



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

REVISED 9/9/21
REGULAR AGENDA ITEMS 2a, 2c, 2d AND 3
ATTACHMENTS ONLY
CITY COUNCIL
REGULAR BUSINESS MEETING

AGENDA

COUNCIL CHAMBERS

September 13, 2021

5:30 P.M.

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Choriki

ROLL CALL: Councilmembers present on roll call were: ☐ Shaw, ☐ Yakawich, ☐ Neese, ☐ Ewalt, ☐ Joy,

☐ Choriki, ☐ Purinton, ☐ Ronning, ☐ Boyett, ☐ Brown

MINUTES:

- August 9, 2021
- August 23, 2021

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 8 and 9 ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. 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.

	Name	Board/Commission	Term	
			Begins	Ends
1.	No Applications	Planning Board - Ward II*	09/13/21	12/31/23
2.	Hannah Reno	Housing Authority*	09/13/21	12/31/23
3.	No Applications	Housing Authority*	09/13/21	12/31/24

*1 Unexpired term of Heidi Jensen-Christison

*2 Unexpired term of Robert Waller

*3 Unexpired term of Michael Samson

B. Bid Awards:

1. **2021 Aerial Lift Truck.** (Opened 8/17/21) Recommend Altec, Inc., \$126,029.
 2. **2021 Roll-Off Truck.** (Opened 8/17/21) Recommend Western Systems; \$189,054.
 3. **South Park Hail Repairs.** (Opened 8/17/21) Recommend T.W. Clark Construction, LLC; \$174,000.
- C. Project Management Software Contract** with Osedea, Inc.; \$7,400 for the first year; \$2,400 for subsequent years.
- D. Professional Services Agreement** for W.O. 22-01: Schedules 1 and 2, Water and Sanitary Sewer Main Replacement with DOWL; \$1,153,670.
- E. Road Dedication Acceptance** for Amended Lake Hills Subdivision, 25th Filing.
- F. Resolution** ordering improvements identified in W.O. 21-25: Boulder Avenue Sidewalk.
- G. Resolution** declaring an emergency and authorizing payment for W.O. 22-13: Heights Trunk Sewer Repair, Emergency Resolution.
- H. Resolution** canceling Municipal General Election for Mayor and Municipal Judge.
- I. Second/Final Reading Ordinance** expanding Ward IV (Annexation 21-06): a property located south of Highway 3 and southeast of Rod and Gun Club Road.
- J. Second/Final Reading Ordinance** expanding Ward III (Annexation 21-07): a property located along Calhoun Lane.
- K. Second/Final Reading Ordinance** expanding Ward II (Annexation 21-08): a property located along Cherry Creek Loop.
- L. Second/Final Reading Ordinance** expanding Ward V (Annexation 21-09): a parcel located at King Avenue West and 48th Street West.
- M. Bills for the Weeks of:**
1. August 2, 2021
 2. August 9, 2021
 3. August 16, 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 RESOLUTIONS allocating assessments on the following:

- *Presented by: Andy Zoeller, Finance Director*

a. Park District 1

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing Park District 1, as recommended by staff.

b. General Obligation (GO) Debt

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing General Obligation (GO) Debt mill levy rates, as recommended by staff.

c. Park Maintenance Districts

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

d. Weed Assessments

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

e. SID 1416

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

f. SID 1417

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing the SID 1417, as recommended by staff.

g. SID 1418

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing the SID 1418, as recommended by staff.

h. SID 2916

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2916, as recommended by staff.

i. SID 2917

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2917, as recommended by staff.

j. **SID 2918**

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a Resolution assessing SID 2918, as recommended by staff.

3. **PUBLIC HEARING AND RESOLUTION** revising and assessing encroachment rental fees for FY2022. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Jennifer Duray, Deputy Public Works Director*

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve the Resolution revising and assessing encroachment rentals fees for FY2022, as recommended by staff.

4. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCES FOR ZONE CHANGE 994:** a zone change from Residential Rural (RR1) to Suburban Neighborhood Residential (N3) located at 2930 US Highway 3. John and Patricia Burg, owners. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) * **Quasi-Judicial**

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

Recommended Motion: Having conducted two public hearings, considered written and spoken public testimony, I move to approve the second reading for Zone Change 994 and adopt the findings of the 10 criteria, as approved by the City Council on first reading August 23, 2021.

5. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE FOR ZONE CHANGE 995:** a zone change from Rural Residential 1 (RR1) and Public 1 (P1) to Suburban Neighborhood Residential (N3) located on the east side of Bitterroot Drive, north of Cherry Creek Loop. Cherry Island, LLC, owner; Sanderson Stewart, agent. Zoning Commission recommends approval and adoption of the findings of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) * **Quasi-Judicial**

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted two public hearings, considered written and spoken public testimony, I move to approve and adopt the findings of the 10 criteria for Zone Change 995, as approved by the City Council on first reading August 23, 2021.

6. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE FOR ZONE CHANGE 996:** a zone change from Corridor Mixed Use 2 (CMU2) and Mixed Residential 2 (NX2) to Neighborhood Office (NO) and Mid-Century Neighborhood Residential (N2) generally located on Elysian Road, Dodger Lane and Interstate Avenue. Harmony Meadows, LLC, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) * **Quasi-Judicial**

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted two public hearings, considered written and spoken public testimony, I move to approve the second reading for Zone Change 996 and adopt the findings of the 10 criteria, as approved by the City Council on first reading August 23, 2021.

7. **PUBLIC HEARING AND SECOND/FINAL READING ORDINANCE FOR ZONE CHANGE 997:** a zone change from Agriculture (A) to Mixed Use Planned Neighborhood Development (MU-PND) located at the intersection of King Avenue West and 48th Street West. Thomas and Mary Dyk Trust, owner; Performance Engineering, agent. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of the Zoning Commission recommendation.) * **Quasi-Judicial**

- *Presented by: Nicole Cromwell, Zoning Coordinator*

Recommended Motion: Having conducted two public hearings, considered written and spoken public testimony, I move to approve the second reading for Zone Change 997 and adopt the findings of the 10 criteria, as approved by the City Council on first reading August 23, 2021.

8. **TAX INCREMENT FINANCE ASSISTANCE** from Downtown Urban Renewal District to Billings Community Foundation for renovation at 404 North 30th Street; \$98,518. Downtown Billings Partnership Board (DBP) recommends approval. (Action: approval or disapproval of DBP Board recommendation.)

- *Presented by: Wyeth Friday, Planning Director and Mehmet Casey, DBA Development Director*

Recommended Motion: I move to approve Tax Increment Finance Assistance from Downtown Urban Renewal District to Billings Community Foundation for renovation at 404 North 30th Street; in the amount of \$98,518., as recommended by DBP Board.

9. **TEAMSTERS LOCAL 190 UNION CONTRACT (7/1/2021-6/30/2024).** Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Karla Stanton, Human Resources Director*

Recommended Motion: I move to approve the Teamsters Local 190 Union Contract, as recommended by staff.

10. **PUBLIC HEARING AND RESOLUTION** approving and adopting the budget amendments for FY2022. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

- *Presented by: Andy Zoeller, Finance Director*

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

11. **JOINT PUBLIC HEARING AND ORDINANCES** for the following:

- *Presented by: Gina Dahl, City Attorney*

- a. **ADOPT** an Interim Zoning Ordinance imposing a moratorium on new marijuana businesses.

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve an Interim Zoning Ordinance imposing a moratorium on new marijuana businesses, as recommended by staff.

- b. **ADOPT** an Emergency Business License Ordinance imposing a temporary suspension on issuing business licenses to marijuana businesses for ninety (90) days.

Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

Recommended Motion: Having conducted a public hearing, considered written and spoken testimony, I move to approve an Emergency Business License Ordinance imposing a temporary suspension on issuing business licenses to marijuana businesses for ninety (90) days, as recommended by staff.

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

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

For more information or to make requests for special arrangements, please contact the City Clerk's Office at 657-8210 or e-mail bohlmand@billingsmt.gov, 72 hours prior to the meeting date.

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*\* **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.*

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Board & Commission Appointment  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** No

**RECOMMENDATION**

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

|    | Name            | Board/Commission          | Term     |          |
|----|-----------------|---------------------------|----------|----------|
|    |                 |                           | Begins   | Ends     |
| 1. | No Applications | Planning Board - Ward II* | 09/13/21 | 12/31/23 |
| 2. | Hannah Reno     | Housing Authority*        | 09/13/21 | 12/31/23 |
| 3. | No Applications | Housing Authority*        | 09/13/21 | 12/31/24 |

\*1 Unexpired term of Heidi Jensen-Christison

\*2 Unexpired term of Robert Waller

\*3 Unexpired term of Michael Samson

**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:** 09/13/2021  
**Title:** 2021 Aerial Lift Truck, Bid Award  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends the City Council approves the purchase of a 2021 Aerial Lift Truck from Altec, Inc. in the amount of \$126,029.00 which includes the trade amount of \$10,000.00 and a 5-year warranty in the amount of \$5,137.00.

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

The purchase of the 2021 aerial lift truck will replace an existing aerial truck and is included in the FY22 Equipment Replacement Plan (ERP). The existing aerial truck will be traded in as shown in the fiscal effects. The 2021 aerial lift truck was advertised on August 6<sup>th</sup> and August 13<sup>th</sup>, 2021, in the *Yellowstone County News* and on the City's website. Bids were opened on August 17<sup>th</sup> and two bids were received. Altec Inc. submitted the lowest, responsible bid.

**ALTERNATIVES**

City Council may:

- Approve purchasing the 2021 aerial lift truck; or,
- Not approve the purchase. The existing unit is nearing the end of its useful life. Several costly repairs have been incurred already and more repairs are anticipated on the problematic exhaust system.

**FISCAL EFFECTS**

The City received two bids for the 2021 aerial lift truck as shown below:

| Vendor     | Net Price    | Trade       | Warranty   | Total Price  |
|------------|--------------|-------------|------------|--------------|
| Altec Inc. | \$130,892.00 | \$10,000.00 | \$5,137.00 | \$126,029.00 |
| Kois Bros  | \$127,720.00 | \$6,500.00  | \$5,290.00 | \$126,510.00 |

The 2021 aerial lift truck was budgeted in FY22 using Street Maintenance funds. The amount budgeted was \$223,608. This bid was lower than the budget due to the decision to purchase a truck with a smaller footprint. The remaining budget will be used for any future unanticipated costs for equipment.

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**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Works Department 2021 Roll-Off Truck  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends that Council awards the purchase of a 2021 roll-off truck from Western Systems in the amount of \$189,054.00 which includes the 5 year warranty in the amount of \$3,412.00.

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

Bids were received for a 2021 roll-off truck that will replace an existing roll-off truck. The purchase is included in the FY22 Equipment Replacement Plan (ERP). There is no trade value as the existing roll-off truck will be transferred from the Street/Traffic Division to the Solid Waste Division for their use. The 2021 roll-off truck was advertised on August 6<sup>th</sup> and August 13<sup>th</sup>, 2021, in the *Yellowstone County News* and on the City's website. Bids were opened on August 17<sup>th</sup> and four bids were received. Western Systems submitted the lowest, responsible bid.

**ALTERNATIVES**

City Council may:

- Approve purchase of the 2021 roll-off truck; or,
- Not approve the purchase. The roll-off truck is a vital part of our sweeping and snow removal process and replacement ensures that it will be reliable when it's needed.

**FISCAL EFFECTS**

The City received four bids for the 2021 roll-off truck as shown below:

| Vendor          | Net Price    | Warranty   | Total Price  |
|-----------------|--------------|------------|--------------|
| Western Systems | \$185,642.00 | \$3,412.00 | \$189,054.00 |
| I-State Truck   | \$212,250.00 | \$3,412.00 | \$215,662.00 |
| Tri-State Truck | \$217,305.00 | \$4,900.00 | \$222,205.00 |
| Kois Bros       | \$201,129.00 | \$3,700.00 | \$204,829.00 |

The roll-off truck was approved in the FY22 Equipment Replacement Plan (ERP) and in the FY22 Street/Traffic budget in the amount of \$216,166. The bid is \$27,112 under the budgeted amount and these funds will be used for any future overages in Street/Traffic equipment bids.

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**City Council Regular**

**Date:** 09/13/2021  
**Title:** South Park Hail Repairs  
**Presented by:** John Caterino, Facilities Supervisor  
**Department:** City Hall Administration  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends that City Council approve and award a contract for Hail Repairs at South Park to T.W. Clark Construction, LLC for \$174,000.00.

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

Several buildings at South Park, located at 3018 6th Ave S., sustained significant hail-related damage in August 2019. This project includes repair and replacement of various exterior buildings components on six (6) separate structures: Parks warehouse building, band shell structure, baseball concessions/storage building, restroom building, picnic shelter, and wading pool building.

The project was advertised on 08/06/2021 and 08/13/2021 in *Yellowstone County News* and on the City's website.

Bids were opened on 08/17/2021, and two (2) bids were received.

The bids were as follows:

| Bidder                       | Price        |
|------------------------------|--------------|
| T.W. Clark Construction, LLC | \$174,000.00 |
| Finishing Touch Exteriors    | \$186,090.90 |

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

The low bid is \$174,000.00.

The bid amount will be funded by insurance claim funds paid out for the August 2019 hail event.

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**Date:** 09/13/2021  
**Title:** Project Management Software for Facilities Division  
**Presented by:** John Caterino, Facilities Supervisor  
**Department:** City Hall Administration  
**Presentation:** No

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## RECOMMENDATION

Staff recommends that City Council award a professional service contract for implementation and yearly support of a Construction Project Management software solution for the Facilities Division to Osedea Inc. for an initial investment of \$7,400.00 for the first year. The annual cost is \$2,400.00 for subsequent years.

This cost is all-inclusive for unlimited users, support, upgrades, and server fees.

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

Facilities Division advertised a Request For Proposal (RFP) requesting submittals for a Project Management Software solution for medium to large size construction projects. Currently, the division manages projects via a number of value engineered solutions such as excel, kanban, and outlook. This is proving to be problematic as there is disparate information in multiple locations which creates inefficiencies. A PM software solution will increase efficiency, productivity, and improve record keeping.

The RFP was advertised on 07/23/2021 and 07/30/2021.

Eight proposals were submitted by 08/11/2021.

A selection committee reviewed the proposals. Osedea Inc. was selected based on the following categories:

- Customer support
- Project workflows
- Critical path and construction scheduling
- Customizability
- Data grouping
- Contract management

Osedea Inc. was found to have the most relevant experience in the area of project management for government agencies, productivity, construction project lifecycle, change management, workflow, reporting, RFI repository, correspondence, and submittals.

## ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

## FISCAL EFFECTS

The cost for this project will be funded by the Facilities Division operational budget.

Below is the pricing matrix that is included in the RFP and has Osedea Inc. pricing included.

| <u>Project Management Software</u>                                                  | <u>Price</u>                           |
|-------------------------------------------------------------------------------------|----------------------------------------|
| License fees (specify annual or one-time cost)                                      |                                        |
| Cost per user                                                                       |                                        |
| Implementation cost                                                                 | \$5,000.00 - this is a one time-charge |
| Yearly maintenance support                                                          | \$2,400.00                             |
| Cloud hosting fees (if applicable)                                                  |                                        |
| Other additional information about pricing structure, services provided, or details |                                        |

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**City Council Regular**

**Date:** 09/13/2021  
**Title:** W.O. 22-01, Schedules 1 & 2: Water and Sanitary Sewer Main Replacement, Consultant Agreement  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends the City Council award a contract for W.O. 22-01, Schedules 1 & 2: Water and Sanitary Sewer Main Replacement, to DOWL in the amount of \$1,153,670.00

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

The City replaces and upgrades its water and sanitary sewer utilities as part of an annual maintenance program. This project will replace approximately 9,700 feet of existing water main and 11,300 feet of existing sanitary sewer. Water mains being replaced were selected based on several criteria including age, break history, lead joint pipe, lead services, and undersized water mains. This project will replace water mains that are 58 to 106 years old, remove and replace approximately 151 lead services, upsize 4-inch and 6-inch water mains to 8-inch size, resulting in the reduction of maintenance costs from water main breaks. The sewer mains being replaced with this project were selected based on age, video inspection condition assessment, root intrusion history, and sewer back up history. This project will replace sanitary sewer mains that are 100 to 120 years old made of clay tile. These sewer mains exhibit broken and cracked pipe and many sections need yearly root intrusion removal and maintenance.

DOWL was selected for the project using the proposal process. Two other proposals were received from Sanderson Stewart and Morrison-Maierle. The consultant selection was based on Project Team and Availability; Project Approach; and Firm Qualifications and Experience as related to the project needs.

**ALTERNATIVES**

City Council may:

- Approve awarding the Professional Engineering Services Contract to DOWL, or;
- Not Approve awarding the engineering contract to DOWL. If the project is not awarded, the City's water mains and sanitary sewer collection systems in these areas will continue to be unreliable and may experience ongoing maintenance problems and expenses.

**FISCAL EFFECTS**

The project was budgeted in FY22 using water and wastewater funds. The amounts budgeted are \$3,400,000.00 for water and \$4,400,000.00 for sewer. The remaining budget will be used for construction.

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**Attachments**

W.O. 22-01 Professional Services Contract

## **Contract for Professional Engineering Services**

### **W.O. 22-01, Schedules 1 & 2: Water & Sanitary Sewer Main Replacements**

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In consideration of the mutual promises herein, City of Billings and DOWL 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 8 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 5 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" or "City" means the City of Billings.
- C. "Contractor" or "Engineer" means DOWL.

##### **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.

### 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 Fogelson, P.E., City Engineer  
City of Billings  
Public Works Department  
2224 Montana Avenue  
Billings, Montana 59101 FAX: (406) 237-6291

Contractor: Wade Irion, P.E., Water Practice Lead  
DOWL  
222 North 32<sup>nd</sup> Street, Suite 700  
Billings, Montana 59101 FAX: (800) 865-9847

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 as 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.
- G. The Contractor and subcontractor shall abide by the requirements of 41 CRF 60-1.4, which states employees or applicates may not be discharges or in any other manner discriminated against because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees

or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

### 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: Wade Irion, PE, Water Practice Lead  
(title of position)

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.

- A. The Contractor shall indemnify, 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. Contractor's defense obligations mean only the reimbursement of reasonable costs to the proportionate extent of Contractor's actual liability obligation hereunder.
- B. 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.
- C. Billings shall indemnify, save, and hold Contractor 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 Billings or any agent, employee or subcontractor as a result of the Billings' or any subcontractor's performance pursuant to this Contract. Billings' defense obligations mean only the reimbursement of reasonable costs to the proportionate extent of Billings' actual liability obligation hereunder.
- D. Billings shall not indemnify, defend, save and hold the Contractor 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 the Contractor occurring during the course of or as a result of the performance of the Contract.
- E. 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

Contractor

\_\_\_\_\_  
William A. Cole, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

IRS Tax ID # \_\_\_\_\_

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Date: \_\_\_\_\_

By \_\_\_\_\_

BRENT BROOKS, City Attorney

STATE OF MONTANA                    )  
                                                      :ss.  
COUNTY OF YELLOWSTONE        )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged to me that they executed the foregoing instrument on behalf of said corporation having first been authorized to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_

**Note:**       **Final contract documents will require the Contractor's signature to be notarized if Federal funds are used.**

## **Appendix A**

### **Basic Services of Engineer**

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#### 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. 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 Paul Swenson, P.E.

## 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 Travis Harris, P.E.

## Section 3. Scope of Work.

The project consists of design, bidding, and construction phase services for the *City of Billings W.O. 22-01, Schedules 1 & 2: Water & Sanitary Sewer Main Replacements* project. The project includes approximately 9,700 LF of water main replacement, including intersection laterals where appropriate and determined by the City, and 11,300 LF of sanitary sewer main replacement. It also includes the replacement of approximately 151 lead service lines from water main to curb stop along the water main replacement segments. Any additional segments of work requested by the City beyond the total project length of 21,000 LF shall be considered an Additional Service. This scope and associated budget assumes one package of bidding documents (one set of drawings and one project manual) and two construction contracts.

Professional services generally include design of replacement water and sanitary sewer mains, design surveys, geotechnical investigations and report, preparation of contract plans and specifications, assistance with competitive bidding, administration of the construction contracts, construction oversight, field staking, quality assurance testing, and closeout services. The scope of work covered by this Contract shall include the following tasks:

### A. Survey & Mapping

1. Survey Control: Establish permanent horizontal and vertical control points along each project corridor using GPS survey methods. The horizontal and vertical datums shall be approved by the City. Permanent control points will generally be set at a spacing of one per block at street or alley intersections.
2. Aerial Mapping: Design survey will be completed using a small unmanned aircraft system (i.e., drone). A minimum of five ground control points will be used for each mapping segment to georectify the orthomosaic image and terrain mapping derived from drone aerial imagery. Establish temporary control points as needed to supplement permanent control points for this purpose. Drone mapping will be completed by a licensed FAA Part 107 remote pilot, and FAA regulations will be followed. Flight approval will be obtained using the LAANC system. The project plans will use aerial imagery from the drone mapping as a background, and key elevations will be obtained from the collected topographic data. Drone flights will occur after most of the tree leaves have dropped in order to gather the appropriate level of survey data necessary for the project design. If drone mapping is substantially delayed or impeded due to snow cover, late-season tree cover, or other similar causes, the overall project schedule and/or the amount of survey information provided will be impacted. In this event, this scope covers only limited GPS survey pickups of the ground surface along the centerline of the new water or sewer main alignment, including water valve and manhole lids of the utility being replaced. DOWL will make reasonable efforts to schedule and conduct drone mapping to occur within

available weather openings and during acceptable site conditions so as to avoid project delays or the need to make contingent survey plans.

