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.45	0723883-5
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.69	0723885-0
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.31	0881455-0
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.92	0971824-8
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ -	1029192-0
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ -	1045813-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.85	1265177-4
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.71	1312707-1
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ -	1513796-1
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 29.69	1513800-1
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 8.20	1513802-7
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 16.64	1513804-3
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.84	1514388-6
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 6.54	1564209-3
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 0.87	1948667-9
02/16/2021	840539	NorthWestern Energy	Parks Maint	$ 1.19	2041362-1
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 9.97	0712532-1
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 402.05	0712537-0
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 295.40	0720817-6
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 290.10	0720840-8
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 892.64	1183483-5
02/16/2021	840539	NorthWestern Energy	Public Safety	$ 223.51	1984150-1
02/16/2021	840539	NorthWestern Energy	Radio	$ 130.77	1006915-1
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 7.08	0855404-0
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 47.58	1045820-6
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 22.47	1738989-1
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 0.77	1797828-9
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 6.51	2047000-1
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 7.38	2047007-6
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 6.64	2047010-0
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 7.05	2047011-8
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 6.74	2047013-4
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 7.17	2047017-5
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 7.16	2047018-3
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 6.65	2047019-1
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ -	3088038-9
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 65.43	3648861-7
02/16/2021	840539	NorthWestern Energy	Street/Traffic	$ 5.04	3660075-7
02/16/2021	840539	NorthWestern Energy	Transit	$ 1,966.88	0100473-8. MET Monad Rd. February 2021
02/16/2021	840539	NorthWestern Energy	Transit	$ 21.38	0712764-0

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840539	NorthWestern Energy	Transit	$ 361.04	0719225-5
02/16/2021	840539	NorthWestern Energy	Wastewater	$ 80.42	0723383-6
02/16/2021	840539	NorthWestern Energy	Wastewater	$ 191.03	0723878-5
02/16/2021	840539	NorthWestern Energy	Wastewater	$ 9.50	1704025-4
02/16/2021	840539	NorthWestern Energy	Wastewater	$ 89.72	1704030-4
02/16/2021	840539	NorthWestern Energy	Wastewater	$ 1,161.24	2132749-9
02/16/2021	840539	NorthWestern Energy	Water	$ 883.52	0100478-7
02/16/2021	840539	NorthWestern Energy	Water	$ 8.91	0722249-0
02/16/2021	840539	NorthWestern Energy	Water	$ 1,279.61	0722252-4
02/16/2021	840539	NorthWestern Energy	Water	$ 2,648.26	0722270-6
02/16/2021	840539	NorthWestern Energy	Water	$ 177.59	1142253-2
02/16/2021	840539	NorthWestern Energy	Water	$ 4.35	1160807-2
02/16/2021	840539	NorthWestern Energy	Water	$ 1.71	1346673-5
02/16/2021	840539	NorthWestern Energy	Water	$ 6.05	1867265-9
02/16/2021	840544	PeopleReady	Solid Waste	$ 3,236.09	Landfill temp labor
02/16/2021	840544	PeopleReady	Solid Waste	$ 5,731.96	Landfill temp labor
02/16/2021	840548	PW-Administration	Wastewater	$ 1,515.00	PWU JAN 2021 ENGINEERING PERMITS
02/16/2021	840548	PW-Administration	Water	$ 1,780.00	PWU JAN 2021 ENGINEERING PERMITS
02/16/2021	840548	PW-Administration	Water	$ 1,010.00	PWU JAN 2021 ENGINEERING PERMITS
02/16/2021	840551	RDO Equipment	Solid Waste	$ 3,048.40	Dozer Rental
02/16/2021	840551	RDO Equipment	Solid Waste	$ 61.12	Filter kit
02/16/2021	840551	RDO Equipment	Solid Waste	$ 598.86	Hose fittings
02/16/2021	840555	Sanderson Stewart	Tax Incrmnt S	$ 999.58	WO 19-22 King Ave. E (Orchard to Jackson)
02/16/2021	840555	Sanderson Stewart	Water	$ 10,231.00	WO 20-30 Hallowell Lane Improvement. INVOICE 49378
02/16/2021	840560	Solid Waste Systems	Fleet	$ 283.95	129304 PO NUM 311933
02/16/2021	840560	Solid Waste Systems	Fleet	$ 795.08	129679 PO NUM 311960
02/16/2021	840560	Solid Waste Systems	Fleet	$ 1,363.94	129795 PO NUM 311960
02/16/2021	840560	Solid Waste Systems	Solid Waste	$ 238.23	129345
02/16/2021	840560	Solid Waste Systems	Solid Waste	$ 286.81	129473
02/16/2021	840560	Solid Waste Systems	Solid Waste	$ 546.12	129684
02/16/2021	840560	Solid Waste Systems	Solid Waste	$ 813.65	129685
02/16/2021	840560	Solid Waste Systems	Solid Waste	$ 1,174.38	129891
02/16/2021	840563	St V's Occupational Health	City Ins Fund	$ 720.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	City Ins Fund	$ 3,500.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/16/2021	840563	St V's Occupational Health	General	$ 2,955.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	Public Safety	$ 60.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	Solid Waste	$ 1,045.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	Transit	$ 195.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	Wastewater	$ 114.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840563	St V's Occupational Health	Water	$ 171.00	Drug Testing, On-Site Nursing, COVID Testing, DOT Physicals
02/16/2021	840564	Star Service	Wastewater	$ 119,194.02	WO 20-36 WRF Piping Modifications
02/16/2021	840567	Swank Enterprises	Solid Waste	$ 1,269,892.41	WO 17-12 Landfill Reconfiguration, WO1712/22
02/16/2021	840570	Town & Country Supply	Airport	$ 2,795.80	Invoice #414693. Unleaded Fuel for Operations
02/16/2021	840570	Town & Country Supply	Fleet	$ 13,241.86	414976 PO NUM 311935
02/16/2021	840570	Town & Country Supply	Fleet	$ 11,957.14	414985 PO NUM 311922
02/16/2021	840570	Town & Country Supply	Public Safety	$ 790.69	414722 FIRE 5: WINTER DIESEL [375 GALLONS TOTAL]
02/16/2021	840570	Town & Country Supply	Public Safety	$ 581.82	414723 FIRE 3: WINTER DIESEL 276 GALLONS TOTAL
02/16/2021	840570	Town & Country Supply	Public Safety	$ 1,081.42	414724 FIRE 1: UNLEADED 402 GALLONS
02/16/2021	840570	Town & Country Supply	Public Safety	$ 788.41	414724 FIRE 1: WINTER DIESEL 374 GALLONS TOTAL
02/16/2021	840570	Town & Country Supply	Transit	$ 3,987.18	414954 PO NUM 311942. Unleaded Fuel
02/16/2021	840570	Town & Country Supply	Water	$ 920.43	FUEL FOR MOBILE GENERATORS
02/16/2021	840571	Tractor & Equipment	Solid Waste	$ 2,048.30	Filters for Landfill
02/16/2021	840571	Tractor & Equipment	Solid Waste	$ 337.52	Filters, seals, Oil, hydraulic, antifreeze
02/16/2021	840571	Tractor & Equipment	Solid Waste	$ 2,036.65	Filters, seals, Oil, hydraulic, antifreeze
02/16/2021	840580	Yellowstone Co Sheriff	PD Program	$ 2,711.26	Overtime.
02/16/2021	840580	Yellowstone Co Sheriff	PD Program	$ 11,463.97	Reimbursement of PE/PI Expenses.
02/16/2021	840581	Yellowstone Electric	Airport	$ 1,586.48	Invoice #215115-RR Yellowstone Electric Retainage Release
02/16/2021	840581	Yellowstone Electric	Airport	$ 5,604.39	Relocation of NWE Supplied Transformer for IP-5 Primary Power Feed

City Council Regular

Date:	03/22/2021
Title:	Payment of Claims for week of February 22, 2021
Presented by:	Chris Nagel
Department:	Finance
Presentation:	No

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $1,003,850.42 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 02222021

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840584	A & I Distributors	Airport	$ 1,530.60	Invoice #3583983. 55 Gal 15W-40, 55 Gal 10W-30, 55 Gal DEF
02/22/2021	840584	A & I Distributors	Fleet	$ (72.78)	3551123 PO NUM 311667
02/22/2021	840584	A & I Distributors	Fleet	$ (69.09)	3555490 PO NUM 311667
02/22/2021	840584	A & I Distributors	Fleet	$ 1,632.38	3574614 PO NUM 311667
02/22/2021	840584	A & I Distributors	Fleet	$ 1,227.38	3583867 PO NUM 311667
02/22/2021	840584	A & I Distributors	Public Safety	$ 39.79	3583867
02/22/2021	840584	A & I Distributors	Solid Waste	$ 40.34	3583867
02/22/2021	840584	A & I Distributors	Street/Traffic	$ 412.50	3580751
02/22/2021	840584	A & I Distributors	Street/Traffic	$ 39.79	3583867
02/22/2021	840584	A & I Distributors	Street/Traffic	$ 61.52	grease for graders
02/22/2021	840584	A & I Distributors	Transit	$ 433.95	3575262 PO NUM 311667. 220 Qts Purus Red ELC 5050
02/22/2021	840584	A & I Distributors	Transit	$ 494.45	3579193. 220 Qts. 5w-20 Motor Oil. PO NUM 311667
02/22/2021	840584	A & I Distributors	Transit	$ 737.78	3582318. 440 Qts. 15w-40 Engine Oil. PO NUM 311667
02/22/2021	840584	A & I Distributors	Water	$ 166.32	WATER PARTS AND SUPPLIES PO NUM 311852
02/22/2021	840587	AAAE	Airport	$ 18,000.00	Invoice #21FAVOL85512. 2021 AAAE Federal Affair Membership.
02/22/2021	840590	AEES	Wastewater	$ 6,082.47	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840590	AEES	Wastewater	$ 6,564.02	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840590	AEES	Wastewater	$ 5,374.90	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840590	AEES	Water	$ 5,569.78	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840590	AEES	Water	$ 6,010.73	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840590	AEES	Water	$ 4,921.85	Professional Services Agreement for Water and Wastewater Rate Study
02/22/2021	840601	Armscor Cartridge	Public Safety	$ 6,565.00	Armscor 13147, 223, 9mm, 45, 12gauge, 6.5 and 40 ammo
02/22/2021	840601	Armscor Cartridge	Public Safety	$ 7,085.00	Armscor 13146, 6.5, 9mm, 223 and 45 ammo
02/22/2021	840602	Assembled Products Corp	Public Safety	$ 5,642.35	Assembled Products 7804625, SUV parts and accessories
02/22/2021	840604	Automatic Doors Of MT	Airport	$ 2,500.00	Invoice #19861. P.M/Inspection of all 4 revolving doors.
02/22/2021	840607	Beartooth Enviro	Solid Waste	$ 4,881.91	HHW shipments
02/22/2021	840610	Billings Clinic	Public Safety	$ 176.00	543821305 DUI legal blood draw
02/22/2021	840610	Billings Clinic	Public Safety	$ 176.00	543894563 DUI legal blood draw
02/22/2021	840610	Billings Clinic	Public Safety	$ 176.00	543921919 DUI legal blood draw
02/22/2021	840610	Billings Clinic	Public Safety	$ 176.00	544278976 DUI legal blood draw
02/22/2021	840610	Billings Clinic	Public Safety	$ 176.00	544480850 DUI legal blood draw
02/22/2021	840610	Billings Clinic	Public Safety	$ -	BLANK
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-133
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-160

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-161
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-162
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-167
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-168
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2020-173
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2021001
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2021-004
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2021007
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2021-009
02/22/2021	840610	Billings Clinic	Public Safety	$ 600.00	SANE 2021-012
02/22/2021	840613	Border States Electric	Wastewater	$ 2,163.00	BACKUP COMM MODULES FOR AERZEN BLOWERS
02/22/2021	840613	Border States Electric	Wastewater	$ 68.81	Charles Brownlee FR clothes
02/22/2021	840613	Border States Electric	Wastewater	$ 119.15	Fiber Project
02/22/2021	840613	Border States Electric	Wastewater	$ 128.25	FIBER RACK
02/22/2021	840613	Border States Electric	Wastewater	$ 58.66	FIBER RACK BUSHING FOR CONDUIT
02/22/2021	840613	Border States Electric	Wastewater	$ 39.53	FUSE FOR HEATERS FOR 2ND CLARIFIER
02/22/2021	840613	Border States Electric	Wastewater	$ 304.41	Replacement E Stops for compressors in maintenance shop.
02/22/2021	840613	Border States Electric	Wastewater	$ 504.11	SSP BREAKER LINKAGE
02/22/2021	840613	Border States Electric	Wastewater	$ 510.69	SSP DRIVES BREAKER
02/22/2021	840613	Border States Electric	Wastewater	$ 109.42	WIRE FOR PUMP IN CHOLORINE BUILDING
02/22/2021	840613	Border States Electric	Wastewater	$ 442.16	WRF TUNNEL FIBER PROJECT
02/22/2021	840613	Border States Electric	Water	$ 68.81	Charles Brownlee FR clothes
02/22/2021	840613	Border States Electric	Water	$ 109.42	WIRE FOR PUMP IN CHOLORINE BUILDING
02/22/2021	840613	Border States Electric	Water	$ 988.01	WTP- CONTROL SYSTEM CLIENT HARDWARE
02/22/2021	840613	Border States Electric	Water	$ 1,400.01	WTP-CONTROL SYSTEM CLIENT HARDWARE
02/22/2021	840616	Business Tax Section	Airport	$ 16.02	Invoice #215115-RR. Yellowstone Electric Retainage Release
02/22/2021	840616	Business Tax Section	Airport	$ 56.61	Relocation of NWE Supplied Transformer for IP-5 Primary Power Feed
02/22/2021	840616	Business Tax Section	Arterial Streets	$ 55.21	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
02/22/2021	840616	Business Tax Section	Facilities	$ 728.17	Fire Station #6 - 2019 Hail Damage Sub Project #FS6
02/22/2021	840616	Business Tax Section	Gas Tax	$ 49.62	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
02/22/2021	840616	Business Tax Section	Gas Tax	$ 182.80	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
02/22/2021	840616	Business Tax Section	Gas Tax	$ 321.95	Wo 20-03 Contract #2 City Overlay, 1FRR WO2003 KnfRvr
02/22/2021	840616	Business Tax Section	Park Dist 1	$ 314.00	Rose Park playground install-change order
02/22/2021	840616	Business Tax Section	Public Safety	$ 391.77	CCTV security system at the Evidence Building.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840616	Business Tax Section	Public Safety	$ 1,290.52	Retainage Release Police Evidence Building
02/22/2021	840616	Business Tax Section	Public Safety	$ 271.14	Security Access System Expansion at Police Evidence Building.
02/22/2021	840616	Business Tax Section	SID Const	$ 197.09	Business tax on Good Earth Works-Annafeld-payment #6
02/22/2021	840616	Business Tax Section	SID Const	$ 284.09	SID 14-10 Annafeld Park Trail Improvements, CO 1
02/22/2021	840616	Business Tax Section	SID Const	$ 114.54	SID 14-13 Winged Foot Road and Greanbriar Road, 4 SID1413 KnifeRiver
02/22/2021	840616	Business Tax Section	Solid Waste	$ 12,827.20	WO 17-12 Landfill Reconfiguration, WO1712/22
02/22/2021	840616	Business Tax Section	Solid Waste	$ 518.01	WO 18-32 Landfill Slope Stability, 8 WO1832 Dan Hart
02/22/2021	840616	Business Tax Section	Storm Sewer	$ 94.33	WO 21-13 Replace Arnold Drain Culvert - Lillis & Parkview, 7588
02/22/2021	840616	Business Tax Section	Tax Incrmnt S	$ 500.00	Police Evidence Building Retainage
02/22/2021	840616	Business Tax Section	Wastewater	$ 235.33	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
02/22/2021	840616	Business Tax Section	Wastewater	$ 258.62	WO 20-36 WRF Piping Modifications, 1 WO2036 Star Serv
02/22/2021	840616	Business Tax Section	Wastewater	$ 741.40	WO 20-36 WRF Piping Modifications, 2 WO2036 Star Serv
02/22/2021	840616	Business Tax Section	Water	$ 1,509.31	2019 Water/Sewer Replacement Project Sch 1
02/22/2021	840616	Business Tax Section	Water	$ 266.81	Curb valve and water service repair list 10.23.2020
02/22/2021	840616	Business Tax Section	Water	$ 413.40	WO 18-15 Voelker Pump Station Improvements and Staples Generator
02/22/2021	840616	Business Tax Section	Water	$ 207.86	WO 19-16 Belknap Office Remodel, 8 WO1916 Diamond
02/22/2021	840617	Cardinal Tracking Inc	Parking	$ 7,231.05	124832_TickeTrack Standard System Annual Software License
02/22/2021	840617	Cardinal Tracking Inc	Parking	$ 1,820.00	124832_TickeTrak Handheld Warranty Renewal
02/22/2021	840620	Century Link	Engineering	$ 120.22	406-259-7758 Measured Lines Depot
02/22/2021	840620	Century Link	EOC 911	$ 6,425.31	406-245-8527 New 9-1-1 Center
02/22/2021	840620	Century Link	General	$ 52.09	monthly charges for 406-248-9851 997B Feb 2021
02/22/2021	840620	Century Link	P.W. Admin	$ 81.84	406-259-7758 Measured Lines Depot
02/22/2021	840620	Century Link	Phone System	$ 65.67	406.259.7121 CPC
02/22/2021	840620	Century Link	Phone System	$ 65.67	406.259.7752 PRPL
02/22/2021	840620	Century Link	Phone System	$ 1,471.27	Higher this month due to moving 8 lines to POTS with LD
02/22/2021	840620	Century Link	Phone System	$ 331.93	Three new service -SW Landfill
02/22/2021	840620	Century Link	Solid Waste	$ 56.59	406-256-7001 Solid Waste Scale House
02/22/2021	840627	Cop Construction Co	Storm Sewer	$ 6,413.89	Invoices for drain. Project No. 21100-18125
02/22/2021	840630	Cummins Rocky Mt	Solid Waste	$ 2,954.69	39380
02/22/2021	840630	Cummins Rocky Mt	Transit	$ 1,275.08	38-39685. Fuel Pump & Gasket Unit 1815. W/O 198344 Job #2
02/22/2021	840630	Cummins Rocky Mt	Transit	$ 300.14	38-39821 PO NUM 311982. Idler Pulley (2)
02/22/2021	840632	Cushing Terrell	Public Safety	$ 3,329.45	Design services for replacement and repair of exterior finishes
02/22/2021	840633	Dakota Fence Co	Park Dist 1	$ 3,090.74	playground supplies (invoice 301758 (Dakota Playground)
02/22/2021	840635	DHM Design Corp	Park Dist 1	$ 6,309.90	700121 task order 3 Coulson Park Infrastructure Improvement

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840635	DHM Design Corp	Park Dist 1	$ 3,954.00	700121 task order 3 Coulson Park Infrastructure Improvement
02/22/2021	840635	DHM Design Corp	Park Dist 1	$ 8,009.95	700121 task order 3 Coulson Park Infrastructure Improvement
02/22/2021	840638	Downtown Blgs BID	Parks Maint	$ 2,500.00	FY2021 quarter three park maintenance district contract
02/22/2021	840638	Downtown Blgs BID	Parks Maint	$ 2,500.00	FY2021 quarter three park maintenance district contract
02/22/2021	840639	Downtown Blgs Partnership	Tax Incrmnt N27	$ 3,000.00	CPTED Incentive Grants - Billings Depot
02/22/2021	840646	First American Title	CDBG	$ 15,000.00	FTHB Darinrae Hutchinson 914 Miles Avenue
02/22/2021	840649	Galles Filter Service	Fleet	$ 33.16	02244.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 139.95	02309.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 105.34	P1-02127.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 5.72	P1-02184.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 138.97	P1-02464.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 35.78	P1-02465.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 112.56	P1-02562.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 116.64	P1-02641.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 79.92	P1-02745.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ 5.72	P1-02815.01 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Fleet	$ (104.99)	T-94301 PO NUM 311670
02/22/2021	840649	Galles Filter Service	Parking	$ 31.11	P1-02295.01
02/22/2021	840649	Galles Filter Service	Public Safety	$ 16.64	P1-02335.01
02/22/2021	840649	Galles Filter Service	Public Safety	$ 55.36	P1-02862.01
02/22/2021	840649	Galles Filter Service	Public Safety	$ (2.16)	T-94301
02/22/2021	840649	Galles Filter Service	Public Safety	$ (1.99)	T-94401
02/22/2021	840649	Galles Filter Service	Solid Waste	$ 262.04	Filters - landfill
02/22/2021	840649	Galles Filter Service	Solid Waste	$ 359.22	Inner and outer air element
02/22/2021	840649	Galles Filter Service	Solid Waste	$ 359.22	Outer and Inner air elements
02/22/2021	840649	Galles Filter Service	Solid Waste	$ 399.18	Outer and Inner Elements Landfill
02/22/2021	840649	Galles Filter Service	Solid Waste	$ 152.51	T-94288
02/22/2021	840649	Galles Filter Service	Wastewater	$ 9.68	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 52.67	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 47.99	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 72.18	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 5.83	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 49.35	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Wastewater	$ 12.37	NONSTOCKING ITEMS-P.U.D.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840649	Galles Filter Service	Water	$ 15.14	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 66.91	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 7.44	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 45.88	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 10.86	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 2.58	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 11.14	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 30.23	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 8.92	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 72.19	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 11.53	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 68.54	NONSTOCKING ITEMS-P.U.D.
02/22/2021	840649	Galles Filter Service	Water	$ 228.04	WATER PARTS AND SUPPLIES PO NUM 311698
02/22/2021	840653	Good Earth Works	SID Const	$ 19,511.61	final payment #6-Irrigation improvement for Annafeld Subdivision
02/22/2021	840655	Granite Peak Pump	Park Dist 1	$ 3,041.00	pump repair screen for Castlrock park-21011
02/22/2021	840664	Ingram Library Service	Library	$ 323.50	50199435
02/22/2021	840664	Ingram Library Service	Library	$ 20.79	50900283
02/22/2021	840664	Ingram Library Service	Library	$ 6.59	50900284
02/22/2021	840664	Ingram Library Service	Library	$ 9.58	50900284
02/22/2021	840664	Ingram Library Service	Library	$ 35.70	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 27.79	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 22.00	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 15.41	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 112.72	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 19.25	50900285
02/22/2021	840664	Ingram Library Service	Library	$ 59.71	50900286
02/22/2021	840664	Ingram Library Service	Library	$ 14.72	50900287
02/22/2021	840664	Ingram Library Service	Library	$ 16.51	50900288
02/22/2021	840664	Ingram Library Service	Library	$ 31.25	50900289
02/22/2021	840664	Ingram Library Service	Library	$ 16.55	50900290
02/22/2021	840664	Ingram Library Service	Library	$ 34.20	50900290
02/22/2021	840664	Ingram Library Service	Library	$ 234.84	50900290
02/22/2021	840664	Ingram Library Service	Library	$ 16.52	50900291
02/22/2021	840664	Ingram Library Service	Library	$ 10.77	50900291

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840664	Ingram Library Service	Library	$ 19.45	51022027
02/22/2021	840664	Ingram Library Service	Library	$ 10.19	51022028
02/22/2021	840664	Ingram Library Service	Library	$ 15.32	51022028
02/22/2021	840664	Ingram Library Service	Library	$ 16.52	51022028
02/22/2021	840664	Ingram Library Service	Library	$ 32.63	51022029
02/22/2021	840664	Ingram Library Service	Library	$ 14.99	51022030
02/22/2021	840664	Ingram Library Service	Library	$ 11.20	51022031
02/22/2021	840664	Ingram Library Service	Library	$ 31.89	51022032
02/22/2021	840664	Ingram Library Service	Library	$ 21.24	51022032
02/22/2021	840664	Ingram Library Service	Library	$ 48.95	51022032
02/22/2021	840664	Ingram Library Service	Library	$ 14.18	51022032
02/22/2021	840664	Ingram Library Service	Library	$ 29.47	51022033
02/22/2021	840664	Ingram Library Service	Library	$ 15.34	51022034
02/22/2021	840664	Ingram Library Service	Library	$ 12.59	51022034
02/22/2021	840664	Ingram Library Service	Library	$ 719.42	51022035
02/22/2021	840664	Ingram Library Service	Library	$ 457.59	51022035
02/22/2021	840664	Ingram Library Service	Library	$ 32.43	51022035
02/22/2021	840664	Ingram Library Service	Library	$ 33.59	51022036
02/22/2021	840664	Ingram Library Service	Library	$ 14.74	51022036
02/22/2021	840664	Ingram Library Service	Library	$ 18.39	51099936
02/22/2021	840664	Ingram Library Service	Library	$ 7.35	51099936
02/22/2021	840664	Ingram Library Service	Library	$ 85.59	51099937
02/22/2021	840664	Ingram Library Service	Library	$ 179.16	51099937
02/22/2021	840664	Ingram Library Service	Library	$ 46.16	51099937
02/22/2021	840664	Ingram Library Service	Library	$ 46.56	51099937
02/22/2021	840664	Ingram Library Service	Library	$ 7.79	51099938
02/22/2021	840664	Ingram Library Service	Library	$ 9.59	51099938
02/22/2021	840664	Ingram Library Service	Library	$ 8.99	51099938
02/22/2021	840664	Ingram Library Service	Library	$ 14.67	51099938
02/22/2021	840664	Ingram Library Service	Library	$ 86.32	51099939
02/22/2021	840664	Ingram Library Service	Library	$ 10.79	51099940
02/22/2021	840664	Ingram Library Service	Library	$ 27.59	51099942
02/22/2021	840664	Ingram Library Service	Library	$ 29.99	51099942
02/22/2021	840664	Ingram Library Service	Library	$ 62.92	51099943