3. Right-of-Way: City-provided GIS information will be used to delineate approximate property and right-of-way lines on the plans. The plans will show street addresses and block/lot designations. Property corner searches and plat research or delineation are not included in this scope. All work is currently expected to be within existing City right-of-way or easements, so this scope of work does not include any assistance with easement acquisition, such as additional legal survey, preparation of easement exhibits, or other related tasks.
4. Existing Utilities & Services: City-provided GIS information will be used to delineate existing water, sewer, and storm drain mains. Utility locates will be requested prior to the drone survey using the One-Call service, and located utilities will be delineated from the drone imagery. Field-marked private utility information will be supplemented with available mapping information, if provided by the various utilities upon request. It is assumed that City staff will locate all water services prior to the drone survey such that a separate survey of curb stops is not required. Unlocated water services, or services not visible in drone mapping, will be delineated using City-provided service records. Sewer service locations will be determined from City-provided CCTV videos and service records. Approximate water, sewer, and storm drain depths will be established from City-provided as-built drawings. Utility measure-downs, including water valves, sewer manholes, and storm manholes/inlets, will be performed for the pipeline type being replaced and only as needed where as-built information does not exist or for any potential conflict or minimal clearance with new work.
5. Deliverables:
  - a. High-resolution georectified orthomosaics in TIFF and KMZ formats for each project segment
  - b. High-resolution georectified point clouds in LAS format for each project segment

#### *B. Geotechnical*

1. Geotechnical Investigations: Perform geotechnical engineering tasks, drilling exploratory borings, drilling shallow pavement borings, piezometer installation, sampling, and laboratory testing, as necessary, to determine pavement section thicknesses, subgrade treatment, groundwater conditions, utility foundation and backfill, and thrust block recommendations. This scope is based on drilling 25 borings to depths of about 10-15 feet and 10 pavement borings to depths up to two feet. Two of the borings will be completed with piezometers for groundwater monitoring. Soil borings in the general project area, from past projects, will be referenced, if available. Perform literature review of documented environmental issues directly adjacent to project areas; no additional drilling, sampling, or testing is included in this environmental review.
2. Geotechnical Report: Prepare a geotechnical report based on the findings of the geotechnical investigations, with recommendations to be incorporated into the construction specifications.
3. Deliverables:
  - a. Geotechnical report, including bore logs and test results, incorporated into project manual

#### *C. Pipeline Designs*

1. General Water Main Design: Design utility alignments and profiles for water mains. New water mains will be designed along the existing horizontal alignments and with 6.5 feet of ground cover unless the required separation from other utilities cannot be achieved. Pipeline sizes will match existing sizes unless otherwise directed by the

- City; no hydraulic modeling, field flow metering, or other sizing studies are included in this scope.
2. General Sewer Main Design: Design utility alignments and profiles for sewer mains. Evaluate each sewer segment for the feasibility of both open-cut and cured-in-place pipe (CIPP) lining replacement methods; design each alternative as applicable. Review of City-provided CCTV videos will be relied upon for condition assessment of existing pipelines. New sewer mains will be designed along the existing horizontal alignments and within the vertical constraints of existing upstream and downstream connection elevations, service depths, and minimum slopes. Pipeline sizes will match existing sizes unless otherwise directed by the City; no hydraulic modeling, field flow metering, or other sizing studies are included in this scope.
  3. Lead Water Services: Document lead water services to be replaced from water main to curb stop from City-provided records. The City will conduct all communication with property owners and necessary testing during design and construction for lead service replacements.
  4. Subsurface Potholing: If necessary, identify locations to perform subsurface potholing at critical utility crossings or conflicts to identify specific utility elevations or locations. Survey the elevations and locations in the field for incorporation into the design and restore the surfacing. Due to the uncertainty of the amount of potholing that will be required, this scope and the associated professional fee includes an allowance of \$10,000 for the subcontracted costs of a vacuum truck and any traffic control required to perform the potholing.
  5. Design Considerations:
    - a. Identify issues related to construction work hours, work zones, construction sequencing, disruptions to private access and parking, and other site constraints and issues relating to construction. Coordinate various construction considerations with the City and incorporate appropriate written specifications.
    - b. Prepare written specifications addressing project-specific construction traffic control requirements. Traffic control layouts will be the responsibility of the construction contractor in conformance with the traffic control drawings in the City of Billings Standard Modifications. No site-specific traffic control plans will be prepared for this project.
    - c. Prepare written specifications addressing project-specific temporary water requirements. Temporary water layouts and water main acceptance testing planning and sequencing will be the responsibility of the construction contractor in conformance with the specifications. Preparation of temporary water/fire plans or acceptance testing plans is not included in this scope of work.
    - d. Prepare details and specifications for thrust blocks, restrained joints, surface restoration, insulation, cathodic protection using sacrificial anodes at metallic appurtenances, and other required project features.
    - e. For the water main replacement on Yellowstone Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Street West, we will rely on City-provided CCTV video of the parallel "overflow" storm drain main (in potential conflict and having unclear function) and a City recommendation for perpetuating this storm drain relative to the new water main alignment.
    - f. For instances of existing storm drain inlets/pipelines overlying the approximate alignment of sewer main replacements, this scope assumes that no alternate storm drain design will be required and that the existing storm drain will be perpetuated in kind.
  6. Plans & Project Manual: Prepare preliminary (30%), pre-final (90%), and final (100%) plans, project manual, and opinions of probable cost. Plans and project manual will be prepared in accordance with Montana public Works Standard Specifications (MPWSS) and City of Billings Standard Modifications, latest editions. City-provided

lower resolution aerial imagery will be used as a placeholder in the plans during preliminary design. Attend design review meetings at each design stage, and other necessary coordination meetings or field reviews, with City staff. Send pre-final plans to private utilities for review and comment, and coordinate with utilities as needed regarding potential conflicts. Stamp and sign all final plans and project manual with the seal of a Professional Engineer.

7. Deliverables:

- a. Preliminary (30%) plans; PDF and/or 11"x17" format
- b. Pre-final (90%) plans; PDF and/or 11"x17" format, and one set of 22"x34" drawings upon request
- c. Pre-final project manual and opinion of probable cost; PDF format
- d. Final (100%) plans and project manual for approvals and bidding; PDF and/or 11"x17" format

*D. Public & Agency Involvement*

1. Stakeholder Coordination: Coordinate with City staff, adjacent property owners, and other private and public stakeholders in the development of utility improvements. Compile property owner and occupant information for adjacent parcels and create address database. Prepare and send one comprehensive informational mailing to all property owners and residents, which shall include general project information, notification of a public meeting, general construction information, business questionnaires, and notification of the construction informational website and email list. Attend two public informational meeting during final design. Conduct one-on-one follow-up discussions with individual businesses as requested or determined to be necessary to address questions or design considerations. Coordination shall include determining approval or permitting requirements from the Montana Department of Transportation (MDT) for the Montana Avenue sewer segment and from Montana Rail Link (MRL) for the 1<sup>st</sup> Avenue South alley sewer segment crossing a spur line.
2. Permitting: Apply for all Owner-required permits, licenses, and approvals necessary to construct the project. This scope assumes submittal packages to: (a) Montana Department of Environmental Quality (MDEQ), (b) MDT, and (c) MRL. The City will pay all permitting fees directly. Construction stormwater permits and construction dewatering permits shall be the responsibility of the construction contractor and are excluded from this scope.
3. Deliverables:
  - a. Property owner informational letter
  - b. Design report, certified checklists, and other MDEQ submittal requirements
  - c. MDT construction approval/permitting documents
  - d. MRL construction approval/permitting documents

*E. Bidding Assistance*

1. Bid Form: Tabulate project quantities and create bid schedule. Finalize the Engineer's opinion of probable cost based on final quantities.
2. Pre-Bid Services: Supply all bidding documents necessary for bidding and construction. Distribution of the plans and project manual will be done electronically using the City's Quest CDN service and through [www.montanabid.com](http://www.montanabid.com). No hard copies of the plans and project manual will be provided to bidders. Provide bid advertisement text to the City for publication. Submission of the advertisement to publications and the cost for advertising will be responsibility of the City. The planholders list will be maintained through Quest CDN. Schedule and conduct a pre-bid conference, prepare meeting agenda and minutes, answer bid questions, and prepare any necessary addenda.
3. Post-Bid Services: Attend the bid opening, analyze the bids, prepare and distribute a

- bid tabulation, and make construction contract award recommendation(s).
4. Construction Contracting Services: Assist the City in procurement of the final contract agreement, review bonds and insurance provided by the construction contractor, assemble and distribute conforming copies of contract documents, and issue a Notice to Proceed for construction.
  5. Deliverables:
    - a. Bidding documents; PDF format
    - b. Final opinion of probable cost
    - c. Bid advertisement
    - d. Pre-bid meeting minutes
    - e. Addenda, as required
    - f. Bid tabulation
    - g. Recommendation of Award letter and Notice of Award
    - h. Conforming copies of the construction contract; 4 sets total
    - i. Notice to Proceed

#### *F. Construction Administration & Inspection*

1. Principal Assumptions: This scope and the associated professional fee assume:
  - a. Two construction contracts and up to two prime contractors for this project.
  - b. A total combined construction contract duration of 324 calendar days assuming a single mainline pipelaying crew producing an average of 65 LF per contract day and standard 10-hour workdays.
  - c. Engineer shall consult with the City and act as representative for the City as defined in the construction contract documents, which will incorporate the MPWSS, and specifically the General Conditions contained therein as modified by the City of Billings Standard Modifications, latest edition.
  - d. The extent and limitation of the duties, responsibilities, and authority of the Engineer will be as assigned in the construction contract documents and shall not be modified, except as Engineer may otherwise agree in writing.
2. Pre-Construction Services: Schedule and conduct a two pre-construction conferences, publish meeting minutes, and answer contractor questions. Conduct a pre-construction field review with the contractor as necessary. Design phase drone imagery will serve as the primary pre-construction photo documentation. Supplemental photos will be taken from the ground in areas not visible in drone imagery.
3. Submittal Review: Review contractor's submittals, such as shop drawings, samples, equipment, mix designs, aggregates, and other data, for conformance to the contract documents. This review does not include acceptance review of any dewatering plans, and shall not extend to contractor's means, methods, techniques, sequences, procedures, or safety programs.
4. Inspection: Provide construction observation using resident project representatives (RPRs) to assist Engineer in observing progress, quality of work, and conformance to the contract documents and other applicable codes and standards. One full-time RPR will be provided for each primary pipeline crew utilized by the contractor, with up to three RPRs simultaneously. Without knowing the individual contract breakdowns or contractor scheduling and sequencing at the time of scope preparation, the budget assumes four construction crews/RPRs at 81 calendar days each. Additional time for RPRs includes contract review and preparation, early temporary water inspection, report preparation, and punchlist item completion. Inspection activities shall include review of all major work items. RPR will prepare daily inspection reports, daily quantity summaries, weekly progress reports, weekly workforce and equipment reports, and other reports as required. RPR responsibilities are further defined in the General Conditions contained in the City of Billings Standard Modifications, latest

- edition.
5. Quality Assurance (QA) Materials Testing: Develop and implement a QA testing plan for materials testing in accordance with the City of Billings Standard Modifications, latest edition. Provide qualified personnel, equipment, and supplies for field testing of materials throughout construction, including density tests, proctors, asphalt, and concrete testing. Monitor and collect results from contractor's separate quality control materials testing program. Since QA services may vary based on the contractor's means and methods, an allowance of up to \$50,000 has been provided for this construction materials testing scope.
  6. Construction Staking: Provide personnel, equipment, and supplies for field staking of principal elements of the construction layout, including centerline locations and offsets for valves, hydrants, horizontal fittings, manholes, and intermediate points at approximately 100-foot intervals, to give the contractor measurements, lines, locations, and grade necessary for construction. The contractor will be responsible for any detailed layouts, such as laser and/or other line and grade establishment techniques for laying pipe between staking intervals.
  7. Construction Administration:
    - a. Respond to contractor requests for information. Issue necessary clarifications and interpretations of the contract documents. Notify the City immediately of any contract problems or deviations from the approved contract documents. Issue notices as required by the construction contract. Recommend and prepare Work Change Directives and Change Orders for the City as necessary. Change Orders that require additional design or construction services by Engineer will be considered Additional Services and compensated in accordance with the provisions of this Contract.
    - b. Make visits to the site at intervals appropriate to various stages of construction to observe, as an experienced and qualified design professional, the progress of the contractor's work. Visits by the Engineer shall be limited to spot checking and similar methods of general observation of the work as assisted by the RPR.
    - c. Receive, review, and transmit to City all contractor requests for City staff involvement and approvals, such as valve and hydrant operation requests, water quality sampling requests, traffic control reviews, etc. Monitor that the required advance notice requirements are being met by contractor for all requests to the City for reviews, inspections, operations, and testing.
    - d. Review and recommend monthly contractor payment requests.
  8. Weekly Construction Meetings: Attend and conduct a weekly construction meeting with the City and each contractor. Allow up to 3 hours per week per contract, assuming two 24-week contracts, for the weekly construction meeting and any related follow-up activities.
  9. Informational Updates: Prepare weekly project informational update content via email, including current project maps and work descriptions. The City will host and maintain the website and social media platforms to publicize the information.
  10. Substantial Completion Services: Conduct substantial completion and final inspections with City and contractor. Prepare and monitor punchlist items required for completion of the work by contractor.
  11. Record Drawings: Maintain documentation of all field installations, including the location of all underground utilities encountered during construction, for assistance with preparation of project record drawings. Prepare record drawings by incorporating all field modifications to the construction drawings. Survey all new primary water and sewer main surface features (e.g., hydrants, valve boxes, manholes) following project completion to incorporate into the record drawings and to provide accurate State Plane Coordinates of these features to the City. Allow review by City of record drawings prior to issuing final record drawings. Record drawings will also include, at a

minimum, the location and depth, where available, of all underground utilities installed or uncovered.

12. Anniversary Inspection: Conduct one-year and two-year anniversary inspections of the project. Identify deficiencies and warranty items requiring correction and provide notification to contractor.

13. Deliverables:

- a. Pre-construction meeting minutes
- b. Contractor submittals; electronic copy to City
- c. Weekly RPR inspection reports, upon request
- d. Monthly quality assurance materials testing reports, upon request
- e. Miscellaneous construction forms, as required
- f. Review set of record drawings; 11"x17" and/or PDF format
- g. Final record drawings, in accordance with Part I, Section 2, Article D of this Contract, and as required by MDEQ. The DWG file provided shall be on the project ground coordinate system. The information provided in State Plane Coordinates shall be limited to a point file, or equivalent, of all new primary water and sewer system features only.

*G. Project Management & Quality Assurance*

1. Project Management: Provide project management services throughout design and construction. This task includes all project communication and coordination with the City and all effort necessary to control the schedule and budget of the project.
2. Internal Quality Assurance: Provide internal quality assurance services throughout design and construction, including review of all reports, plans, and specifications developed.

## **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.

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 prior to construction, Appendix A, the Engineer shall be paid based upon actual time accrued, but not to exceed the total contract amount.

|                                                |           |
|------------------------------------------------|-----------|
| 1.    Survey & Mapping                         | \$56,815  |
| 2.    Geotechnical                             | \$45,580  |
| 3.    Design                                   | \$221,100 |
| 4.    Public & Agency Involvement              | \$40,250  |
| 5.    Bidding Assistance                       | \$58,700  |
| 6.    Construction Administration & Inspection | \$670,525 |
| 7.    Project Management & Quality Assurance   | \$60,700  |

- 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**

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Extra Services of the Engineer will be paid only with written prior authorization by Billings.

- A. Requests made or conditions identified which are beyond the scope and intent of the services identified under Appendix A.
- B. Requests made or conditions identified by interested groups at the agency or public meetings, which are beyond the scope and intent of this study.
- C. Revisions or additions, when such revisions or additions are inconsistent with written approvals or instructions previously given, required by enactment or revisions of codes, laws, or regulations, or are due to other causes not solely within control of the Engineer.
- D. Additional time and/or services resulting from additional requirements imposed by any funding source for the use of those funds, as outlined in Part I, Section 14 of this Contract.

## **Appendix D**

### **Schedule of Professional Fees**

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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.

## MONTANA FEE SCHEDULE

### Personnel Billing Rates

Personnel are identified on our invoices by name and/or labor category.

| Description                       | Rate  | Description                      | Rate  |
|-----------------------------------|-------|----------------------------------|-------|
| Accounting Manager                | \$160 | Engineer VI                      | \$180 |
| Accounting Technician             | \$95  | Engineer VII                     | \$190 |
| Administrative Assistant          | \$65  | Engineer VIII                    | \$200 |
| Administrative Manager            | \$100 | Engineer IX                      | \$225 |
| Biologist I                       | \$105 | Engineer X                       | \$240 |
| Biologist II                      | \$115 | Engineering Technician I         | \$75  |
| Biologist III                     | \$125 | Engineering Technician II        | \$90  |
| Biologist IV                      | \$135 | Engineering Technician III       | \$100 |
| Biologist V                       | \$180 | Engineering Technician IV        | \$115 |
| CAD Drafter I                     | \$80  | Engineering Technician V         | \$130 |
| CAD Drafter II                    | \$95  | Engineering Technician VI        | \$150 |
| CAD Drafter III                   | \$105 | Environmental Specialist I       | \$95  |
| CAD Drafter IV                    | \$115 | Environmental Specialist II      | \$110 |
| CAD Drafter V                     | \$125 | Environmental Specialist III     | \$115 |
| Civil and Transportation Designer | \$100 | Environmental Specialist IV      | \$125 |
| Contract Administrator I          | \$135 | Environmental Specialist V       | \$130 |
| Contract Administrator II         | \$160 | Environmental Specialist VI      | \$165 |
| Corporate Development Manager     | \$195 | Environmental Specialist VII     | \$185 |
| Crew Chief I                      | \$95  | Environmental Specialist VIII    | \$200 |
| Crew Chief II                     | \$105 | Environmental Specialist IX      | \$220 |
| Crew Chief III                    | \$110 | Environmental Specialist X       | \$240 |
| Crew Chief IV                     | \$120 | Field Project Representative I   | \$90  |
| Crew Chief V                      | \$130 | Field Project Representative II  | \$100 |
| Cultural Resources Specialist I   | \$95  | Field Project Representative III | \$130 |
| Cultural Resources Specialist II  | \$115 | Field Project Representative IV  | \$145 |
| Cultural Resources Specialist III | \$120 | Geologist I                      | \$110 |
| Cultural Resources Specialist IV  | \$155 | Geologist II                     | \$120 |
| Cultural Resources Specialist V   | \$170 | Geologist III                    | \$130 |
| Document Production Supervisor    | \$125 | Geologist IV                     | \$150 |
| Engineer I                        | \$105 | Geologist V                      | \$180 |
| Engineer II                       | \$115 | GIS Coordinator                  | \$145 |
| Engineer III                      | \$130 | GIS Manager                      | \$155 |
| Engineer IV                       | \$150 | GIS Specialist                   | \$95  |
| Engineer V                        | \$170 | GIS Technician                   | \$80  |

|                                    |       |
|------------------------------------|-------|
| Graphics Designer                  | \$105 |
| Intern I                           | \$60  |
| Intern II                          | \$80  |
| Laboratory Manager                 | \$100 |
| Laboratory Supervisor              | \$80  |
| Landscape Architect I              | \$105 |
| Landscape Architect II             | \$120 |
| Landscape Architect III            | \$135 |
| Landscape Architect IV             | \$150 |
| Landscape Architect V              | \$165 |
| Landscape Architect VI             | \$175 |
| Landscape Architect VII            | \$185 |
| Landscape Designer                 | \$90  |
| Landscape Planner                  | \$110 |
| Lead Materials Technician          | \$90  |
| Marketing & Administrative Manager | \$195 |
| Marketing Assistant                | \$80  |
| Marketing Coordinator              | \$100 |
| Materials Manager                  | \$105 |
| Materials Technician               | \$65  |
| Materials Technician II            | \$75  |
| Planner I                          | \$95  |
| Planner II                         | \$120 |
| Planner III                        | \$130 |
| Planner IV                         | \$150 |
| Planner V                          | \$165 |
| Planner VI                         | \$175 |
| Planner VII                        | \$185 |
| Planner VIII                       | \$200 |
| Planner IX                         | \$215 |
| Planner X                          | \$255 |
| Planning Technician                | \$85  |
| Professional Land Surveyor I       | \$95  |
| Professional Land Surveyor II      | \$105 |
| Professional Land Surveyor III     | \$115 |
| Professional Land Surveyor IV      | \$125 |
| Professional Land Surveyor V       | \$135 |
| Professional Land Surveyor VI      | \$140 |
| Professional Land Surveyor VII     | \$150 |
| Professional Land Surveyor VIII    | \$160 |

|                                          |       |
|------------------------------------------|-------|
| Professional Land Surveyor IX            | \$185 |
| Professional Land Surveyor X             | \$195 |
| Professional Land Surveyor XI            | \$210 |
| Project Administrator                    | \$110 |
| Project Assistant I                      | \$90  |
| Project Assistant II                     | \$105 |
| Project Controller                       | \$140 |
| Project Manager I                        | \$135 |
| Project Manager II                       | \$150 |
| Project Manager III                      | \$165 |
| Project Manager IV                       | \$180 |
| Project Manager V                        | \$195 |
| Project Manager VI                       | \$210 |
| Project Manager VII                      | \$225 |
| Proposal Manager                         | \$115 |
| Public Involvement Assistant             | \$90  |
| Public Involvement Coordinator           | \$130 |
| Public Involvement Planner               | \$110 |
| Public Involvement Program Manager       | \$175 |
| Real Estate Services Manager             | \$155 |
| Right of Way Agent I                     | \$100 |
| Right of Way Agent II                    | \$115 |
| Right of Way Agent III                   | \$130 |
| Right of Way Agent IV                    | \$145 |
| Right of Way Agent V                     | \$160 |
| Right of Way Agent VI                    | \$190 |
| Right of Way Assistant                   | \$90  |
| Risk Manager                             | \$175 |
| Senior CAD Drafter                       | \$145 |
| Senior Civil and Transportation Designer | \$145 |
| Senior Manager I                         | \$215 |
| Senior Manager II                        | \$235 |
| Senior Manager III                       | \$245 |
| Senior Manager IV                        | \$280 |
| Senior Manager V                         | \$290 |
| Senior Manager VI                        | \$310 |
| Senior Materials Technician              | \$95  |
| Senior Proposal Manager                  | \$175 |
| Survey Crew Surveyor I                   | \$65  |
| Survey Crew Surveyor II                  | \$75  |



|                                 |       |                        |       |
|---------------------------------|-------|------------------------|-------|
| Survey Crew Surveyor III        | \$85  | Survey Technician V    | \$95  |
| Survey Crew Surveyor IV         | \$95  | Survey Technician VI   | \$105 |
| Survey Crew Surveyor V          | \$105 | Survey Technician VII  | \$120 |
| Survey Technician -- Supervisor | \$130 | Survey Technician VIII | \$130 |
| Survey Technician I             | \$65  | Survey Technician IX   | \$145 |
| Survey Technician II            | \$70  | Systems Administrator  | \$130 |
| Survey Technician III           | \$75  | Technical Coordinator  | \$155 |
| Survey Technician IV            | \$90  |                        |       |

### Survey Crews

|                                      |   |            |
|--------------------------------------|---|------------|
| One-Person Survey Crew               | = | \$135/hour |
| One-Person Survey Crew GPS/ Robotics | = | \$155/hour |
| Two-Person Survey Crew               | = | \$190/hour |
| Two-Person Survey Crew GPS/ Robotics | = | \$200/hour |
| Two-Person Survey Crew (PLS + LSIT)  | = | \$235/hour |
| Three-Person Survey Crew             | = | \$275/hour |

### Travel, Mileage, & Miscellaneous

|                                     |   |                |
|-------------------------------------|---|----------------|
| Lodging                             | = | Cost per night |
| Airfare                             | = | Cost           |
| Vehicle Usage – Passenger Cars      | = | 0.85/mile      |
| Vehicle Usage – Trucks & SUV's      | = | 1.05/mile      |
| Printing/Supplies/Phone/Fax/Postage | = | Note 3         |
| In-House Usage Charges              | = | Note 4         |

### Per Diem

Unless otherwise specified contractually, per diem will be billed when travel is more than 50 miles from the office during a meal allowance period of three or more consecutive hours or involves an overnight stay. The three meal allowance periods are breakfast (midnight to 10 am), lunch (10 am – 3 pm) and dinner (3 pm to midnight).

|                 | Breakfast | Lunch   | Dinner  | Incidentals | GSA Per Diem Rate |
|-----------------|-----------|---------|---------|-------------|-------------------|
| <b>Billings</b> | \$13.00   | \$14.00 | \$23.00 | \$5.00      | \$55.00           |
| <b>Bozeman</b>  | \$14.00   | \$16.00 | \$26.00 | \$5.00      | \$61.00           |
| <b>Butte</b>    | \$13.00   | \$14.00 | \$23.00 | \$5.00      | \$55.00           |
| <b>Helena</b>   | \$16.00   | \$17.00 | \$28.00 | \$5.00      | \$66.00           |

All other cities not listed above, please use the following link:

<https://www.gsa.gov/travel/plan-book/per-diem-rates>

Please use the following link for the meal breakdown:

<https://www.gsa.gov/travel/plan-book/per-diem-rates/meals-and-incidental-expenses-mie-breakdown>

**Notes**

1. DOWL's Professional Services Fee Schedule is subject to adjustment each year or at the end of a contract period, whichever is appropriate. Should adjustments be anticipated or required, such adjustments will not affect existing contracts without prior agreement between Client and DOWL.
2. Straight-time rates are given. Multiply by 1.5 for overtime rates. Overtime rates will be applied at the rate prescribed by applicable state law.
3. Direct reimbursable expenses such as travel, freight, subcontractors, and request beyond those requests considered reasonable by the Project Manager for phone/fax/postage, office supplies, reproduction and photography, and laboratory analysis will be billed at cost plus the negotiated markup.
4. In-house equipment usage charges or specialized software/equipment that are not separately stated on the fee schedule will be negotiated at rates deemed fair and reasonable.
5. Late charges will be assessed on the unpaid balance of all accounts not paid within 30 days of the billing date, at a rate of 1.0 percent per month (12% per year).