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840664	Ingram Library Service	Library	$ 174.30	51099944
02/22/2021	840664	Ingram Library Service	Library	$ 21.99	51099941 partial Foos donation
02/22/2021	840664	Ingram Library Service	Library	$ 12.86	51099941 partial Foos donation
02/22/2021	840667	Invoice Cloud Inc	Building	$ 92.86	Invoice Cloud, service for January.
02/22/2021	840667	Invoice Cloud Inc	City Ins Fund	$ 77.41	Invoice Cloud, service for January.
02/22/2021	840667	Invoice Cloud Inc	Parking	$ 374.37	Invoice Cloud, service for January.
02/22/2021	840667	Invoice Cloud Inc	Solid Waste	$ 9,359.39	Invoice Cloud, service for January.
02/22/2021	840667	Invoice Cloud Inc	Wastewater	$ 7,539.97	Invoice Cloud, service for January.
02/22/2021	840667	Invoice Cloud Inc	Water	$ 8,870.55	Invoice Cloud, service for January.
02/22/2021	840668	Johnson Controls Inc.	Airport	$ 5,620.00	Invoice #1-101056231259. Badge Media
02/22/2021	840682	Land Design Inc	Park Prgrms	$ 4,924.10	30% design development for Landon's Legacy-invoice 015977
02/22/2021	840694	Montana Lines Inc	Arterial Streets	$ 103,625.87	WO 20-16 Rectangular Rapid Flashing Beacons Installations, MT Lines/4
02/22/2021	840696	Montana Rail Link	Street/Traffic	$ 2,859.87	gable raod crossing signal maintenance for 2020
02/22/2021	840692	MT Dakota Utilities	Airport	$ 491.34	129 573 1000 1. Mud Wash. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 226.69	160 723 3573 6. USDA. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 391.99	185 580 1000 7. TSA. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 95.09	229 573 1000 0. Detail Bay 1 Hertz. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 190.58	283 116 06553. IP-12 Alpine. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 2,024.33	285 580 1000 6
02/22/2021	840692	MT Dakota Utilities	Airport	$ 176.50	295 580 1000 4. Aero Interiors. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 135.49	329 573 1000 9. Detail Bay 3 Enterprise. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 116.49	429 573 1000 8. Detail Bay 4 Avis/Budget. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 54.70	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 6,595.06	595 580 1000 1
02/22/2021	840692	MT Dakota Utilities	Airport	$ 133.02	629 573 1000 6. Detail Bay 2 National/Alamo. February 2021
02/22/2021	840692	MT Dakota Utilities	Airport	$ 1,190.48	706 580 1000 7
02/22/2021	840692	MT Dakota Utilities	Airport	$ 1,485.59	889 373 1000 6. Car Wash. February 2021
02/22/2021	840692	MT Dakota Utilities	CDBG	$ 59.61	Act #06553593390 / Stmt dated 2-3-2021
02/22/2021	840692	MT Dakota Utilities	EOC 911	$ 34.97	911 CENTER, STANDBY GENERATOR - ACCT #082-939-8378-2
02/22/2021	840692	MT Dakota Utilities	General	$ 90.55	112 138 9381 8
02/22/2021	840692	MT Dakota Utilities	General	$ 142.88	703 760 1000 8
02/22/2021	840692	MT Dakota Utilities	General	$ 33.57	879 660 1000 8
02/22/2021	840692	MT Dakota Utilities	Park Dist 1	$ 106.10	501 473 1000 2
02/22/2021	840692	MT Dakota Utilities	Public Safety	$ 537.24	668 670 1000 2

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840692	MT Dakota Utilities	Public Safety	$ 282.33	672 860 1000 3
02/22/2021	840692	MT Dakota Utilities	Public Safety	$ 16.79	930 442 2308 4
02/22/2021	840692	MT Dakota Utilities	Wastewater	$ 33.43	596 733 1000 5
02/22/2021	840692	MT Dakota Utilities	Wastewater	$ 34.59	713 064 3190 0
02/22/2021	840692	MT Dakota Utilities	Wastewater	$ 35.26	843 879 2205 1
02/22/2021	840692	MT Dakota Utilities	Water	$ 167.75	162 660 1000 4
02/22/2021	840692	MT Dakota Utilities	Water	$ 26.10	373 580 1000 9
02/22/2021	840692	MT Dakota Utilities	Water	$ 26.10	373 580 1000 9
02/22/2021	840692	MT Dakota Utilities	Water	$ 98.12	541 380 1000 1
02/22/2021	840692	MT Dakota Utilities	Water	$ 47.51	921 580 1000 6
02/22/2021	840693	MT Doorways Plus	Park Dist 1	$ 3,036.00	key cores - 19192
02/22/2021	840699	MT Waterworks	Water	$ 294.00	#31 VALVE SEAT PACER - SPAFCPACER31 (SP-AFCPACER31) P/N: 31
02/22/2021	840699	MT Waterworks	Water	$ 68.44	12 INCH SEWER CPLG-102-12 - 12 PVC X CLAY-N W PIPE
02/22/2021	840699	MT Waterworks	Water	$ 1,559.44	12" HYMAX 2 COUPLING LONG BODY P/N: 86256031516
02/22/2021	840699	MT Waterworks	Water	$ 9,885.70	3/4" METER LOOPS AKA YOKE - (7433MM33471)
02/22/2021	840699	MT Waterworks	Water	$ 68.44	8 INCH INDIANA SEWER SEAL - PVC X CLAY
02/22/2021	840699	MT Waterworks	Water	$ 51.00	ASPHALT BLACK MARKING PAINT
02/22/2021	840699	MT Waterworks	Water	$ 88.80	CLOUD WHITE MARKING PAINT
02/22/2021	840699	MT Waterworks	Water	$ 520.00	DRAIN VALVE K8136 (2316152)
02/22/2021	840699	MT Waterworks	Water	$ 1,560.00	GLOBE VALVES
02/22/2021	840699	MT Waterworks	Water	$ 465.60	UPPER STEM WATEROUS # 71 - (# 71) P/N: 333-155-00020
02/22/2021	840699	MT Waterworks	Water	$ 1,191.88	WATEROUS 5-1/4" WB67 TRAFFIC REPAIR KIT (K528) P/N: K528
02/22/2021	840705	Northwest Pipe	Street/Traffic	$ 86.76	nipple to repair unit 1228
02/22/2021	840705	Northwest Pipe	Wastewater	$ 33.84	FLOAT FOR HEADWORKS SUMP
02/22/2021	840705	Northwest Pipe	Wastewater	$ 300.00	Rehberg LS repair
02/22/2021	840705	Northwest Pipe	Wastewater	$ 1,126.28	ROTO SCREEN
02/22/2021	840705	Northwest Pipe	Wastewater	$ 269.45	TEMP DRAIN SCREEN FOR ROTO SCREEN
02/22/2021	840705	Northwest Pipe	Wastewater	$ 263.30	TEMP GREASE LINE DRAIN
02/22/2021	840705	Northwest Pipe	Water	$ 259.90	1-1/2" TD METER FLANGES
02/22/2021	840705	Northwest Pipe	Water	$ 22.00	5/8" T-10 BOTTOM CAP GASKET (8340-069) 2031879
02/22/2021	840705	Northwest Pipe	Water	$ 42.50	5/8" X 3/4" CHAMBER 2011 STYLE (9400-900) 2032554 P/N: 2032554
02/22/2021	840705	Northwest Pipe	Water	$ 669.30	METER SHOP TESTING PARTS
02/22/2021	840705	Northwest Pipe	Water	$ 1,216.60	PARTS FOR METER SHOP TESTING
02/22/2021	840705	Northwest Pipe	Water	$ 19,040.00	R-900 ENHANCED WALL RR - MIU 13341-200 (RF'S) (2030905)

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840706	NorthWestern Energy	Airport	$ 2,472.15	0100483-7. Runway Lights. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 1,032.77	0100484-5. ARFF Facility. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 79.38	1138926-9. Aero Interiors. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 98.29	1647695-4. De Icer. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 318.73	1669567-8. TSA. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 755.62	1993430-6. Car Wash. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 272.04	2001846-1. Mud Wash. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 358.52	2001848-7. Detail Bay 1 Hertz. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 132.11	2001855-2. Detail Bay 2 National/Alamo. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 115.49	2001862-8. Detail Bay 3 Enterprise. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 184.69	2001865-1. Detail Bay 4 Avis/Budget. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 115.16	2001867-7. Detail Bay 5 Thrifty/Dollar. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 76.57	3085107-5. Employee Parking. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 111.35	344639-8. USDA. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 1,066.11	3477231-9. Parking Zone. February 2021
02/22/2021	840706	NorthWestern Energy	Airport	$ 47.97	3733186-5. Airport Building (Hilsendeger). February 2021
02/22/2021	840706	NorthWestern Energy	General	$ 43.89	0712387-0
02/22/2021	840706	NorthWestern Energy	General	$ 208.52	0712536-2
02/22/2021	840706	NorthWestern Energy	General	$ 39.95	0720818-4
02/22/2021	840706	NorthWestern Energy	General	$ 249.24	0720821-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 647.09	SILMD 10 Acct# 0712546-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,854.72	SILMD 100 Acct# 0712559-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,645.28	SILMD 107 Acct# 0712560-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 4,126.23	SILMD 109 Acct# 0712561-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 160.83	SILMD 113 Acct# 0712562-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 887.93	SILMD 114 Acct# 0712563-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 208.93	SILMD 115 Acct# 0712564-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 548.42	SILMD 116 Acct# 0712565-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,974.53	SILMD 117 Acct# 0712566-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 187.53	SILMD 118 Acct# 0712567-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 112.73	SILMD 119 Acct# 0712568-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,350.43	SILMD 121 Acct# 0712570-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 175.76	SILMD 122 Acct# 0712571-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 313.40	SILMD 123 Acct# 0712572-7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 914.02	SILMD 124 Acct# 0712573-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 365.62	SILMD 125 Acct# 0712574-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 182.81	SILMD 126 Acct# 0712575-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 659.08	SILMD 127 Acct# 0712576-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 461.36	SILMD 128 Acct# 0712577-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 313.40	SILMD 129 Acct# 0712578-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 3,771.94	SILMD 13 Acct# 0721276-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 111.07	SILMD 130 Acct# 0712579-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 809.56	SILMD 131 Acct# 0712580-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 206.24	SILMD 133 Acct# 0712581-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 475.97	SILMD 134 Acct# 0712582-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 483.30	SILMD 135 Acct# 0712583-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 443.94	SILMD 136 Acct# 0712584-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 330.55	SILMD 137 Acct# 0712585-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 705.12	SILMD 138 Acct# 0712586-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 235.04	SILMD 139 Acct# 0712587-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,804.88	SILMD 14 Acct# 0721277-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 548.42	SILMD 143 Acct# 0712588-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 26.08	SILMD 144 Acct# 0712589-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 439.41	SILMD 145 Acct# 0712590-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 339.49	SILMD 146 Acct# 0712591-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 406.65	SILMD 147 Acct# 0712592-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,309.99	SILMD 149 Acct# 0712593-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 703.01	SILMD 150 Acct# 0712594-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 600.66	SILMD 151 Acct# 0712595-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 4,052.31	SILMD 152 Acct# 0712596-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 505.30	SILMD 153 Acct# 0712597-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,142.47	SILMD 154 Acct# 0712598-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 470.09	SILMD 155 Acct# 0712599-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 856.81	SILMD 157 Acct# 0712600-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 757.36	SILMD 158 Acct# 0712601-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 883.87	SILMD 159 Acct# 0712602-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 679.00	SILMD 160 Acct# 0712603-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 988.65	SILMD 161 Acct# 0712604-8

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 42.74	SILMD 162 Acct# 0712605-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 606.82	SILMD 163 Acct# 0712606-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 351.52	SILMD 164 Acct# 0712607-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 835.69	SILMD 165 Acct# 0712608-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 219.70	SILMD 167 Acct# 0712609-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,069.89	SILMD 17 Acct# 0712553-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 527.27	SILMD 171 Acct# 0712610-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 475.96	SILMD 172 Acct# 0712611-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,098.48	SILMD 173 Acct# 0712612-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 922.71	SILMD 174 Acct# 0712613-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 307.57	SILMD 175 Acct# 0712614-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 30.53	SILMD 176 Acct# 0712615-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 241.68	SILMD 178 Acct# 0712616-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 483.30	SILMD 179 Acct# 0712617-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 78.09	SILMD 18 Acct# 0712554-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 329.57	SILMD 180 Acct# 0712618-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,593.06	SILMD 181 Acct# 0712619-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 549.24	SILMD 182 Acct# 0712620-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,098.51	SILMD 183 Acct# 0712621-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 351.42	SILMD 184 Acct# 0712622-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 131.81	SILMD 185 Acct# 0712623-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 539.45	SILMD 186 Acct# 0712624-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 436.78	SILMD 187 Acct# 0712625-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 263.65	SILMD 188 Acct# 0712626-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 219.70	SILMD 189 Acct# 0712627-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,142.42	SILMD 190 Acct# 0712628-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 392.07	SILMD 191 Acct# 0712629-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 285.59	SILMD 192 Acct# 0712630-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 703.01	SILMD 193 Acct# 0712631-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 236.62	SILMD 194 Acct# 0712632-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 189.30	SILMD 195 Acct# 0712633-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 60.81	SILMD 196 Acct# 0712634-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 60.81	SILMD 197 Acct# 0712635-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 109.86	SILMD 198 Acct# 0712636-0

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 96.94	SILMD 200 Acct# 0712637-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 461.36	SILMD 201 Acct# 0712638-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 501.98	SILMD 202 Acct# 0712639-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 16.22	SILMD 203 Acct# 0712640-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 371.80	SILMD 204 Acct# 0712641-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 24.41	SILMD 205 Acct# 0712642-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 307.57	SILMD 206 Acct# 0712643-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 351.52	SILMD 207 Acct# 0712644-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 236.34	SILMD 208 Acct# 0712645-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 505.30	SILMD 209 Acct# 0712646-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 72.97	SILMD 210 Acct# 0712647-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 40.54	SILMD 211 Acct# 0712648-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 40.54	SILMD 212 Acct# 0712649-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 24.34	SILMD 213 Acct# 0712650-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 349.46	SILMD 214 Acct# 0712651-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 131.81	SILMD 216 Acct# 0712652-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 306.82	SILMD 217 Acct# 0712653-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 225.46	SILMD 220 Acct# 0712654-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 6.10	SILMD 221 Acct# 0712655-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 64.10	SILMD 222 Acct# 0712656-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 97.31	SILMD 223 Acct# 0712657-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,283.70	SILMD 224 Acct# 0712658-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 362.10	SILMD 225 Acct# 0712659-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 186.18	SILMD 226 Acct# 0712660-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 527.63	SILMD 227 Acct# 0712661-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 757.36	SILMD 228 Acct# 0712662-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 391.75	SILMD 229 Acct# 0712663-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 914.01	SILMD 230 Acct# 0712664-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 548.42	SILMD 231 Acct# 0712665-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,376.53	SILMD 232 Acct# 0712666-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 714.56	SILMD 233 Acct# 0712667-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 398.87	SILMD 234 Acct# 0712668-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 446.18	SILMD 235 Acct# 0712669-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 141.96	SILMD 236 Acct# 0712670-9

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 373.48	SILMD 237 Acct# 0712671-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 12.83	SILMD 238 Acct# 0712672-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 87.87	SILMD 239 Acct# 0712673-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 340.71	SILMD 240 Acct# 0712674-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 540.03	SILMD 241 Acct# 0712675-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 78.36	SILMD 242 Acct# 0712676-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 104.45	SILMD 244 Acct# 0712677-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 67.64	SILMD 245 Acct# 0712678-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 313.40	SILMD 246 Acct# 0712679-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 890.62	SILMD 247 Acct# 0712680-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,585.43	SILMD 249 Acct# 0718734-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 170.36	SILMD 250 Acct# 0719001-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 3,650.96	SILMD 251 Acct# 0718801-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 522.32	SILMD 252 Acct# 0719162-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,695.53	SILMD 253 Acct# 0719644-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 128.18	SILMD 254 Acct# 0719763-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 146.51	SILMD 255 Acct# 0720813-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 759.19	SILMD 257 Acct# 0720360-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,435.44	SILMD 258 Acct# 0720606-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,235.84	SILMD 259 Acct# 0720810-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 470.09	SILMD 261 Acct# 0720705-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,913.00	SILMD 262 Acct# 0720937-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 864.92	SILMD 263 Acct# 0720716-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 139.82	SILMD 264 Acct# 0721427-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 344.29	SILMD 265 Acct# 0721556-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 60.45	SILMD 266 Acct# 0721684-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 372.87	SILMD 270 Acct# 0906944-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 890.45	SILMD 271 Acct# 0995095-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 2,683.01	SILMD 272 Acct# 0905005-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 194.35	SILMD 273 Acct# 0926386-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 405.05	SILMD 276 Acct# 0961926-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 809.24	SILMD 277 Acct# 1058710-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 179.82	SILMD 278 Acct# 1087619-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 55.76	SILMD 279 Acct# 1124127-0

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 638.52	SILMD 280 Acct# 1045653-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 409.80	SILMD 283 Acct# 1172743-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 305.53	SILMD 285 Acct# 1206985-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 231.67	SILMD 286 Acct# 1296582-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,761.94	SILMD 288 Acct# 1303978-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 189.79	SILMD 289 Acct# 1685375-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 158.25	SILMD 290 Acct# 1433921-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 574.51	SILMD 292 Acct# 1481532-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 219.70	SILMD 293 Acct# 1481534-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 439.41	SILMD 294 Acct# 1481535-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 104.45	SILMD 295 Acct# 1481536-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,164.37	SILMD 296 Acct# 1481537-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 197.72	SILMD 297 Acct# 1481539-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 175.76	SILMD 298 Acct# 1481540-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 387.25	SILMD 300 Acct# 1662840-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 5,165.85	SILMD 301 Acct# 1687005-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 331.02	SILMD 302 Acct# 1607534-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 935.21	SILMD 305 Acct# 1695873-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 221.47	SILMD 306 Acct# 1740353-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 3,479.94	SILMD 307 Acct# 2049005-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 255.39	SILMD 308 Acct# 2072459-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 413.45	SILMD 309 Acct# 2001311-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 282.49	SILMD 310 Acct# 2060519-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 342.64	SILMD 311 Acct# 3014475-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 298.92	SILMD 312 Acct# 3146127-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 414.61	SILMD 315 Acct# 3305804-1
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 1,142.54	SILMD 316 Acct# 3291842-7
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 106.91	SILMD 317 Acct# 3253826-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 774.92	SILMD 318 Acct# 3372018-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 46.95	SILMD 320 Acct# 0712569-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 438.76	SILMD 321 Acct# 3338917-2
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 103.15	SILMD 322 Acct# 3402033-9
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 867.56	SILMD 323 Acct# 3597170-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 403.16	SILMD 324 Acct# 1246537-3

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 295.64	SILMD 325 Acct# 3587598-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 153.33	SILMD 326 Acct# 3840455-4
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 176.67	SILMD 327 Acct# 3810801-5
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 347.31	SILMD 8 Acct# 0712544-6
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 328.50	SILMD 9 Acct# 0712545-3
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 425.48	SILMD 95 Acct# 0712556-0
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 8,830.82	SILMD 97 Acct# 0712557-8
02/22/2021	840707	NorthWestern Energy	Light Maint	$ 948.44	SILMD 99 Acct# 0712558-6
02/22/2021	840706	NorthWestern Energy	Park Dist 1	$ -	0722287-0
02/22/2021	840706	NorthWestern Energy	Park Dist 1	$ -	0723045-1
02/22/2021	840706	NorthWestern Energy	Park Dist 1	$ -	0839280-5
02/22/2021	840706	NorthWestern Energy	Park Dist 1	$ 22.15	1836666-6
02/22/2021	840706	NorthWestern Energy	Parks Maint	$ 4.71	2055817-7
02/22/2021	840706	NorthWestern Energy	Parks Maint	$ -	3707234-5
02/22/2021	840706	NorthWestern Energy	Parks Maint	$ -	3707235-2
02/22/2021	840706	NorthWestern Energy	Parks Maint	$ -	3707236-0
02/22/2021	840706	NorthWestern Energy	Public Safety	$ 341.39	0100477-9 FIRE6: ELECTRICAL SERVICE
02/22/2021	840706	NorthWestern Energy	Public Safety	$ 498.60	0871546-8
02/22/2021	840706	NorthWestern Energy	Street/Traffic	$ 0.19	1740357-7
02/22/2021	840706	NorthWestern Energy	Street/Traffic	$ 0.49	1748896-6
02/22/2021	840706	NorthWestern Energy	Street/Traffic	$ 0.84	3590004-2
02/22/2021	840707	NorthWestern Energy	Street/Traffic	$ 11,944.30	Signal Bills 2-17-2021
02/22/2021	840706	NorthWestern Energy	Wastewater	$ 46,427.37	0100591-7
02/22/2021	840706	NorthWestern Energy	Wastewater	$ 80.95	389 62ND STREET LIFT ENTRANCE
02/22/2021	840706	NorthWestern Energy	Wastewater	$ 323.08	822 SHILOH CROSSING BLVD LIFT
02/22/2021	840706	NorthWestern Energy	Water	$ 1,231.33	0100485-2
02/22/2021	840706	NorthWestern Energy	Water	$ 696.47	0722264-9
02/22/2021	840706	NorthWestern Energy	Water	$ 1,280.71	0723040-2
02/22/2021	840706	NorthWestern Energy	Water	$ 29.64	0723059-2
02/22/2021	840706	NorthWestern Energy	Water	$ 727.41	1116452-2
02/22/2021	840706	NorthWestern Energy	Water	$ 238.84	805 Constitution
02/22/2021	840709	Palm Tree Const	Water	$ 26,414.19	CURB VALVE AND WATER SERVICE REPAIR LIST 10.23.2020
02/22/2021	840712	Petty Cash CCSIU	PD Program	$ 4,094.50	Reimbursement of PE/PI Money.
02/22/2021	840713	Playspace Designs	Park Dist 1	$ 3,326.00	playground replacement parts - 12698

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840715	Public Utilities	Airport	$ 5,829.68	136516
02/22/2021	840715	Public Utilities	Facilities	$ 497.84	158260
02/22/2021	840715	Public Utilities	Parking	$ 92.68	102086
02/22/2021	840715	Public Utilities	Parking	$ 219.86	102980
02/22/2021	840715	Public Utilities	Parking	$ 10.45	102981
02/22/2021	840717	Quest Services Corp.	Facilities	$ 9,125.00	Consultant to manage multiple hail repair projects
02/22/2021	840720	Rimrock Foundation	Court Grants	$ 330.00	21 Jan. RR Ancillary Drug
02/22/2021	840720	Rimrock Foundation	Court Grants	$ 720.00	21 Jan. RR Ancillary DUI
02/22/2021	840720	Rimrock Foundation	Court Grants	$ 2,508.92	21 Jan. RR Other Services DUI
02/22/2021	840720	Rimrock Foundation	Court Grants	$ 1,400.00	21 Jan. RR Other Services Drug & ETC
02/22/2021	840720	Rimrock Foundation	Court Grants	$ 400.00	21 Jan. RR Screenings
02/22/2021	840721	Routeware Inc	Solid Waste	$ 857.70	Out of warranty repair SY9560B501303
02/22/2021	840721	Routeware Inc	Solid Waste	$ 16,191.00	Support fees, camera fees, data charges
02/22/2021	840727	SHI International Corp	Facilities	$ 404.99	Adobe Acrobat Pro -2020 -John Catrino
02/22/2021	840727	SHI International Corp	Street/Traffic	$ 1,130.12	D&C -split 60/40, G3 -STT, G3 -WQ -Split 50/50
02/22/2021	840727	SHI International Corp	Wastewater	$ 452.05	D&C -split 60/40, G3 -STT, G3 -WQ -Split 50/51
02/22/2021	840727	SHI International Corp	Wastewater	$ 1,130.12	D&C -split 60/40, G3 -STT, G3 -WQ -Split 50/52
02/22/2021	840727	SHI International Corp	Water	$ 1,130.12	D&C -split 60/40, G3 -STT, G3 -WQ -Split 50/53
02/22/2021	840727	SHI International Corp	Water	$ 678.07	D&C -split 60/40, G3 -STT, G3 -WQ -Split 50/54
02/22/2021	840733	Steves Install LLC	Park Dist 1	$ 31,086.00	payment 1 invoice 20 - installation of Rose Park Playground
02/22/2021	840734	Stewart Title Company	CDBG	$ 15,000.00	FTHB Sharee Seminole 3385 Avenue S. Unit 8
02/22/2021	840739	Tel Net Systems, Inc.	Public Safety	$ 38,783.74	CCTV Security System.
02/22/2021	840743	Tire-Rama	Solid Waste	$ 1,967.08	11028 Tires
02/22/2021	840743	Tire-Rama	Solid Waste	$ 4,548.50	Landfill tires and repair
02/22/2021	840743	Tire-Rama	Solid Waste	$ 1,020.52	Tires landfill
02/22/2021	840743	Tire-Rama	Solid Waste	$ 4,538.50	Tires landfill
02/22/2021	840743	Tire-Rama	Street/Traffic	$ 2,081.50	105 0013502
02/22/2021	840743	Tire-Rama	Street/Traffic	$ 104.78	105 0013779
02/22/2021	840743	Tire-Rama	Transit	$ 278.00	101 0007621. Tires Unit 1866. W/O 197815
02/22/2021	840745	Town & Country Supply	Airport	$ 13,432.04	Invoice #414925. Diesel Fuel for Operations
02/22/2021	840745	Town & Country Supply	Airport	$ 18,289.37	Invoice #415228. QTA Car Rental Fuel
02/22/2021	840745	Town & Country Supply	Fleet	$ 14,806.38	414494 PO NUM 311990
02/22/2021	840745	Town & Country Supply	Fleet	$ 5,804.23	414927 PO NUM 311972
02/22/2021	840745	Town & Country Supply	Fleet	$ 13,276.82	414995 PO NUM 311972

Check Date	Check#	Name	Fund Name	Amount	Item Desc
02/22/2021	840745	Town & Country Supply	Fleet	$ 16,475.54	415221 PO NUM 311987
02/22/2021	840746	Tractor & Equipment	Solid Waste	$ 3,464.19	BLW00206029
02/22/2021	840746	Tractor & Equipment	Street/Traffic	$ 139.76	BLCS0747813
02/22/2021	840746	Tractor & Equipment	Street/Traffic	$ 25,339.08	BLW00206315
02/22/2021	840746	Tractor & Equipment	Street/Traffic	$ 1,246.38	cutting edges for unit 1212
02/22/2021	840746	Tractor & Equipment	Wastewater	$ 1,185.21	Efficency vertical shoring, standard vertical shoring, 5 gal pump bucket
02/22/2021	840746	Tractor & Equipment	Water	$ 1,777.42	Efficency vertical shoring, standard vertical shoring, 5 gal pump bucket
02/22/2021	840747	TraffiCalm Systems LLC	Street/Traffic	$ 5,042.92	RRFB for Aronson
02/22/2021	840748	Tristan Sophia PSYD	Public Safety	$ 3,300.00	invoice for pre-employment evals
02/22/2021	840753	Veritiv Operating Company	Solid Waste	$ 1,312.50	645-71429145
02/22/2021	840753	Veritiv Operating Company	Solid Waste	$ 1,312.50	645-71429145

City Council Regular

Date:	03/22/2021
Title:	SID 1416 Gleneagles Boulevard Public Hearing and Resolution Creating District
Presented by:	Debi Meling
Department:	Public Works
Presentation:	Yes

RECOMMENDATION

Staff recommends that Council conduct a public hearing and approve the resolution creating SID 1416 Gleneagles Boulevard.

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 attributed to the 14 lots owned by him. The cash contribution is necessary to meet the requirements of the City's Raw Land District Requirements (Resolution No. 05-18234). The City will be making a cash contribution in the amount of $171,143.97 to the project. The City contribution 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. Attached is a map of the district and the Resolution Creating SID 1416.

ALTERNATIVES

The Council may:

- Conduct a public hearing and approve the resolution creating SID 1416; or,
- After holding a public hearing, do not approve the resolution creating SID 1416. If not approved, Gleneagles Boulevard will not be constructed by adjacent property owners. This street needs to be constructed to make the 17 lots buildable.

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.

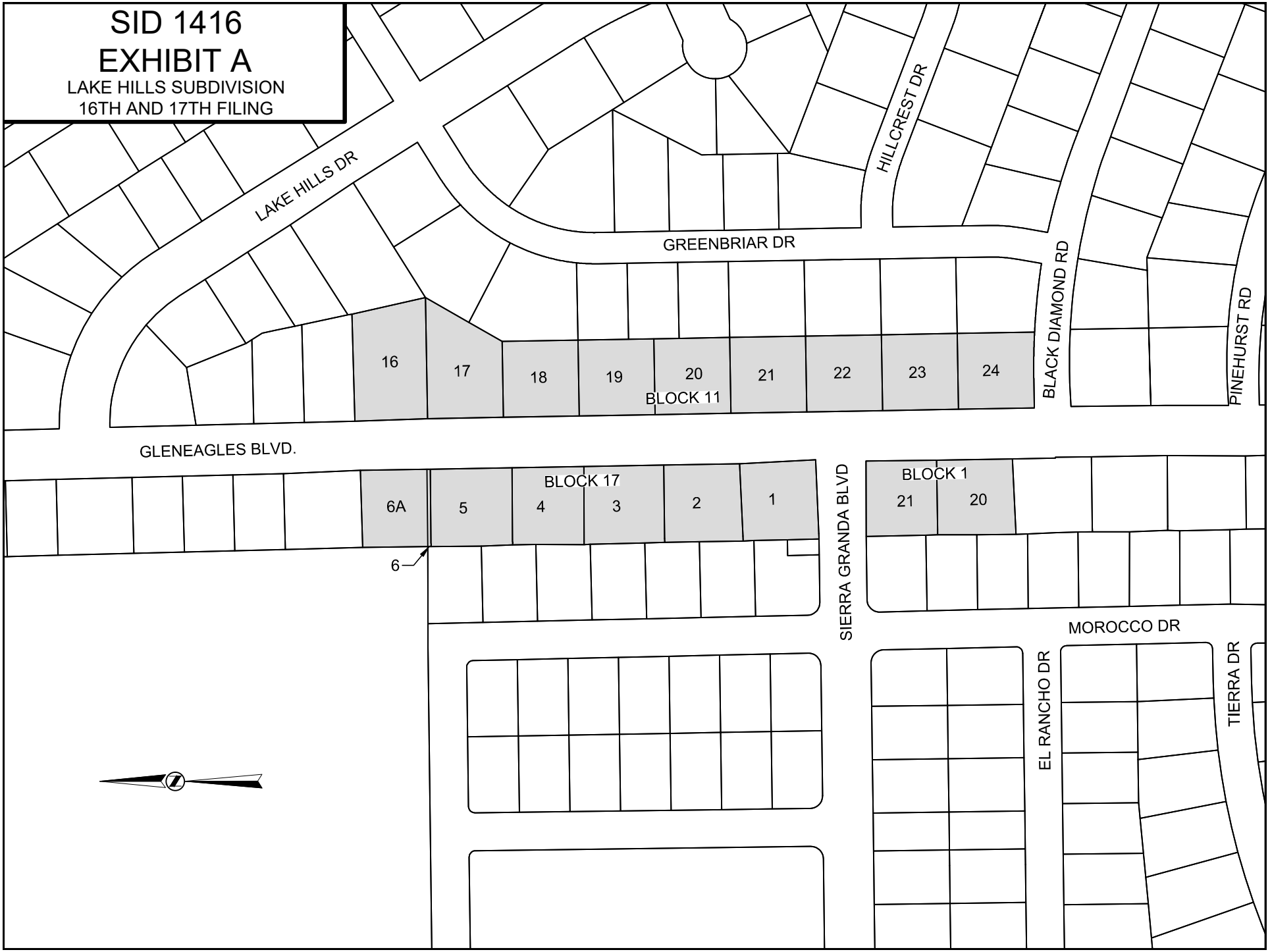
Attachments

District Map

Resolution Creating District

SID 1416
EXHIBIT A

LAKE HILLS SUBDIVISION
16TH AND 17TH FILING



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. 21-_____ _____, entitled: "RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1416**; CREATING 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 AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **March 22, 2021**, and 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: _____ _____; abstained from voting thereon: _____ _____; or were absent: _____ _____ _____.

WITNESS my hand officially this _____ day of _____.

_____
Denise Bohlman CITY CLERK

RESOLUTION NO. 21-_____

RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. **1416**; CREATING 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 AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Council, on **February 22, 2021,** adopted Resolution No. **21-10926** (the "Resolution of Intention"), pursuant to which this Council declared its intention to create a special improvement district, designated as Special Improvement District No. **1416** of the City, under Montana Code Annotated, Title 7, Chapter 12, Parts 41 and 42, as amended, for the purpose of financing the costs of certain local improvements described generally therein (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 creating and administration of the District, the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with the law, and on **March 22, 2021**, this Council conducted a public hearing on the creation or extension of the District and the making of the Improvements. The meeting of this Council at which this resolution was adopted is the first regular meeting of the Council following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the "Protest Period").

Section 3. Protests. Within the Protest Period, _____ protests were filed with the City Clerk and not withdrawn by the owners of property in the District subject to assessment for ___% of the total costs of the Improvements or representing ___% of the area of the District to be assessed for the cost of the Improvements. **The protest represents __% of the assessed cost.**

Section 4. Creation of the District; Insufficiency of Protests. The District is hereby created on the terms and conditions set forth in, and otherwise in accordance with, the Resolution of Intention. The protests against the creation or extension of the District or the making of the Improvements filed during the Protest Period, if any, are hereby found to be insufficient. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

Section 5. Reimbursement Expenditures.

5.01. 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.

5.02. 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.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs for 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.

5.04. Budgetary Matters. As of the date hereof, there are not 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.

5.05. 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 evidenced 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.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this **22nd Day of March, 2021.**

THE CITY OF BILLINGS:

BY _____
William A. Cole MAYOR

ATTEST:

BY_____
Denise Bohlman CITY CLERK

City Council Regular

Date:	03/22/2021
Title:	SID 1416 Gleneagles Boulevard Professional Services Contract
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No

RECOMMENDATION

Staff recommends that the City Council approve the professional services contract with Stahly Engineering & Associates, Inc. for SID 1416 for $104,548.

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

SID 1416 Gleneagles Boulevard, will construct 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. Mayor and Council are asked to consider authorizing and executing a Contract for Professional Services with Stahly Engineering & Associates to provide engineering design and construction administration for SID 1416. The contract is in the amount of $104,548. Stahly Engineering & Associates was selected based on proposals requested from a list of prequalified consultants for this type of work. Proposals were received from Stahly Engineering, Great West, Performance Engineering, Sanderson Stewart, KLJ, and IMEG.

ALTERNATIVES

City Council may:

- Approve the professional services contract with Stahly Engineering & Associates; or,
- Disapprove the professional services contract with Stahly Engineering & Associates. If not approved, another option will need to be considered for design and construction administration for SID 1416.

FISCAL EFFECTS

The professional services contract with Stahly Engineering & Associates is for $104,548 and will be paid out of the SID and gas tax funds.

Attachments

Consultant Services Contract

Contract for Professional Architectural and Engineering Services

Project SID 1416 Gleneagles Boulevard

In consideration of the mutual promises herein, City of Billings and Stahly Engineering & Associates agree as follows. This Contract consists of:

Part I, consisting of 15 Sections of Special Provisions;

Part II, consisting of 11 Sections of General Provisions;

Appendix A consisting of 3 pages (Basic Services of Contractor);

Appendix B consisting of 2 pages (Methods and Times of Payment);

Appendix C consisting of 1 pages (Additional Services of Contractor);

Appendix D consisting of 2 pages (Schedule of Professional Fees);

Appendix E consisting of 1 pages (Project Schedule);

Appendix F consisting of (Certificate(s) of Insurance); and

PART I
SPECIAL PROVISIONS

Section 1. Definitions.

In this Contract:

A. "Administrator" means the City Engineer of the Engineering Division of the Public Works Department or his designee.
B. “Billings” means the City of Billings.
C. "Contractor" means Stahly Engineering & Associates.

Section 2. Scope of Services.

A. The Contractor shall perform professional services in accordance with Appendix A, which is attached hereto and incorporated in this Section by reference.
B. Billings shall pay the Contractor in accordance with the Schedule of Professional Fees attached as Appendix D and incorporated herein by reference for services actually performed under this Contract.

C. Billings shall not allow any claim for services other than those described in this Section. However, the Contractor may provide, at its own expense, any other services that are consistent with this Contract.
D. The Engineer shall provide as-built drawings as approved by the City of Billings, to the Administrator within 30 days after the project completion date. Final payment will be withheld until the as-built drawings are received by the City of Billings. Requirements for submitting as constructed documents of completed Private Contracts, Work Orders, Special Improvement Districts and Site plans involving any City of Billings infrastructure: a point file; 1 (*.asc, *.txt, comma delimited; point number, northing, easting, elevation and description) / 2 (*.csv, with headings for; point number, northing, easting, elevation and description), with northings and eastings to the nearest tenth of a foot, elevations to the nearest hundredth of a foot, representing new, updated or relocated City of Billings infrastructure features such as, but not limited to Sanitary Sewer Manholes, Storm Drain Manholes, Water Valves, Water Bends, Signals, Street Light, etc., in the coordinates of Montana State Plane, Zone 2500 using NAD83(2011), Horizontal and NAVD88 Vertical, Horizontal units and Vertical units will be International feet, one half size paper copy to scale, one full size paper copy to scale, two CD's or DVD's with PDF files being half size to scale and full size to scale and AutoCAD DWG files as-constructed / as-built, Version 2016, or equivalent.
E. The Contractor shall provide certified construction payrolls to the Administrator stating in writing that the payrolls have been reviewed and are acceptable.

Section 3. Time for Performance.

A. This Contract becomes effective when signed on behalf of Billings.
B. The Contractor shall commence performance of the Work described in Section 2 on receipt of written Notice to Proceed and complete that performance in accordance with the schedule set forth in Appendix E.
C. This Contract shall terminate at midnight on December 31, 2023.

Section 4. Compensation; Method of Payment.

A. Each month, or at the conclusion of each phase of the Work for which payment is due, as negotiated on a per-task basis, the Contractor shall present a bill to the Administrator describing the Work for which it seeks payment and documenting expenses and fees to the satisfaction of the Administrator. If any payment is withheld because the Contractor's performance is unsatisfactory, the Administrator must, within ten (10) days of the payment denial, notify the Contractor of the payment denial and set forth, with reasonable specificity, what was unsatisfactory and why. Billings will pay Contractor within 30 days of receiving an acceptable invoice.
B. The Contractor is not entitled to any compensation under this Contract, other than is expressly provided for in this Section.
C. As a condition of payment, the Contractor shall have paid all City taxes currently due and owing by the Contractor.

Section 5. Termination of the Contractor's Services.

The Contractor's services under Section 2 of this Part may be terminated:

A. By mutual consent of the parties.
B. For the convenience of Billings, provided that Billings notifies the Contractor in writing of its intent to terminate under this paragraph at least 10 days prior to the effective date of the termination.
C. For cause, by either party where the other party fails in any material way to perform its obligations under this Contract. Termination under this Subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefor, and the other party fails to cure the default within 30 days after receiving the notice.

Section 6. Duties Upon Termination

A. If Billings terminates the Contractor's services for convenience, Billings shall pay the Contractor for its actual costs reasonably incurred in performing before termination and Billings shall pay for services rendered prior to termination. Payment under this Subsection shall never exceed the total compensation allowable under Section 4 of this Part. All finished and unfinished documents and materials prepared by the Contractor shall become the property of Billings.
B. If the Contractor's services are terminated for cause, Billings shall pay the Contractor the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by Billings because of the Contractor's failure to perform satisfactorily. The reasonable value of the services rendered shall never exceed ninety percent (90%) of the total compensation allowable under Section 4 of this Part. Any finished or unfinished documents or materials prepared by the Contractor under this Contract shall become the property of Billings at its option.
C. If the Contractor receives payments exceeding the amount to which it is entitled under Subsections A or B of this Section, he shall remit the excess to the Administrator within 30 days of receiving notice to do so.
D. The Contractor shall not be entitled to any compensation under this Section until the Contractor has delivered to the Administrator all documents, records, Work product, materials and equipment owned by Billings and requested by the Administrator.
E. If the Contractor's services are terminated for whatever reason the Contractor shall not claim any compensation under this Contract, other than that allowed under this Section.
F. If a final audit has not been performed before the Contractor's services are terminated, Billings may recover any payments for costs disallowed as a result of the final audit.
G. Except as provided in this Section, termination of the Contractor's services under Section 5 of this Part does not affect any other right or obligation of a party under this Contract.

Section 7. Insurance.

A. The Contractor shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Contract, the Contractor

shall furnish the Administrator with proof of insurance in accordance with Subsection B of this Section.

B. The Contractor shall provide the following insurance:

1. Workers' compensation and employer's liability coverage as required by Montana law.
2. Commercial general liability, including contractual and personal injury coverage's -- $1,500,000 per occurrence.
3. Commercial automobile liability -- $1,500,000 per accident.
4. Professional liability in the amount of $1,500,000 per claim.

C. Each policy of insurance required by this Section shall provide for no less than 30 days' advance notice to Billings prior to cancellation.

D. Billings SHALL be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against Billings.

Section 8. Assignments.

Unless otherwise allowed by this Contract or in writing by the Administrator, any assignment by the Contractor of its interest in any part of this Contract or any delegation of duties under this Contract shall be void, and an attempt by the Contractor to assign any part of its interest or delegate duties under this Contract shall give Billings the right immediately to terminate this Contract without any liability for Work performed.

Section 9. Ownership; Publication, Reproduction and Use of Material.

A. Except as otherwise provided herein, all data, documents and materials produced by the Contractor under this Contract shall be the property of Billings, which shall retain the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents, or other materials. Exclusive rights shall not be attributed to portions of such materials presently in the public domain or which are not subject to copyright. Contractor shall retain rights to pre-existing proprietary property including but not limited to interactive models. The Contractor shall have the right to include photographic or artistic representations of the design and construction of the Project among the Contractor's promotional and professional materials. The Contractor's materials shall not include Billings' confidential or proprietary information regardless of whether Billings has previously advised the Contractor in writing of the specific information considered by Billings to be confidential and proprietary.

B. Equipment purchased by the Contractor with Contract funds: See Appendix A, Section 3. Scope of Work.

C. Should Billings elect to reuse Work products provided under this Contract for other than the original project and/or purpose, Billings will indemnify and hold harmless the Contractor from any and all claims, demands and causes of action of any kind or character arising as a result of reusing the documents developed under this contract. Additionally, any reuse of design drawings or specifications provided under this

Contract must be limited to conceptual or preliminary use for adaptation, and the original Contractor's or subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed, and dated by the professional who is in direct supervisory control and responsible for adaptation.

Section 10. Notices.

Any notice required pertaining to the subject matter of this Contract shall be either sent via facsimile (FAX) or mailed by prepaid first class registered or certified mail, return receipt requested to the following addresses:

Billings: Mac Fogelsong, PE
City of Billings
Public Works/Engineering
2224 Montana Avenue
Billings, Montana 59101 FAX: (406) 237-6291

Contractor: Dax Simek
Stahly Engineering & Associates
2223 Montana Avenue, Suite 201
Billings, MT 59101

Notices are effective upon the earlier of receipt, proof of good transmission (facsimiles only), or 5 days after proof of proper posting.

Section 11. Contract Budget.

In connection with its performance under this Contract, the Contractor shall not make expenditures other than as provided in line items in the Contract budget.

Section 12. Force Majeure.

A. Any failure to perform by either party due to force majeure shall not be deemed a violation or breach hereof.
B. As used in this Contract, force majeure is an act or event of substantial magnitude, beyond the control of the delayed party, which delays the completion of this Contract, including without limitation:

1. Any interruption, suspension or interference resulting solely from the act of Billings or neglect of Billings not otherwise governed by the terms of this Contract.
2. Strikes or Work stoppages.
3. Any interruption, suspension or interference with the project caused by acts of God, or acts of a public enemy, wars, blockades, insurrections, riots, arrests or restraints of governments and people, civil disturbances or similar occurrences.
4. Order of court, administrative agencies or governmental officers other than Billings.

Section 13. Financial Management System.

The Contractor shall establish and maintain a financial management system that:

A. Provides accurate, current, and complete disclosure of all financial transactions relating to the Contract;
B. Maintains separate accounts by source of funds for all revenues and expenditures and identifies the source and application of funds for the Contractor's performance under this Contract, including information pertaining to subcontracts, obligations, unobligated balances, assets, liabilities, outlays and income;
C. Effectively controls and accounts for all municipal funds and Contract property;
D. Compares actual expenditures with budgeted amounts and relates financial information to performance or productivity data including unit cost information where applicable;
E. Allocates administrative costs to direct service delivery units;
F. Minimizes the time between receipt of funds from Billings and their disbursement by the Contractor;
G. Provides accounting records supported by source documentation; and
H. Provides a systematic method assuring the timely and appropriate resolution of audit findings and recommendations.

Section 14. Funding Requirements.

In the event that any funding source for this Contract should impose additional requirements upon Billings for the use of those funds, the Contractor agrees to abide by those additional requirements immediately upon receipt of written notice thereof from Billings.

Section 15. Subcontracts.

The Contractor may enter into subcontracts for the purchase of goods and services necessary for the performance of this Contract, provided:

A. Every subcontract shall be reduced to writing and contain a precise description of the services or goods to be provided and the nature of the consideration paid therefor.
B. Every subcontract under which the Contractor delegates the provision of services shall be subject to review and approval by the Administrator before it is executed by the Contractor.
C. Every subcontract in an amount exceeding $1,000 shall require reasonable access to business records of the subcontractor relating to the purchase of goods or services pursuant to the subcontract.

PART II
GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

The Contractor shall perform its obligations hereunder as an independent Contractor of Billings. Billings may administer the Contract and monitor the Contractor's compliance with its obligations hereunder. Billings shall not supervise or direct the Contractor other than a provided in this Section.

Section 2. Nondiscrimination.

A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
B. The Contractor shall state, in all solicitations or advertisements for employees to Work on Contract jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.
C. The Contractor shall comply with any and all reporting requirements that may apply to it which the City of Billings may establish by regulation.
D. The Contractor shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this Contract, so as to be binding upon every such subcontractor or vendor of the Contractor under this Contract.
E. The Contractor shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.
F. The Contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a), which prohibit discrimination against qualified protected veterans and/or qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

Section 3. Permits, Laws, and Taxes.

The Contractor shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this Contract. All actions taken by the

Contractor under this Contract shall comply with all applicable statutes, ordinances, rules and regulations. The Contractor shall pay all taxes pertaining to its performance under this Contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this Contract or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

A. This Contract shall only be amended, modified or changed by a writing, executed by authorized representatives of the parties, with the same formality as this Contract was executed.
B. For the purposes of any amendment modification or change to the terms and conditions of this Contract, the only authorized representatives of the parties are:

Contractor: Dax Simek, PE
(Billings Office Manager)

Billings: City Council or Authorized Designee

C. Any attempt to amend, modify, or change this Contract by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Contract shall be brought in the District Court for the Thirteenth Judicial District of the State of Montana, Billings. The law of the State of Montana shall govern the rights and obligations of the parties under this Contract.

Section 7. Severability.

Any provision of this Contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Liability.

The Contractor shall indemnify, defend, save, and hold Billings harmless from any and all claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including reasonable attorneys' fees and costs, arising from any wrongful or negligent act, error or omission of the Contractor or any agent, employee or subcontractor as a result of the Contractor's or any subcontractor's performance pursuant to this Contract.

A. The Contractor shall not indemnify, defend, save and hold Billings harmless from claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of Billings occurring during the course of or as a result of the performance of the Contract.
B. Where claims, lawsuits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both Billings and the Contractor, the Contractor shall indemnify, defend, save, and hold Billings harmless from only that portion of claims, causes of action, lawsuits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the Contractor's or any subcontractor's wrongful or negligent acts occurring as a result from the Contractor's performance pursuant to this Contract.

Section 10. Inspection and Retention of Records.

The Contractor shall, at any time during normal business hours and as often as Billings may deem necessary, make available to Billings, for examination, all of its records with respect to all matters covered by this Contract for a period ending three years after the date the Contractor is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Contractor shall submit such other information and reports relating to its activities under this Contract, to Billings, in such form and at such times as Billings may reasonably require. The Contractor shall permit Billings to audit, examine and make copies of such records, and to make audits of all invoices, materials, payrolls, records of personnel, and other data relating to all matters covered by this Contract. Billings may, at its option, permit the Contractor to submit its records to Billings in lieu of the retention requirements of this Section.

Section 11. Availability of Funds.

Payments under this Contract may require funds from future appropriations. If sufficient funds are not appropriated for payments required under this Contract, this Contract shall terminate without penalty to Billings; and Billings shall not be obligated to make payments under this Contract beyond those which have previously been appropriated.

IN WITNESS WHEREOF, the parties have executed this Contract on the date and at the place shown below.

City of Billings

_____
William A. Cole, Mayor

Date:_____

ATTEST:

_____
City Clerk

Date:_____

Contractor

_____

Name:_____
Title:_____
Date:_____

IRS Tax ID #_____

APPROVED AS TO FORM:

By_____
Gina Dahl, City Attorney

Appendix A

Basic Services of Engineer

Section 1. Engineer's Rights and Duties.

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the Engineer's portion of the project as defined in the scope of work and to prepare and deliver to Billings all plans, specifications, bid documents, and other material as designated herein.

B. Ascertain such information as may have a bearing on the work from local units of government, utility companies, and private organizations and shall be authorized to procure information from other authorities besides Billings, but shall keep Billings advised as to the extent of these contacts and the results thereof.

C. Prepare and present such information as may be pertinent and necessary in order for Billings to pass critical judgment on the features of the work. The Engineer shall make changes, amendments or revisions in the detail of the work as may be required by Billings. When alternates are being considered, Billings shall have the right of selection.

D. Engineer's work shall be in accordance with the standards of sound engineering and present City, State, and National standards and policies currently in use.

E. Conform to the requirements of the Montana Code Annotated Title 18 "Public Contracts" and more particularly Sections 18-2-121 and 18-2-122, and all other codes of the State of Montana applicable to providing professional services including codes and standards nationally recognized.

F. The Engineer shall certify with the submission of final plans that the plans are in conformance with applicable sections of Title 69, Chapter 4, Part 5, of the Montana Code Annotated as pertaining to existing utilities.

G. To perform professional services in connection with the project and will serve as Billings' representative in those phases of the project to which this agreement applies.

H. Where Federal funds are involved, the necessary provisions to meet all requirements will be complied with and documents secured and placed in the bidding documents.

I. Submit an estimated progress schedule as to time and costs at the beginning of the work, and monthly progress reports thereafter until complete. The reports will include any problems, potential problems, and delays as foreseen by the Engineer. Reports will be submitted in a timely manner to permit prompt resolution of problems.

J. Contract administration duties will include review of contractor certified payrolls for wage rate compliance. Discrepancies in certified payrolls will be resolved with the Contractor. A signed Engineer's Payroll Check Sheet (included in the Standard

Modifications to MPWSS) will be submitted as proof of this review with one copy of each payroll.

K. Name a Task Director who shall be the liaison between Billings and the Engineer. For this project the Task Director designated for the Engineer is Dax Simek.

Section 2. Billings Rights and Duties.

A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete Billings' portion of the project as designated in the scope of work.

B. Name a Task Director who shall be the liaison between the Engineer and Billings. For this project, the Task Director designated is Chris Hertz.

Section 3. Scope of Work.

Task 1. – Survey

The following tasks will be completed as part of this phase:

- Collect and review available information including record drawings, previous studies, etc. to identify any potential issues that should be addressed during design.
- Conduct a topography survey of the areas within the project limits.
- Identify and locate lot corners and other survey monumentation.
- Utilities will be located via One Call and picked up during survey activities.
- Set project control for construction

Task 2. – Road & Utility Design

The following tasks will be completed as part of this phase:

- Prepare road plan and profile sheets including signage and pavement marking plans.
- Intersection designs including warping at tie in locations.
- ADA ramp grading.
- Provide water and sanitary sewer main design in accordance with City of Billings, MDEQ and Heights Water requirements.
    - Prepare design reports and other necessary documentation as required by review agencies
    - MDEQ review fees, estimated at $2,240 are included in our fee. All other permitting/review fees are not included.
- Stahly will submit plans to the City at 60%, 90% and final design benchmarks for review and comment.