## **Appendix E**

### **Project Schedule**

---

Based on a notice to proceed by Billings date no later than September 13, 2021, the completion date for the Engineer's work through final design shall be:

- |                                               |                   |
|-----------------------------------------------|-------------------|
| A. Preliminary (30%) Design:                  | November 26, 2021 |
| B. Pre-Final (90%) Design:                    | January 7, 2022   |
| C. Final (100%) Design and Bid Advertisement: | February 4, 2022  |

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.

**City Council Regular**

**Date:** 09/13/2021

**Title:** Road Dedication Acceptance for Amended Lake Hills Subdivision, 25th Filing

**Presented by:** Monica Plecker

**Department:** Planning & Community Services

**Presentation:** No

---

**RECOMMENDATION**

Staff recommends the City Council accept the road dedication for Ditton Drive for Amended Lake Hills Subdivision, 25th Filing.

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

WWC has prepared a court ordered survey which recreates and restores previously platted lots and city right of way. The action tonight is solely for the City Council to accept previously vacated right of way known as Ditton Drive. In 2019, the developer of this property previously vacated lots and right of way to pursue a new development pattern. These projects are known as Lake Hills Subdivision, 25th Filing Amended and Canal Vista. After approval, a civil lawsuit was filed and as a result of the legal action this court ordered survey must be filed. The court ordered survey restores Ditton Drive and Lots 1-11 and Lot 28 of Block 63 of Lake Hills, 25th Filing.

The City Council's involvement is specific to acceptance of the Ditton Drive right of way. Acceptance of the right of way means Ditton drive is a legal and physical access that is publicly accessibly. Montana Code Annotated (MCA) 76-3-201 Exemptions for certain division of land 1(h) is created for rights-of-way or utility sites and exemption and 76-3-201 1(a) provides for court ordered surveys. The survey and request is consistent with these exemptions.

**ALTERNATIVES**

The City Council may approve or disapprove the road dedication for Amended Lake Hills Subdivision, 25th Filing. Not accepting the right of way would be contrary to the court ordered survey.

**FISCAL EFFECTS**

The road dedication of this subdivision will have no financial impact on the Planning Division.

---

**Attachments**

Exempt Plat for Road Dedication

# AMENDED PLAT OF LAKE HILLS SUBDIVISION - TWENTY-FIFTH FILING AMENDED

LOT 1A OF CORRECTED PLAT OF LAKE HILLS SUBDIVISION - TWENTY-FIFTH FILING AMENDED  
DOCUMENT NO. 3923784

PREPARED FOR: CANAL VISTA, LLC.  
DATE SURVEYED: JULY 2021  
PURPOSE OF SURVEY: COURT ORDERED SURVEY

WITHIN W1/2SE1/4 OF SECTION 9, T01N, R26E, P.M.M.  
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

## LEGAL DESCRIPTION

A tract of land located within the Lake Hills Subdivision - Twenty-Fifth Filing Amended within W1/2SE1/4 of Section 9, T1N, R26E, P.M.M., City of Billings, Yellowstone County, Montana, being more particularly described as follows:

Lot 1A of Corrected Plat of Lake Hills Subdivision - Twenty-Fifth Filing Amended filed as Document No. 3923784 in the office of the Yellowstone County Clerk and Recorder

Said tract of land contains a gross area of 13.91 acres and a net area of 12.21 acres, more or less, and is subject to any easements, reservations, or other encumbrances that have been legally acquired

Said tract shall be known and designated as "AMENDED LAKE HILLS SUBDIVISION - TWENTY-FIFTH FILING AMENDED"

## PROPERTY OWNER CERTIFICATION - EXEMPTION

We hereby certify that this survey is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201(1)(a), M.C.A.

Montana 13th Judicial District Court, Yellowstone County, Montana. Case No. DV 19-1048

We also hereby certify that this survey is exempt from review by Montana Department of Environmental Quality pursuant to 17-36-805(b) A.R.M.

## PROPERTY OWNER CERTIFICATION - DEDICATION

We hereby grant the lands designated as public right-of-way are hereby granted and dedicated to the use of the public forever shall include the portion of Lake Heights Drive and Ditton Drive as shown on the plat.

CANAL VISTA, LLC.

By: Susan B. Lovely

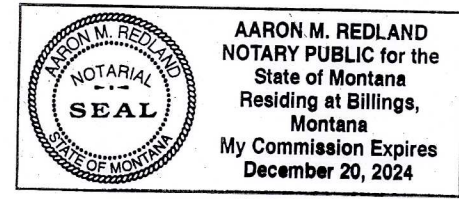
Title: member

STATE OF MONTANA )

County of Yellowstone )

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 16th day of July, 2021, personally appeared Susan B. Lovely, known to me to be the person who signed the foregoing instrument as Member of CANAL VISTA, LLC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

Aaron M. Redland  
Notary Public in and for the State of Montana  
Printed Name Aaron M. Redland  
Residing at Billings, MT  
My commission expires Dec 20, 2024



## CERTIFICATE OF EXAMINING LAND SURVEYOR

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

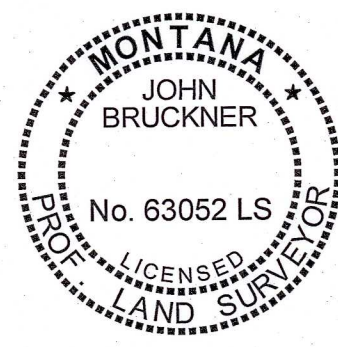
Examining Land Surveyor  
Reg. No. \_\_\_\_\_ Date: \_\_\_\_\_

## CERTIFICATE OF SURVEYOR

I, John Bruckner, a Professional Land Surveyor registered in the State of Montana, do hereby certify that this survey correctly represents work performed by me or under my direct supervision, and is true and correct to the best of my knowledge and belief.

Dated the 16th day of July, 2021

John Bruckner  
John Bruckner  
Registration Number 63052 LS



## LEGEND

- SET 3/4" REBAR W/ PURPLE PLASTIC CAP (BRUCKNER, 63052 LS)
- FOUND PLASTIC CAP
- FOUND IRON PIPE
- FOUND REBAR
- PROPERTY BOUNDARY
- EXISTING EASEMENT GRANTED TO YELLOWSTONE VALLEY ELECTRIC CO-OPERATIVE AND MONTANA DAKOTA UTILITIES, QWEST, AT&T CABLE DOCUMENT NO. 3325684 DATED 3/16/2002
- EXISTING EASEMENT GRANTED TO CITY OF BILLINGS DOCUMENT NO. 3325684 DATED 3/16/2002
- EXISTING EASEMENT GRANTED TO YELLOWSTONE VALLEY ELECTRIC CO-OPERATIVE AND MONTANA DAKOTA UTILITIES, QWEST COMMUNICATIONS, BRESNAN COMMUNICATIONS - DOCUMENT NO. 3488303 DATED 12/04/2008

## CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA )

County of Yellowstone )

We do hereby certify that we have examined the plat of AMENDED LAKE HILLS SUBDIVISION - TWENTY-FIFTH FILING AMENDED, and find that said plat conforms with the requirements of the laws of the State of Montana. It is therefore approved and the dedication to the public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of City of Billings, Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mayor

Attest:  
City Clerk

## CERTIFICATE OF COUNTY TREASURER

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

Date: \_\_\_\_\_  
Yellowstone County Treasurer

By: \_\_\_\_\_  
Deputy

## CERTIFICATE OF CITY ATTORNEY

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

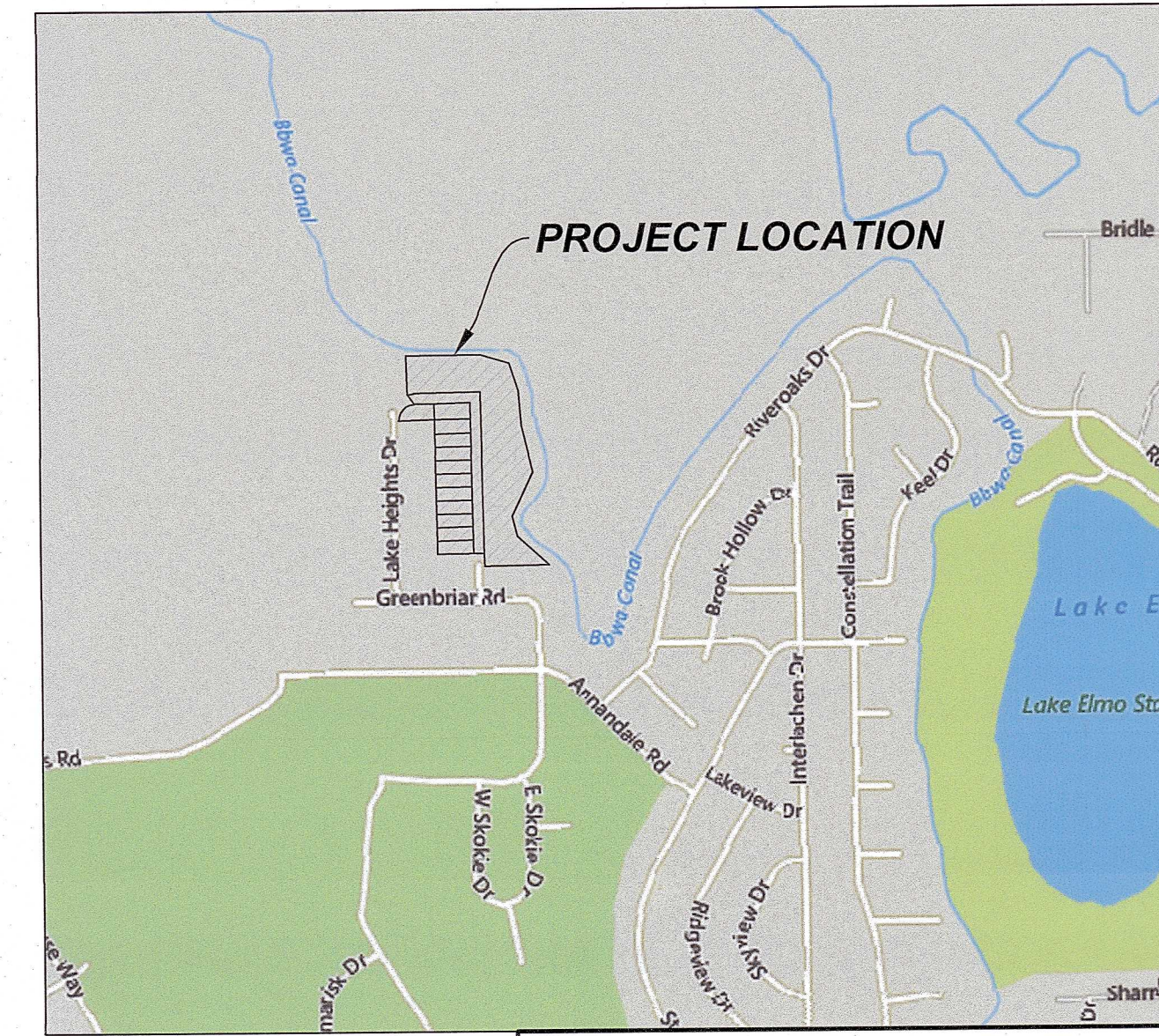
City Attorney or Authorized Representative  
City of Billings Attorney's Office

Date

- NOTES
1. BASIS OF BEARING: NAD83(2011) MONTANA STATE PLANE COORDINATE SYSTEM, GRID
  2. DISTANCES: GROUND, INTERNATIONAL FOOT
  3. FOUND IRON PIPES ON WEST SIDE OF DITTON DRIVE WERE HELD FOR LINE. THEY WERE REMOVED AND PLACED ON LINE BETWEEN THE NORTHEAST CORNER OF LOT 1, BLOCK 63 AND THE SOUTHEAST CORNER OF LOT 11, BLOCK 63. NEW CORNERS WERE MONUMENTED AS SHOWN ON THIS AMENDED PLAT.

## VICINITY MAP

NOT TO SCALE



## CANAL VISTA SUBDIVISION

JOB#: 2018-147

SHEET 1 OF 1

| 1/4 | SEC. | TWP. | RGE. |
|-----|------|------|------|
|     | 9    | 01N  | 26E  |

REVISIONS

| Date | By |
|------|----|
|      |    |
|      |    |
|      |    |

WVC ENGINEERING  
51 N 16th STREET, SUITE 1  
BILLINGS, MT 59101  
(406) 894-2210

Drawn By: AMR Checked By: JPB Date: JAN, 2021 Scale: 1" = 60'

PLAT STYLE: WVC COLOR: FILE NAME: C:\ENGINEERING\DATA\LAKE\_HILLS\AMENDED\_PLAT\_3923784.PLT

## City Council Regular

**Date:** 09/13/2021  
**Title:** W.O. 21-25: Boulder Avenue Sidewalk - Resolution Ordering Improvements  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No

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### RECOMMENDATION

Staff recommends that Council approve a resolution ordering improvements identified in WO 21-25 Boulder Avenue Sidewalk Project.

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

The City has an annual program to make improvements that deals with tripping hazards, drainage problems, property owner requests, complaints, and other miscellaneous concrete work. This program is split into three separate projects. The first project, sidewalk tripper repair, deals with tripping hazards that can be repaired by grinding them. The second project, small concrete replacement, primarily includes tripping hazards that need to be replaced instead of repaired. The third project is the Missing Sidewalk/Miscellaneous project and is the subject of this council action.

The Missing Sidewalk/Miscellaneous project is intended to concentrate on installing sidewalk in areas that are missing pedestrian facilities. As a priority, City staff identified areas that are along arterial streets, collector streets, school routes, or in high pedestrian areas for inclusion in this program. One of the streets identified as needing sidewalk is Boulder Avenue from 32nd Street West to Rehberg Lane. The resolution ordering improvements is to construct sidewalk along the north side of Boulder Avenue from 32nd Street West to Rehberg Lane. The property owners are responsible for paying for sidewalk on their addressed side and drive approaches on both addressed and non-addressed sides.

### ALTERNATIVES

The Council may:

- Approve the Resolution ordering construction of the improvements; or
- Not approve the Resolution ordering construction of the improvements. If the Council does not approve the Resolution, the property owners cannot be assessed and the work will not occur because there is no other source of funding.

### FISCAL EFFECTS

The project is funded through gas tax and direct property assessments. The assessments included in the resolution are in the amount of \$88,000.00.

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### 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 BOULDER AVENUE SIDEWALK PROJECT; 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 September 13, 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 Bohlman  
City Clerk

**RESOLUTION NO. 21 - \_\_\_\_\_**

**A RESOLUTION RELATING TO BOULDER AVENUE  
SIDEWALK PROJECT; 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 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 \$88,000.00. 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                    | \$67,796.00        |
| City Engineering (Project Management) | 10,004.00          |
| Finance                               | 800.00             |
| Revolving Fund                        | 4,400.00           |
| Issuance Costs                        | 5,000.00           |
| <u>Total Assessed Costs</u>           | <u>\$88,000.00</u> |

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 \$88,000.00.

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 \$183,300 to \$1,328,100 and is set forth in Exhibit B. The estimated average market value of the properties to be assessed for the Improvements is \$321,069 and the median market value of the properties to be assessed for the Improvements is \$246,700. 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 13 properties to be assessed for the Improvements and such properties are owned by separate owners.

(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 13 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 \$88,000.00 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 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 13<sup>th</sup> of September 2021.

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Mayor

Attest:

---

City Clerk

**Exhibit A**  
**Location of Work**  
**WO 21-25 Boulder Avenue Sidewalk**

- A) **Sidewalk: 3145 Boulder Avenue, 3139 Boulder Avenue, 3133 Boulder Avenue, 3131 Boulder Avenue, 3125 Boulder Avenue, 3121 Boulder Avenue, 3111 Boulder Avenue, 3109 Boulder Avenue, 3107 Boulder Avenue, 3041 Boulder Avenue, 3031 Boulder Avenue, 3025 Boulder Avenue, 3001 Boulder Avenue**

## Exhibit B

### WO 21-25 Boulder Avenue Sidewalks

| <b>Tax Code</b> | <b>SID #</b> | <b>SID Pay-off (A)</b> | <b>Delinquent (B)</b> | <b>Assessment (C)</b> | <b>A + B + C</b> | <b>Market Value</b> |
|-----------------|--------------|------------------------|-----------------------|-----------------------|------------------|---------------------|
| A18654B         |              |                        |                       | \$4,370.08            | \$4,370.08       | \$218,400.00        |
| A18656          |              |                        |                       | \$5,475.01            | \$5,475.01       | \$268,700.00        |
| A18657          |              |                        |                       | \$9,540.39            | \$9,540.39       | \$202,700.00        |
| A18658          |              |                        |                       | \$5,834.56            | \$5,834.56       | \$235,400.00        |
| A18659          |              |                        |                       | \$4,737.74            | \$4,737.74       | \$246,700.00        |
| A18660          |              |                        |                       | \$5,678.80            | \$5,678.80       | \$189,300.00        |
| A18661A         |              |                        |                       | \$5,304.65            | \$5,304.65       | \$206,000.00        |
| A18662A         |              |                        |                       | \$6,282.38            | \$6,282.38       | \$183,300.00        |
| A18663          |              |                        |                       | \$5,596.38            | \$5,596.38       | \$251,000.00        |
| A18664B         |              |                        |                       | \$9,644.23            | \$9,644.23       | \$312,100.00        |
| A18665          |              |                        |                       | \$9,637.74            | \$9,637.74       | \$1,328,100.00      |
| A18666          |              |                        |                       | \$8,300.79            | \$8,300.79       | \$276,800.00        |
| A18668          |              |                        |                       | \$7,597.26            | \$7,597.26       | \$255,400.00        |
|                 |              |                        |                       |                       |                  |                     |
| Average         |              |                        |                       | \$6,769.00            | \$6,769.00       | \$321,069.00        |
| Median          |              |                        |                       | \$5,835.00            | \$5,835.00       | \$246,700.00        |
| Low             |              |                        |                       | \$4,370.08            | \$4,370.08       | \$183,300.00        |
| High            |              |                        |                       | \$9,644.00            | \$9,644.00       | \$1,328,100.00      |

**City Council Regular**

**Date:** 09/13/2021  
**Title:** W.O. 22-13: Heights Trunk Sewer Repair, Emergency Resolution  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends that Council adopt a resolution declaring an emergency and grant the City Administrator the signing authority to repair the Heights Trunk Sewer.

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

Early in the morning of August 31, 2021, City staff noticed a break in the main sewer line from the Billings Heights. This sewer pipe carries approximately 3 million gallons per day (MGD) of sewage into the plant. The break allowed raw sewage to flow into the Yellowstone River. City staff needs to hire contractors to provide bypass pumping of the sewage and replace the sewer trunk line. Due to the potential for sewage to enter the Yellowstone River and violate the City's discharge permit, it is the City Staff's recommendation that this work take place as soon as possible. Section 7-5-4302 of the MCA requires advertising for competitive bids and accepting the lowest responsive bid. Competitive bidding is impractical because the time to advertise and analyze bids and award a contract would require several weeks before the work could begin. Section 7-5-4303 of the MCA allows cities to declare an emergency and waive the requirement for advertising and competitive bidding when  $\frac{3}{4}$  of the Council members present at the meeting declare an emergency. In addition, city staff is asking to have the City Administrator be given the signing authority to enter into the contracts necessary to accomplish the work described in this emergency resolution. While there are still several unknowns about the work that is needed, City staff is anticipating the cost of the work to be about \$250,000.

**ALTERNATIVES**

City Council may:

- Approve the emergency resolution for Laredo Place and give the City Administrator signing authority, or;
- Disapprove the emergency resolution for Laredo Place and do not give the City Administrator signing authority. If the resolution and signing authority are not approved, the repair will be delayed which will increase the risk to the public of a sewage overflow to the Yellowstone River.

**FISCAL EFFECTS**

Staff estimates the cost of construction for the repair to be \$250,000. Cost of repair will be from FY22 budgeted sewer funds that may reduce the amount of sewer main replacement in FY22 or delay other sewer main replacement projects. The resolution will save about \$5,000 per week of temporary bypass pumping costs and reduce the cost associated with the risk of additional sewage back-up and discharge to the Yellowstone River.

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**Attachments**

WO 22-13 Emergency Resolution

## **RESOLUTION 21-**

### **A RESOLUTION DECLARING AN EMERGENCY AND WAIVING THE REQUIREMENT FOR COMPETITIVE BIDS**

WHEREAS, the sewer line from the Billings Heights into the City's Water Reclamation Facility (WRF) has unexpectedly and abruptly failed. This sewer line carries approximately three million gallons per day (MGD) of sewage to the WRF; and

WHEREAS, Public Works has constructed a temporary berm and is utilizing a short-term bypass pumping station to presently contain and redirect back-up sewage flow to the WRF and away from the City and Yellowstone River;

WHEREAS, Section 7-5-4302, MCA, requires the City to advertise for competitive bids and to award the bid to the lowest responsive bidder for construction, repair, or maintenance in excess of \$80,000;

WHEREAS, competitive bidding requires an advertising and award process that would delay the repair; and

WHEREAS, Section 7-5-4303, MCA, allows the City to waive the competitive bidding requirements if three-fourths ( $\frac{3}{4}$ ) of the members present at the meeting of the City Council declare an emergency.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, as follows:

1. EMERGENCY DECLARED. The repair of the sewer line from the Billings Heights into the City's WRF is declared an emergency due the extreme and immediate necessity to take corrective action for the health, safety and welfare of the public and Yellowstone River.
2. COMPETITIVE BIDDING WAIVED. Due to the declared emergency, the City Council waives the competitive bidding requirements of as permitted by Section 7-5-4303, MCA.

APPROVED by at least three-fourths ( $\frac{3}{4}$ ) of the members present at the meeting of the City Council of the City of Billings, Montana, on the 13<sup>th</sup> day of September 2021.

CITY OF BILLINGS

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

William A. Cole, Mayor

ATTEST:

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

Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Resolution canceling Municipal General Election for Mayor and Municipal Judge  
**Presented by:** Gina Dahl  
**Department:** Legal  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends Council approve a resolution canceling the November 2, 2021, general election for the Mayor and Municipal Judge positions ONLY, and elect by acclamation the following:

William A. Cole, as Mayor  
Sheila R. Kolar, as Municipal Judge

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

MCA 13-1-403(4) authorizes municipalities to cancel a general election for the election of a municipal officer by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled. The City of Billings received a letter from the Yellowstone County Election Administrator, Bret Rutherford, on August 30, 2021, giving notice that the elected municipal officer positions eligible for cancellation are the Mayor and Municipal Judge positions.

**ALTERNATIVES**

City Council may:

- Approve the resolution canceling the November 2, 2021, general election for Mayor and Municipal Judge, and elect by acclamation William A. Cole as Mayor, and Sheila R. Kolar as Municipal Judge; or,
- Not Approve the resolution canceling the November 2, 2021, general election for Mayor and Municipal Judge. If not approved, the Mayor and Municipal Judge portions will appear on the ballot.

**FISCAL EFFECTS**

According to the Yellowstone County Election Administrator, Bret Rutherford, removing the Mayor and Municipal Judge races would reduce the municipal election cost by approximately \$5,000 - \$10,000.

**SUMMARY**

Staff recommends Council approve a resolution canceling the November 2, 2021, general election for the Mayor and Municipal Judge positions ONLY, and elect by acclamation the following:

William A. Cole, as Mayor  
Sheila R. Kolar, as Municipal Judge

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**Attachments**

Election Administrator notification  
Resolution - Canceling General Election



***Yellowstone County***  
**Election Administrator**

(406) 256-2740  
(406) 254-7940 (FAX)

P.O. Box 35002  
Billings, MT 59107-5002  
brutherford@yellowstonecountymt.gov

August 30, 2021

RE: Cancellation of Nonpartisan Municipal Races

Dear City Clerks,

Please be advised that the write-in deadline set forth in 13-1-403(2) MCA has passed. The following candidates have filed for a nonpartisan municipal office in Yellowstone County and are running uncontested. In accordance with 13-1-403(4) MCA, the governing body may by resolution cancel the election for those races. If your governing body wishes to cancel, please forward a copy of the executed resolution to the Yellowstone County Election Office.

**City of Billings**

Mayor – Bill Cole (4-year term)  
Municipal Court Judge – Sheila R. Kolar (4-year term)

**City of Laurel**

City Council Ward 1 – Heidi Sparks (4-year term)  
City Council Ward 2 – Michelle Mize (4-year term)  
City Council Ward 3 – Irv Wilke (4-year term)  
City Council Ward 4 – Richard A. Klose (4-year term)

**Township of Broadview**

Roger D. Swartz (4-year term)  
Vacancy\* (4-year term)  
Vacancy\* (4-year term)

\*Vacancies are filled by the governing body in accordance with 7-4-4112, MCA.

Sincerely,

A blue ink signature of Bret Rutherford, written in a cursive style.

Bret Rutherford  
Election Administrator  
Yellowstone County

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION CANCELING THE NOVEMBER 2, 2021  
GENERAL ELECTION OF CERTAIN  
MUNICIPAL OFFICERS**

WHEREAS, MCA section 13-1-403(4) authorizes a municipality to cancel a general election for the election of a municipal officer by resolution after notification by the election administrator if the number of candidates filing for election is equal or less than the number of positions to be filled; and

WHEREAS, by letter dated, August 30, 2021, the City of Billings received notice by the Yellowstone County Election Administrator that the following elected municipal officer positions are eligible for cancellation: Mayor and Municipal Judge; and

WHEREAS, pursuant to Section 13-1-403 provides that a declaration of intent to be a write-in candidate must be filed with the election administrator by 5 PM on the 65<sup>th</sup> day before the date of the election, or August 30, 2021; and

WHEREAS, as of August 30, 2021, the municipal officer positions for Mayor and Municipal Judge remain eligible for cancellation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. The City of Billings cancels the November 2, 2021, general election for the offices of Mayor and Municipal Judge.
2. The following persons are hereby elected by acclamation to the following offices:

Mayor: William A. Cole

Municipal Judge: Sheila R. Kolar

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the \_\_\_\_ day of September, 2021.

CITY OF BILLINGS

By: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

By: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Ward Boundary Expansion Ordinance Second Reading - Annexation 21-06  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward IV. The City Council approved first reading subsequent to a public hearing on August 23, 2021.

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

John and Patricia Burg submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of Highway 3 and southeast of Rod and Gun Club Road. The property is described Tract 2-A, of Amended Tracts 1 and 2 of The Corrected Plat of Hagmann Acreage Tracts Subdivision, recorded December 16, 1983, under Document No. 1290304; Tract 1, of Certificate Of Survey No. 2577, recorded August 1, 1990, under Document No. 1568246, on file and of record in the Records of Yellowstone County. Including all adjacent rights-of-way of State Highway No. 3. and Tract 2-A, of Amended Tracts 1 and 2 of The Corrected Plat of Hagmann Acreage Tracts Subdivision, recorded December 16, 1983, under Document No. 1290304; Tract 1, of Certificate Of Survey No. 2577, recorded August 1, 1990, under Document No. 1568246, on file and of record in the Records of Yellowstone County. Including all adjacent rights-of-way of State Highway No. 3. The property contains 3.311 gross and 2.793 net acres, more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward IV. Two readings are required for this action. The first reading and public hearing was conducted and approved on August 23rd. The second reading will occur at this meeting.

**STAKEHOLDERS**

A public hearing was held on August 23rd. Following the hearing, the City Council approved the 1st reading.

**ALTERNATIVES**

City Council may:

- Approve adding the subject property to Ward IV, or;
- Disapprove adding the subject property to Ward IV.

Disapproval will not modify the boundary of Ward IV 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.

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**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 IV 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 IV the following described real property:

Tracts of Land situated in the SW 1/4 of Section 26, T.1N., R.25E, P.M.M.,  
Yellowstone County, Montana, more particularly described as follows:

Tract 2-A, of Amended Tracts 1 and 2 of The Corrected Plat of Hagmann  
Acreage Tracts Subdivision, recorded December 16, 1983, under Document No.  
1290304;

Tract 1, of Certificate Of Survey No. 2577, recorded August 1, 1990, under  
Document No. 1568246, on file and of record in the Records of Yellowstone  
County.

Including all adjacent rights-of-way of State Highway No. 3.

Said annexation containing 3.311 gross and 2.793 net acres, more or less.

(# 21-06) See Exhibit "A" Attached

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 23<sup>rd</sup> day of August, 2021.

PASSED by the City Council on the second reading this 13<sup>th</sup> day of September, 2021.

THE CITY OF BILLINGS:

\_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman, CITY CLERK

(#21-06)

# EXHIBIT 99 A 99



**City Council Regular**

**Date:** 09/13/2021  
**Title:** Ward Boundary Expansion Ordinance Second Reading - Annexation 21-07  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends the City Council approve the ordinance on second reading. The City Council held a public hearing and approved first reading on August 23rd, 2021.

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

CPP LLC, ARB Investments, LLC and GSB Holdings LLC (all 1/3 interest) submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located along Calhoun Lane. Tracts A-1 and A-2, Amended Tract A Certificate Of Survey No. 775, recorded July 25, 1985, under Document No. 1359096, on file and of record in the Records of Yellowstone County and contains 1.316 gross and net acres and is zoned CMU1. Upon Council approval, this annexation requires a change in the boundaries of Ward III. Two readings are required for this action. The first reading and public hearing was held August 23rd and approved by City Council.

**ALTERNATIVES**

City Council may:

- City Council may: Approve adding the subject property to Ward III; or,
- Not Approve. 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.

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**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 26, T.1N., R.25E, P.M.M.,  
Yellowstone County, Montana, more particularly described as follows:

A tract of Land situated in the SW 1/4 of Section 9, T.1S., R.26E, P.M.M.,  
Yellowstone County, Montana, more particularly described as follows:

Tracts A-1 and A-2, Amended Tract A Certificate Of Survey No. 775, recorded  
July 25, 1985, under Document No. 1359096, on file and of record in the  
Records of Yellowstone County.

Said annexation containing 1.316 gross and net acres, more or less.

(# 21-07) 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 23<sup>rd</sup> day of August, 2021.

PASSED by the City Council on the second reading this 13<sup>th</sup> day of September, 2021.

THE CITY OF BILLINGS:

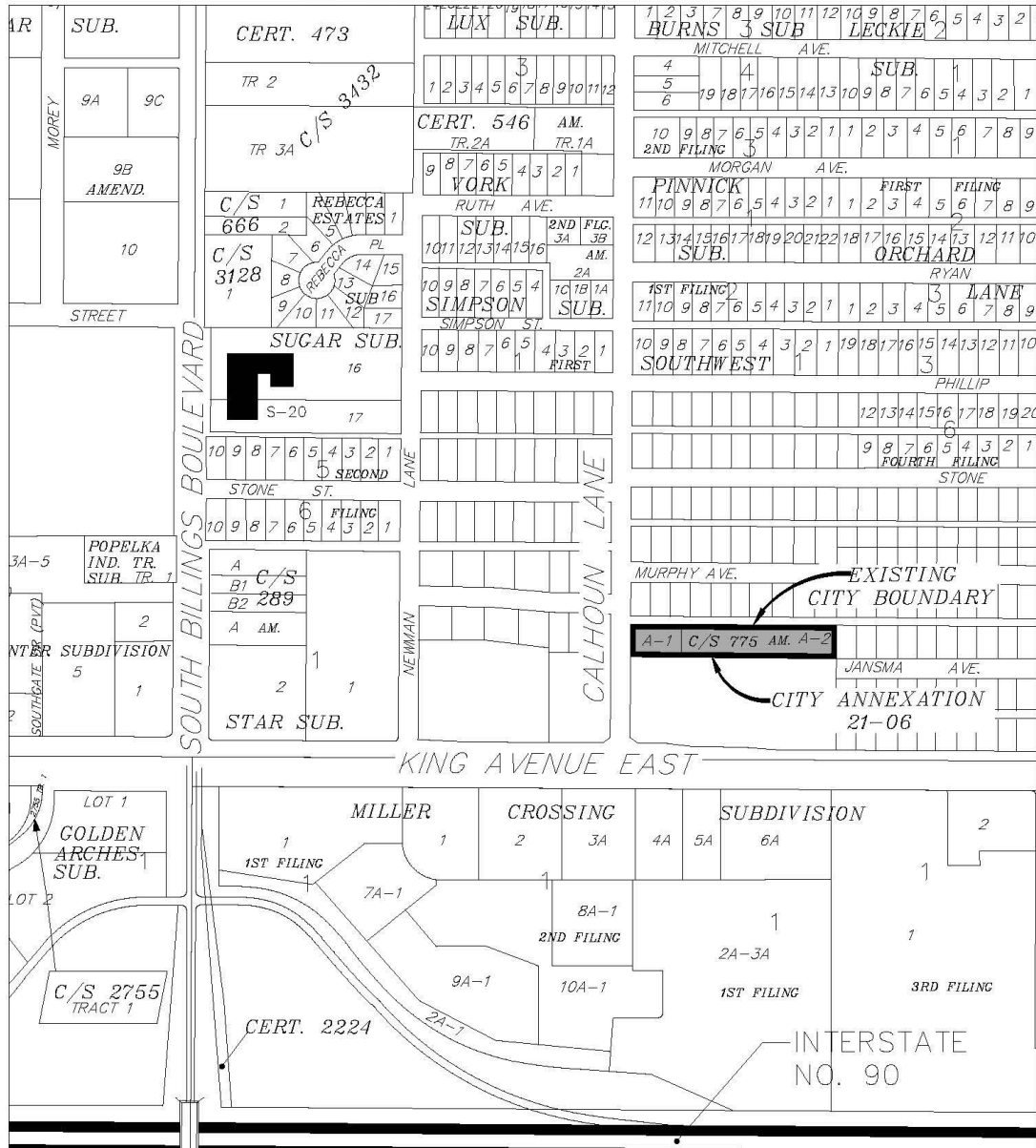
\_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman, CITY CLERK

(#21-07)

# EXHIBIT 99 A 99



## City Council Regular

**Date:** 09/13/2021  
**Title:** Ward Boundary Expansion Ordinance Second Reading - Annexation 21-08  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No

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### RECOMMENDATION

Staff recommends the City Council approve the ordinance on second reading. The City Council held a public hearing and approved first reading on August 23rd, 2021.

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

Cherry Island Land, LLC. submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located south of Highway 3 and southeast of Rod and Gun Club Road. The property is described as A tract of Land situated in the NW 1/4 of Section 24, T.1N., R.26E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Being a portion of Lot 2, Block 1 of Cherry Creek Estates Subdivision, recorded June 12, 2003, under Document No. 3234914, on file and of record in the Records of Yellowstone County, said portion being described as follows: Wholly surrounded on the east by Lot 4, Block 1 of said Cherry Creek Estates Subdivision, on the north existing City boundary, also being the south line of an existing 60 foot wide access & utility easement through said Lot 2, Block 1 Cherry Creek Estates Subdivision, on the west by Lot 7A, Barry Acreage Tracts Subdivision 3rd Filing, recorded November 14, 1967, under Document No. 809463, Barry Acreage Tracts Subdivision 2nd Filing, recorded May 29, 1964, under Document No. 732009, Barry Acreage Tracts Subdivision, Tracts 1 through 3, recorded May 29, 1964, under Document No. 732008 and Barry Acreage Tracts Subdivision Amended, Tract 4A Amended, recorded January 10, 2001, under Document No. 3114780 to point that is the existing City boundary per Resolution No 03-17967, said point being North 308.00 feet of the SE corner of Tract 4E of said Barry Acreage Tracts Subdivision Amended and on the south by said existing City boundary per Resolution No 03-17967. The annexation contains 7.906 gross and net acres, more or less. The property is zoned Rural Residential 1, a county zone that is not recognized by the City of Billings. There is an accompanying petition to change the property to Neighborhood 3 (N3). The N3 district is a single-family only residential district.

Upon Council approval, this annexation requires a change in the boundaries of Ward II. Two readings are required for this action. The first reading and public hearing was held August 23rd. Upon approval the second reading will occur on September 13, 2021.

### ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward II; or,
- Not Approve. Disapproval will not modify the boundary of Ward II and will create a problem where property inside the City Limits is not within a City Ward.

### FISCAL EFFECTS

This item has no impact on the Planning Division Budget.

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### Attachments

Ward Boundary Ordinance

**ORDINANCE NO. 21-\_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BILLINGS, AMENDING BILLINGS MUNICIPAL CODE, CHAPTER 11, ELECTIONS, IN PARTICULAR, SECTION 11-102(c), WARD BOUNDARIES; AND CHANGING THE WARD BOUNDARIES ESTABLISHED THEREIN BY ADDING CERTAIN NEWLY ANNEXED REAL PROPERTY TO WARD II PROVIDING FOR CERTIFICATION AND REPEALING OF ALL ORDINANCES AND RESOLUTIONS INCONSISTENT THEREWITH.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:**

1. AMENDMENT. Pursuant to Billings Municipal Code, Section 11-102(c) and the State Law, Billings Municipal Code, Section 11-102(c) Ward Boundaries is hereby amended by adding to Ward II the following described real property:

A tract of Land situated in the NW 1/4 of Section 24, T.1N., R.26E, P.M.M.,

Yellowstone County, Montana, more particularly described as follows:

Being a portion of Lot 2, Block 1 of Chery Creek Estates Subdivision, recorded June 12, 2003, under Document No. 3234914, on file and of record in the

Records of Yellowstone County, said portion being described as follows:

Wholly surrounded on the east by Lot 4, Block 1 of said Cherry Creek Estates Subdivision, on the north existing City boundary, also being the south line of an existing 60 foot wide access & utility easement through said Lot 2, Block 1 Chery Creek Estates Subdivision,

on the west by Lot 7A, Barry Acreage Tracts Subdivision 3rd Filing, recorded

November 14, 1967, under Document No. 809463, Barry Acreage Tracts

Subdivision 2nd Filing, recorded May 29, 1964, under Document No. 732009,

Barry Acreage Tracts Subdivision, Tracts 1 through 3, recorded May 29, 1964,

under Document No. 732008 and Barry Acreage Tracts Subdivision Amended,

Tract 4A Amended, recorded January 10, 2001, under Document No. 3114780 to point that is the existing City boundary per Resolution No 03-17967, said point being North 308.00 feet of the SE corner of Tract 4E of said Barry Acreage Tracts Subdivision Amended and on the south by said existing City boundary per Resolution No 03-17967.

Said annexation containing 7.906 gross and net acres, more or less.

(# 21-08) 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 23<sup>rd</sup> day of August, 2021.

PASSED by the City Council on the second reading this 13<sup>th</sup> day of September, 2021.

THE CITY OF BILLINGS:

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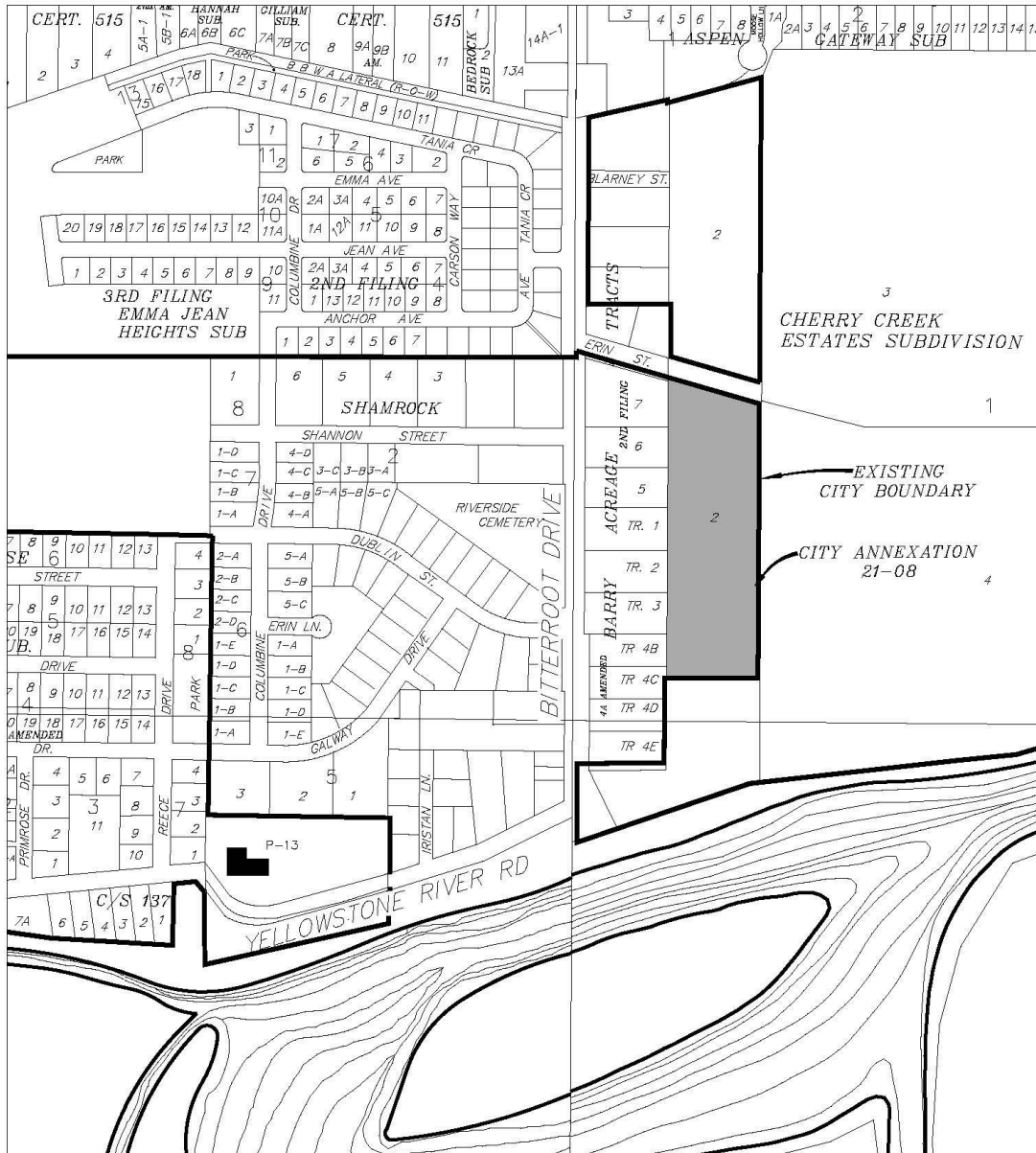
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman, CITY CLERK

(#21-08)

# EXHIBIT 99 A 99



## City Council Regular

**Date:** 09/13/2021  
**Title:** Ward Boundary Expansion Ordinance Second Reading - Annexation 21-09  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No

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### RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward V. The Council conducted a public hearing and approved the ordinance on first reading at its August 23 meeting.