Task 3. – Bidding Assistance

The following tasks will be completed as part of this phase:

- Address contractor questions during the bidding process.
- Conduct pre-bid meeting
- Issue Addendums, if necessary
- Review contractor bids and prepare a bid tabulation
- Prepare contractor recommendation

Task 4. – Construction Administration

The following tasks will be completed as part of this phase:

- Conduct Pre-construction meeting.
- Review contractor submittals.
- Conduct weekly on-site progress meetings and prepare a summary of the previous weeks work for the City.
- Provide construction oversight based on an estimated 8-week construction schedule. This budget is subject to revision based on the successful contractor's schedule.
- Tetra Tech will perform materials testing.

Task 5. – Project Closeout and Record Drawings

The following tasks will be completed as part of this phase:

- Compile and submit all daily inspection reports, photos, test results for City use.
- Prepare and submit record drawings to MDEQ and the City.

Appendix B

Methods and Times of Payment

Section 1. Payments for Basic Services.

Billings shall authorize payment to the Engineer for services performed under Appendix A of this Agreement. Partial payment shall be due the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer.

Partial payment shall be made to the Engineer upon receipt of the Engineer's pay estimate, said estimate being proportioned to the work completed by the Engineer. Billings shall deduct five percent (5%) from each monthly pay estimate to be held until the completion of the final scope of work. The final payment shall be made only after acceptance of final documents by Billings, and determination that the scope of work has been satisfactorily completed.

A. For services rendered in Appendix A, the Engineer shall be paid based upon actual time accrued. The items below are estimates only and payment shall not exceed the total contract amount.

i.	Survey	$7,500.00
ii.	Design	$32,640.00
iii.	Construction Administration and Staking	$64,408.00
	Total	**$104,548.00**

B. Final payment shall be the above stated basic fee less all previous payments.

Section 2. Payments for Extra Services when Authorized by Billings.

Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study shall be paid for on an hourly basis at the applicable fees in Appendix D.

Section 3. Corrections.

Costs of Billings work that is required for corrections to the Engineer's work which requires redoing by Billings shall be deducted from any payments due the Engineer, if the Engineer fails to make the required corrections.

Section 4. Fee Increases

For contracts and services that are expected to require more than one (1) year to complete, the above stated basic services payments may be reviewed and adjusted annually by mutual agreement of the parties, based upon documented evidence that the Engineer's costs and hourly rates as shown in Appendix D have increased for all comparable clients.

Appendix C

Additional Services of Engineer

Extra Services of the Engineer will be paid only with written prior authorization by Billings.

A. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.

Appendix D

Schedule of Professional Fees

Current agreements for engineering services stipulate that the standard hourly rates are subject to review and adjustments. Hourly rates for services effective on the date of this Agreement are included below.

The itemized schedule provided below includes direct labor costs, normal payroll and overhead costs, transportation, furnishing equipment and materials normally required for performance of the work and reasonable profit. Direct project costs not itemized herein shall be paid for at actual cost.

2021 Professional Discounted Rates

Labor Description	Labor Code	Rates/Hour
Professional Engineer 1	EPE1	$112.00
Professional Engineer 2	EPE2	$118.00
Professional Engineer 5	EPE5	$150.00
Professional Engineer 6	EPE6	$155.00
Senior Principal	EPE8	$171.00
CADD Technician 1	ECD1	$76.00
CADD Technician 2	ECD2	$86.00
Engineer Intern 1	EEI1	$86.00
Engineer Intern 2	EEI2	$92.00
Land Survey Intern 3	LSI3	$97.00
Professional Land Surveyor 4	LPS4	$123.00
Administrative Assistant 1	AAA1	$60.00
Administrative Assistant 2	AAA2	$71.00

Units	
Mileage	$ .64/Mile
CADD Plots 11X17	$1.10/Plot
CADD Plots 24X36	$4.25/Plot
Copies 8 ½X11	$.17/Copy
Copies 11X17	$.80/Copy
Color Copies 8 ½X11	$.32/Copy
Color Copies 11X17	$.80/Copy
GPS	$37/Hr, $250/Day
Densometer Usage	$60/Half Day, $120/Day

Appendix E

Project Schedule

Based on a notice to proceed by Billings date no later than March 24, 2021, the completion date for the Engineer's work through final design shall be:

A. Preliminary Design – April/May 2021

B. Final Design – May 2021

C. Bidding & PreConstruction Services – June 2021

D. Construction Administration Services – July 2021

Delays affecting the completion of the work within the time specified of more than ninety (90) days, not attributable to or caused by the Parties hereto, may be considered as cause for the renegotiation or termination of this Contract.

If the Engineer is behind on this Contract due to no fault of Billings, then the Engineer hereby acknowledges the right of Billings to withhold future Contracts to the Engineer in addition to any other remedy until this Contract is brought back on schedule or otherwise resolved.

Appendix F

Certificate(s) of Insurance

City Council Regular

Date:	03/22/2021
Title:	Zone Change 989 - 5 N 16th St
Presented by:	Nicole Cromwell
Department:	Planning & Community Services
Presentation:	Yes

RECOMMENDATION

The Zoning Commission recommends approval of Zone Change 989 and adoption of the findings of the 10 review criteria.

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

This is a zone change request for property within the East Billings Urban Renewal District. The property is located at 5 N 16th Street on the north side of Montana Avenue, a mostly unconstructed right of way. The legal description of the property is Lots 1-12 of Block 121, Billings Original Town and is 39,000 square feet in area. The applicant conducted a pre-application neighborhood meeting on January 5, 2021. The existing zoning is EBURD-Central Works and the proposed zoning is EBURD-Industrial Sanctuary. The property is located on the boundary between these two zoning districts.

The property owners, J & S Properties, intend to develop the site for a new ice and water production plant for Yellowstone Ice and Water, currently located at 1718 4th Avenue North. The business has outgrown the space. The use is an allowed use in both zone districts, however the EBURD zone districts have building and site development standards that fit the form requirements of each district. This is a proposed industrial type facility and the building and frontage allowed in the Central Works districts does not fit with the proposed use. The owners have retained an agent to assist with the new plant design and this application. The agent is Simonsen-Architect.

APPLICATION DATA

OWNER: J & S Properties, Inc.
AGENT: Simonsen-Architect
LEGAL DESCRIPTION: Lots 1-12, Block 121, Billings Original Town
ADDRESS:5 North 16th Street
CURRENT ZONING: EBURD-Central Works
EXISTING LAND USE: Vacant
PROPOSED USE: Yellowstone Ice and Water new plant
SIZE OF PARCEL: 39,000 square feet

SURROUNDING LAND USE & ZONING

NORTH: Zoning: EBURD-CW Land Use: O'Reilly Auto Parts
SOUTH: Zoning: EBURD-CW & EBURD-IS Land Use: Western Builder Supply - E-Z Set Corp.
EAST: Zoning: EBURD-CW Land Use: Kairos Center - Mixed Use
WEST: Zoning: EBURD-CW Land Use: Auto Plaza - auto sales

The city adopted the East Billings Urban Renewal Master Plan in 2009 with the idea of updating and revising the existing zoning to support revitalization of this 400+ acre area east of downtown. The prior zoning for all property within EBURD was either Controlled Industrial or Heavy Industrial. The zone district boundaries were set based on how the master plan envisioned the redevelopment patterns. These included areas for residential, mixed uses, artisan and maker spaces, as well as the more industrial oriented uses on the far eastern end of the district. The Central Works district covers much of the center of the EBURD area while the mixed use and residential areas closer to downtown. The industrial focus has been along the eastern edges and part of the railroad interface along Montana Avenue.

This section of Montana Avenue is currently un-built with just a gravel surface and no sidewalk, gutter, drainage or landscaping. Some new street lighting has been installed as part of the city's infrastructure improvement program in the EBURD. This site is currently used for some storage but is primarily vacant. The proposed new ice and water plant will be a major investment in this property.

The Planning staff reviewed the request and recommended approval to the Zoning Commission based on staff proposed findings of the 10 review criteria. The Zoning Commission concurred. The proposed zoning fits in with the existing master plan and zoning plan for the EBURD core. Industrial type uses are contemplated in both the Central Works and the Industrial Sanctuary zone districts. The Industrial Sanctuary zone accommodates a building frontage type that better fits this area of Montana Avenue. Each frontage type selects a building form and site development standards that fit with the expected pedestrian and vehicle traffic for the area. This area south of 1st Avenue N is not well suited for pedestrian traffic so the building form standards are out of place at this location. The adjacent uses and zones are compatible with the proposed zoning. No objections were received from the adjacent owners.

Before making a decision on the zone change request, the City Council will consider the findings 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:

Essential Investments:

- Infill development and development near existing City infrastructure may be the most cost effective

Community Fabric:

- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Prosperity:

- 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

The property is an underutilized site with access to full city services. Completion of additional street infrastructure will help this are retain value. The jobs within this business represent a good cross section of job skills and abilities. This is a local business seeking to expand within

the community with a new plant and expansion of services to the community.

2. Is the new zoning designed to secure from fire and other dangers?
The new zoning is a form-based code that requires site development standards and regulates uses to a lesser degree. The implementation of the form-based code along with Building and Fire codes during re-development will 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 property has the potential to allow a new manufacturing facility that uses modern building and safety codes. A full re-development of the property will benefit the general welfare by adding to the tax increment value of the EBURD. Vacant lots tend to attract vandals and transients. Development of this lot will help make this area of Montana Avenue safer.

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 have any effect on the existing transportation system. The surrounding street system consists of arterials and local streets. Development of the property will require new infrastructure on Montana Avenue.
Water and Sewer: The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.
Schools and Parks: Schools and parks should not be affected by the proposed zoning.
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 building separations to allow for adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?
The new zoning will have no effect on transportation systems. Montana Avenue will be improved along the width of the property.

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 develop for Yellowstone Ice and Water.

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 is identical to the zoning south and east of the subject property and is an appropriate zone with the adjacent businesses and arterial streets.

9. Will the new zoning conserve the value of buildings?
There are no buildings on the property.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?
The proposed zoning will encourage an appropriate industrial use and building form on this property.

STAKEHOLDERS

The Zoning Commission conducted a public hearing on March 2, 2021 and received the staff recommendation, testimony from the applicant and agent and a letter of support from the B.I.R.D. owners association. No other testimony was received.
The Zoning Commission voted 5-0 to recommend approval of the zone change and adoption of the findings of the 10 review criteria.

ALTERNATIVES

The City Council may:

- Approve the zone change and adopt the findings of the 10 review criteria as recommended by the Zoning Commission
- Deny the zone change and adopt different findings of the 10 review criteria
- Delay action on the zone change request for up to 30 days

FISCAL EFFECTS

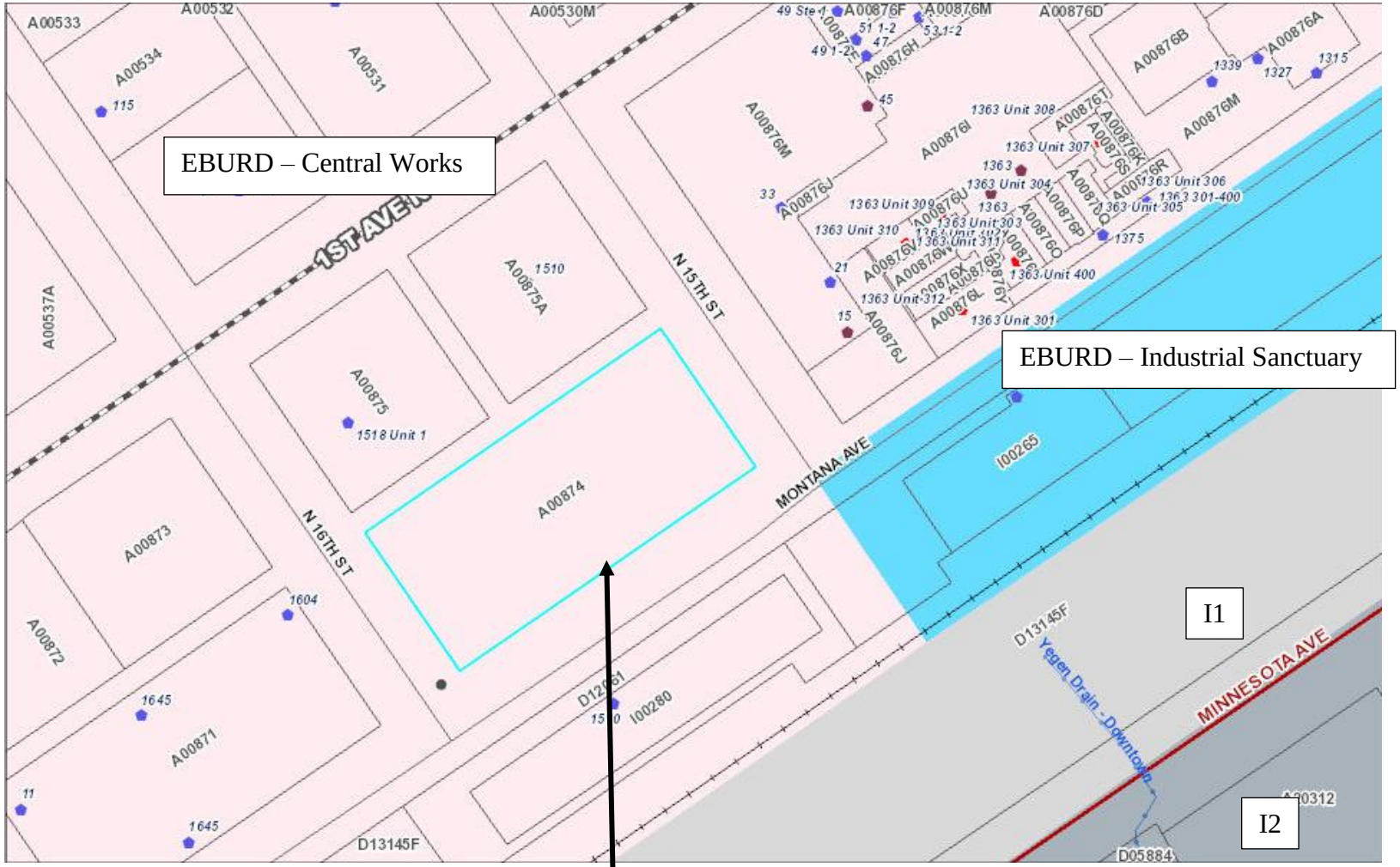
Approval or denial of the zone change should have no effect on the Planning Division budget.

Attachments

Zoning Map and Site Photos
Application and Letter
Letter of Support from BIRD
Ordinance ZC 989

City Zone Change 989

Zoning Map and Site Photos



Existing Zone = EBURD-CW
Proposed = EBURD-IS


N 16th St
N 15th St
Montana Ave
A00874
A00875
A00875A
A00876J
A00876L
A00876I
A00876H
A00876G
A00876F
A00876E
A00876D
A00876C
A00876B
A00876A
A00534
A00536
A00531
A00873
A00872
A00871
A00265
A00280
D12061
D13145F
D05884
1525
1510
1518
1604
1645
1645
1510
1400
1375
1363
1363
1863
115
11
7
15
21
36
45
47
49
51
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#307
#305
#304
#303
#302
#301
#310
#311
#312



Subject Property from Montana Avenue



Subject property view north and east – Kairos Center



Subject property view north and west from Montana Avenue



View west on Montana Avenue



View south across Montana Avenue



View south and west across Montana Avenue

Zone Change 989
Applicant's Letter and Information

APPLICATION FORM

CITY ZONE CHANGE **Billings Zone Change #** 989 **- Project #** PZ-21-00033

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: EBURD - Central Works

Proposed Zoning: EBURD - Industrial Sanctuary

TAX ID# A00874 CITY ELECTION WARD # 1

Legal Description of Property: Billings Original Townsite, S33, T01N, R26E, Block 121, Lots 1-12

Address or General Location (If unknown, contact City Engineering): 5 North 16th Street

Size of Parcel (Area & Dimensions): 300' -0" x 130' - 0" = 39000 sf or .895 AC

Present Land-Use: S-2 / Parking

Proposed Land-Use: F-2: Ice Manufacturing, Refrigeration / S-2: Warehousing, Storage

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): J&S Properties, Inc.
(Recorded Owner)
PO Box 31292, Billings, MT 59107-1297
(Address)
406.855.4248 (email) scott@jandstranpsort.com
(Phone Number) (email) jason@jandsrecovery.com

Agent(s): Simonsen-Architect
(Name)
PO Box 2132, Billings, MT 59103-2132
(Address)
406.256.9060 (email) eric@simonsenarchitect.com
(Phone Number) (email) thom@simonsenarchitect.com

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: 1/21/21
(Recorded Owner)

RECEIVED
JAN 21 2021
PLANNING & COMMUNITY SERVICES DEPARTMENT

J & S PROPERTIES, INC.

P O BOX 31292, BILLINGS, MT 59107
OFFICE (406) 248-8103 FAX (406) 252-7259

January 5th, 2021

Re: ZONING CHANGE at 5 N. 16th Street

1. A. Our proposal for a Zoning Change at 5 N. 16th Street is directly in line with the codified EBURD regulations. We are requesting a zoning change within the EBURD from the existing Central Works to Industrial Sanctuary to be more in-line with the context of the surrounding businesses and use, thus allowing us to develop, within EBURD regulations, a new facility. Our purpose is to create and grow a processing and production plant that will support business and careers in the local population.

   B. Under the current zoning of Central Works, the amount of Storefront, Front Lot Yardage and Build-To Zone do not currently allow for adequate size and set-backs for the scale of the necessary structure and production line equipment required to build a new processing and production plant. A zoning change would allow J&S Properties to build, within EBURD code, a state-of-the-art water bottling and ice manufacturing plant suitable to the surrounding area while improving the site, landscaping and neighborhood. Additionally, a change to Industrial Sanctuary would allow Our tenant to provide clean, dependable and affordable distilled and potable water to the adjoining neighborhood and the Greater Billings area. Adjacent properties within the EBURD and along the undeveloped portion of Montana Avenue are zoned Industrial Sanctuary as well. It is within the City of Billings and J & S Properties scope of work to vastly improve the site conditions along Montana Avenue.

2. RE: Addenda One - Site Photos of Existing Conditions.

3. RE: Addenda Two – Pre-Application
   Affirmations and Attendance of Neighborhood Meeting
   J&S Properties, Inc.
   7 North 17th Street
   Billings, MT 59101
   January 15th, 2021
   12:20 PM

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**: EBURD - Central Works
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: EBURD - Industrial Sanctuary - 300' -0" x 130' - 0" = 39000 sf or .895 AC
3. **Subject Property Map**: please attach to this form
4. **Legal Description of Property**: Billings Original Townsite, S33, T01N, R26E, Block 121, Lots 1-12
5. **Neighborhood Task Force Area**: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson: North Park - Brian Epley - briane@gmail.com
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 15 , day of January , 2021.
   2) The zone change application is based on materials presented at the meeting.

Owner (s): J&S Properties, Inc. Telephone: 406.855.4248

Address: PO Box 31292 Email: jason@jandsrecovery.com

Billings, MT 59107-1292 scott@jandstransport.com

Agent (s): Simonsen-Architect Telephone: 406.256.9060

Address: PO Box 2132 Email: eric@simonsenarchitect.com

Billings, MT 59103-2132 thom@simonsenarchitect.com

J & S PROPERTIES, INC.

P O BOX 31292, BILLINGS, MT 59107
OFFICE (406) 248-8103 FAX (406) 252-7259

COMMUNITY MEETING

January 15th, 2021
12:30 PM
7 North 17th Street
Billings, MT 59101

RE:

J&S Properties Inc. requests a Zoning Change for the property located at 5 N. 16th Street, Billings, MT 59101 in the BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 121, Lot 1 - 12. The zone change is from EBURD Central Works to EBURD Industrial Sanctuary with the intent to improve the property by constructing a new Water bottling and Ice Manufacturing Plant. The current use of the Legal Property is a storage area for vehicles and equipment. A zoning change to EBURD Industrial Sanctuary would allow for the construction of a modern, new facility as well as site and overall neighborhood improvement and appearance that would be compatible with adjacent EBURD Industrial Sanctuary zoned property.

ATTENDANCE:

J&S Properties, Inc.
PO Box 31292
Billings, MT 59105

Print:	Signed:
Jason Kummerfeldt	
Scott Chesarek	

SIMONSEN ARCHITECT

MEETING MINUTES

PROJECT:	J&S RE-ZONING	**PROJECT NUMBER:**	2702
MEETING LOCATION:	7 North 17 Street	**MEETING DATE:**	15.01.2021
MEETING SUBJECT:	Community Meeting RE: Zoning	**PREPARED BY:**	Thom Greenwood

ATTENDING:

Jason Kummerfeldt – J&S Inc.

Scott Chesarek – J&S Inc.

Bryce Terpstra – Jones Construction

Thom Greenwood – Simonsen Architect

A community meeting was held at J&S Inc.'s corporate office at 7 North 17th Street at 12:30 to engage the surrounding property Owner's and tenants. The meeting was called to order with above representatives in attendance. Of the invited guests, no Owner, Owner' representatives or community leaders attended. The meeting was left open to attendance until 1:30 at which the meeting was adjourned.

See attached Meeting Attendance Sign-in.

Thom Greenwood

Simonsen Architect
406.256.9060
thom@simonsenarchitect.com

END

Simonsen-Architect
PO Box 2132
Billings, MT 59103-2132

Print:	Signed:
Jarod Greenwood	

Community Members:

Print:	Signed:
Bryce Webster - Jones Const, Inc.	

CITY OF BILLINGS
PUBLIC WORKS
EXCELLENCE · INNOVATION · INTEGRITY

City of Billings

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
2224 Montana Avenue
Billings, MT 59101
Office (406) 657-8231
Fax (406) 237-6291

January 19, 2021

PUBLIC WORKS

SUBJECT: Yellowstone Ice and Water Monatana Ave

Dear Mr. Simonsen:

This letter is in response to Thom Greenwood's phone call concerning the potential development of the lot on the north side of Monatana Ave between N 15th St and N 16th St.

Our office has received preliminary site plans from Simonsen Architect (project 2007.2 dated 10/7/2020) for Yellowstone Ice and Water to develop the site. The above plans appear to be in keeping with the EBURD requirements as well as City Standards. Further review will be done at the time of building permit application to ensure that both standards are fully met. At this early stage of site development, Yellowstone Ice and Water as well as Simonsen Architect are putting forward a development that will benefit the EBURD and Yellowstone Ice and Water.

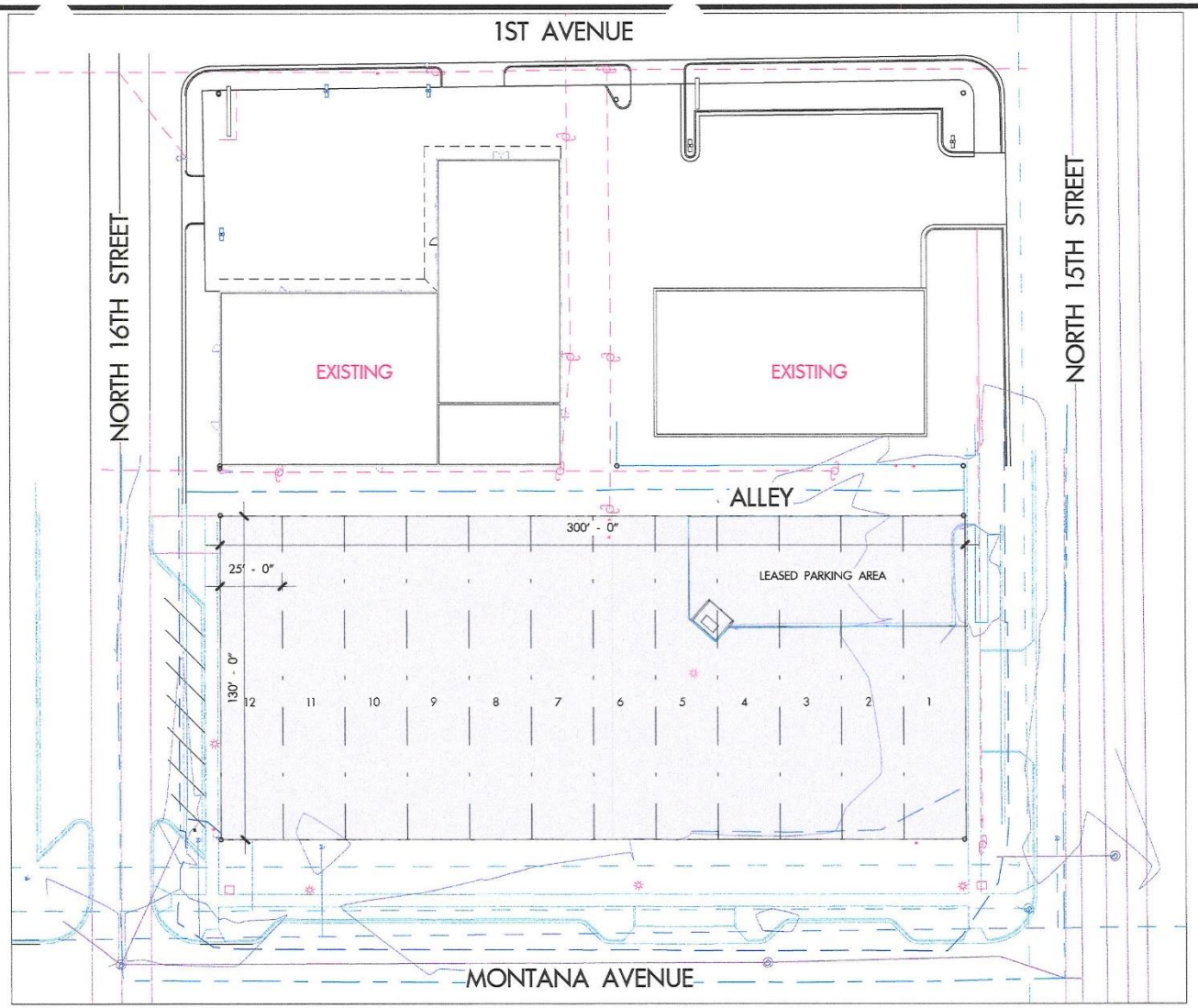
If you have further questions, please feel free to contact me at (406) 657-8234 or zischj@billingsmt.gov.

Sincerely,

John R Zisch

John Zisch
Staff Engineer I

Enclosures:
1. Preliminary Site Plans



SIMONSEN ARCHITECT

ERIC M. SIMONSEN AIA
PO BOX 2132
BILLINGS, MT 59103-2132
WWW.SIMONSENARCHITECT.COM
406.256.9060 C
406.698.5182 O

YELLOWSTONE ICE & WATER	1718 4th Ave N Billings, MT 59101
DRAWING:	ZONING PERMIT
PROJECT NUMBER:	2027.2
DATE:	1-4-21

ASK1.0

C:\Users\Thom Greenwood\Desktop\0 - SIMONSEN ARCHITECT\2027 YIW MANUFACTURING\2027.2 YIW - SALES REMODEL 12-10-2020.rvt
1/5/2021 4:04:42 PM
©2020 SIMONSEN ARCHITECT

BILLINGS INDUSTRIAL REVITALIZATION DISTRICT

1413 4th Avenue North, Suite C • Billings, MT 59101

February 25, 2021

City of Billings Planning and Community Services
Attn: Nicole Cromwell/Karen Husman
PO Box 1178
Billings, MT 59103-1178

Request for Zone Change - City ZC # 989 - Ward 1

To Whom It May Concern:

This letter is in reference to the March 2, 2021 City Zoning Commission meeting regarding an application from owner Scott Chesarek, Thom Greenwood, and Simonsen Architects on Block 121, Lots 1-12, Billings Original Town, 5 North 16th St.

The request is to change zoning from EBURD-CW to EBURD-IS. The board of directors of the Billings Industrial Revitalization District (BIRD) who oversee the East Billings Urban Renewal District (EBURD) development plan would like to express our support of the zone change that is being reviewed. The board has considered the location and the impact of a zoning change. We feel that the change will allow the project to continue in the district and have a positive impact in alleviating blight, create new opportunities for employment in the neighborhood, and since it is a location adjacent to the exisiting EBURD-IS zone, the impact should be minimal by development standards.

Please consider our support as you review this application and make a final decision.

Sincerely,

Zack Terakedis
EBURD Coordinator
406-272-4321
www.billingsbird.com

Board of Directors:
Matthew McDonnell, Keith Robinson, Lenette Kosovich, Sam Westerman, Ken Kunkel

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THE ZONE CLASSIFICATION ON on Block 121, Lots 1-12, Billings Original Town, GENERALLY LOCATED AT 5 N 16TH STREET, 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.** **Block 121, Lots 1-12, Billings Original Town**, is presently zoned **EBURD – CENTRAL WORKS (EBURD-CW)** 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 **Block 121, Lots 1-12, Billings Original Town,** is hereby changed from **EBURD – CENTRAL WORKS (EBURD-CW)** to **EBURD – INDUSTRIAL SANCTUARY (EBURD-IS)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **EBURD – INDUSTRIAL SANCTUARY (EBURD-IS)** 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 March, 2021.

PASSED, ADOPTED and APPROVED on second reading this 12th day of April, 2021.

CITY OF BILLINGS

BY:_____

William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 989 – 5 N 16th Street

City Council Regular

Date:	03/22/2021
Title:	Public Hearing and Resolution- Annexation 20-05B
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)

Aviation Properties LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located West of AJ Way and North of Highway 3. 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; Including all adjacent rights-of-way of Montana State Highway No. 3.

The property contains 21.852 gross and 20.016 net acres. The property is currently zoned Agricultural Open Space. Council is being asked to consider as a separate item tonight, Zone Change 987. Because the property is currently zoned Ag Open, a zone not shared by the City and County, the petitioner had to submit an accompanying zone change (ZC987) and has applied for CX zoning on the property.

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.

•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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.

• Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.

• 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.

• 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.

• Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.

• 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 initially posted on the property on February 5, 2021 and published in the *Yellowstone County News* on February 5 and 12. Upon delay of the initial application staff reposted the property on March 5 and a new legal ad was published in the Yellowstone County News on March 5 and March 12, 2021.

The City Council has received several emails related to parts of this project (Development Agreement, Zone Change 987) but no comments directly related to the Petition for Annexation itself. It should be noted, this agenda item is for AN20-05B, parcels west of AJ Way. There is an associated zone change (ZC987) with this parcel that is a separate action to also be considered during this meeting during a separate public hearing.

ALTERNATIVES

The City Council may approve or deny the petition for annexation. Denial of the petition will mean the City Council cannot consider other agenda items related to this property.

- 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, 2021, the City Council was scheduled to take action on the petition. At the request of the developer, the item was delayed to March 22nd.
- On February 24, 2021, the applicants amended the petition for annexation separating the parcels east of AJ way into one petition, and the parcels west of AJ Way into another petition.
- On March 22, 2021, the City Council will consider the petition for annexation. The applicant has requested the annexation be conditioned upon a favorable outcome of the zone change. If the zone change is not approved, the conditions of annexation will fail to be met and the annexation will not become effective. If the council gives favorable action to ZC987 and the Annexation Petition 25-05B, additional required documents such as the Ward Boundary Expansion Ordinance and Development Agreement will come forward for council action within 60 days.

FISCAL EFFECTS

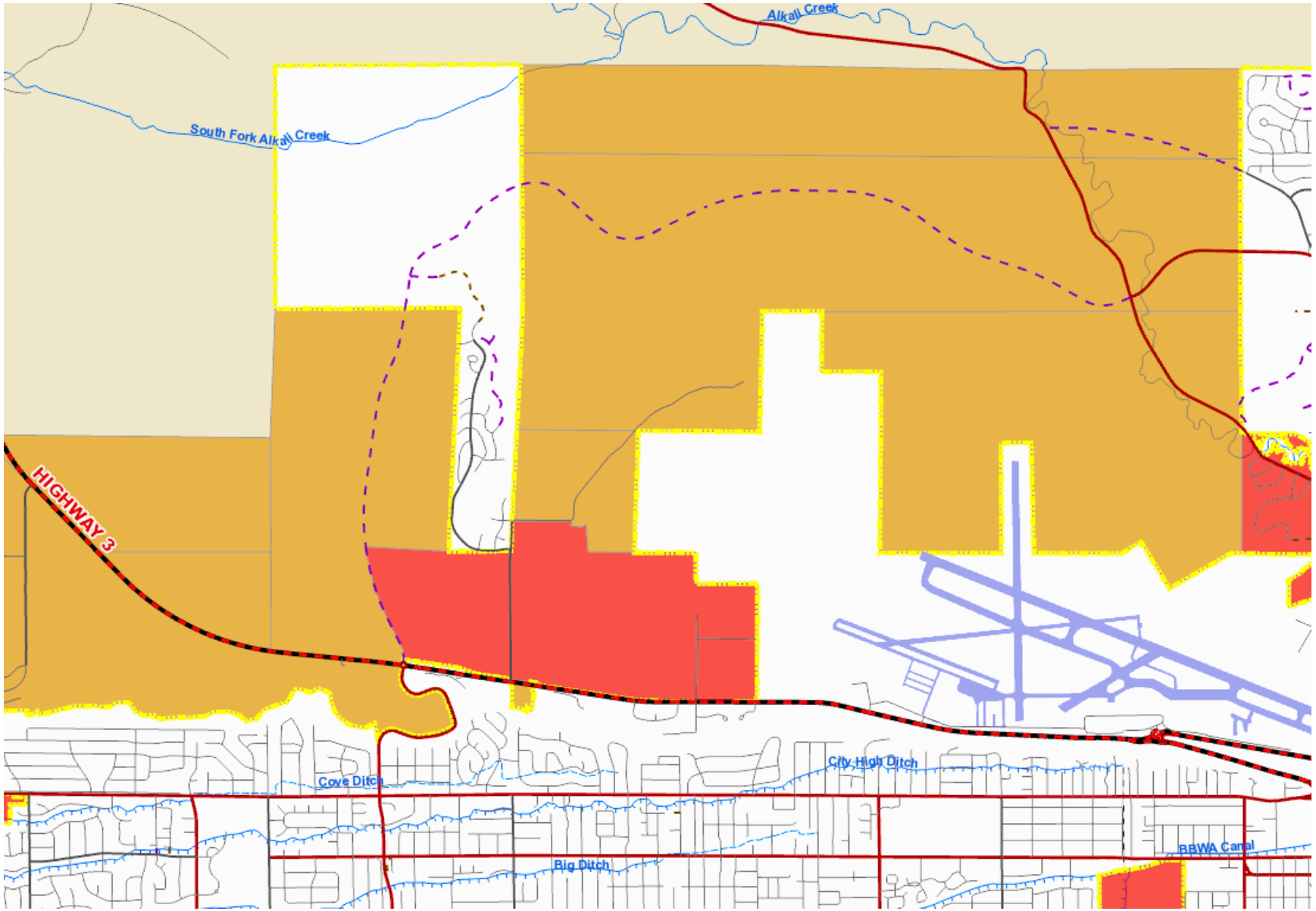
This application has no impact on the Planning Division Budget.

Attachments

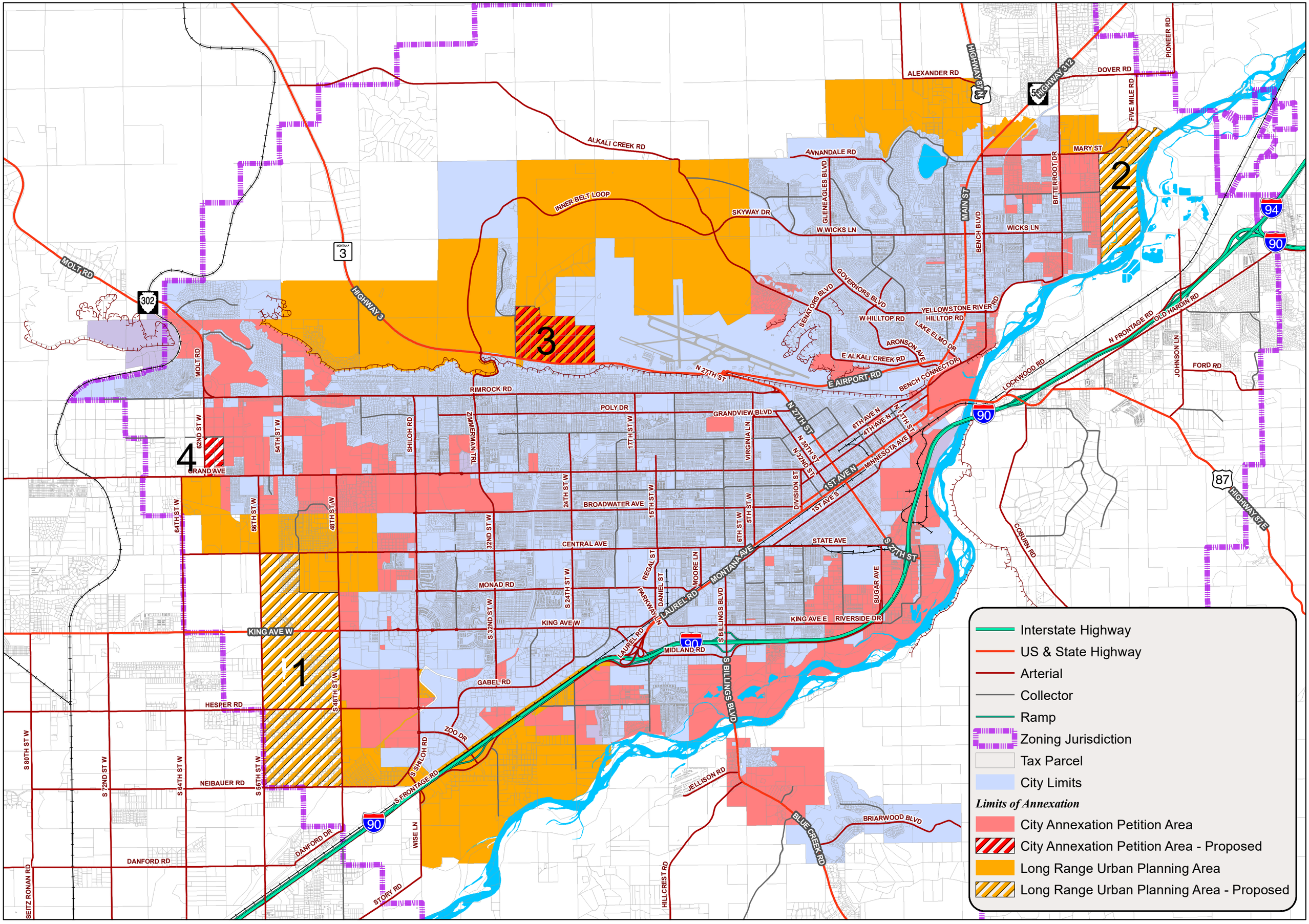
Limits of Annexation Map

Limits of Annexation Map Depicting Area 3 as adopted by Council 10/2020

Resolution of Annexation



Limits of Annexation Map - Red = Petition Area



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

RESOLUTION NO. 21 -

A RESOLUTION APPROVING PETITION FOR ANNEXATION 20-05B AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, Aviation Properties, LLC., owner of one hundred percent (100%) of the property to be annexed and described herein, and who constitutes more than fifty percent (50%) of the resident freeholder electors, has petitioned the City for annexation as set forth in Petition # 20-05B; and

WHEREAS, the territory was described in the petition as required by law;

WHEREAS, a development agreement between the City and the owner is necessary in order to provide for specific improvements and infrastructure of the territory described herein; and

WHEREAS, upon execution of a development agreement, annexation of said territory is 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 the 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;

Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 21.852 gross and 20.016 net acres.

(# 20-05B) See Exhibit "20-05 B" Attached

2. CONDITIONS. This resolution to annex the above described territory shall be effective upon satisfaction of the conditions set forth below. The City Administrator shall determine, in his discretion, whether the conditions set forth below have been satisfied. If the City Administrator determines any of the conditions have not been satisfied prior to April 26, 2021, this resolution shall not be effective and will be null and void. This resolution shall only become effective upon satisfaction of the following conditions:

- A mutually acceptable 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 that will be recorded;
- The owner 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.

If the conditions are not satisfied, any new requests for the property legally 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; including all adjacent rights-of-way of Montana State Highway No. 3 shall be processed as a new petition for annexation.

3. EFFECTIVE DATE. Upon satisfaction of the above conditions, this resolution to annex the above described territory will become effective and shall be filed with the Yellowstone County Clerk and Recorder. If the owner fails to meet the deadline identified above, this resolution to annex shall not become effective, will be null and void, and shall not be filed with the Yellowstone County Clerk and Recorder.

4. 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 March, 2021.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

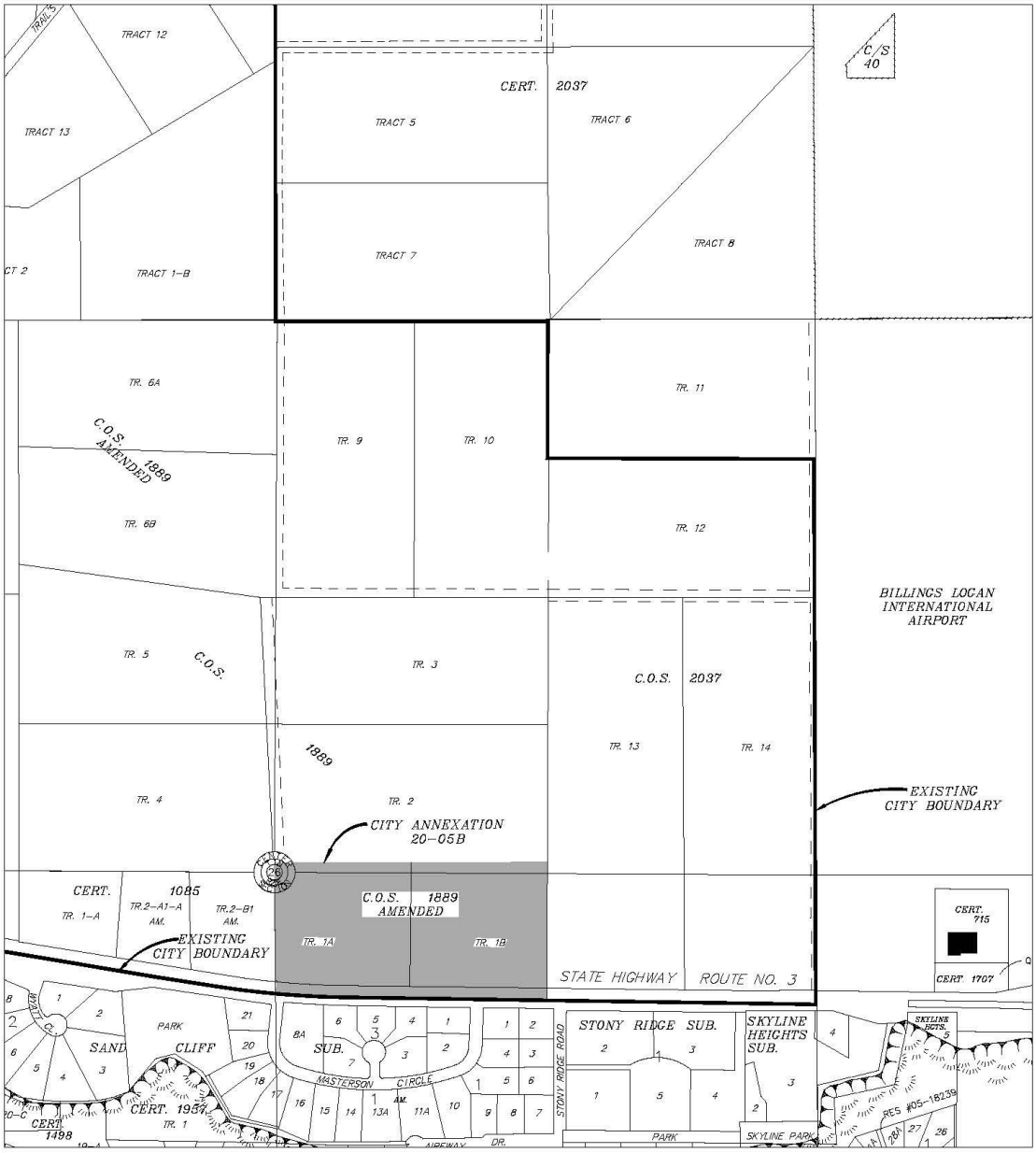
ATTEST:

BY: _____

Denise R. Bohlman, City Clerk

(AN# 20-05B)

EXHIBIT "20-05 B"



City Council Regular

Date:	03/22/2021
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/Heavy 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 west 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 new 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/Light 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. The City Council postponed the first reading and public hearing from February 22, 2021, on the request of the applicant. The Planning Division re-advertised the new hearing date and time along with the Zoning Commission recommendation. After the Zoning Commission hearing on February 2, 2021, the Planning Division and the City Council received numerous emails and letters of comment as well as petitions protesting the zone change. Enough protest petitions were received to achieve a valid protest of the zone change. A valid protest will require a super majority vote of the present and voting member of the Council in order to approve the request.

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 Petitions for annexation (AN 20-05A and

20-05B) petition for 46 acres of land on both sides of AJ Way, 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 was the first instance of this zone district above the Yellowstone Valley. 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 CX 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.

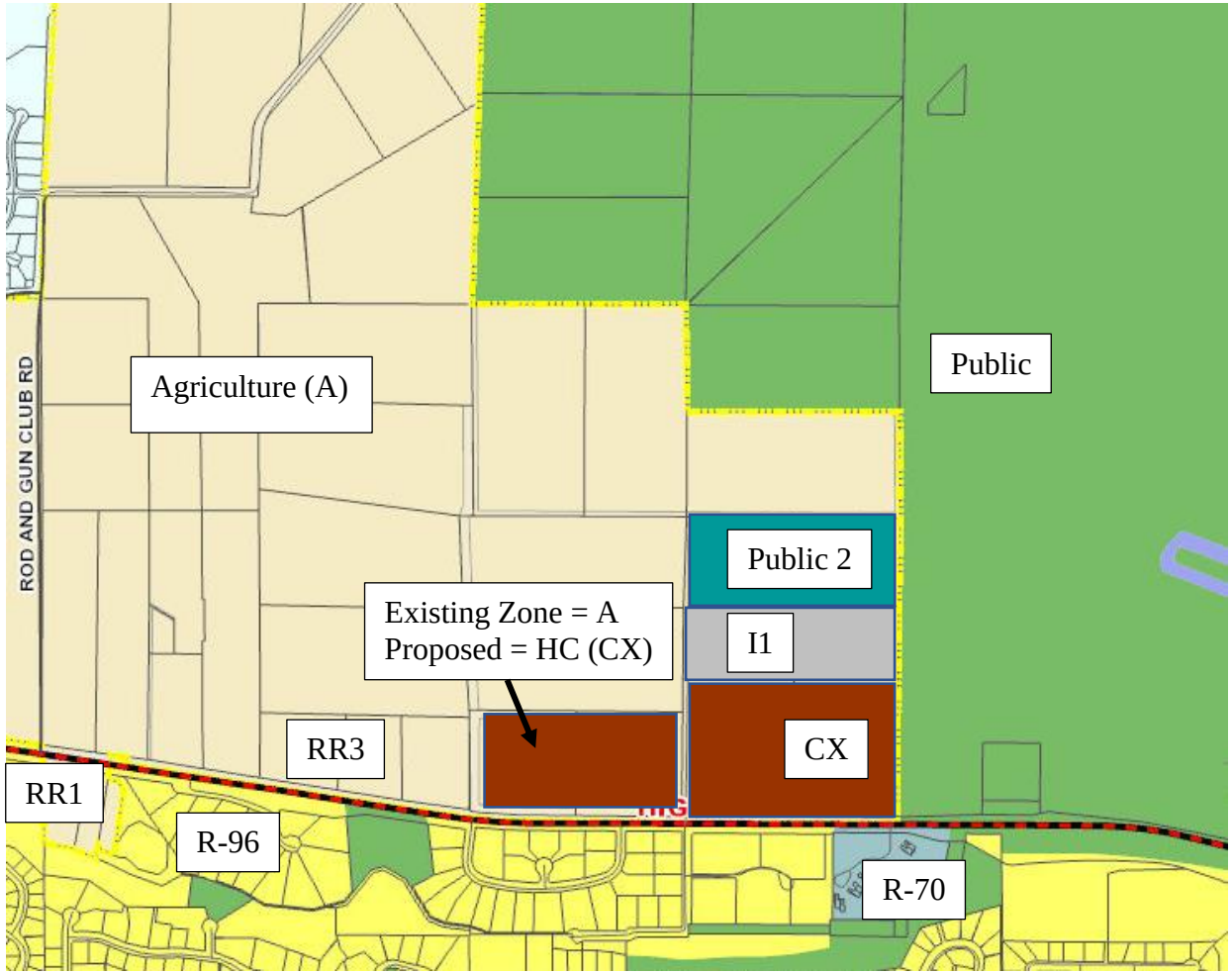
10. Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.
The proposed zoning does encourage the most appropriate use of land in this area of the City given it is adjacent to the Billings Airport and allows the same uses as are permitted on the Airport property. It is also in an area where aircraft are arriving and departing regularly. 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
Ordinance Zone Chnage 987
Valid Protest Map and Property List

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@flybtf.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

2280 GRANT ROAD, SUITE C • BILLINGS, MT 59101 • 406-248-3448
CD-MT.COM

CD 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?

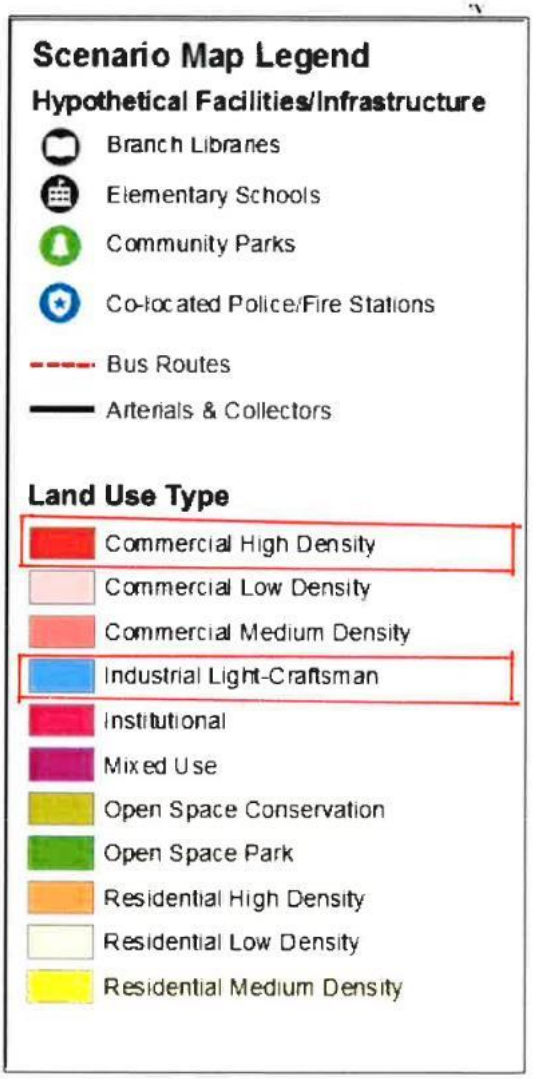
In the current Billings Growth Policy Scenario Planning, three separate scenarios are proposed. The North Public Preferred Scenario calls for this area to be developed to Commercial High Density and Industrial Light-Craftsman land uses. The zone changes proposal's request for Highway Commercial and Controlled 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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CD-MT.COM

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.