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

Mary and Joe Dyk submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. Since submission of the annexation petition, the property has been sold to TKJ Development LLC. TKJ Development is continuing with the petition. The property is described as Tracts of Land situated in the SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows: Tract 2-C of Certificate of Survey 983, Tract 2 Amended, recorded February 15, 1979, under Document No. 1119356; Tract 14 of Certificate of Survey 983, Amending Tracts 2B & 13, recorded May 31, 1983, under Document No. 1266982; Tracts 2-G-1 and 2-H-1 of Certificate of Survey 983, Amending Tracts 2G and 2H of Plat Amending Tract 2-F, recorded November 24, 2020, under Document No. 3948933; Including that portion of adjoining Yellowstone County Road easement for South 48th Street West, also described as a portion County Road Petition Number 20, Petition filing date April 6, 1911, date road Granted May 18, 1911 This legal description is for the entire development. The Annexation approved by City Council on August 23rd was approved in phases. Exhibit A attached to the ordinance reflects the phasing. This ward boundary ordinance will only make the ward change effective for Phase 1. Specifically Phase 2 includes Tract 14 of Certificate of Survey 983. This parcel will be changed at the time that annexation becomes effective. There is no reference to Tract 14 in the Ordinance.

Upon Council approval, this annexation requires a change in the boundaries of Ward V. Two readings are required for this action. The first reading of the ordinance was held on August 23rd, 2021, along with a public hearing, and the second reading is scheduled for September 13, 2021.

### ALTERNATIVES

City Council may:

- Approve adding the subject property to Ward V, or;
- Disapprove adding the subject property to Ward V.

Disapproval will not modify the boundary of 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.

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### 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 V 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 V the following described real property:

Tracts of Land situated in the SE 1/4 of Section 9 and the SW 1/4 of Section 10, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:

Tract 2-C of Certificate of Survey 983, Tract 2 Amended, recorded February 15, 1979, under Document No. 1119356;

Tracts 2-G-1 and 2-H-1 of Certificate of Survey 983, Amended Tracts 2G and 2H of Plat Amending Tract 2-F, recorded November 24, 2020, under Document No. 3948933;

Including that portion of adjoining Yellowstone County Road easement for South 48th Street West, also described as a portion County Road Petition Number 20, Petition filing date April 6, 1911, date road Granted May 18, 1911

Also known as Phase 1

(# 21-09) 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 23<sup>rd</sup> day of August, 2021.

PASSED by the City Council on the second reading this 13<sup>th</sup> day of September, 2021.

THE CITY OF BILLINGS:

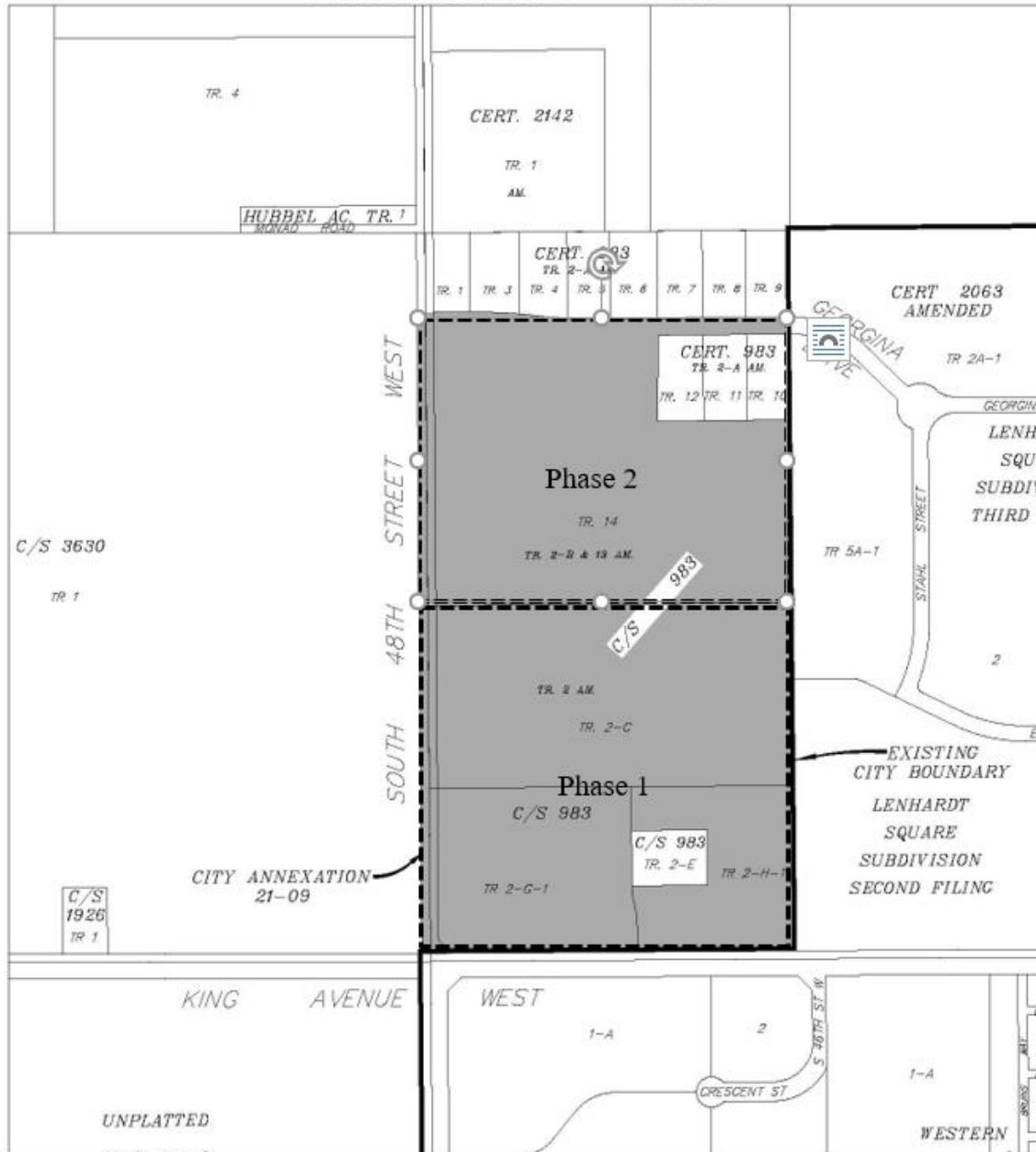
\_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman, CITY CLERK

(#21-09)

# EXHIBIT "A"



## City Council Regular

**Date:** 09/13/2021  
**Title:** Payment of Claims for week of August 2, 2021  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No

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### RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$1,384,331.22 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 is 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.

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### Attachments

Councilmemo wk of 08022021

| Check Date | Check# | Name                | Fund Name      | Amount       | Item Desc                                                    |
|------------|--------|---------------------|----------------|--------------|--------------------------------------------------------------|
| 08/02/2021 | 844985 | Allstates Coating   | Street/Traffic | \$ 13,131.25 | white paint totes                                            |
| 08/02/2021 | 844985 | Allstates Coating   | Street/Traffic | \$ 16,137.00 | yellow paint totes                                           |
| 08/02/2021 | 844992 | Auto Doors of MT    | Airport        | \$ 2,500.00  | Preventative Maintenance Service on Doors                    |
| 08/02/2021 | 844994 | Beartooth Enviro    | Solid Waste    | \$ 4,922.70  | HHW solid waste shipments. Site Labor. Deliveries.           |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 176.00    | BC 545865369                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 176.00    | BC 545906463                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 176.00    | BC 545969348                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021075                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021080                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021081                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021084                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021089                                                 |
| 08/02/2021 | 844996 | Billings Clinic     | Public Safety  | \$ 600.00    | SANE 2021091                                                 |
| 08/02/2021 | 844998 | Bison Engineering   | Solid Waste    | \$ 3,402.50  | Compliance reports and review of NSPS and MACT applicability |
| 08/02/2021 | 844999 | Bound Tree Medical  | PD Program     | \$ 2,725.99  | EMS GLOVES, NITRILE, SUPERNO                                 |
| 08/02/2021 | 844999 | Bound Tree Medical  | PD Program     | \$ 2,699.00  | GLOVES, NITRILE EMS [JAG GRANT]                              |
| 08/02/2021 | 844999 | Bound Tree Medical  | PD Program     | \$ 6,477.60  | GLOVES, NITRILE, EMS [JAG GRANT]                             |
| 08/02/2021 | 845007 | Century Link        | Airport        | \$ 83.06     | Airport                                                      |
| 08/02/2021 | 845007 | Century Link        | General        | \$ 41.53     | Cemetery FAX Line                                            |
| 08/02/2021 | 845007 | Century Link        | General        | \$ 56.55     | Stewart Park Batting Cages                                   |
| 08/02/2021 | 845007 | Century Link        | Park Dist 1    | \$ 63.84     | Parks                                                        |
| 08/02/2021 | 845007 | Century Link        | Park Dist 1    | \$ 46.73     | Parks 3890 Stillwater                                        |
| 08/02/2021 | 845007 | Century Link        | Parking        | \$ 46.73     | Park 1 Elevator Phone                                        |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 50.36     | Animal Control Fax                                           |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 102.90    | BOC Measured Lines                                           |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 46.73     | Fire Alarm                                                   |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 46.73     | Four Dances                                                  |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 2,733.55  | Main System Centrex                                          |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 48.06     | MET Fax and Kenco Fax                                        |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 51.79     | Miller Building                                              |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 46.73     | Pioneer Park                                                 |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 149.53    | PUD Measured Lines                                           |
| 08/02/2021 | 845007 | Century Link        | Phone System   | \$ 48.06     | Streets Fax                                                  |
| 08/02/2021 | 845007 | Century Link        | Street/Traffic | \$ 48.06     | PW Traffic Signal 24 Central                                 |
| 08/02/2021 | 845011 | Chicago Title of MT | CDBG           | \$ 10,000.00 | FTHB Charles Page 1946 Alderson Avenue                       |
| 08/02/2021 | 845020 | Denny Menholt       | General        | \$ 4,863.87  | 385027                                                       |

| Check Date | Check# | Name                | Fund Name        | Amount        | Item Desc                                                           |
|------------|--------|---------------------|------------------|---------------|---------------------------------------------------------------------|
| 08/02/2021 | 845021 | Diamond Const       | Wastewater       | \$ 36,456.97  | Belknap Office Remodel                                              |
| 08/02/2021 | 845021 | Diamond Const       | Water            | \$ 32,200.24  | Belknap Office Remodel                                              |
| 08/02/2021 | 845022 | DOWL                | Arterial Streets | \$ 15,285.00  | WO 20-12 S 32nd St W (King Ave W to Gabel)                          |
| 08/02/2021 | 845022 | DOWL                | Arterial Streets | \$ 31,078.56  | WO 20-12 S 32nd St W (King Ave W to Gabel)                          |
| 08/02/2021 | 845022 | DOWL                | Planning         | \$ 12,152.80  | Billings ByPass Corridor Study 4051.21884.01-6                      |
| 08/02/2021 | 845022 | DOWL                | Planning         | \$ 7,307.50   | BILLINGS CTSP UPDATE-LMO4102021                                     |
| 08/02/2021 | 845027 | Fisher's Technology | Public Safety    | \$ 3,045.00   | 915391-Police new copier- not in fund 2PB01307                      |
| 08/02/2021 | 845027 | Fisher's Technology | Public Safety    | \$ 249.27     | 921639- non-copy fund - 2PB01307                                    |
| 08/02/2021 | 845029 | Gillig Corporation  | Transit          | \$ 1,078.65   | 40826677 PO NUM 312956. Brake Shoes                                 |
| 08/02/2021 | 845029 | Gillig Corporation  | Transit          | \$ 1,078.65   | 40827015 PO NUM 312956. Brake Shoes                                 |
| 08/02/2021 | 845029 | Gillig Corporation  | Transit          | \$ 463.56     | 40827663 PO NUM 312956. Brake Hardware Kit                          |
| 08/02/2021 | 845034 | Hansers Automotive  | Water            | \$ 3,100.00   | 312379                                                              |
| 08/02/2021 | 845034 | Hansers Automotive  | Water            | \$ (150.00)   | 313186                                                              |
| 08/02/2021 | 845037 | Hardrives Const     | Gas Tax          | \$ 44,764.26  | 2020 City Chip Seal                                                 |
| 08/02/2021 | 845037 | Hardrives Const     | Gas Tax          | \$ 15,766.97  | 2020 City Chip Seal                                                 |
| 08/02/2021 | 845038 | Hauf Industries     | Public Safety    | \$ 32.50      | EFR: T77 K12 SAW WON'T START, FOUND UNIT FLOODED                    |
| 08/02/2021 | 845038 | Hauf Industries     | Public Safety    | \$ 2,759.00   | FIRE1: NEW CHAIN SAWS, SET UP AS VENT SAWS W/CONVERSION KIT         |
| 08/02/2021 | 845038 | Hauf Industries     | Public Safety    | \$ 1,015.00   | MID-SUMMER MAINT: MOWERS, TRIMMERS, BLOWERS                         |
| 08/02/2021 | 845039 | Hawkins             | General          | \$ 2,865.01   | chemicals for pools - 4989238                                       |
| 08/02/2021 | 845040 | HDR, Inc.           | Gas Tax          | \$ 16,616.58  | W.O. 09-12 Inner Belt Loop BUILD Grant NEPA Compliance              |
| 08/02/2021 | 845040 | HDR, Inc.           | Gas Tax          | \$ 7,425.78   | W.O. 09-12 Inner Belt Loop BUILD Grant NEPA Compliance              |
| 08/02/2021 | 845041 | High Point Network  | IT Resources     | \$ 2,429.00   | Juniper Switch with power supply, power cord& 4dances Tower support |
| 08/02/2021 | 845041 | High Point Network  | IT Resources     | \$ 1,720.00   | Qty. 2 Dell Server Maint. Veeam Primary Backup one and two          |
| 08/02/2021 | 845041 | High Point Network  | IT Resources     | \$ 11,732.50  | Qty. 50 Licenses -Zerto Ent. Cloud Edition Renewal                  |
| 08/02/2021 | 845046 | InfoSend            | P.W. Admin       | \$ 9,687.96   | MAILING CONTRACT SERVICES                                           |
| 08/02/2021 | 845046 | InfoSend            | P.W. Admin       | \$ 3,211.02   | MAILING CONTRACT SERVICES                                           |
| 08/02/2021 | 845049 | Invoice Cloud       | Building         | \$ 15.87      | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845049 | Invoice Cloud       | City Ins Fund    | \$ 21.16      | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845049 | Invoice Cloud       | Parking          | \$ 40.63      | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845049 | Invoice Cloud       | Solid Waste      | \$ 7,704.17   | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845049 | Invoice Cloud       | Wastewater       | \$ 9,728.72   | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845049 | Invoice Cloud       | Water            | \$ 11,445.56  | June 2021 Invoice Cloud                                             |
| 08/02/2021 | 845051 | JJ Keller & Assoc   | General          | \$ 2,995.00   | Essential one year on-line subscription                             |
| 08/02/2021 | 845054 | Johnson Controls    | Airport          | \$ 3,201.01   | Repairs to Security Door Issue and test Gate Link and Terminal Link |
| 08/02/2021 | 845056 | Knife River         | Arterial Streets | \$ 263,543.94 | S 32nd Street W                                                     |
| 08/02/2021 | 845056 | Knife River         | Gas Tax          | \$ 7,229.88   | SID 1413 Lake Hills Sub. 21st Filing Winged Foot & Greenbriar Rd    |

| Check Date | Check# | Name                      | Fund Name        | Amount       | Item Desc                                                          |
|------------|--------|---------------------------|------------------|--------------|--------------------------------------------------------------------|
| 08/02/2021 | 845056 | Knife River               | SID Const        | \$ 32,821.95 | SID 1413 Lake Hills Sub. 21st Filing Winged Foot & Greenbriar Rd   |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 1,623.42  | asphalt                                                            |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 1,515.25  | asphalt                                                            |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 1,471.80  | asphalt                                                            |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 2,303.40  | asphalt                                                            |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 1,201.75  | asphalt                                                            |
| 08/02/2021 | 845056 | Knife River               | Street/Traffic   | \$ 555.78    | chips for roadpatcher                                              |
| 08/02/2021 | 845056 | Knife River               | Wastewater       | \$ 2,244.49  | SID 1413 Lake Hills Sub. 21st Filing Winged Foot & Greenbriar Rd   |
| 08/02/2021 | 845062 | Lift U                    | Transit          | \$ 2,556.16  | 129725. Lift Repair Parts Unit 1809. W/O 201867                    |
| 08/02/2021 | 845062 | Lift U                    | Transit          | \$ 378.42    | Power Harness For Lift Unit 1806                                   |
| 08/02/2021 | 845069 | Mckesson Medical-Surgical | PD Program       | \$ 4,920.95  | MORMED ISOLATION KITS, 500 SHIPPED (JAG GRANT FUNDS)               |
| 08/02/2021 | 845069 | Mckesson Medical-Surgical | Public Safety    | \$ 169.04    | FIRE/EMS: TEST STRIP, BLD GLUC TRUEMETRI                           |
| 08/02/2021 | 845069 | Mckesson Medical-Surgical | Public Safety    | \$ 0.95      | SHIPPING/FROM SEATTLE - INVOICE #26207273                          |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 3,962.48  | Amendment 20/AIP 64 Runway 7-25 Phase 1 Design - Federal Share     |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 510.63    | Amendment 22. Misc. Airport Engineering                            |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 23,307.18 | Amendment 26/AIP-69 Commercial Concrete Ramps - CA - Federal Share |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 17,378.24 | Terminal Expansion - MM - Eligible For Reimburse                   |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 80,376.08 | Terminal Expansion - MM - Eligible For Reimburse                   |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 1,930.92  | Terminal Expansion - MM - Eligible Local Costs                     |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 8,930.67  | Terminal Expansion - MM - Eligible Local Costs                     |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 1,633.53  | Terminal Expansion - MM - Ineligible Costs                         |
| 08/02/2021 | 845084 | Morrison Maierle          | Airport          | \$ 7,555.23  | Terminal Expansion - MM - Ineligible Costs                         |
| 08/02/2021 | 845076 | MT Dakota Utilities       | Fleet            | \$ 5,548.02  | 081221 PO NUM 312970                                               |
| 08/02/2021 | 845078 | MT Dept-Enviro Quality    | Solid Waste      | \$ 33,601.30 | Landfill annual licensing fee.                                     |
| 08/02/2021 | 845081 | MT Peterbilt              | Fleet            | \$ 43.28     | 24078B PO NUM 312946                                               |
| 08/02/2021 | 845081 | MT Peterbilt              | Solid Waste      | \$ 2,722.24  | 22976B                                                             |
| 08/02/2021 | 845081 | MT Peterbilt              | Solid Waste      | \$ 501.85    | 23163B                                                             |
| 08/02/2021 | 845083 | MT State Firemen          | Payroll Clearing | \$ 3,783.79  | Payroll Summary                                                    |
| 08/02/2021 | 845088 | National League Of Cities | General          | \$ 9,415.00  | Membership Dues                                                    |
| 08/02/2021 | 845090 | NorthWestern Energy       | Airport          | \$ 25,676.59 | 0100482-9. Vault Main Account. July 2021                           |
| 08/02/2021 | 845090 | NorthWestern Energy       | Airport          | \$ 387.40    | 0712792-1. IP-7. July 2021                                         |
| 08/02/2021 | 845090 | NorthWestern Energy       | Airport          | \$ 1,273.11  | 0712800-2. IP-9. July 2021                                         |
| 08/02/2021 | 845090 | NorthWestern Energy       | Airport          | \$ 238.79    | 0712809-3. Alpine Air Maintenance. July 2021                       |
| 08/02/2021 | 845090 | NorthWestern Energy       | Engineering      | \$ 930.00    | 1741314-7                                                          |
| 08/02/2021 | 845090 | NorthWestern Energy       | Engineering      | \$ 26.23     | Depot parking lot electricity                                      |
| 08/02/2021 | 845090 | NorthWestern Energy       | Facilities       | \$ 7,443.11  | 0100507-3                                                          |

| Check Date | Check# | Name                | Fund Name   | Amount      | Item Desc |
|------------|--------|---------------------|-------------|-------------|-----------|
| 08/02/2021 | 845090 | NorthWestern Energy | Facilities  | \$ 61.40    | 3602453-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Facilities  | \$ 1,896.20 | 3602454-5 |
| 08/02/2021 | 845090 | NorthWestern Energy | General     | \$ 2,110.60 | 0100506-5 |
| 08/02/2021 | 845090 | NorthWestern Energy | General     | \$ 187.38   | 0712683-2 |
| 08/02/2021 | 845090 | NorthWestern Energy | P.W. Admin  | \$ 232.51   | 1741314-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 6.25     | 0722237-5 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 6.11     | 0722247-4 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 439.61   | 0722251-6 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 0.34     | 0722254-0 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 87.58    | 0722255-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 702.68   | 0722257-3 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 461.46   | 0722260-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 63.99    | 0722261-5 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 36.80    | 0722262-3 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 1.89     | 0722263-1 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 249.61   | 0722265-6 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 48.21    | 0722266-4 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 23.50    | 0722268-0 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 16.68    | 0722269-8 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 10.42    | 0722292-0 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 38.90    | 0722293-8 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 16.68    | 0722905-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 260.91   | 0722933-9 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ -        | 0723027-9 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 194.30   | 0723035-2 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 7.74     | 0723036-0 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 181.83   | 0723037-8 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 52.09    | 0723038-6 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 40.27    | 0723042-8 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 598.85   | 0723044-4 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 109.71   | 0723048-5 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 167.12   | 0723050-1 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 45.02    | 0723051-9 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 110.89   | 0723052-7 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 690.09   | 0723054-3 |
| 08/02/2021 | 845090 | NorthWestern Energy | Park Dist 1 | \$ 130.56   | 0723055-0 |