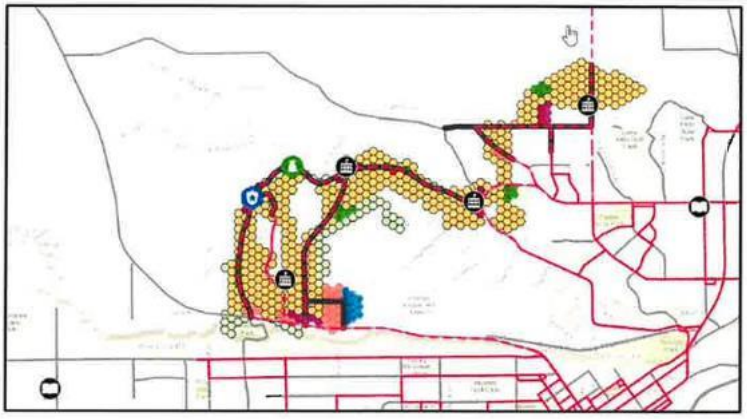
1 hexagon = 5.739 acres or approximately 2.8 city blocks

Residential high & mixed use density = 16 d.u./acre

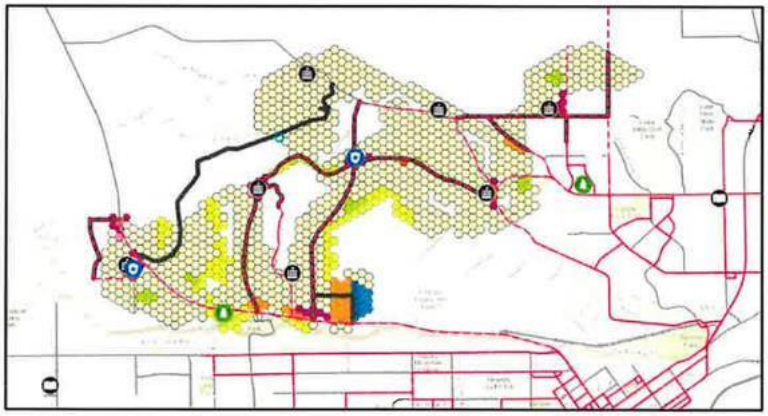
Residential medium density = 9 d.u./acre

Residential low density = 5 d.u./acre

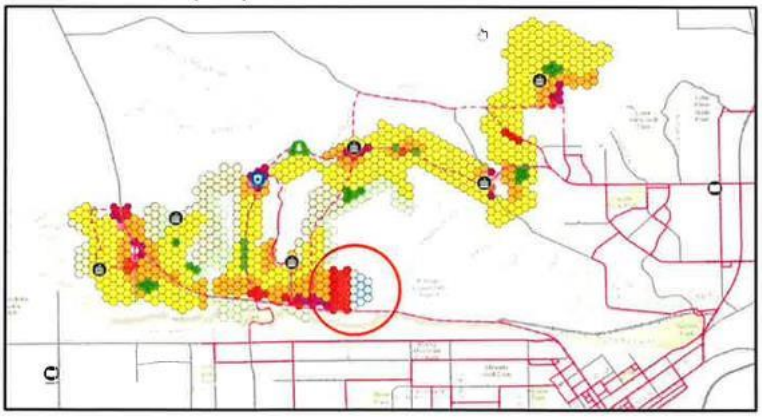
NORTH HIGH DENSITY SCENARIO (NHD)



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 March, 2021.

PASSED, ADOPTED and APPROVED on second reading this 12th day of April, 2021.

CITY OF BILLINGS

BY:_____

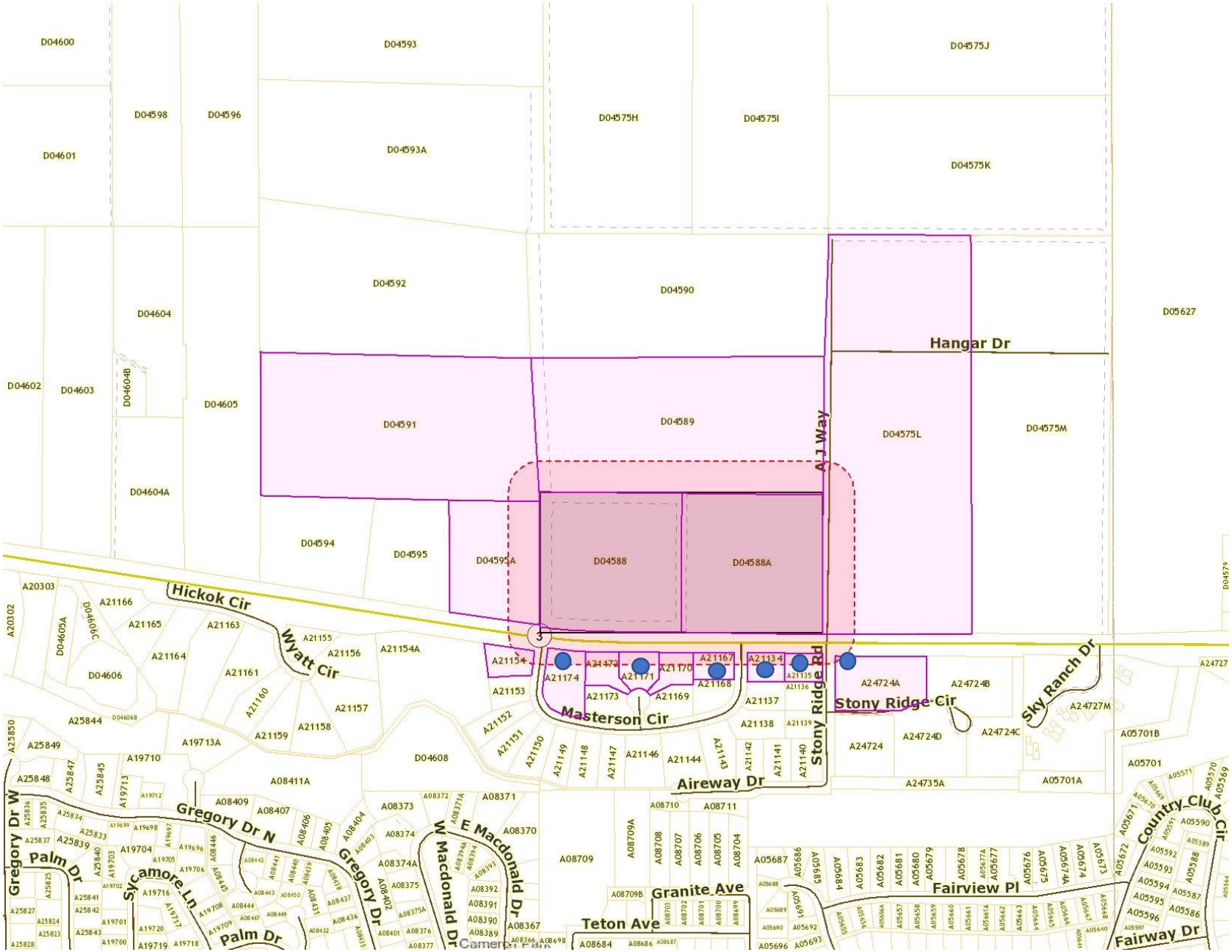
William A. Cole, Mayor

Attest:

BY:_____

Denise R. Bohlman, City Clerk

Zone Change 987 – Highway 3 and AJ Way



Zone Change 987 – Valid Protest area ● = lot in protest

	TAX_ID	Owner Name	Num	Street	Suffix	ShortLegalDescription	Protest (Y/N)
1	A21134	DOSSETT, ROBERT O DOSSETT, BRENDA K	3420	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 1, Lot 1	Yes
2	A21135	BELEY, JAMES R BELEY, BECKIE J	3382	STONY RIDGE	RD	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 1, Lot 2	Yes
3	A21154	GALARNEAU, GORDON D JR GALARNEAU, RINDA	NULL	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 1, Lot 21	
4	A21167	PAYNE, STEVE M PAYNE, LISHA V	3441	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 3, Lot 1	Yes
5	A21170	MOSER, KEVIN MOSER, SCOTTI	3471	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 3, Lot 4	
6	A21171	EVANS, HOWARD C EVANS, JUDITH L	3481	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 3, Lot 5	Yes
7	A21172	FERGUS, DENNIS FERGUS, ROLEENE F	NULL	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 3, Lot 6	
8	A21174	KIRKWOOD, JOLEEN P	3551	MASTERSON	CIR	SAND CLIFF SUBD, S26, T01 N, R25 E, BLOCK 3, Lot 8A, AMD BLK 3 LTS 8-9 (17)	Yes
9	A24724 A	SKYLINE PARTNERSHIP	2289	STONY RIDGE	RD	STONY RIDGE SUBD, S26, T01 N, R25 E, BLOCK 1, Lot 2, 2.468A (95)	Yes
10	D04575 L	AVIATION PROPERTIES LLC	3655	A J WAY	NULL	S26, T01 N, R25 E, C.O.S. 2037, PARCEL 13, TR 13 IN NE4, COS 2037	
11	D04589	AVIATION PROPERTIES LLC				S26, T01 N, R25 E, C.O.S. 1889, PARCEL 2	
12	D04591	AVIATION PROPERTIES LLC				S26, T01 N, R25 E, C.O.S. 1889, PARCEL 4	
13	D04595 A	PARKER, MARK D	2517	HIGHWAY 3	NULL	S26, T01 N, R25 E, C.O.S. 1085, PARCEL 2B1, AMEND 5.500 ACRES (97)	

13 properties within 150 feet of boundary of Zone Change 987 - Tracts 1A and 1B of C/S 1889
4 properties must protest the zone change for a "valid protest"

A "valid protest" will require a 2/3 majority of the present and voting members of the City Council for approval

6 properties are in protest – this is a valid protest against Zone Change 987

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Story Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

	NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)*
*	James R. Beley	James R Beley	3382 Stoney Ridge Rd Billings MT 59106
*	Beckie J Beley	Beckie J Beley	3382 Stoney Ridge, Rd Billings, MT 59106

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2825 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

* Valid Protest within 150 ft. of zone change property.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Stony Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME **(PRINT)**	SIGNATURE	PROPERTY OWNED (ADDRESS)*
Theresa Helus	Theresa A. Helus	3362 Stony Ridge Rd. Billings, MT 59106
James Helus	James A Helus	3362 Stony Ridge Rd. Billings, MT 59106
J		
	not w/in 150 ft	

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2826 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Stoffy Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)*
Joleen Kirkwood		3551 Masterson Circle Blgs 59106

RECEIVED
FEB 17 2021
PLANNING & COMMUNITY SERVICES DEPARTMENT

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2825 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

RECEIVED
FEB 1[illegible] 2021
GENERAL LOCATION SERVICES DEPARTMENT

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: NW corner of intersection of Hwy 3 & Story Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)*
Robert O. Dossett	ROD	3420 Masterson Circle Lot 1, Blk 1 - Sand Cliff S/D
Brenda K. Dossett	Brenda K. Dossett	3420 Masterson Circle Lot 1, Blk 1 - Sand Cliff S/D
[illegible]	Richard L. Vande Veegaete	3470 Masterson
Jill A Scarpari	Jill A Scarpari	3440 Masterson Circle
Paul R Scarpari	PAUL R. SCARPARI	3440 MASTERSON CIRCLE
Steven M. Payne	Steven M. Payne	3441 Masterson Cir
Lisha V. Payne	Lisha V. Payne	3441 Masterson Cir.

3470 Masterson
not within 150 ft
of Tracts 1A & 1B C/S 1889
3440 Masterson
not within 150 ft

Please Note: Anyone can sign [illegible] st a zone change for property more than 150 feet from the zone cha[illegible]" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2826 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Story Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)*
Howard C. Evans	Howard C. Evans	3481 Masterson Circle
Judith L. Evans	Judith L. Evans	3481 Masterson Cir. 59106

RECEIVED
FEB 05 2021
PLANNING & COMMUNITY
SERVICES DEPARTMENT

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change.
If the property is owned by more than one person, all owners must sign the petition.
* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2826 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE 987

GENERAL LOCATION: Hwy 3

RECEIVED
FEB 03 2021
PLANNING & COMMUNITY SERVICES DEPARTMENT

WE, the undersigned are against the above proposed zone change:

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)
Mitch Palmer	Mitch Palmer	21.5 ac. 4045 Rod & Gun Club Rd.

more than 150 ft from Tracts 1A + 1B C/S 1884

Please note protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council.

Protest Petition must be received by the Planning Department by 5:00 pm on the Friday before the first City Council meeting

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Story Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME **(PRINT)**	SIGNATURE	PROPERTY OWNED (ADDRESS)*
Tim Blattie		2745 Hwy 3, Billings MT
Sonja Blattie	Bonnie Blattie	2745 Hwy 3 Billings MT 59106
	Not within 150 feet	

RECEIVED
FEB 18 2021
PLANNING & COMMUNITY SERVICES DEPARTMENT

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2825 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Stony Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)*
JAMES L. GRUBBS	J L Grubbs	3342 STONY RIDGE RD
BARBARA S GRUBBS	Barbara S Grubbs	3342 Stony Ridge Rd
	Not within 150 ft	

RECEIVED
FEB 22 2021
PLANNING & COMMUNITY SERVICES DEPARTMENT

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2825 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

PETITION AGAINST CITY ZONE CHANGE

ZONE CHANGE ___987_____

GENERAL LOCATION: _NW corner of intersection of Hwy 3 & Story Ridge Rd._____

WE, the undersigned are against the above proposed zone change:

NAME **(PRINT)**	SIGNATURE	PROPERTY OWNED (ADDRESS)*
James and Christine Scott	James Scott Christine Scott	2244 Story Ridge Rd. lot 5
Story Ridge Development by James + Christin Scott	James R Scott Christine Scott	2290 Story Ridge Rd. lot 1 2202 Story Ridge Rd lot 4
Skyline Partnership by James + Christine Scott	James R Scott Christine Scott	2289 Story Ridge Rd lot 2 2201 Story Ridge Rd lot 3

Please Note: Anyone can sign this protest petition; however, protests against a zone change for property more than 150 feet from the zone change property will not trigger a "valid protest" vote by the City Council. A "valid protest": requires 25% or more valid protest signatures that is owners within 150 feet from the zone change property. A "valid protest" will require a 2/3 majority vote of the Council to approve the zone change. If the property is owned by more than one person, all owners must sign the petition.

* Not your mailing address unless the property and mailing address are the same.

Protest Petitions must be received by the Planning Department, 2826 3rd Ave N, Blgs. Mt 59101 4th FL, by 5:00 pm on the Friday, February 19th before the City Council meeting on Monday February 22, 2021 at 5:30 pm.

City Council Regular

Date:	03/22/2021
Title:	Public Hearing and Resolution- Annexation 20-05A
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)

Aviation Properties, LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located East of AJ Way. The property is described as 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 Amended Plat of Tracts 13 and 14 of Certificate of Survey 2037, being Tract 14-A of said proposed Amended Certificate of Survey 2037.

The property contains 27.488 gross and 25.956 net acres. The property is currently zoned Heavy Commercial (CX).

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.

•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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• 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.

• Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.

• Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.

• 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.

• 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.

• Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.

• 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 initially posted on the property on February 5, 2021 and published in the *Yellowstone County News* on February 5 and 12. Upon delay of the initial application staff reposted the property on March 5 and a new legal ad was published in the Yellowstone County News on March 5 and March 12, 2021.

The City Council has received several emails related to parts of this project (Development Agreement, Zone Change 987) but no comments directly related to the Petition for Annexation itself. It should be noted, this agenda item is for AN20-05A, parcels east of AJ Way. There is no associated zone change with this parcel as the property is already zoned CX, a zone district shared between the City and County. The property does not require a zone change to be annexed. The Council, as part of a separate petition (AN 20-05B) will consider ZC 987.

ALTERNATIVES

The City Council may approve or deny the petition for annexation. Denial of the petition will mean the City Council cannot consider other agenda items related to this property.

- 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, 2021, the City Council was scheduled to take action on the petition. At the request of the developer, the item was delayed to March 22nd.
- On February 24, 2021, the applicants amended the petition for annexation separating the parcels east of AJ way into one petition, and the parcels west of AJ lane into another petition.
- On March 22, 2021, the City Council will consider the petition for annexation. Annexations also request Ward Boundary Ordinance amendments. Upon favorable action, the Council will hold a public hearing on the Ward Boundary on March 22nd. The second reading will occur on April 12, 2021.

FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Annexation Resolution 20-05A

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:

   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 Amended Plat of Tracts 13 and 14 of Certificate of Survey 2037, being Tract 14-A of said proposed Amended Certificate of Survey 2037, Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 27.488 gross and 25.956 net acres.

(# 20-05A) See Exhibit "20-05 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 March, 2021.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

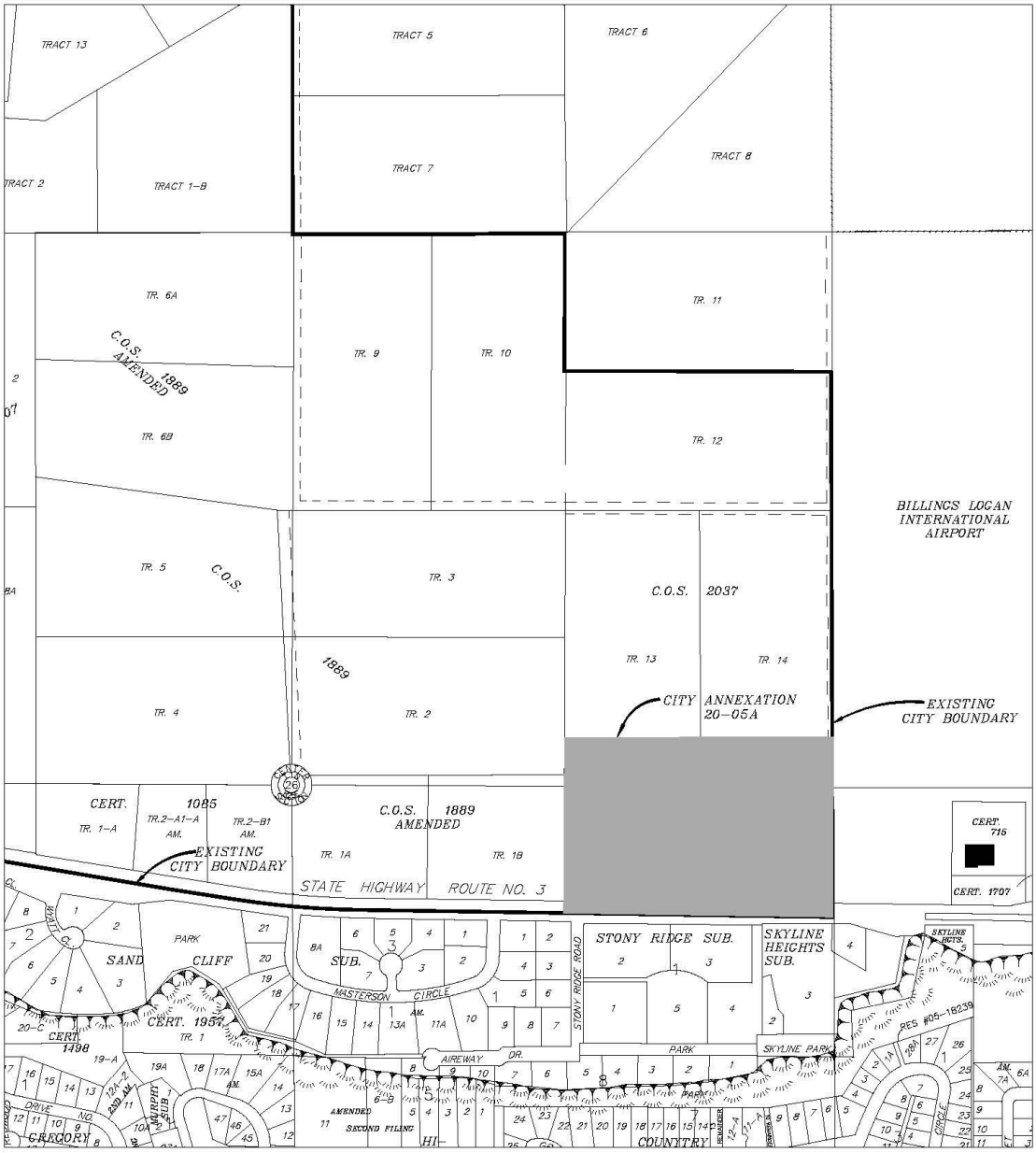
ATTEST:

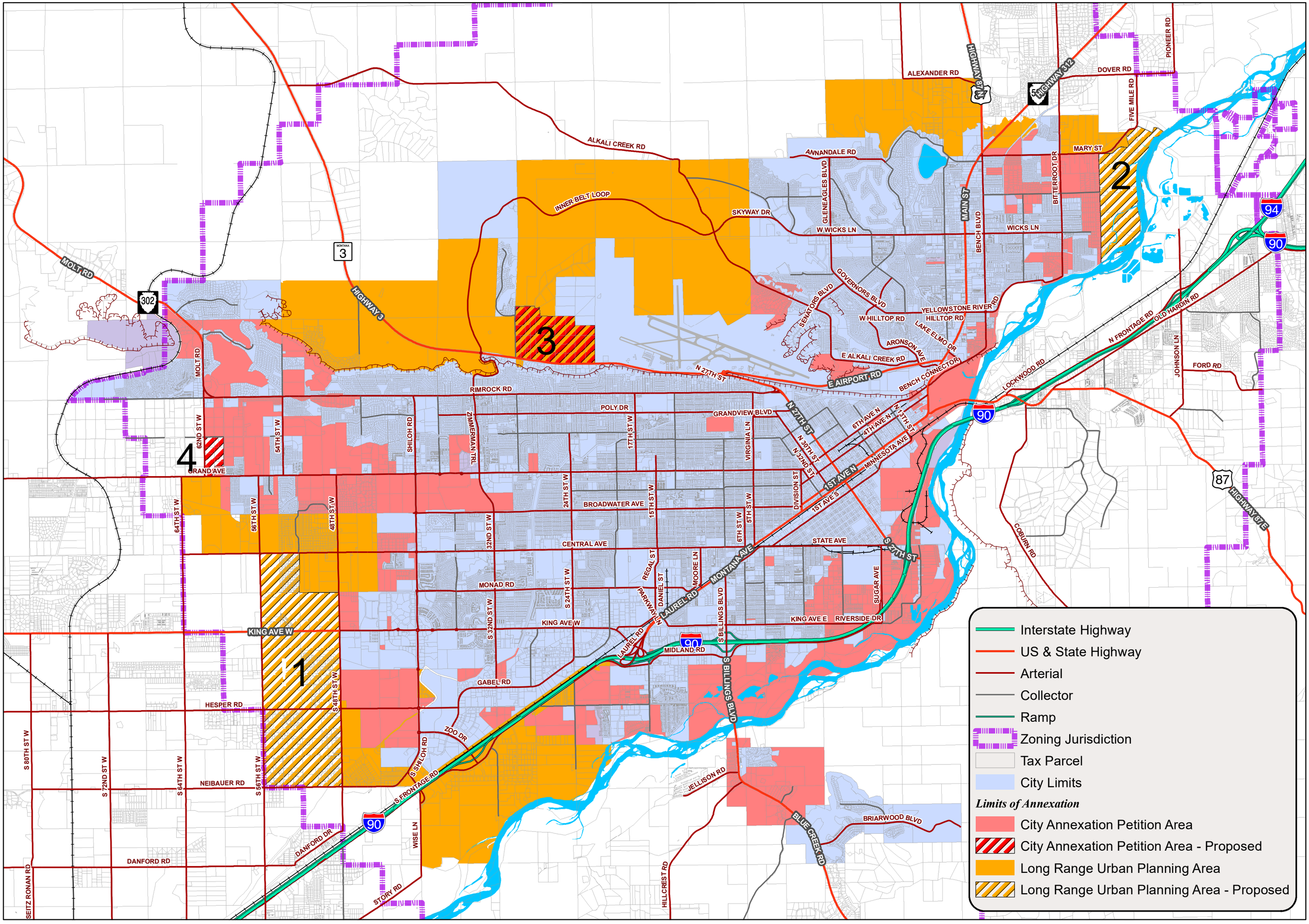
BY: _____

Denise R. Bohlman, City Clerk

(AN# 20-05A)

EXHIBIT "20-05 A"





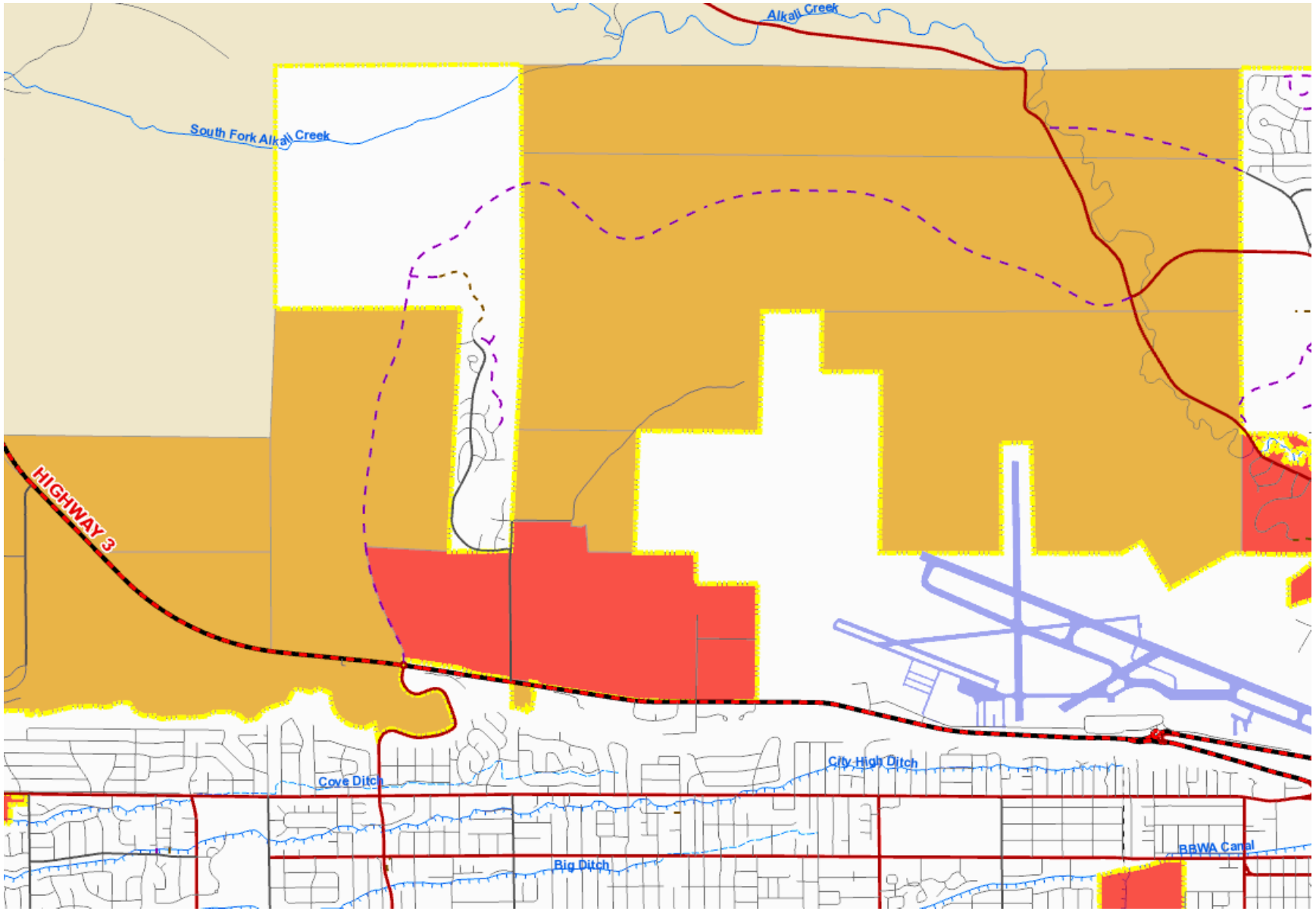
Limits of Annexation Map

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



Limits of Annexation Map - Red = Petition Area

City Council Regular

Date:	03/22/2021
Title:	Development Agreement with Aviation Properties for Certificate of Survey 2037 Amended
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 voted to delay action on the development agreement until the March 22, 2021 council meeting. Also, at the March 22, 2021 meeting, City Council will consider annexation of Certificate of Survey 2037, Tract 14A. Certificate of Survey 2037, 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 property proposed to be annexed is 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 development agreement requires improvements that meet current subdivision regulations. In addition, the development agreement defines lots in the development that may be required to participate in future Special Improvement Districts. There are no fiscal effects of this development agreement unless subdivision regulations change in the future.

Attachments

Amended Plat

Map
Development Agreement Tract 14A

AMENDED PLAT OF

TRACTS 13 AND 14 OF CERTIFICATE OF SURVEY 2037

LOCATED IN THE E 1/2 OF SECTION 26, TOWNSHIP 1N, RANGE 25E, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : AVIATION PROPERTIES, LLC

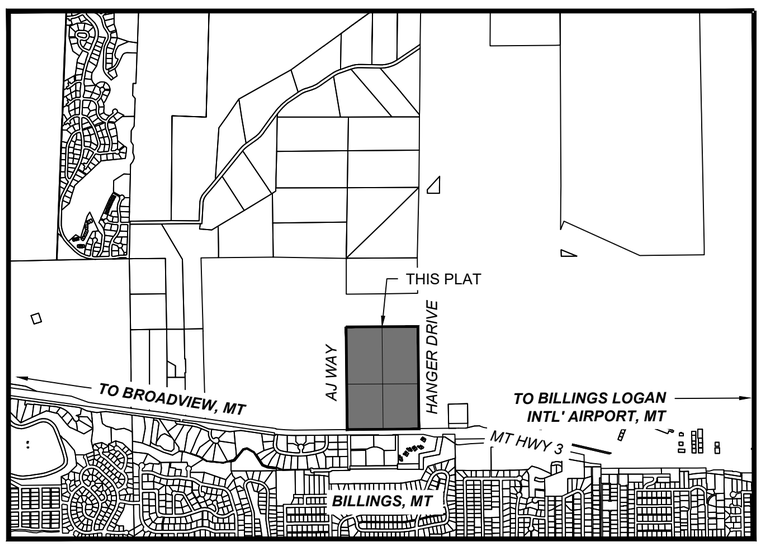
PREPARED BY : PERFORMANCE ENGINEERING, LLC

PURPOSE OF SURVEY : BOUNDARY RELOCATION

TOTAL AREA : ± 58.68 ACRES

DATE : FEBRUARY 2021

COUNTY EXEMPT PLAT

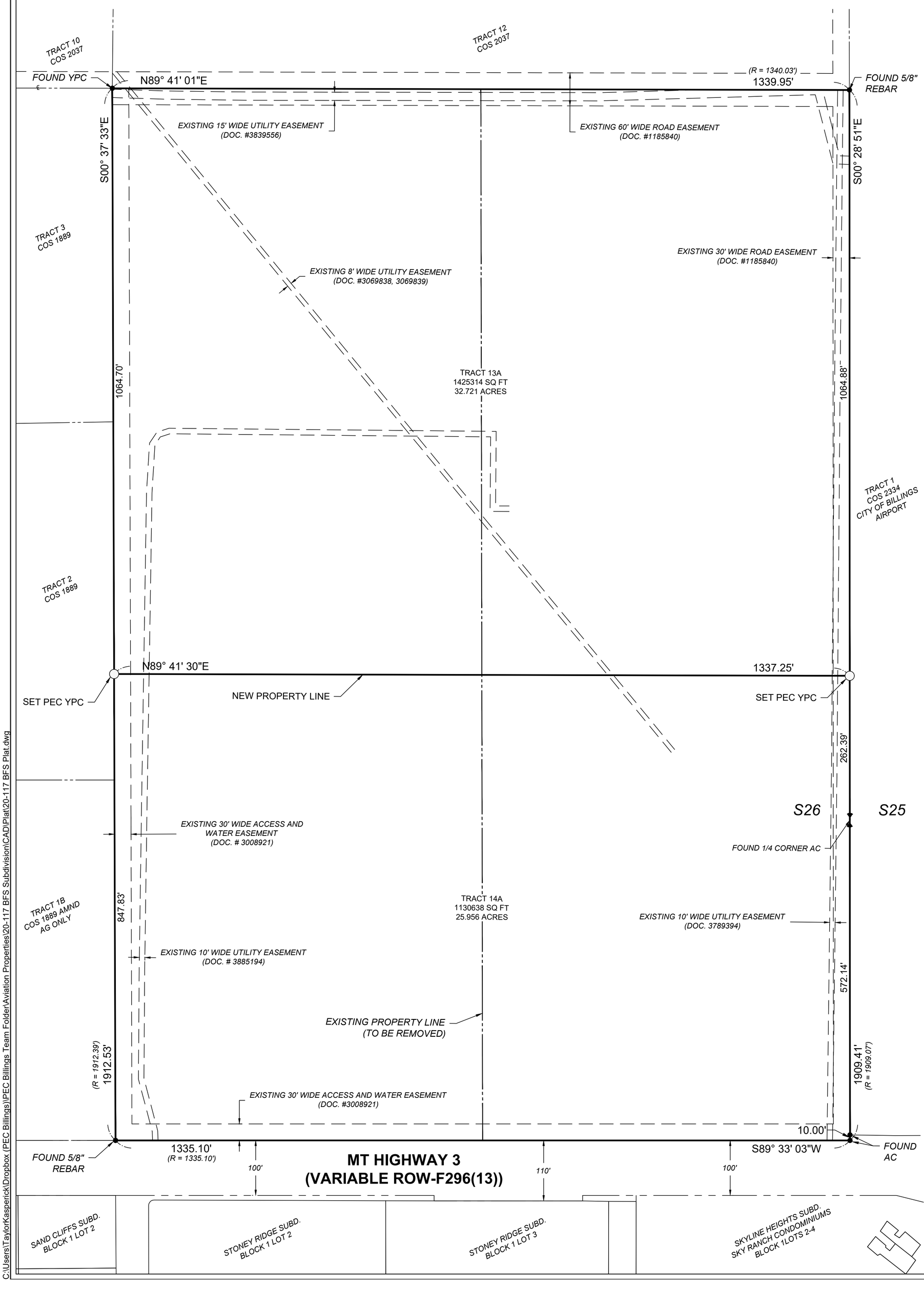


VICINITY MAP
NOT TO SCALE

LEGEND

- = FOUND QUARTER-CORNER
- = PROPERTY CORNER, FOUND AS DESCRIBED
- = PROPERTY CORNER, SET PEC YPC
- = PROPOSED PROPERTY BOUNDARY
- = EXISTING PROPERTY BOUNDARY
- = EASEMENT LINE

0 100 200
IN FEET



LEGAL DESCRIPTION

Tracts 13 and 14 of Certificate of Survey 2037 filed as Document No. 1185840, within the East 1/2 of Section 26, T01S, R26E, P.M.M., Yellowstone County, Montana.

Said tracts of land contain a gross and net area of 58.68 acres, more or less, and is subject to any easement, reservations, or other encumbrances that have been legally acquired. Easements shown on plat do not represent all those encumbrances said tracts are subject to.

CERTIFICATE OF EXEMPTION - RELOCATION OF COMMON BOUNDARY

I certify that the purpose of this survey is to relocate common boundaries between adjoining properties existing inside the previous Certificate of Survey 2037. Therefore, this survey is exempt from review as subdivision pursuant to Section 76-3-207 (1)(a), M.C.A.

Furthermore, this survey is exempt from review by the Department of Environmental Quality pursuant to Section 76-4-102 (22), M.C.A. Tracts 13A and 14A are both larger in area than 20 acres, and therefore do no qualify for review as a subdivision under Section 76-4 Part 1, M.C.A.

_____
Aviation Properties, LLC | Erin Heringer

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 person who signed the foregoing instrument as the _____ of Aviation Properties, LLC. and who acknowledged to me that said company executed the same. Witness my hand and the seal the day and year herein above written.

_____
Print Name

_____
Notary Public in and for the State of MONTANA
Residing at_____

My commissions expire_____

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 CITY-COUNTY HEALTH DEPARTMENT

This Certificate of Survey has been reviewed and approved by the Yellowstone County Health Department.

Dated this _____day of _____, 20_____.

_____
Yellowstone County Health Dept. (DBA Riverstone Health)

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 and Tract 14 of Certificate of Survey 2037.

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 from COS #3755

State Plane Grid North with Ground International Feet Projection at:

North Latitude:	45° 48' 15.65544"
West Longitude:	108° 34' 29.61183" W
Ellipsoid Ht:	3644.17 SFT
Meridian Convergence Angle:	0° 40' 36"
Mapping Scale Factor:	1.0005618

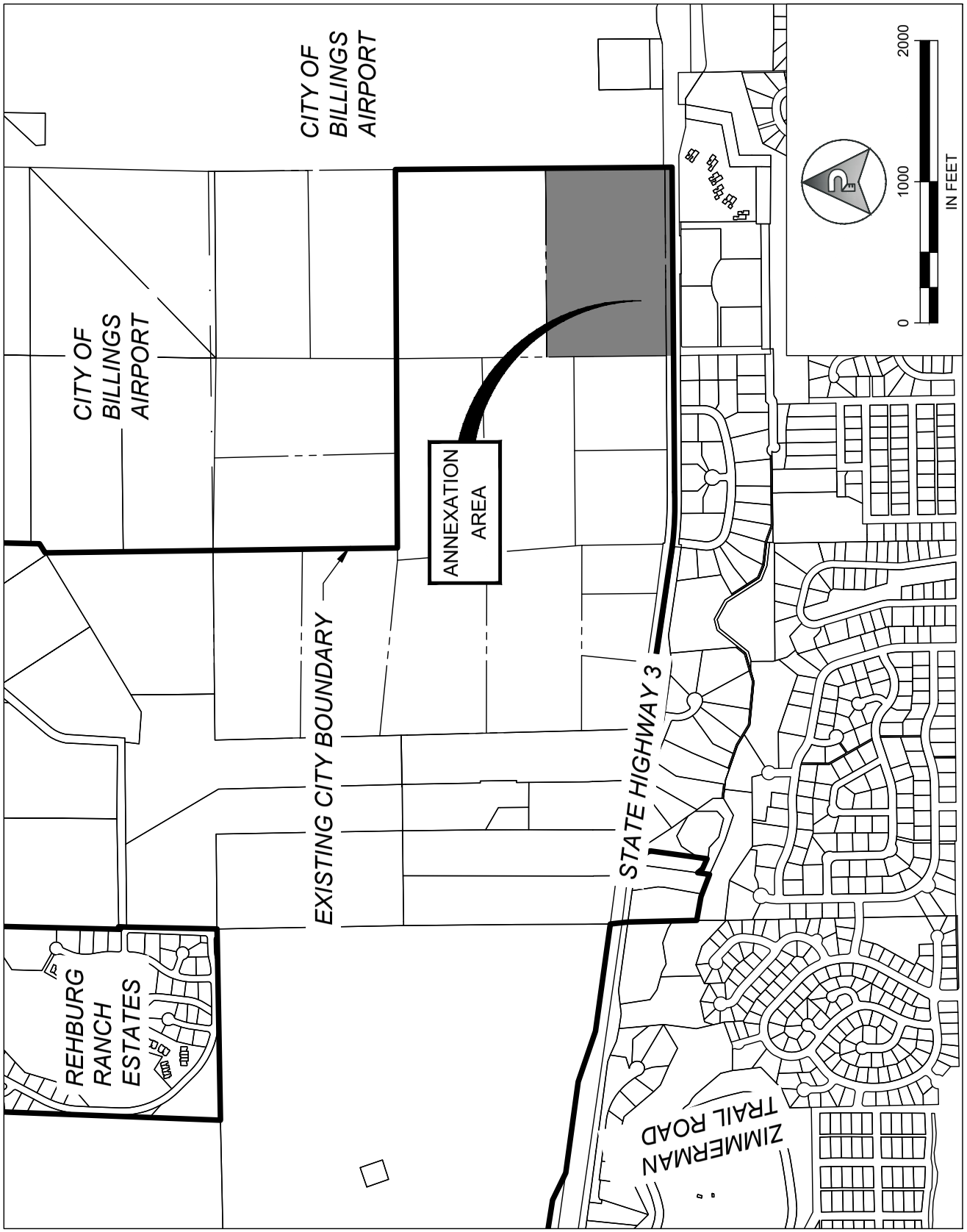
Distance are in International Foot Ground Units.

SURVEYORS NOTE

Unless otherwise noted, record distances between found monuments shown hereon are within local accepted practice.

SHEET 1 OF 1

2/10/2021 3:22:13 PM PEC STANDARD BW.CTB
C:\Users\TaylorKasperick\Dropbox (PEC Billings)\PEC Billings Team Folder\Aviation Properties\20-117 BFS Subdivision\CAD\Plat\20-117 BFS Plat.dwg



PROJECT TITLE
PETITION FOR ANNEXATION
C.O.S. 2037 AMENDED

SHEET TITLE
VICINITY MAP

DRAWN BY
TJK

DATE
Feb-21

CHECKED BY
CD

CLIENT
AVIATION
PROPERTIES, LLC

PERFORMANCE ENGINEERING
608 NORTH 29TH STREET
BILLINGS, MT 59101
(406) 384-0080
www.performance-ec.com

EXHIBIT
EX A

COPYRIGHT 2021 ©

C:\Users\Taylor\Kasperick\Dropbox (PEC Billings)\PEC Billings Team Folder\Aviation Properties\20-117 BFS Subdivision\CAD\REF\20-117 Annexation Exhibits.dwg
2/24/2021 5:45 PM
COLOR TBL - PE Standard.ctb

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PROJECT TITLE
PETITION FOR ANNEXATION
C.O.S. 2037 AMENDED

SHEET TITLE
AREA DETAIL MAP

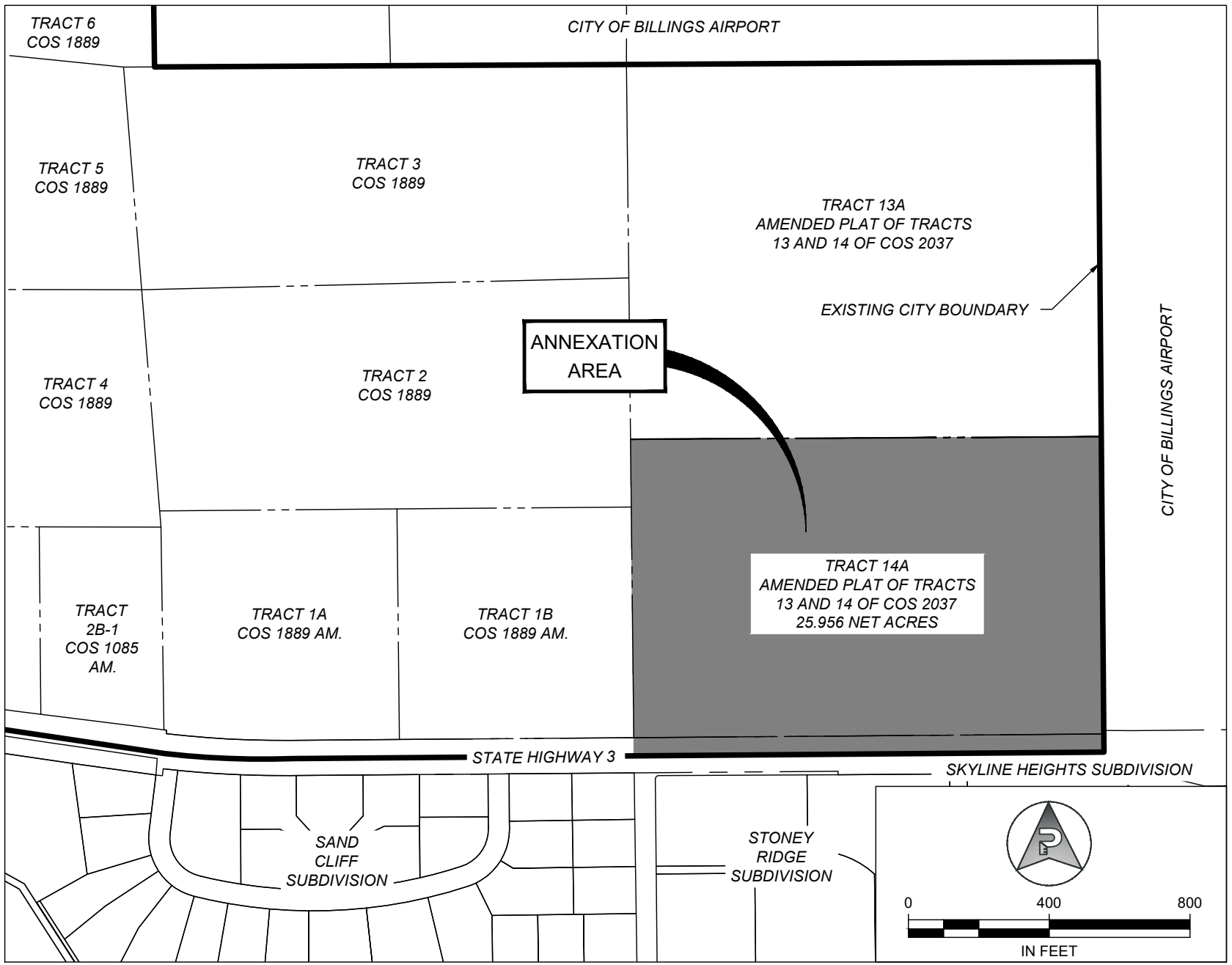
DRAWN BY TJK
DATE Feb-21
CHECKED BY CD

CLIENT
AVIATION PROPERTIES, LLC

PERFORMANCE ENGINEERING
608 NORTH 29TH STREET
BILLINGS, MT 59101
(406) 384-0080
www.performance-ec.com

EXHIBIT
EX B

COPYRIGHT 2021 ©



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. _____), of which plat is on file and recorded at the Yellowstone County Clerk and Recorder's Office. Above referenced property is 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 to the City; and

WHEREAS, DEVELOPER is proposing to develop the Developer Tract in phases over time; and

WHEREAS, CITY has approved the Petition for Annexation by Resolution No. _____ for the Developer Tract 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 Tract 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 at the time of construction.

2. *Sanitary Sewer.* The Developer Tract 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. 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 Tract 14A can be assessed for installation of sanitary sewer along the State Highway 3 frontage of Tract 14A. 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 Tract 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 Tract in accordance with the City of Billings Stormwater Management Manual (2018). If storm drain is extended along the frontage of Tract 14A in Highway 3, all of Tract 14A can be assessed for the proportionate share of storm drain.

5. *Right-of-Way.* Public 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 City requirements. Similarly, at the time of development of each additional tract included in the Developer Tract, 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 Tract can be assessed for installation of the sidewalk/trail along the State Highway 3 frontage of Developer Tract. 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.

9. *Compliance.* Nothing herein shall be deemed to exempt the Developer Tract 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.

10. *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.

11. *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.

12. *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 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. _____), of which plat is 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:_____

City Council Regular

Date:	03/22/2021
Title:	Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 20-05A
Presented by:	Monica Plecker
Department:	Planning & Community Services
Presentation:	No

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 East of AJ Way. The property is described as 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 Amended Plat of Tracts 13 and 14 of Certificate of Survey 2037, being Tract 14-A of said proposed Amended Certificate of Survey 2037, Including all adjacent rights-of-way of Montana State Highway No. 3.The property contains 27.488 gross and 25.956 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 April 12, 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 20-05A

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:

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 Amended Plat of Tracts 13 and 14 of Certificate of Survey 2037, being Tract 14-A of said proposed Amended Certificate of Survey 2037, Including all adjacent rights-of-way of Montana State Highway No. 3.

Said annexation containing 27.488 gross and 25.956 net acres.

(# 20-05A) See Exhibit "20-05 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 March, 2021.

PASSED by the City Council on the second reading this 12th day of April, 2021.

THE CITY OF BILLINGS:

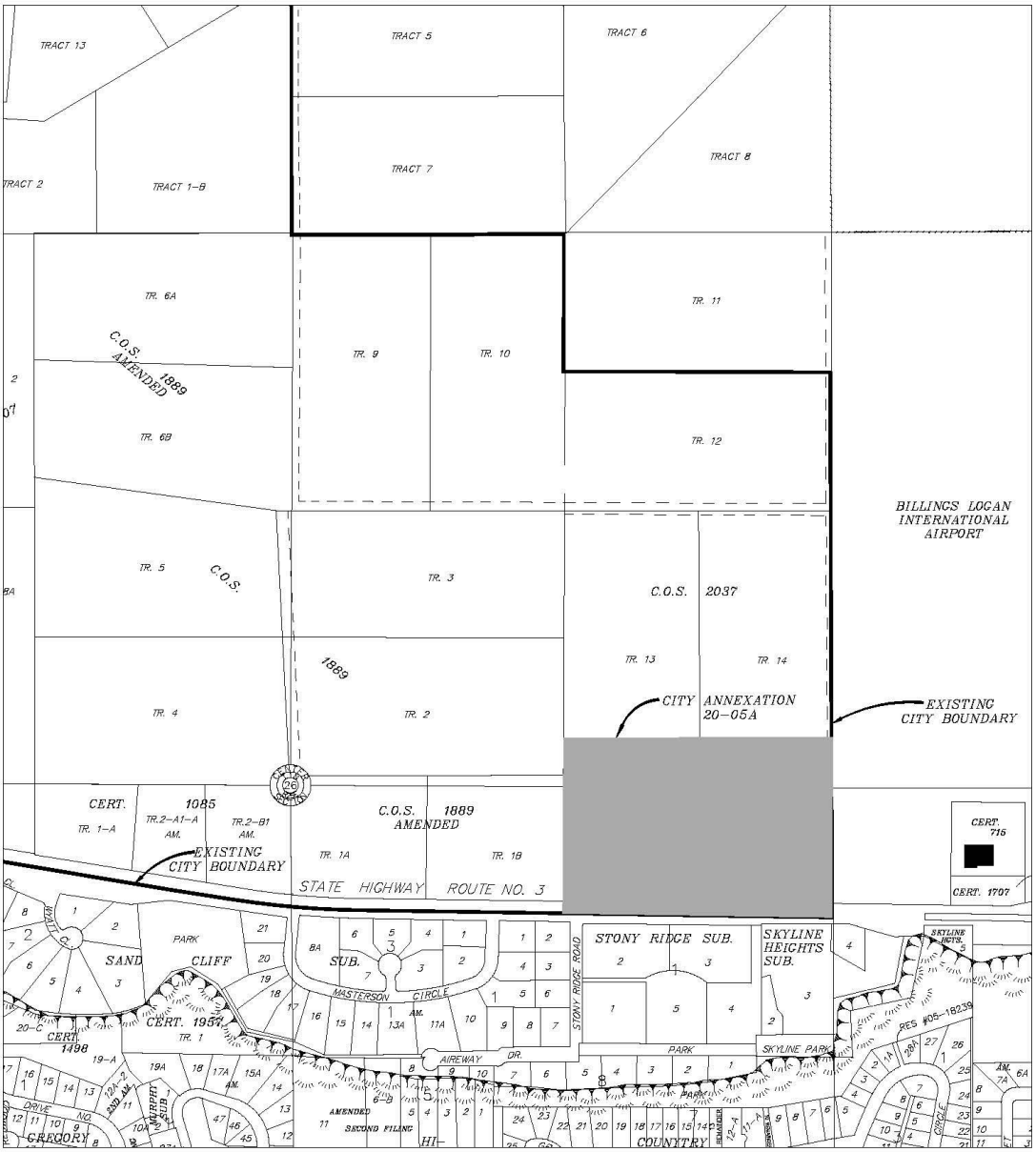
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(AN 20-05A)

EXHIBIT "20-05 A"



City Council Regular

Date:	03/22/2021
Title:	Public Hearing and Resolution- Annexation 21-02
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)

Crown Enterprises, Inc. submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of the South Frontage Road, East of East Lane and North of Elysian Road and West of Hogan's Slough. The property is legally described as Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, recorded September 09, 2020, under Document No. 3937860, on file and of record in the Records of Yellowstone County. Including all adjacent rights-of-way of South Frontage Road, Interstate 90, Hogans Slough and Bike Path Right-Of-Way as shown and dedicated within QFC Subdivision, First Filing, recorded May 15, 2019, under Document No. 3882956, on file and of record in the Records of Yellowstone County. The annexation contains 19.240 gross and 16.000 net acres. The property is zoned Heavy Commercial (CX).

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. The Map is ultimately approved by Council and signals to property owners and developers the suitability of land to be annexed and considers the availability of services within a reasonable amount of time.

Departmental Response: City and County Departments were given the opportunity to

comment on this annexation. City departments responded favorably and their responses are provided below. The County Public Works Department did not respond to this annexation request.

•Water and Sanitary Sewer: Public water and a sanitary sewer mains exist in right-of-way nearby. Specifically, the Lot will be served by a new water main in the South Frontage Road right-of-way. The 12-inch water main will extend from the tie-in point on East Lane to the east lot line of the annexed parcel. Additionally, the Lot will be served by extending a new appropriately sized sanitary sewer main in the existing right-of-way along the east boundary of the QFC Subdivision. The sanitary sewer main will extend from the tie-in location near Elysian Lane to the north lot line. A Development Agreement is required as part of this annexation and Council will consider the proposed agreement following action on this petition.

• Storm water: There is no City storm drain available in the area. The owner will manage storm drainage on the site in accordance with the City of Billings Stormwater Management Manual (2018).