| Check Date | Check# | Name                 | Fund Name      | Amount       | Item Desc                                              |
|------------|--------|----------------------|----------------|--------------|--------------------------------------------------------|
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 47.96     | 0723056-8                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 10.09     | 0723057-6                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 31.45     | 0723058-4                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 8.70      | 0723090-7                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 6.00      | 0723162-4                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 639.57    | 0723170-7                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 22.89     | 0789437-1                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Park Dist 1    | \$ 6.00      | 0831702-6                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 360.45    | 0720829-1                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 1,975.91  | 0720834-1                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 1,622.89  | 1569636-2                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 720.59    | 1594282-4                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 1,447.24  | 3067416-2                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 117.89    | 3279035-4                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parking        | \$ 71.40     | 3463478-2                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Parks Maint    | \$ 112.94    | 1059093-3                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 456.73    | 0712537-0                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 457.21    | 0720840-8                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 281.41    | 1984150-1                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 214.53    | 1984155-0                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 2,377.61  | 3448739-7                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Public Safety  | \$ 2,692.37  | FIRE 1: 0100476-1 - MONTHLY ELECTRIC SERVICES          |
| 08/02/2021 | 845090 | NorthWestern Energy  | Radio          | \$ 266.85    | 0721580-9                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Street/Traffic | \$ 6.00      | 0723645-8                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Transit        | \$ 24.77     | 0712764-0                                              |
| 08/02/2021 | 845090 | NorthWestern Energy  | Transit        | \$ 146.68    | 1784756-7                                              |
| 08/02/2021 | 845099 | Rocky Mt Compost     | Amend Park     | \$ 12,766.00 | compost for amend park - 20119                         |
| 08/02/2021 | 845099 | Rocky Mt Compost     | Parks Maint    | \$ 200.00    | filter sock for yellowstone family park - 20175        |
| 08/02/2021 | 845099 | Rocky Mt Compost     | Parks Maint    | \$ 35.00     | river rock for yellowstone family park - 20166         |
| 08/02/2021 | 845099 | Rocky Mt Compost     | Parks Maint    | \$ 118.00    | top soil for Yellowstone family park - 20145           |
| 08/02/2021 | 845103 | Sk Geotechnical Corp | General        | \$ 70,579.67 | WO 21-40 Slope Stabilization Above Park Place          |
| 08/02/2021 | 845110 | Sunset Excavation    | Water          | \$ 26,606.25 | Curb valve & water service repair bid list- 12/11/2020 |
| 08/02/2021 | 845111 | Sysco MT             | General        | \$ 2,291.65  | food for rose concessions - 343340659                  |
| 08/02/2021 | 845111 | Sysco MT             | General        | \$ 526.89    | food for rose concessions - 343347134                  |
| 08/02/2021 | 845111 | Sysco MT             | General        | \$ 1,293.53  | food for rose concessions - 343349686                  |
| 08/02/2021 | 845111 | Sysco MT             | General        | \$ 256.35    | food for rose concessions 34328958                     |

| Check Date | Check# | Name               | Fund Name      | Amount       | Item Desc                                                            |
|------------|--------|--------------------|----------------|--------------|----------------------------------------------------------------------|
| 08/02/2021 | 845111 | Sysco MT           | General        | \$ 569.75    | food for rose concessions 343333561                                  |
| 08/02/2021 | 845111 | Sysco MT           | General        | \$ 291.18    | food for rose concessions 343336629                                  |
| 08/02/2021 | 845112 | T W Enterprises    | Airport        | \$ 3,319.77  | Invoice #52691. Repair Generator #3                                  |
| 08/02/2021 | 845114 | The Chariot Group  | P.W. Admin     | \$ 12,472.41 | SMART Board Meeting Pro system- shipping, installation & programming |
| 08/02/2021 | 845115 | The Little Job Guy | Public Safety  | \$ 4,296.21  | 7803                                                                 |
| 08/02/2021 | 845117 | Titan Machinery    | Street/Traffic | \$ 3,132.00  | sweeper brooms                                                       |
| 08/02/2021 | 845117 | Titan Machinery    | Wastewater     | \$ 1,384.39  | 15712763                                                             |
| 08/02/2021 | 845117 | Titan Machinery    | Wastewater     | \$ 380.27    | 15770991                                                             |
| 08/02/2021 | 845118 | Town & Co Supply   | Airport        | \$ 23,899.20 | QTA Car Rental Fuel                                                  |
| 08/02/2021 | 845118 | Town & Co Supply   | Fleet          | \$ 16,130.10 | 416951 PO NUM 312935                                                 |
| 08/02/2021 | 845118 | Town & Co Supply   | Fleet          | \$ 26,643.38 | 418799 PO NUM 312941                                                 |
| 08/02/2021 | 845118 | Town & Co Supply   | Transit        | \$ 5,369.40  | 2000 Gallons Unleaded                                                |
| 08/02/2021 | 845118 | Town & Co Supply   | Transit        | \$ 14,080.80 | 6000 Gallons Diesel Dyed #2                                          |
| 08/02/2021 | 845118 | Town & Co Supply   | Water          | \$ 292.37    | NONSTOCKING ITEMS-P.U.D.                                             |
| 08/02/2021 | 845119 | Tractor & Equipt   | Solid Waste    | \$ 519.48    | BLCS0759436                                                          |
| 08/02/2021 | 845119 | Tractor & Equipt   | Solid Waste    | \$ 2,917.20  | BLCS0759798                                                          |
| 08/02/2021 | 845119 | Tractor & Equipt   | Solid Waste    | \$ 614.93    | BLCS0759799                                                          |
| 08/02/2021 | 845119 | Tractor & Equipt   | Solid Waste    | \$ 31.26     | BLCS0760023                                                          |
| 08/02/2021 | 845119 | Tractor & Equipt   | Solid Waste    | \$ 82.85     | BLCS0760210                                                          |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 794.37    | 360 Office Solutions Inc - PCard                                     |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 415.17    | 360 Office Solutions Inc - PCard                                     |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 85.00     | A1 Jds Lock - PCard                                                  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 127.00    | A1 Jds Lock - PCard                                                  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 70.00     | A1 Jds Lock - PCard                                                  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 45.42     | Acr Security Amp Elect - PCard                                       |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 45.13     | Allianz Travel Ins - PCard                                           |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 77.77     | Amazon.Com*2911Y7Lz0 - PCard                                         |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 57.92     | Amazon.Com*2E7Gs6Of0 - PCard                                         |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 588.39    | American Air0012188138293 - PCard                                    |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 27.90     | Amzn Mktp Us*2967L9190 - PCard                                       |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 352.15    | Amzn Mktp Us*298Mt9R82 - PCard                                       |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 675.00    | Arff Working Group - PCard                                           |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 520.00    | Armacost Trane Service Co - PCard                                    |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 260.00    | Armacost Trane Service Co - PCard                                    |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 195.72    | Crescent Electric 054 - PCard                                        |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Airport        | \$ 30.00     | Culligan Billings - PCard                                            |

| Check Date | Check# | Name             | Fund Name | Amount      | Item Desc                         |
|------------|--------|------------------|-----------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 95.99    | Dtv*Directv Service - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 334.33   | Dxp Enterprises - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 117.34   | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 177.24   | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 111.16   | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 100.04   | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 394.44   | Edge Construction Supp - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 29.98    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 34.98    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 96.00    | Fairmont Hot Springs Reso - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 73.18    | Fastenal Company 01Mtbll - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 150.83   | Fei, Inc - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 267.33   | Ferguson Ent #1342 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 368.33   | Ferguson Ent #1342 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 35.16    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 405.00   | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 711.00   | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,550.00 | G&T Plumbing - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 462.83   | General Safety Equipment - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 30.24    | Gih*Globalindustrialeq - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 78.07    | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ (81.04)  | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 75.31    | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 97.46    | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 565.00   | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 65.98    | Homedepot.Com - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 234.80   | Hose & Rubber Supply - Bi - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 501.80   | House Of Clean Hillyard - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 295.71   | In *Automatic Doors Of Mo - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 60.00    | In *Cotter'S Sewer, Septi - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,452.50 | In *Mjr Industries Inc. - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 790.00   | In *Mjr Industries Inc. - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,452.50 | In *Mjr Industries Inc. - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 179.48   | In *Traffic Safety System - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 58.84    | Istate Truck Center - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 193.00   | Istate Truck Center - PCard       |

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| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 94.86    | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 495.60   | Kimball Midwest Payeezy - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 19.99    | Lockwood Ace Hardware - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 759.63   | Mbay Front Desk - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 335.00   | Meadow Green Sales - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,020.77 | Montana Broom & Brush Co1 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 822.61   | Montana Broom & Brush Co1 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 122.21   | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 240.01   | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 103.91   | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 138.00   | Norco Inc - PCard                 |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,354.92 | North Coast Electric - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 387.12   | North Coast Electric - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 225.00   | Redd'S Prints And Signs I - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 73.25    | Spic And Span - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 70.00    | Spic And Span - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 2,495.00 | Sq *Skyline Services, Inc - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 471.88   | Tractor & Equipment - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 130.88   | Tractor-Supply-Co #0303 - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,745.85 | Usda Aphis Act Hldr - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 1,200.00 | Wilbur Ellis Billings - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ (0.56)   | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Airport   | \$ 15.55    | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 219.00   | Int'L Code Council Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 219.00   | Int'L Code Council Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 7.99     | Sams Club #4805 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 3.99     | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 4.98     | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Building  | \$ 102.40   | The Rubber Stamp Shop, - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 109.97   | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 7.33     | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 24.95    | Albertsons #0630 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 32.28    | Amazon.Com*2930I1Og2 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 51.72    | Amazon.Com*298Dc6We0 Amzn - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ (5.73)   | Amzn Mktp Us - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG      | \$ 25.94    | Amzn Mktp Us*290Ft39X1 - PCard    |

| Check Date | Check# | Name             | Fund Name        | Amount      | Item Desc                         |
|------------|--------|------------------|------------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 31.10    | Amzn Mktp Us*2930H6Db2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 53.21    | Amzn Mktp Us*295Rw9Yb2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 19.99    | Best Buy 00005926 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 18.79    | Chalet Market Downtown - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 71.67    | Chalet Market Downtown - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 10.00    | Conoco - Dons Car Wash 4 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 337.03   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 20.00    | Guadalajara Mexican Re - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 48.44    | Michaels Stores 9916 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 188.12   | Presidents Vol Srv Award - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 79.00    | Rockets Gourmet Wraps - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 28.20    | Sq *Five On Black - - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 9.48     | Sq *Wild Mt Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 28.62    | Target 00013334 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 270.00   | The Fieldhouse Cafe - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 30.00    | Western Awards & Engravin - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | CDBG             | \$ 7.00     | Wilcoxsons - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Central Services | \$ 583.80   | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Court Grants     | \$ 55.00    | Allegra - PCard                   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Court Grants     | \$ 1,590.00 | Business Research And Int - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Court Grants     | \$ 18.00    | Target 00001719 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Court Grants     | \$ 15.55    | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 7.85     | Amzn Mktp Us*296Dv3Bj1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 6.81     | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 152.75   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 10.68    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 122.07   | In *Timemark Incorporated - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Engineering      | \$ 15.55    | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | EOC 911          | \$ 365.00   | Priority Dispatch Corp - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 2,014.54 | Air Controls-Billings - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 286.83   | Airfiltersdelivered - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 1.09     | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 3.00     | Co Billings Park3 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 312.83   | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 51.35    | Econo Print - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities       | \$ 75.00    | Fps/Mountain Alarm - PCard        |

| Check Date | Check# | Name             | Fund Name  | Amount      | Item Desc                         |
|------------|--------|------------------|------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 12.50    | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 185.32   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 51.97    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 67.98    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 37.44    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 29.96    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 14.96    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 33.28    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 70.55    | Montana Broom & Brush Co1 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 238.00   | Rgp*Trugreen - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 14.97    | The Home Depot #3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 2.82     | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Facilities | \$ 40.72    | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Fleet      | \$ 35.99    | Amzn Mktp Us*295E34U22 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Fleet      | \$ 253.40   | Amzn Mktp Us*2995Y0Ml1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Fleet      | \$ 500.00   | Soi Nexiq - PCard                 |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 158.47   | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 73.63    | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 58.00    | Aaim - Services - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 1,150.00 | Absaroka River Adventures - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 58.42    | Adobe Creative Cloud - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 52.99    | Adobe Creative Cloud - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 52.99    | Adobe Creative Cloud - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 52.99    | Adobe Creative Cloud - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 7.98     | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 17.21    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 23.25    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 35.06    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 49.47    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 19.95    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 21.07    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 10.50    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 8.28     | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 26.90    | Albertsons #0038 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 79.34    | Albertsons #1227 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General    | \$ 5.29     | Albertsons #4025 - PCard          |

| Check Date | Check# | Name             | Fund Name | Amount    | Item Desc                         |
|------------|--------|------------------|-----------|-----------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 4.19   | Albertsons #4025 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 6.49   | Albertsons #4025 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 15.47  | Albertsons #4025 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 189.60 | Amazon.Com*291C29I52 Amzn - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 17.76  | Amazon.Com*2E4Ra6C81 Amzn - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 165.65 | American Legion Emblem - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 68.01  | Amzn Mktp Us*219Ur2R02 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 41.97  | Amzn Mktp Us*291Qc0Ld0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 16.88  | Amzn Mktp Us*291Zx76A0 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 92.31  | Amzn Mktp Us*294D36Wp0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 24.56  | Amzn Mktp Us*295Yz63O2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 47.81  | Amzn Mktp Us*297Rq0VI2 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 633.76 | Amzn Mktp Us*297V75Ib0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 189.99 | Amzn Mktp Us*2986J5Kp2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 104.94 | Amzn Mktp Us*299E43Yp2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 159.99 | Amzn Mktp Us*2E0L99Z31 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 8.72   | Amzn Mktp Us*2E1Oc6Ot0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 25.90  | Amzn Mktp Us*2E1Xe8Cg2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 18.99  | Amzn Mktp Us*2E6C07Jr0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 138.49 | Amzn Mktp Us*2E6Tn2801 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 369.98 | Amzn Mktp Us*2E8H84Tz1 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 184.68 | Best Western Premier Hel - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 23.00  | Better Body Fitness - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 29.43  | Bettymills.Com - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 99.00  | Bighorn Boots - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 2.58   | Bloedorn Lumber Co- Bi - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 54.00  | Blues Bar-B-Q - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 400.00 | Blues Bar-B-Q - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 100.00 | Buddy Punch - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 100.00 | Buddy Punch - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 149.99 | Buddy Punch - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 100.00 | Buddy Punch - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 55.55  | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 57.00  | Dollar Tree - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 18.00  | Dollar Tree - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 7.00   | Dollar Tree - PCard               |

| Check Date | Check# | Name             | Fund Name | Amount      | Item Desc                         |
|------------|--------|------------------|-----------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 465.00   | Elk River Outfitters - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 418.50   | Elk River Outfitters - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 418.50   | Elk River Outfitters - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 465.00   | Elk River Outfitters - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 22.98    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 21.95    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 39.99    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 11.48    | Facebk *Z9T844Kc32 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 105.57   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 83.88    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 102.47   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 265.26   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 760.00   | Get Air Billings, Llc - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 163.11   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 363.06   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 894.00   | Icma Online - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 179.00   | International Bronze Plaq - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 90.73    | Issa Intl Sports Scien - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 440.00   | Juli Pierce Law Pllc - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 362.98   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 17.98    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 119.98   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 127.23   | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 95.75    | Mackenzie River Blgs Hts - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 1.65     | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 58.80    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 40.00    | Montana Chamber Foundati - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 40.00    | Montana Chamber Foundati - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 61.34    | Northwest Pipe Fittings - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 92.92    | Northwest Pipe Fittings - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 35.51    | Office Depot #1080 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 299.99   | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 137.60   | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 76.99    | Office Depot #450 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 21.50    | O'Reilly Auto Parts 1551 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 2,280.80 | Pepsi-Cola Bottling Compa - PCard |

| Check Date | Check# | Name             | Fund Name | Amount      | Item Desc                         |
|------------|--------|------------------|-----------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 1,837.00 | Pepsi-Cola Bottling Compa - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 18.00    | Pepsicola Bottling Compan - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 24.99    | Pound Fitness - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 292.32   | Recreation Supply Company - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 8.25     | Sams Club #4805 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 10.54    | Sams Club #4805 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 28.94    | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 2.98     | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 176.00   | Skate World - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 184.00   | Skate World - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 264.00   | Skate World - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 79.99    | Spectrum - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 1,600.00 | Spectrum Reach - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 50.00    | Sq *All Fun & Games - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 100.00   | Sq *Firehouse Fitne - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 66.00    | Sq *Soup And Such - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 612.00   | Sq *The Grand Escape Room - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 391.00   | Sq *The Grand Escape Room - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 30.00    | Sq *The Grand Escape Room - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 122.10   | Sq *The Sourdough B - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 235.00   | Steepworld Climbing & - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 360.00   | Steepworld Climbing & - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 3.99     | Subway 4850 - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 133.00   | Sunset Bowl - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 175.00   | Sunset Bowl - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 31.48    | Target 00013334 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 130.92   | Target 00013334 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 34.35    | Target 00013334 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 20.00    | Textmagic.Com - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 16.00    | The Rubber Stamp Shop, - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 1,290.28 | Thomson West*Tcd - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 139.00   | Tinys Tavern Inc 2 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 195.72   | Topz Llc - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 13.82    | U Haul Store 0084263 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 14.15    | U Haul Store 0084263 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General   | \$ 15.13    | U Haul Store 0084263 - PCard      |

| Check Date | Check# | Name             | Fund Name    | Amount    | Item Desc                         |
|------------|--------|------------------|--------------|-----------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 14.48  | U Haul Store 0084263 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 513.90 | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 86.46  | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 125.10 | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 241.80 | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 297.03 | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 120.35 | Valley Distributing Of - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 61.94  | Wal-Mart #1956 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 161.04 | Wal-Mart #2923 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 169.85 | Walmart Grocery - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 16.55  | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 76.07  | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 61.33  | Wm Supercenter #2923 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 97.54  | Wm Supercenter #2923 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 51.26  | Wm Supercenter #2923 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 14.20  | Wm Supercenter #2923 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 19.00  | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 24.00  | Zeecreativeinc - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 57.05  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 49.00  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 15.55  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 15.55  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 15.55  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | General      | \$ 536.50 | Zumba Fitness - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 221.96 | Amazon.Com*2928T1Sv1 Amzn - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 49.44  | Amazon.Com*2E09U0L81 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 31.97  | Amzn Mktp Us*297V29Bl2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 34.50  | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 703.50 | Rapidsupplies.Com - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | IT Resources | \$ 598.00 | Sp * Ubiquiti Inc. - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 18.36  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 110.58 | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 12.87  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 7.48   | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 8.18   | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library      | \$ 249.91 | Amazon.Com*2E96R8Xg1 - PCard      |

| Check Date | Check# | Name             | Fund Name  | Amount      | Item Desc                         |
|------------|--------|------------------|------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 58.38    | Amzn Mktp Us*298S839B2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 147.90   | Amzn Mktp Us*2E18P03K1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 141.08   | Amzn Mktp Us*2E2PI9Ae1 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 55.96    | Amzn Mktp Us*2E2PI9Ae1 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 35.86    | Amzn Mktp Us*2E3Td3Xp1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.49    | Amzn Mktp Us*2E96975F1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 211.84   | Amzn Mktp Us*2E9B88G11 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 74.90    | Anc*Newspapers.Com - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 71.01    | Book Outlet - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 16.00    | Dollar Tree - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 30.00    | Downtown Billings Assoc - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.95    | Easterseals Goodwill - Bi - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 39.92    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 356.00   | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 75.00    | In *Downtown Billings Ass - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 1,086.41 | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 480.00   | Montana Library Associati - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 135.00   | Montana Library Associati - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 60.00    | Montana Library Associati - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 40.00    | Ntl Cntr For Safety - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 96.00    | Padlet* Padlet Softwar - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 74.00    | Pp*Zeecreativeinc - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.00    | Sp * Mazevo Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.00    | Sp * Mazevo Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.00    | Sp * Mazevo Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.00    | Sp * Mazevo Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 10.00    | Sp * Mazevo Coffee - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 921.52   | State Chemic*State Che - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 157.95   | The Flower Bed - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 126.73   | The Home Depot #3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 94.94    | Tlf*Gainans Floral And G - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 93.51    | Ultra Graphics, Llc - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 40.00    | Wild Birds Unlimited - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 38.71    | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Library    | \$ 155.52   | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin | \$ 537.00   | 360 Office Solutions Inc - PCard  |

| Check Date | Check# | Name             | Fund Name   | Amount      | Item Desc                         |
|------------|--------|------------------|-------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 15.84    | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 22.73    | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 47.58    | Amazon.Com*293938Ge2 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 3.00     | Co Billings Park3 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 8.00     | Co Billings Park3 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 14.00    | Wilcoxsons - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | P.W. Admin  | \$ 15.55    | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1,225.04 | 2M Company Warehouse - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 204.41   | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 17.70    | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1,097.65 | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 22.30    | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 52.99    | Adobe Creative Cloud - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 159.95   | Als Bootery & Repair Shop - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 9.79     | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 149.20   | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 169.56   | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 246.56   | Billings Construction Sup - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 32.08    | Bloedorn Lumber Co- Bi - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 373.11   | C&B Billings - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 10.40    | C&B Billings - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1.00     | Dollar Tree - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 900.00   | Dri*Rainbird Dgtal Svc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 35.07    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 17.99    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 102.46   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 152.85   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 82.75    | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 112.70   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 130.74   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 446.63   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 123.99   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 642.24   | In *Canyon Creek Nursery - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 355.91   | In *Canyon Creek Nursery - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 518.06   | In *Canyon Creek Nursery - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 51.96    | Kings Ace Hdwe - PCard            |

| Check Date | Check# | Name             | Fund Name   | Amount      | Item Desc                         |
|------------|--------|------------------|-------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 34.98    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 9.99     | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 15.29    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 21.41    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 21.99    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 28.03    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 15.96    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 140.00   | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 49.98    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 101.27   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 110.65   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 61.32    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 180.67   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 2,012.62 | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 182.68   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1,713.33 | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 50.35    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 365.04   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 70.44    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 153.40   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 348.48   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 101.02   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 236.60   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 64.06    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 218.27   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 31.92    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1,276.08 | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 209.42   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 54.83    | Mt Mvd Credit Card Portal - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 18.84    | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 43.40    | Norco Inc - PCard                 |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 98.42    | Northwest Pipe Fittings - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 30.00    | Pp*Zeecreativeinc - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 119.98   | Rdoce Bil 020112 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 29.94    | Rdoce Bil 020112 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 50.00    | Scheels Billings - PCard          |

| Check Date | Check# | Name             | Fund Name   | Amount      | Item Desc                         |
|------------|--------|------------------|-------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 69.98    | Scheels Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 251.89   | Scheels Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 114.99   | Sherrilltree - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 99.99    | Shipton'S Big R-East - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 99.99    | Shipton'S Big R-West - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 69.95    | Sp * East Rosebud Fly - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 138.64   | Staley S Tire And Automot - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 72.00    | Staley S Tire And Automot - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 110.08   | The Home Depot #3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 39.98    | Vermeer Rocky Mountian In - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 22.36    | Wal-Mart #2923 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 27.50    | West End Lock And Secur - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 1,900.00 | Www.Galaxydigital.Com - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 99.00    | Www.Kohls.Com #0873 - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Dist 1 | \$ 129.00   | Www.Scheels.Com - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Park Pgrms  | \$ 170.00   | The Good Earth Works - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 63.90    | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 19.36    | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 10.18    | Carquest 3103 - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 2.50     | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 2.00     | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 49.68    | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 890.40   | Current Components - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 94.07    | Firemaster - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 94.07    | Firemaster - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 94.06    | Firemaster - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 4.22     | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 4.22     | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 4.20     | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 3.99     | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 18.25    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 27.99    | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 55.49    | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 685.80   | Schnitzer Steel Billings - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 11.78    | Shiptons Big R Heights - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking     | \$ 17.96    | Shipton'S Big R-East - PCard      |

| Check Date | Check# | Name             | Fund Name    | Amount      | Item Desc                         |
|------------|--------|------------------|--------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking      | \$ 26.74    | The Ups Store 2594 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking      | \$ 28.99    | Tractor-Supply-Co #0303 - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parking      | \$ 79.82    | Wetzels Quality Cleaners - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 296.52   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 175.34   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 198.21   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 336.39   | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 38.92    | Midland Implement Co - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 465.00   | Vermeer Rocky Mountian In - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 214.15   | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 19.58    | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 40.59    | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 168.34   | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 71.22    | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Parks Maint  | \$ 20.24    | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | PD Program   | \$ 668.64   | Drury Inns - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | PD Program   | \$ 280.00   | Fvsai - PCard                     |
| 08/02/2021 | ACH    | U.S. Bank PCards | PD Program   | \$ 12.50    | Yellowstone Ice And Water - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Phone System | \$ 9.01     | Amzn Mktp Us*2E5Zq46L1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 14.99    | Adobe Acropro Trial - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ (531.79) | American Air0012181310139 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ (531.79) | American Air0012181310140 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 9.99     | Amzn Mktp Us*294143002 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 31.99    | Amzn Mktp Us*2990000s2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 6.00     | Co Billings Park3 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 35.98    | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 5.03     | Facebk *Ut5Fq3Pv92 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 83.64    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 363.24   | Idu*Insight Public Sec - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 202.57   | Jimmy Johns - 1646 - E - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 65.00    | Montana Association Of Pl - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 289.99   | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 7.99     | Sams Club #4805 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 18.97    | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 4.98     | Samsclub #4805 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning     | \$ 59.00    | Smk*Surveymonkey.Com - PCard      |

| Check Date | Check# | Name             | Fund Name     | Amount      | Item Desc                         |
|------------|--------|------------------|---------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning      | \$ 16.00    | The Rubber Stamp Shop, - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning      | \$ 13.84    | Wal-Mart #2923 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Planning      | \$ 36.16    | Wm Supercenter #1956 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 179.88   | Adobe Inc - PCard                 |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 135.07   | Amzn Mktp Us*2947Q60P2 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 43.99    | Amzn Mktp Us*296Jn4Wv0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 990.00   | Amzn Mktp Us*2E1Co0A91 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 191.52   | Amzn Mktp Us*2E1Ft0An1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 83.19    | Amzn Mktp Us*2E1Ru26R1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 76.94    | Amzn Mktp Us*2E3H383E1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 173.98   | Amzn Mktp Us*2E4Bi7Za0 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 205.10   | Amzn Mktp Us*2E9Hz63I1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 12.00    | Batteries+Bulbs #0253 - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 199.96   | Best Buy 00005926 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 157.46   | Best Friends Animal Hosp - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 149.95   | Billings Army Navy Surplu - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 17.22    | Billings Hardware & Garde - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 130.00   | Billings Ink And Toner, I - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 270.00   | Billings Ink And Toner, I - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 99.99    | Billings Rv - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 81.65    | Chalet Market - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 324.39   | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 7.17     | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 89.23    | Country Corner - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 1,250.00 | Crashdatagr - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 49.95    | Eqf*Talx Corporation - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 226.98   | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 48.84    | Exxonmobil 48012470 - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 169.55   | Fps/Mountain Alarm - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 1,483.00 | Gunarama Wholesale Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 440.00   | Gunarama Wholesale Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 270.00   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 82.00    | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 280.48   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 234.63   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 146.39   | Hanson Chemical - PCard           |

| Check Date | Check# | Name             | Fund Name     | Amount      | Item Desc                         |
|------------|--------|------------------|---------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 21.00    | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 45.97    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 120.00   | Iaai - PCard                      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 535.08   | In *Sissie'S Cleaning Ser - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 199.98   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 800.00   | Law Enforcement Seminars - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 225.00   | National Association Of S - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 40.00    | National Association Of S - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 200.00   | National Association Of S - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 200.00   | National Association Of S - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 225.00   | National Association Of S - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 475.00   | Paypal *Itrsreg - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 533.25   | Safariland, Llc - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 21.92    | Sams Club #4805 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 552.56   | Scheels Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 29.70    | Shipton'S Big R-East - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 299.00   | Skillpath / National - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 244.89   | Sp * Milspin - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 94.65    | Strike Industries - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 63.96    | Target 00001719 - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 44.36    | The Ups Store 2594 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 332.02   | Tractor-Supply-Co #0303 - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 16.01    | Ups*000000W219W8261 - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 20.12    | Ups*000000W219W8271 - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 42.90    | Ups*000000W219W8281 - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 315.00   | Vievu - PCard                     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Public Safety | \$ 155.52   | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 2,070.00 | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 294.86   | Aces Brand Imaging - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 50.95    | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 15.97    | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 702.72   | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 196.23   | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 187.08   | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 391.28   | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste   | \$ 39.26    | Billings - Tacoma Screw P - PCard |

| Check Date | Check# | Name             | Fund Name      | Amount      | Item Desc                         |
|------------|--------|------------------|----------------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 113.50   | Billings Construction Sup - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 30.56    | C&B Billings - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 1,041.00 | Cargo Bed Intl - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 201.06   | Cintas Corp - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 9.45     | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 99.14    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 160.74   | Galles Filter And Exhaust - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 144.30   | Hanson Chemical - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 22.30    | Industrial Sales And Se - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 55.70    | Industrial Sales And Se - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 35.99    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 22.49    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 6.82     | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 53.88    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 705.52   | Myers Tire Supply.Com - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 2,024.39 | Serious Lock - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 9.00     | Sq *Stuart'S House - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 22.10    | Tacoma Screw Products Inc - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Solid Waste    | \$ 120.67   | Tacoma Screw Products Inc - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 159.39   | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 5.67     | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 20.71    | Albertsons #0047 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 54.55    | Awg 3575 - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 32.54    | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 159.18   | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ (210.07) | Crowne Plaza Union Stati - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 210.07   | Crowne Plaza Union Stati - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 7.17     | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 38.88    | Evergreen Ace Hardware - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 62.77    | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 49.99    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 1,115.21 | It-Straps-On Inc - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 557.49   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 113.23   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 55.62    | Montana Tool Repair - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 35.98    | Shipton'S Big R-West - PCard      |

| Check Date | Check# | Name             | Fund Name      | Amount    | Item Desc                         |
|------------|--------|------------------|----------------|-----------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 55.98  | Shipton'S Big R-West - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 49.99  | Shipton'S Big R-West - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 99.98  | Shipton'S Big R-West - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 15.17  | The Home Depot #3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 21.12  | The Rubber Stamp Shop, - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Street/Traffic | \$ 159.83 | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 15.34  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 499.99 | A And H Turf And Specialt - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 155.57 | Aaim - Services - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 239.35 | Air Controls-Billings - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 279.20 | Alaska Air 0277572155363 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 140.00 | Amazon.Com*2E3Vr0L32 Amzn - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 25.98  | Amzn Mktp Us*292Rw98Y0 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 113.32 | Amzn Mktp Us*296Wl6Cf0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 5.19   | Amzn Mktp Us*2E10180a0 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 26.97  | Amzn Mktp Us*2E5Zq46L1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 119.11 | Amzn Mktp Us*2E94F7Xj1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 600.00 | Community Transportation - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 120.00 | Community Transportation - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 480.00 | Community Transportation - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 249.20 | Delta Air 0067572155362 - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 149.19 | Ecolab Inc - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 4.48   | Expedia 72126998570849 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 384.82 | Expedia 72127005879887 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 35.93  | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 5.32   | Fisher'S Technology - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 11.00  | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 5.99   | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 750.00 | Helm-Ford Diag Software - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 375.00 | In *Cotter'S Sewer, Septi - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 100.00 | Indeed - PCard                    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 258.11 | Kimball Midwest Payeezy - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 86.45  | Kimball Midwest Payeezy - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 18.99  | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 10.29  | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit        | \$ 23.98  | Napa Store 3547001 - PCard        |

| Check Date | Check# | Name             | Fund Name  | Amount    | Item Desc                         |
|------------|--------|------------------|------------|-----------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 192.45 | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 114.61 | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 8.99   | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 11.58  | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 16.90  | Napa Store 3547001 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 85.00  | Sign Pro Billings - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 365.00 | Sq *Billings Carpet & Wat - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Transit    | \$ 15.55  | Zoom.Us 888-799-9666 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 61.63  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 5.99   | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 82.52  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 14.99  | Adobe Acropro Subs - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 484.47 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 234.39 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 77.23  | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 14.88  | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 389.34 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 553.54 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 6.50   | Amzn Mktp Us*292Da3Dp2 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 8.98   | Amzn Mktp Us*299Zx99M1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 74.99  | Batteries Plus #0598 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 116.93 | Billings Construction Sup - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 96.98  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 598.82 | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 49.61  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 31.94  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 18.38  | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 4.89   | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 92.76  | Econo Print - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 124.95 | Heights Ace Hdwe - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 17.60  | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 1.44   | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 766.80 | Midland Scientific Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 498.89 | Millipore *Americas - PCard       |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 70.00  | Mt Gov Online Trnsctns - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 7.15   | Northwest Industrial Supp - PCard |

| Check Date | Check# | Name             | Fund Name  | Amount    | Item Desc                         |
|------------|--------|------------------|------------|-----------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 75.98  | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 259.98 | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 15.00  | Office Depot #2135 - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 9.60   | Pacific Steel Branch #02 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 421.85 | Pp*Genuinemark - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 45.48  | Ratco Trailer And Hitch - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 84.95  | Shiptons Big R Heights - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 109.00 | The Home Depot #3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 19.41  | Wal-Mart #2923 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 597.30 | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 895.96 | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 148.05 | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Wastewater | \$ 19.00  | Yellowstone Valley Elect - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 202.19 | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 27.51  | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 165.05 | 360 Office Solutions Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 89.50  | Aaim - Services - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 830.32 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 357.61 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 44.66  | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 234.39 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 231.71 | Alsco Inc. - PCard                |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 19.48  | Amzn Mktp Us*292Da3Dp2 Am - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 26.96  | Amzn Mktp Us*299Zx99M1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 80.97  | Amzn Mktp Us*2E07R11N1 - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 75.00  | Batteries Plus #0598 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 49.42  | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 54.08  | Billings - Tacoma Screw P - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 175.39 | Billings Construction Sup - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 298.04 | Bloedorn Lumber Co- Bi - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 13.51  | C&B Billings - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 124.01 | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 74.41  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 95.83  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 37.65  | City Of Billings - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water      | \$ 14.69  | Costco Whse #0069 - PCard         |

| Check Date | Check# | Name             | Fund Name | Amount      | Item Desc                         |
|------------|--------|------------------|-----------|-------------|-----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 27.58    | Costco Whse #0069 - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 74.86    | Cpi*Coleparmerinstrumt - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 26.00    | Cross Petroleum Service - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 206.78   | Econo Print - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 278.29   | Econo Print - PCard               |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 265.51   | Edge Construction Supp - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 147.84   | Fedex 92190235 - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 51.60    | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 228.84   | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 129.60   | Grainger - PCard                  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 299.24   | Hach Company - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 179.29   | Hach Company - PCard              |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 49.99    | Harbor Freight Tools 207 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 72.45    | Industrial Coating Soluti - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 26.40    | Kb Commercial Products - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 15.54    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 16.99    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 34.70    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 25.98    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 13.97    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 13.98    | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 2.15     | Kings Ace Hdwe - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 242.05   | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 188.65   | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 52.96    | Lowes #00319* - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 18.00    | Macon Supply Inc - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 21.89    | Mcmaster-Carr - PCard             |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 145.00   | Midland Scientific Inc - PCard    |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 110.52   | Monoprice, Inc. - PCard           |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 180.00   | Montana Waterworks - PCard        |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 10.72    | Northwest Industrial Supp - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 4.10     | Northwest Industrial Supp - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 42.67    | Northwest Industrial Supp - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 48.92    | Northwest Scientific Inc - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 2,000.00 | Nw Pump & Equip Billings - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards | Water     | \$ 723.67   | Office Depot #2135 - PCard        |

| Check Date | Check# | Name               | Fund Name   | Amount      | Item Desc                        |
|------------|--------|--------------------|-------------|-------------|----------------------------------|
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 21.52    | Pacific Steel Branch #02 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 14.40    | Pacific Steel Branch #02 - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 68.22    | Ratco Trailer And Hitch - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 1,494.60 | Rubbercal Inc - PCard            |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 1,996.00 | Sams Club #4805 - PCard          |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 22.44    | Sherwin Williams 703203 - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 67.49    | Shiptons Big R Heights - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 105.46   | The Home Depot #3101 - PCard     |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 206.06   | The Home Depot 3101 - PCard      |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 10.00    | Tvetene Turf Inc - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 7.50     | Tvetene Turf Inc - PCard         |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 38.00    | West End Lock And Secur - PCard  |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 592.96   | Www.Superbrightleds.Co - PCard   |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 25.74    | Yellowstone Valley Elect - PCard |
| 08/02/2021 | ACH    | U.S. Bank PCards   | Water       | \$ 1,822.45 | Yellowstone Valley Elect - PCard |
| 08/02/2021 | 845124 | Wilbur Ellis Co    | Amend Park  | \$ 2,560.00 | fertilizer for amend             |
| 08/02/2021 | 845130 | Ylwstn Valley Elec | Solid Waste | \$ 3,299.45 | Electricity Service Landfill.    |

## City Council Regular

**Date:** 09/13/2021  
**Title:** Payment of Claims for week of August 9, 2021  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No

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### RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$2,610,143.44 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 is 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.

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### Attachments

Councilmemo wk of 08092021

| Check Date | Check# | Name                      | Fund Name      | Amount       | Item Desc                                                           |
|------------|--------|---------------------------|----------------|--------------|---------------------------------------------------------------------|
| 08/09/2021 | 845137 | Allstream Business        | Park Dist 1    | \$ 46.00     | Main Bill New Account # 330046 -Dehler Park                         |
| 08/09/2021 | 845137 | Allstream Business        | Phone System   | \$ 2,522.66  | Main Bill New Account # 330046 -IT                                  |
| 08/09/2021 | 845137 | Allstream Business        | Phone System   | \$ 79.95     | Main Bill New Account # 330046 -IT                                  |
| 08/09/2021 | 845145 | Beartooth Enviro          | Solid Waste    | \$ 3,817.25  | Bulk oil waste disposal 7/13; 7/26. Site labor 7/28.                |
| 08/09/2021 | 845145 | Beartooth Enviro          | Solid Waste    | \$ 4,803.00  | HHW solid waste shipments. 7/27/21.                                 |
| 08/09/2021 | 845154 | Billings Depot            | Engineering    | \$ 14,564.43 | September Depot Rent                                                |
| 08/09/2021 | 845157 | Boingo LLC                | Airport        | \$ 3,000.00  | July, Aug, Sept 2021 Management Fee                                 |
| 08/09/2021 | 845158 | Brenntag Pacific          | Wastewater     | \$ 4,780.38  | sodium chlorite                                                     |
| 08/09/2021 | 845158 | Brenntag Pacific          | Wastewater     | \$ 9,680.85  | sodium hypochlorite                                                 |
| 08/09/2021 | 845158 | Brenntag Pacific          | Wastewater     | \$ 6,934.47  | VIBC Trans 10k FG Kosher                                            |
| 08/09/2021 | 845160 | Business Tax Section      | Airport        | \$ 3,150.68  | AIP-69 Commercial Aircraft Concrete Ramps - CA - Federal Share      |
| 08/09/2021 | 845160 | Business Tax Section      | Airport        | \$ 12,450.21 | Terminal Expansion - Eligible For Reimbursement                     |
| 08/09/2021 | 845160 | Business Tax Section      | Airport        | \$ 1,053.27  | Terminal Expansion - Ineligible Costs                               |
| 08/09/2021 | 845160 | Business Tax Section      | Public Safety  | \$ 471.53    | Complete roof system on Fire Station #4                             |
| 08/09/2021 | 845160 | Business Tax Section      | Public Safety  | \$ 66.65     | Fire Station #4 Roof & Siding Replacement Project Rebid 2/25/2021   |
| 08/09/2021 | 845160 | Business Tax Section      | Wastewater     | \$ 500.00    | WO 20-10 WRF Equipment Installation - partial retainage release     |
| 08/09/2021 | 845160 | Business Tax Section      | Water          | \$ 327.50    | Temporary Water for N 25th Street pipe bursting 96th to 9th         |
| 08/09/2021 | 845160 | Business Tax Section      | Water          | \$ 0.70      | WTP - RELAY CONFIGURATION UPDATE                                    |
| 08/09/2021 | 845161 | C&C Const of NW           | Public Safety  | \$ 46,681.47 | Complete roof system on Fire Station #4                             |
| 08/09/2021 | 845163 | Cengage Learning          | Library        | \$ 6,010.00  | 74783452 7/2021-6/2022 standing orders                              |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Park Dist 1    | \$ 21.05     | water charges for Arrowhead - 13137                                 |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Park Dist 1    | \$ 2,153.06  | water charges for Arrowhead - 13138                                 |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Park Dist 1    | \$ 564.82    | water charges for Cleavenger-01019                                  |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Park Dist 1    | \$ 3,044.60  | water charges for Hawthorne - 08163                                 |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Park Dist 1    | \$ 2,891.30  | water charges or Primrose park-06100                                |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 2,575.46  | water charges for France's Park -16219                              |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 3,359.92  | water charges for Twin Oaks -17196                                  |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 2,656.37  | water charges for Uinta - 17140                                     |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 4,270.92  | water charges for Walden Grove - 30388                              |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 1,294.98  | water charges Luthern - 10112                                       |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Parks Maint    | \$ 1,158.91  | water charges or Rolling Hills - 09174                              |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Public Safety  | \$ 1,068.60  | 16118-00 FIRE 6 / WATER SERVICE / SPRING / SUMMER                   |
| 08/09/2021 | 845174 | Co Water Dist of Billings | Street/Traffic | \$ 21.05     | water bill for bench roundabout                                     |
| 08/09/2021 | 845175 | CRAIG AUSTIN              | Water          | \$ 7,861.06  | CIS Refund for overpayment - CIS Account #144048                    |
| 08/09/2021 | 845176 | Creative Bus Sales        | Transit        | \$ 2,414.16  | 11028569. A/c Repair Parts Unit 1825. W/O 200858 Job #2.            |
| 08/09/2021 | 845176 | Creative Bus Sales        | Transit        | \$ 123.85    | 11028569. Freight for A/c Repair Parts Unit 1825. W/O 200858 Job #2 |

| Check Date | Check# | Name                   | Fund Name       | Amount        | Item Desc                                                            |
|------------|--------|------------------------|-----------------|---------------|----------------------------------------------------------------------|
| 08/09/2021 | 845176 | Creative Bus Sales     | Transit         | \$ 377.08     | 11028950. Accumulator Unit 1879.                                     |
| 08/09/2021 | 845176 | Creative Bus Sales     | Transit         | \$ 24.09      | 11028950. Freight for Accumulator Unit 1874. W/O 201134              |
| 08/09/2021 | 845176 | Creative Bus Sales     | Transit         | \$ 1,552.48   | 11029113. Evaporator & Condenser Unit 1877. W/O 201623               |
| 08/09/2021 | 845176 | Creative Bus Sales     | Transit         | \$ 61.68      | 11029113. Freight for Evaporator & Condenser Unit 1877. W/O 201623   |
| 08/09/2021 | 845180 | Dell Computer L P      | IT Resources    | \$ 1,887.63   | Dell Precision 3650 Tower i9, 32GB RAM, 1TB SSD, AMD Radeon Pro      |
| 08/09/2021 | 845180 | Dell Computer L P      | Public Safety   | \$ 1,280.36   | Dell 15" Precision 3560 Laptop, i5, 8GB, 256GB and docking station   |
| 08/09/2021 | 845181 | Dixie Petro-Chem       | Water           | \$ 4,132.00   | BULK CHLORINE                                                        |
| 08/09/2021 | 845183 | Dorsey & Whitney       | SID Const       | \$ 13,955.42  | Legal Services:Special Improvement District No 1417 Bonds            |
| 08/09/2021 | 845183 | Dorsey & Whitney       | SID Const       | \$ 1,623.26   | Legal Services:Special Improvement District No 1417 Bonds            |
| 08/09/2021 | 845183 | Dorsey & Whitney       | SID Const       | \$ 4,421.32   | Legal Services:Special Improvement District No 1417 Bonds            |
| 08/09/2021 | 845186 | Downtown Blgs Partners | Tax Incrmnt N27 | \$ 23,286.75  | Urban Revitalization District Operating Agreement                    |
| 08/09/2021 | 845190 | Eldorado National CA   | Transit         | \$ 370,068.00 | 8 Replacement 30-foor Diesel MET Transit Buses                       |
| 08/09/2021 | 845196 | Gaynor's Auto Body     | Property Ins    | \$ 2,767.02   | PW-Engineering Truck #1092 damage to vehicle (deer)                  |
| 08/09/2021 | 845212 | Hydrotech              | Water           | \$ 32,422.50  | Temporary Water for N 25th Street; pipe bursting (6th to 9th) PBD028 |
| 08/09/2021 | 845214 | Identity Automation    | Public Safety   | \$ 4,181.30   | Multi-Factor Authentication Plus - Annual Subscription               |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 22.00      | 5383637                                                              |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 5.99       | 53638450                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 16.49      | 53638451                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 48.95      | 53638451                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 17.99      | 53638452                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 90.79      | 53638453                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 27.36      | 53638453                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 10.19      | 53638454                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 27.85      | 53638454                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 17.10      | 53638455                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 4.71       | 53638455                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 17.10      | 53726257                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 35.94      | 53726258                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 8.25       | 53726259                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 17.40      | 53726260                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 27.60      | 53726260                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 22.00      | 53726261                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 15.93      | 53726261                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 11.97      | 53726261                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 84.90      | 53726261                                                             |
| 08/09/2021 | 845216 | Ingram Library Service | Library         | \$ 10.61      | 53726262                                                             |