• Transportation: Lot 5 of QFC Subdivision will be accessed by way of approaches along the Frontage Road. 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. Traffic studies are required if the development meets the criteria that is part of the Site Development ordinance and Subdivision Regulations (500 trips per day). For this site, the developer is required to construct a 10’ multi-use trail along the south side of the Frontage Road.

• 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 Fire Station #5, located on 24th Street West, about 2.18 road miles from the subject property.

• 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.

• School facilities: The subject property being a commercial development has 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 both the Fire Department and Police Department in comments did note concerns as additional property is annexed into the City.

• Transit: Expansion in outlying areas does create a burden for MET transit. MET does not currently have a route serving the property. The closest routes are 13-Westend and 19-The Loop, both of which travel along Mullowney Lane/King Ave. Should further development occur, MET may evaluate the area for potential service, however, the aforementioned routes are within walking distance.

• 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.

• Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.

• Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.

• 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.

• 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.

• Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.

• 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. This property is within the Limits of Annexation Map, City Annexation Petition Area and is expected to be brought into the City and developed. The Planning and Community Services Department supports this annexation to continue to have this developing area served by the City, built to municipal standards, and to protect the Yellowstone River corridor and the groundwater from additional septic system pollution.

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 March 5, 2021 and published in the *Yellowstone County News* on March 5 and 12.

ALTERNATIVES

The City Council may approve or deny the petition for annexation. Denial of the petition will mean the City Council cannot consider other agenda items related to this property.

- On January 12, 2021 the applicants submitted the petition for annexation
- On March 22, 2021 the City Council will hold a public hearing and consider action on the petition. Annexations also require Ward Boundary Ordinance amendments. Upon favorable action, the Council will hold a public hearing on the Ward Boundary at this meeting. The second reading will occur on April 12, 2021.

FISCAL EFFECTS

This application 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 SW 1/4 of Section 18, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

   Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, recorded September 09, 2020, under Document No. 3937860, on file and of record in the Records of Yellowstone County.

   Including all adjacent rights-of-way of South Frontage Road, Interstate 90, Hogans Slough and Bike Path Right-Of-Way as shown and dedicated within QFC Subdivision, First Filing, recorded May 15, 2019, under Document No. 3882956, on file and of record in the Records of Yellowstone County.

   Said annexation containing 19.240 gross and 16.000 net acres, more or less.

(# 21-02) 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 March, 2021.

CITY OF BILLINGS:

BY: _____

William A. Cole, Mayor

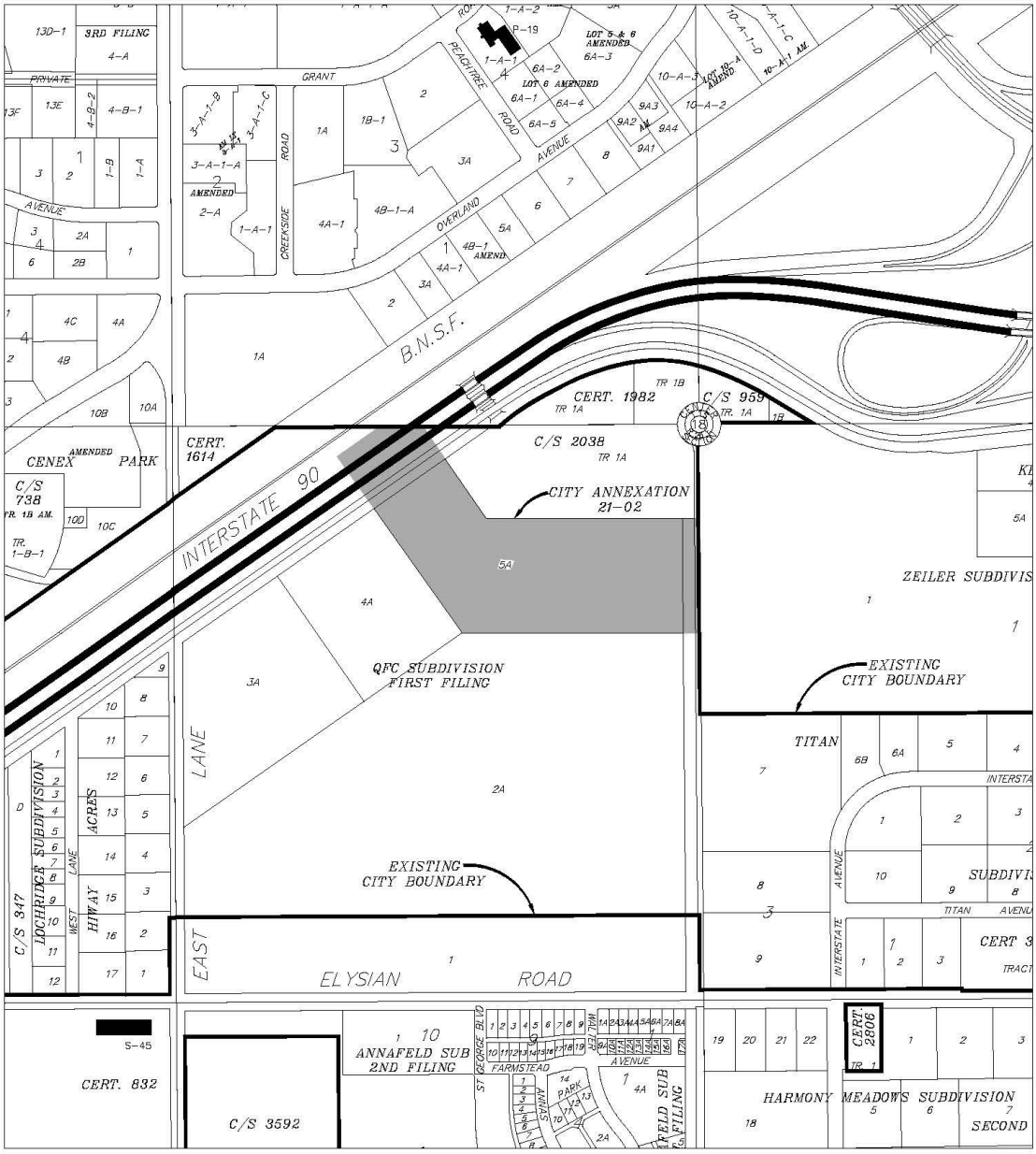
ATTEST:

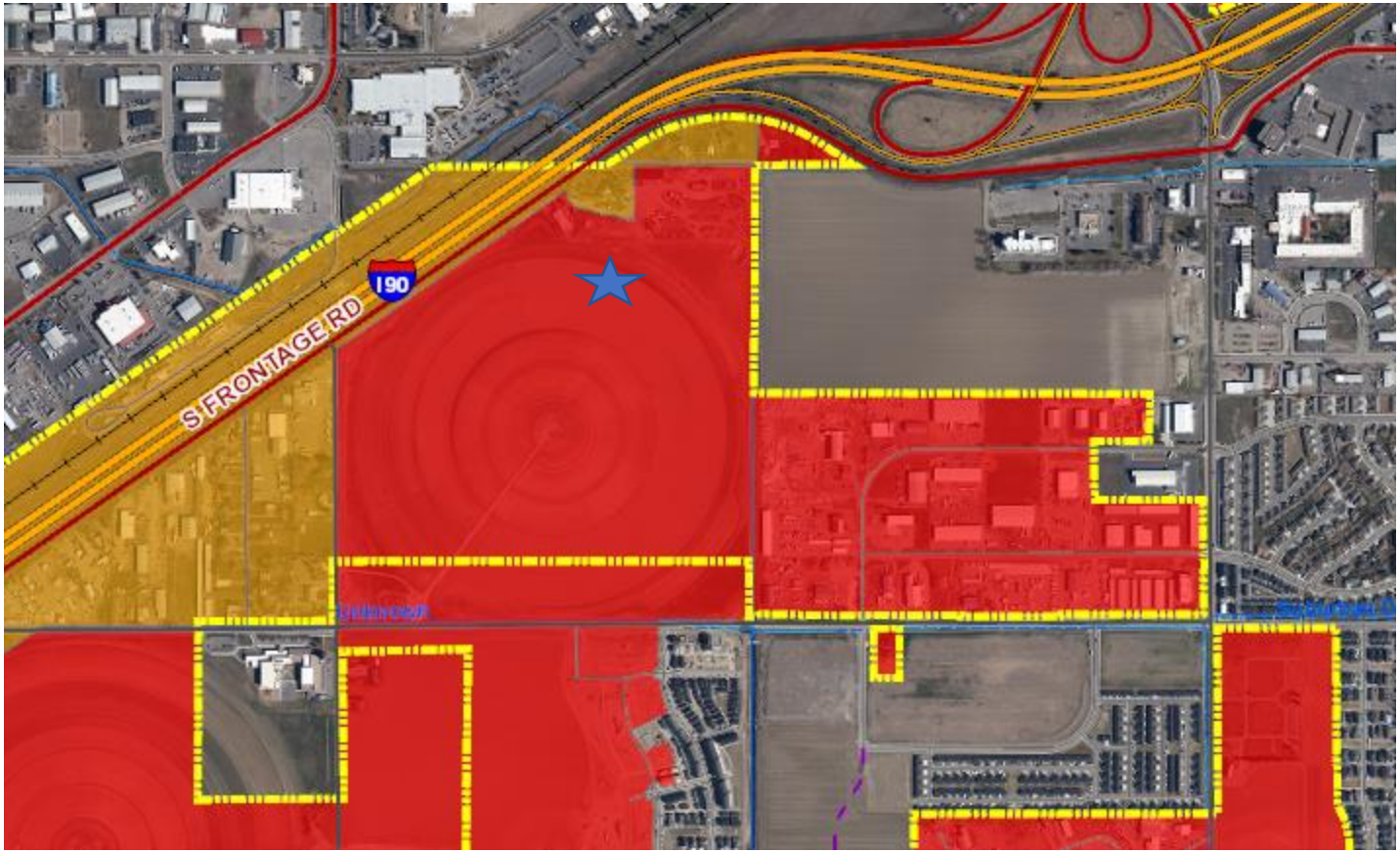
BY: _____

Denise R. Bohlman, City Clerk

(AN# 21-02)

EXHIBIT "A"


CITY ANNEXATION
21-02
EXISTING
CITY BOUNDARY
EXISTING
CITY BOUNDARY
INTERSTATE 90
B.N.S.F.
CERT. 1982
C/S 959
C/S 2038
TR 1A
CERT. 1614
CENEX PARK
AMENDED
C/S 738
TR. 1B AM.
TR. 1-B-1
QFC SUBDIVISION
FIRST FILING
ZEILER SUBDIVIS
TITAN
LOCHRIDGE SUBDIVISION
C/S 347
WEST HIWAY LANE
ACRES
EAST LANE
ELYSIAN ROAD
ANNAFELD SUB
2ND FILING
CERT. 832
C/S 3592
HARMONY MEADOWS SUBDIVISION
SECOND
CERT. 2806
PEACHTREE ROAD
GRANT AVENUE
OVERLAND AVENUE
CREEKSIDE ROAD
3RD FILING
PRIVATE
AVENUE
LOT 5 & 6 AMENDED
LOT 6 AMENDED
LOT 10-A-1 AMEND
FARMSTEAD AVENUE
ST GEORGE BLVD
PARK
S-45



Limits of Annexation Map

City Council Regular

Date:	03/22/2021
Title:	Development Agreement with Crown Enterprises
Presented by:	Debi Meling
Department:	Public Works
Presentation:	Yes

RECOMMENDATION

Staff recommends that the City Council approve the development agreement with Crown Enterprises.

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

City Council will consider annexation of QFC Subdivision, Lot 5A. The property proposed to be annexed is located south of the Frontage Road and east of East Lane. Crown Enterprises desires to develop the property as a commercial development. Typically, as a condition of approval of the annexation, the property owner enters 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.

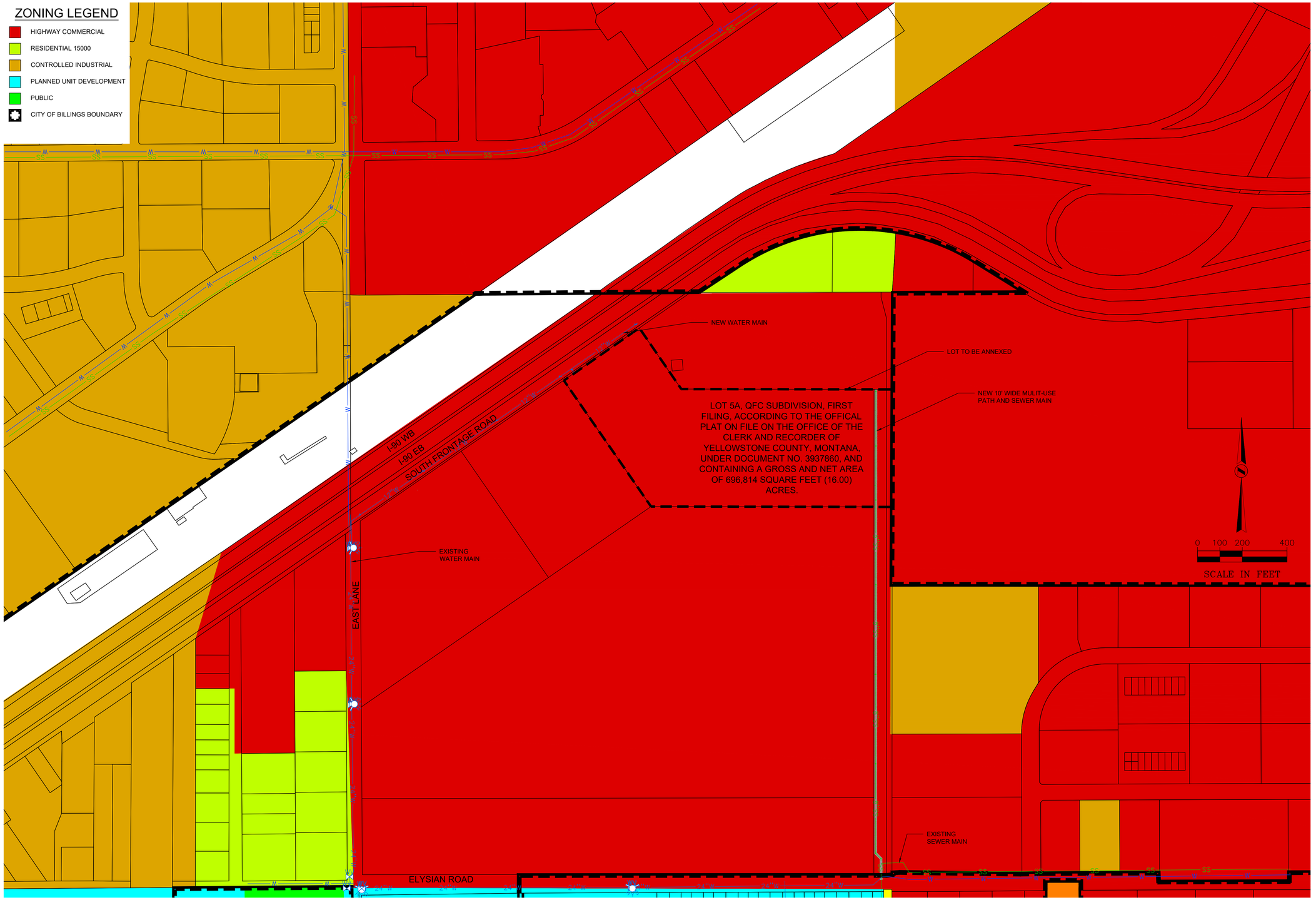
FISCAL EFFECTS

The development agreement requires improvements that meet current subdivision regulations. In addition, the development is required to construct a 10-foot multiuse path on the south side of the Frontage Road instead of a 5-foot sidewalk. This requirement is consistent with most subdivisions on arterial roads.

Attachments

Map

Development Agreement



STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com

2223 MONTANA AVE.
STE. 201
BILLINGS, MT 59101
Phone:(406)601-4055

3530 CENTENNIAL DR.
HELENA, MT 59601
Phone:(406)442-8594

851 BRIDGER DR. STE. 1
BOZEMAN, MT 59715
Phone:(406)522-9526

ISSUE/REVISION				
No.	DATE	DESCRIPTION	EOR	QCR
####	####	####		

12/15/2020

QFC LOT ANNEXATION

CROWN ENTERPRISES

ANNEXATION EXHIBIT

EXHIBIT
1 OF 1

Stahly Engineering & Associates, Inc. COPYRIGHT 2020

I:\3110-Crown Enterprises, Inc\-00120_QFC Lot Annexation\DWG\Plan Sets\Annex Exhibit.dwg, ANNEXATION EXHIBIT, Plotted: Dec 15, 2020 - 2:38pm, ltt

Return to:
Stahly Engineering & Associates, LLC
2223 Montana Avenue, Suite 201
Billings, MT 59101

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made this _____ day of _____, 2021, by and between CROWN ENTERPRISES, LLC, 12225 Stephens Road, Warren, Michigan, 48089 hereinafter referred to as "OWNER," 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." OWNER and CITY are sometimes referred to in this Agreement individually as "Party" and collectively as the "Parties."

WHEREAS, OWNER is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

Lot 5A of QFC Subdivision, 1st Filing, situated in the SW1/4 of Section 18, T 01S, R 26E, P.M.M., in the City of Billings, Yellowstone County, Montana hereinafter referred to as "Crown Lot".

WHEREAS, OWNER has submitted to CITY a Petition for Annexation for Crown Lot; and

WHEREAS, OWNER desires to annex Crown Lot to CITY; and

WHEREAS, CITY has approved the Petition for Annexation by Resolution No. _____ for the Crown Lot contingent upon a Development Agreement being executed between CITY and OWNER 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. *Access.* Lot 5A of QFC Subdivision will be accessed by way of approaches along the Frontage Road. 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.

2. *Sidewalk/Multi-use path.* A 10-foot wide path shall be constructed along the south side of the Frontage Road. The path shall be constructed at the time of lot development. The development shall be responsible for the maintenance of the sidewalk/trail after construction.

3. *Sanitary Sewer.* The Crown Lot will be served by extending a new appropriately sized sanitary sewer main in the existing right-of-way along the east boundary of the QFC Subdivision. The sanitary sewer main will extend from the tie-in location near Elysian Lane to the north lot line of the Crown Lot. OWNER will be responsible for installing the sanitary sewer system at the time of development and shall be responsible for payment of the City wastewater system development fee at the time of connection to the sanitary sewer.

4. *Water.* The Crown Lot will be served by a new water main in the South Frontage Road right-of-way. The 12-inch water main will extend from the tie-in point on East Lane to the east lot line of the Crown Lot. OWNER will be responsible for installing the water system at the time of development and shall be responsible for payment of the current City water system development fee at the time of connection to the water main. OWNER can enter into a compensation agreement to be reimbursed for one-half of the cost of construction of the 12-inch water main along the Frontage Road. This project must be publicly bid to be eligible for compensation.

5. *Storm Drain.* There is no City storm drain available in the area. The owner will manage storm drainage on the site in accordance with the City of Billings Stormwater Management Manual (2018).

6. *Right of Way.* Right of way will be dedicated to CITY in accordance with the City of Billings Subdivision Regulations.

7. *Street Construction and Widening.* Any off-site improvements would be determined by MDT at the time of development.

8. *Future Intersection Contributions*. The City may require a traffic impact study if the development meets the requirements within the Site Development Ordinance and/or City of Billing Subdivision Regulations. Traffic impact study would evaluate intersection impacts, and subsequent off-site intersection contributions or improvements may be required..

9. *Other Public Improvements.* For any other improvements not specifically listed in this Agreement, 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.

10. *Compliance.* Nothing herein shall be deemed to exempt the Crown Lot 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.

11. *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.

12. *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.

13. *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.

"OWNER" CROWN ENTERPRISES, 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_____ of OWNER, and who acknowledged to me that said OWNER 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 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:

Lot 5A of QFC Subdivision, 1st Filing, Situated in the SW1/4 of Section 18, T 01S, R 26E, P.M.M., in the City of Billings, Yellowstone County, Montana."OWNER"

CROWN ENTERPRISES, 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 OWNER, and who acknowledged to me that said OWNER 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:_____

City Council Regular

Date:	03/22/2021
Title:	Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 21-02
Presented by:	Monica Plecker
Department:	Planning & Community Services
Presentation:	No

RECOMMENDATION

Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward III.

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

Crown Enterprises, Inc. submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of the South Frontage Road, East of East Lane and North of Elysian Road and West of Hogan's Slough. The property is legally described as Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, recorded September 09, 2020, under Document No. 3937860, on file and of record in the Records of Yellowstone County. Including all adjacent rights-of-way of South Frontage Road, Interstate 90, Hogans Slough and Bike Path Right-Of-Way as shown and dedicated within QFC Subdivision, First Filing, recorded May 15, 2019, under Document No. 3882956, on file and of record in the Records of Yellowstone County. The annexation contains 19.240 gross and 16.000 net acres.

Upon Council approval, this annexation requires a change in the boundaries of Ward III. 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 April 12, 2021.

ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward III, or;
- Disapprove adding the subject property to Ward III.

Disapproval will not modify the boundary of Ward III 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 III 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 III the following described real property:

   Tracts of Land situated in the SW 1/4 of Section 18, T.1S., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

   Lot 5A, of Amended Plat of Lots 2, 3, 4, and 5 of, QFC Subdivision, First Filing, recorded September 09, 2020, under Document No. 3937860, on file and of record in the Records of Yellowstone County.

   Including all adjacent rights-of-way of South Frontage Road, Interstate 90, Hogans Slough and Bike Path Right-Of-Way as shown and dedicated within QFC Subdivision, First Filing, recorded May 15, 2019, under Document No. 3882956, on file and of record in the Records of Yellowstone County.

   Said annexation containing 19.240 gross and 16.000 net acres, more or less.

   (# 21-02) 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 March, 2021.

PASSED by the City Council on the second reading this 12th day of April, 2021.

THE CITY OF BILLINGS:

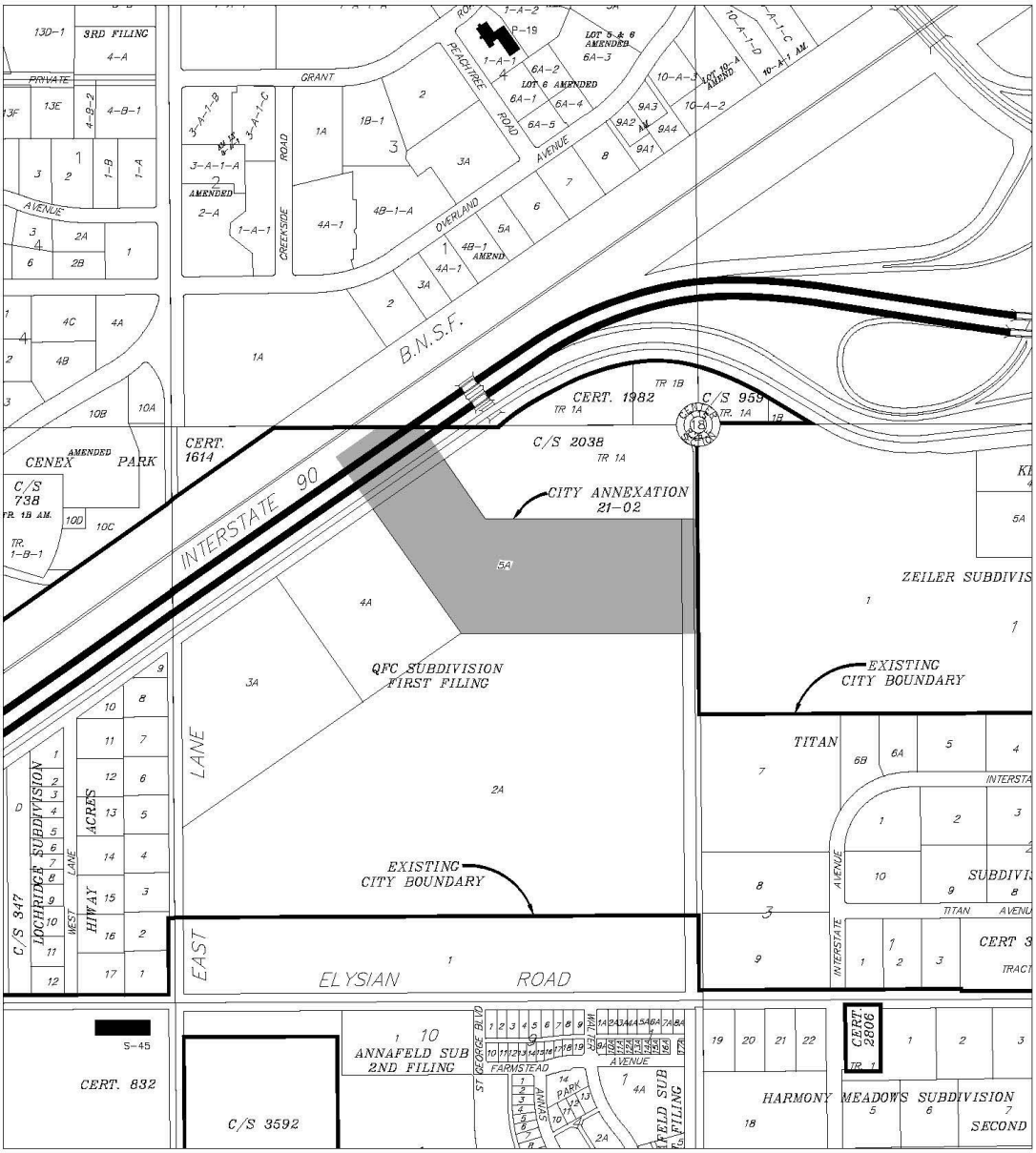
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(AN 21-02)

EXHIBIT "A"


INTERSTATE 90
B.N.S.F.
CITY ANNEXATION 21-02
EXISTING CITY BOUNDARY
EXISTING CITY BOUNDARY
QFC SUBDIVISION FIRST FILING
ELYSIAN ROAD
EAST LANE
CERT. 1614
CERT. 1982
C/S 959
C/S 2038
CENEX PARK
ZEILER SUBDIVIS
TITAN
HARMONY MEADOWS SUBDIVISION
ANNAFELD SUB 2ND FILING
CERT. 832
C/S 3592
CERT. 2806
GRANT
PEACHTREE ROAD
OVERLAND
CREEKSIDE ROAD
FARMSTEAD
AVENUE