| Check Date | Check# | Name                   | Fund Name | Amount        | Item Desc                                                     |
|------------|--------|------------------------|-----------|---------------|---------------------------------------------------------------|
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 1,017.48   | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 619.32     | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 5.99       | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 941.18     | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 83.48      | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 276.41     | 53766930                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 16.52      | 53766931                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 18.60      | 53766932                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 93.04      | 53814416                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 40.92      | 53814416                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 91.81      | 53814416                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 14.72      | 53839634                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 14.99      | 53839634                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 17.10      | 53839635                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 11.20      | 53839636                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 210.00     | 53839638                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 28.48      | 53839639                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 6.59       | 53839640                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 134.40     | 53839641                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 166.69     | 53858857                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 179.58     | 53858858                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 524.98     | 53858858                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 125.44     | 53858858                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 1,626.52   | 53858858                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 25.48      | 53858858                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 107.93     | 53864817                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 206.34     | 53864817                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 155.51     | 53864817                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 282.45     | 53864817                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 8.39       | 53864817                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 21.18      | 53864818                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 26.38      | 53864818                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 28.04      | 53864819                                                      |
| 08/09/2021 | 845216 | Ingram Library Service | Library   | \$ 350.00     | 53976490                                                      |
| 08/09/2021 | 845220 | Janway Company         | Library   | \$ 4,575.00   | 138407 Janway bags                                            |
| 08/09/2021 | 845224 | Knife River            | Airport   | \$ 311,917.34 | AIP-69 Commercial Aircraft Concrete Ramps - CA- Federal Share |

| Check Date | Check# | Name                    | Fund Name      | Amount       | Item Desc                                                              |
|------------|--------|-------------------------|----------------|--------------|------------------------------------------------------------------------|
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 1,972.30  | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 2,421.10  | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 2,305.60  | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 387.75    | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 436.70    | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 3,745.44  | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 4,575.96  | asphalt                                                                |
| 08/09/2021 | 845224 | Knife River             | Street/Traffic | \$ 424.44    | asphalt                                                                |
| 08/09/2021 | 845229 | Land Design             | Park Dist 1    | \$ 5,140.00  | phase I of the Poly Vista project - invoice 016092                     |
| 08/09/2021 | 845229 | Land Design             | Tax Incrmnt S  | \$ 2,375.00  | design, contract admin & const management for shelter at Optimist Park |
| 08/09/2021 | 845240 | Morrison Maierle        | Airport        | \$ 33,609.73 | Amendment 26-Commercial Concrete Ramps-CA-Federal Share                |
| 08/09/2021 | 845240 | Morrison Maierle        | Airport        | \$ 8,159.30  | Amendment 26-Commercial Concrete Ramps-Design-Federal Share            |
| 08/09/2021 | 845240 | Morrison Maierle        | Airport        | \$ 37,255.84 | Terminal Expansion - MM - Eligible For Reimburse                       |
| 08/09/2021 | 845240 | Morrison Maierle        | Airport        | \$ 4,139.54  | Terminal Expansion - MM - Eligible Local Costs                         |
| 08/09/2021 | 845240 | Morrison Maierle        | Airport        | \$ 3,501.99  | Terminal Expansion - MM - Ineligible Costs                             |
| 08/09/2021 | 845237 | MT Municipal Interlocal | Property Ins   | \$ 12,178.20 | July 2021                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | General        | \$ 87.32     | 0712539-6                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.11      | 0722253-2                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 8.32      | 0722258-1                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 8.61      | 0722272-2                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 38.11     | 0722273-0                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 8.65      | 0722274-8                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 83.78     | 0722275-5                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 29.23     | 0722278-9                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 12.52     | 0722279-7                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.11      | 0722280-5                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.11      | 0722281-3                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.11      | 0722283-9                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.11      | 0722284-7                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 12.52     | 0722808-3                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 8.91      | 0722852-1                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 8.32      | 0722862-0                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 46.66     | 0722901-6                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 6.62      | 0722976-8                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 307.03    | 0722995-8                                                              |
| 08/09/2021 | 845247 | NorthWestern Energy     | Park Dist 1    | \$ 77.62     | 0723005-5                                                              |

| Check Date | Check# | Name                | Fund Name     | Amount      | Item Desc                                     |
|------------|--------|---------------------|---------------|-------------|-----------------------------------------------|
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 6.11     | 0723025-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 20.13    | 0723039-4                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 6.00     | 0723046-9                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 14.98    | 0723049-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 18.42    | 0723064-2                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 18.42    | 0723065-9                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 4.37     | 0723391-9                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 116.54   | 0723884-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 18.42    | 0723887-6                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 59.19    | 0999807-1                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 500.25   | 1141284-8                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Park Dist 1   | \$ 1,885.29 | 1160780-1                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 5.74     | 0722272-2                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723384-4                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 7.94     | 0723385-1                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 7.94     | 0723386-9                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 7.94     | 0723388-5                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 2.91     | 0723391-9                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 0.82     | 0723392-7                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 7.01     | 0723393-5                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723394-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723395-0                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723396-8                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723397-6                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723398-4                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.11     | 0723835-5                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 8.32     | 0723836-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.26     | 0723840-5                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 294.60   | 0723879-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 6.76     | 0723883-5                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 0.96     | 0723885-0                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 210.02   | 1513796-1                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 8.40     | 1513802-7                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 13.73    | 1513804-3                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Parks Maint   | \$ 1.80     | 2041362-1                                     |
| 08/09/2021 | 845247 | NorthWestern Energy | Public Safety | \$ 457.19   | FIRE 6: 0100477-9 - MONTHLY ELECTRIC SERVICES |

| Check Date | Check# | Name                    | Fund Name      | Amount          | Item Desc                                                            |
|------------|--------|-------------------------|----------------|-----------------|----------------------------------------------------------------------|
| 08/09/2021 | 845247 | NorthWestern Energy     | Street/Traffic | \$ 8.15         | 2047007-6                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Street/Traffic | \$ 7.90         | 2047010-0                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Street/Traffic | \$ 7.52         | 2047013-4                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Street/Traffic | \$ 7.90         | 2047017-5                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Street/Traffic | \$ 7.52         | 2047019-1                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Wastewater     | \$ -            | 0723383-6                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Wastewater     | \$ 314.03       | 0723878-5                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Wastewater     | \$ 2,411.72     | 2132749-9                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Water          | \$ 2,331.72     | 0100478-7                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Water          | \$ 9.75         | 0722249-0                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Water          | \$ 1,295.85     | 0722252-4                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Water          | \$ 7,025.91     | 0722270-6                                                            |
| 08/09/2021 | 845247 | NorthWestern Energy     | Water          | \$ 5,075.50     | 0723043-6                                                            |
| 08/09/2021 | 845253 | PeopleReady             | Solid Waste    | \$ 4,061.72     | Contract work for the landfill.                                      |
| 08/09/2021 | 845256 | Petty Cash CCSIU        | PD Program     | \$ 4,514.00     | CCSIU Petty Cash Reimbursement. Receipts on file at the BPD.         |
| 08/09/2021 | 845259 | Potters Industries      | Street/Traffic | \$ 17,600.00    | paint beads                                                          |
| 08/09/2021 | 845266 | RF Communication        | Public Safety  | \$ 19,664.00    | BK Radios, 5000 channel w/accessories, 2 battery packs               |
| 08/09/2021 | 845266 | RF Communication        | Public Safety  | \$ 60.00        | SHIPPING & HANDLING                                                  |
| 08/09/2021 | 845268 | Rocky Mt Compost        | Park Dist 1    | \$ 3,900.00     | compost for high sierra or castle rock parks - 19930                 |
| 08/09/2021 | 845268 | Rocky Mt Compost        | Parks Maint    | \$ 80.00        | brown mulch-19927                                                    |
| 08/09/2021 | 845268 | Rocky Mt Compost        | Parks Maint    | \$ 120.00       | cherry brown mulch for yellowstone family park-19928                 |
| 08/09/2021 | 845268 | Rocky Mt Compost        | Parks Maint    | \$ 3,900.00     | compost for high sierra or castle rock parks - 19930                 |
| 08/09/2021 | 845269 | Rocky Mt Health Network | City Ins Fund  | \$ 7,800.00     | July 2021 Healthy Is Program                                         |
| 08/09/2021 | 845271 | Russell Industries      | Wastewater     | \$ 6,514.10     | SPARE PUMP FOR GRIT & PD TRASH PUMP                                  |
| 08/09/2021 | 845272 | Safetech, Inc           | Wastewater     | \$ 7,128.00     | Asbestos Removal at 3 switchgear bus connections at wastewater plant |
| 08/09/2021 | 845275 | SHI International       | IT Resources   | \$ 269.47       | MS Office Standard 2019 -New World Update                            |
| 08/09/2021 | 845275 | SHI International       | IT Resources   | \$ 17,871.59    | Replace KACE Manage Engine Desktop standard annual fee for 20 techs. |
| 08/09/2021 | 845275 | SHI International       | IT Resources   | \$ 29,375.90    | Wasabi Cloud Storage and support 3 Year term 7/1/2021-7/1/2024       |
| 08/09/2021 | 845275 | SHI International       | Public Safety  | \$ 269.56       | MS Office Standard -Det. Chaney                                      |
| 08/09/2021 | 845277 | Sletten Const           | Airport        | \$ 1,232,570.65 | Terminal Expansion - Eligible For Reimbursement                      |
| 08/09/2021 | 845277 | Sletten Const           | Airport        | \$ 104,273.87   | Terminal Expansion - Ineligible Costs                                |
| 08/09/2021 | 845279 | Solid Waste System      | Fleet          | \$ 306.30       | 134462 PO NUM 312987                                                 |
| 08/09/2021 | 845279 | Solid Waste System      | Solid Waste    | \$ 2,398.99     | 134771                                                               |
| 08/09/2021 | 845284 | State Chemical          | Airport        | \$ 2,406.23     | Cleaning Supplies                                                    |
| 08/09/2021 | 845284 | State Chemical          | Airport        | \$ 842.32       | Grease B Gone, Degreaz Oven Cleaner, Food Grade Lubricant            |
| 08/09/2021 | 845284 | State Chemical          | Airport        | \$ 492.72       | Wasp and Hornet Spray                                                |

| Check Date | Check# | Name                  | Fund Name     | Amount       | Item Desc                                               |
|------------|--------|-----------------------|---------------|--------------|---------------------------------------------------------|
| 08/09/2021 | 845284 | State Chemical        | Airport       | \$ 492.72    | Wasp and Hornet Spray                                   |
| 08/09/2021 | 845289 | Sysco Montana         | General       | \$ 357.87    | food for rose concessions 343353141                     |
| 08/09/2021 | 845289 | Sysco Montana         | General       | \$ 436.79    | food for rose concessions 343360759                     |
| 08/09/2021 | 845289 | Sysco Montana         | General       | \$ 786.37    | food for rose concessions 343362518                     |
| 08/09/2021 | 845289 | Sysco Montana         | General       | \$ 804.88    | food for rose concessions 343362520                     |
| 08/09/2021 | 845289 | Sysco Montana         | General       | \$ 482.19    | food for rose concessions, 343355185                    |
| 08/09/2021 | 845291 | T.W. Clark Const      | Public Safety | \$ 6,599.38  | Fire Station #4 Roof & Siding Replacement-Project Rebid |
| 08/09/2021 | 845295 | Town & Country Supply | Fleet         | \$ 25,151.82 | 418815 PO NUM 312972                                    |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 721.23    | FIRE 3 DIESEL [419493]                                  |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 721.23    | FIRE 5 DIESEL [419492]                                  |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 347.90    | FIRE 5: UNLEADED [419492]                               |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 480.82    | FIRE 6 DIESEL [419495]                                  |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 1,202.05  | FIRE1 DIESEL [410494]                                   |
| 08/09/2021 | 845295 | Town & Country Supply | Public Safety | \$ 695.80    | FIRE1 UNLEADED DELIVERED [419494]                       |
| 08/09/2021 | 845306 | Whitten & Borges      | SID Const     | \$ 8,460.00  | Stillwater Building Assessment Report Inv. 16415        |
| 08/09/2021 | 845307 | Wilbur Ellis Co       | Park Dist 1   | \$ 128.00    | fertilizer - 14491763                                   |
| 08/09/2021 | 845307 | Wilbur Ellis Co       | Park Dist 1   | \$ 2,560.00  | fertilizer - 14495494                                   |
| 08/09/2021 | 845307 | Wilbur Ellis Co       | Park Dist 1   | \$ 1,024.00  | fertilizer-144999958                                    |
| 08/09/2021 | 845310 | Yellowstone Co GIS    | IT Resources  | \$ 8,750.00  | Yellowstone County GIS Quarterly fee                    |

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Payment of Claims for week of August 16, 2021  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$1,018,573.46 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 is 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.

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**Attachments**

Councilmemo wk of 08162021

| Check Date | Check# | Name                 | Fund Name        | Amount          | Item Desc                                        |
|------------|--------|----------------------|------------------|-----------------|--------------------------------------------------|
| 08/16/2021 | 845324 | AssetWorks           | Fleet            | \$ 4,202.50     | AssetWorks Fleet management software             |
| 08/16/2021 | 845324 | AssetWorks           | Fleet            | \$ 717.50       | AssetWorks Fleet management software             |
| 08/16/2021 | 845326 | Bcs Scrip            | City Ins Fund    | \$ 35,000.00    | Healthy Is incentives for September 2021 #1      |
| 08/16/2021 | 845327 | Beartooth Enviro     | Solid Waste      | \$ 1,113.03     | HHW solid waste shipment 8/2/21.                 |
| 08/16/2021 | 845327 | Beartooth Enviro     | Solid Waste      | \$ 4,943.34     | HHW solid waste shipment 8/2/21.                 |
| 08/16/2021 | 845327 | Beartooth Enviro     | Solid Waste      | \$ 5,000.00     | HHW solid waste shipment 8/2/21.                 |
| 08/16/2021 | 845327 | Beartooth Enviro     | Solid Waste      | \$ 4,879.00     | HHW solid waste shipment 8/2/21.                 |
| 08/16/2021 | 845327 | Beartooth Enviro     | Solid Waste      | \$ 4,977.00     | HHW solid waste shipment 8/2/21.                 |
| 08/16/2021 | 845339 | Cascade Pump Co      | Wastewater       | \$ 2,949.24     | Packing sleeve (ssp parts)                       |
| 08/16/2021 | 845346 | CMC Rescue           | Public Safety    | \$ 290.00       | 300430 PULLEY, PMP SWIVEL, 1.5" CMC              |
| 08/16/2021 | 845346 | CMC Rescue           | Public Safety    | \$ 5,904.00     | 500106, AZTEK PRO SERIES SYSTEM, LT CMC          |
| 08/16/2021 | 845346 | CMC Rescue           | Public Safety    | \$ 469.00       | 74000 LITTER SHIELD, ORIGINAL, CMC               |
| 08/16/2021 | 845346 | CMC Rescue           | Public Safety    | \$ 415.00       | 740011 CLAMPS FOR LITTER SHIELD, 19MM RAIL, CMC  |
| 08/16/2021 | 845346 | CMC Rescue           | Public Safety    | \$ 56.08        | SHIPPING/HANDLING CHARGES                        |
| 08/16/2021 | 845348 | Columbine Control    | Wastewater       | \$ 4,470.61     | Varec 430 valve                                  |
| 08/16/2021 | 845352 | Cummins Rocky Mt     | Solid Waste      | \$ 32.25        | 47787                                            |
| 08/16/2021 | 845352 | Cummins Rocky Mt     | Solid Waste      | \$ (90.89)      | 48541                                            |
| 08/16/2021 | 845352 | Cummins Rocky Mt     | Solid Waste      | \$ 10.75        | 48565                                            |
| 08/16/2021 | 845352 | Cummins Rocky Mt     | Solid Waste      | \$ 2,211.22     | 49039                                            |
| 08/16/2021 | 845352 | Cummins Rocky Mt     | Solid Waste      | \$ 340.23       | 49042                                            |
| 08/16/2021 | 845354 | Dakota Fence Co      | Park Dist 1      | \$ 3,781.14     | playground equipment for Hawthorn - 302031       |
| 08/16/2021 | 845355 | Dana Safety Supply   | Public Safety    | \$ 1,100.00     | 738909                                           |
| 08/16/2021 | 845355 | Dana Safety Supply   | Public Safety    | \$ 177.00       | 739524                                           |
| 08/16/2021 | 845355 | Dana Safety Supply   | Public Safety    | \$ 2,559.00     | 739759                                           |
| 08/16/2021 | 845355 | Dana Safety Supply   | Public Safety    | \$ 1,275.00     | 739925                                           |
| 08/16/2021 | 845357 | David Turch & Assoc  | P.W. Admin       | \$ 4,000.00     | Consulting for Public Works Infrastructure       |
| 08/16/2021 | 845366 | Duval Ford           | Capital Replace  | \$ 359,030.00   | This is an order per Quote. Fleet Services       |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 1,169.00     | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 57,798.47    | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 28,100.10    | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 1,020.00     | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 1,885.50     | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | City Ins Fund    | \$ 4,799.20     | September 2021                                   |
| 08/16/2021 | 845368 | EBMS                 | Payroll Clearing | \$ 10,487.03    | September 2021                                   |
| 08/18/2021 | ACH    | Eldorado National CA | Transit          | \$ 1,480,272.00 | Bus Payment #2, #3, #4, #5                       |
| 08/16/2021 | 845377 | Fischer Com Flooring | Public Safety    | \$ 4,775.00     | FIRE 4: 2880 SQ FT LVT UNDERLAYMENT, RUBBER BASE |

| Check Date | Check# | Name                  | Fund Name     | Amount     | Item Desc                                  |
|------------|--------|-----------------------|---------------|------------|--------------------------------------------|
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 29.07   | P1-06823.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 46.45   | P1-06911.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 338.58  | P1-06988.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 108.03  | P1-07117.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 54.12   | P1-07118.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 146.66  | P1-07199.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Fleet         | \$ 239.16  | P1-07343.01 PO NUM 312782                  |
| 08/16/2021 | 845380 | Galles Filter Service | Public Safety | \$ 63.15   | T-97365                                    |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 306.54  | Inner Air Element                          |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 612.96  | Outer Air Element                          |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 722.16  | Outer Air Element                          |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 235.20  | Outer Air Element                          |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 913.25  | Outer Air Elements                         |
| 08/16/2021 | 845380 | Galles Filter Service | Solid Waste   | \$ 99.66   | T-97802                                    |
| 08/16/2021 | 845380 | Galles Filter Service | Transit       | \$ 46.48   | T-97338. Hose Clamps Unit 1819. W/O 201449 |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 37.47   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 14.99   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 57.12   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 27.37   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 9.03    | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ 10.58   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Wastewater    | \$ (19.81) | RETURNED PARTS                             |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 9.40    | FILTER UNIT 7305                           |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 39.42   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 37.05   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 72.18   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 82.98   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 125.33  | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 162.60  | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 118.15  | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 116.41  | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 11.60   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ 22.37   | NONSTOCKING ITEMS-P.U.D.                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ (9.40)  | RETURN FILTERS                             |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ (17.05) | RETURN FILTERS UNIT 7121                   |
| 08/16/2021 | 845380 | Galles Filter Service | Water         | \$ (29.71) | RETURNED PARTS                             |

| Check Date | Check# | Name              | Fund Name        | Amount       | Item Desc                                          |
|------------|--------|-------------------|------------------|--------------|----------------------------------------------------|
| 08/16/2021 | 845381 | Grainger Parts    | Street/Traffic   | \$ 159.32    | filters for signal cabinets                        |
| 08/16/2021 | 845381 | Grainger Parts    | Street/Traffic   | \$ 78.24     | filters for signal cabinets                        |
| 08/16/2021 | 845381 | Grainger Parts    | Street/Traffic   | \$ 45.64     | filters for signal cabinets                        |
| 08/16/2021 | 845381 | Grainger Parts    | Wastewater       | \$ 652.94    | High voltage gloves                                |
| 08/16/2021 | 845381 | Grainger Parts    | Wastewater       | \$ 8.02      | Safety Glasses                                     |
| 08/16/2021 | 845381 | Grainger Parts    | Wastewater       | \$ 11.51     | Safety Glasses                                     |
| 08/16/2021 | 845381 | Grainger Parts    | Wastewater       | \$ 2.32      | Toggle Switch                                      |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 1,217.11  | Belt pulley                                        |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 652.94    | High voltage gloves                                |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 880.20    | Lights                                             |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 149.13    | Motor switch                                       |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 8.03      | Safety Glasses                                     |
| 08/16/2021 | 845381 | Grainger Parts    | Water            | \$ 11.51     | Safety Glasses                                     |
| 08/16/2021 | 845384 | Guardian Security | Library          | \$ 8,127.40  | 771 August 2021                                    |
| 08/16/2021 | 845387 | Hawkins           | Water            | \$ 24,485.99 | AQUA HAWK 457 COAGULANT WTP                        |
| 08/16/2021 | 845387 | Hawkins           | Water            | \$ 23,574.40 | Aqua Hawk coagulant truck #20F6                    |
| 08/16/2021 | 845388 | HDR               | Engineering      | \$ 1,593.90  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Light Maint      | \$ 306.52    | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | P.W. Admin       | \$ 2,819.97  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Solid Waste      | \$ 1,348.68  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Storm Sewer      | \$ 3,586.27  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Street/Traffic   | \$ 3,218.45  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Wastewater       | \$ 4,199.31  | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845388 | HDR               | Water            | \$ 13,578.79 | WO 20-33 Public Works GIS Services                 |
| 08/16/2021 | 845393 | Iaff              | Payroll Clearing | \$ 5,197.14  | Payroll Summary                                    |
| 08/16/2021 | 845395 | InfoSend          | P.W. Admin       | \$ 12,559.84 | July Monthly Services                              |
| 08/16/2021 | 845395 | InfoSend          | P.W. Admin       | \$ 3,092.70  | July Monthly Services                              |
| 08/16/2021 | 845399 | Invoice Cloud     | Building         | \$ 16.92     | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | City Ins Fund    | \$ 42.61     | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | Engineering      | \$ 13.41     | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | Parking          | \$ 23.01     | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | Solid Waste      | \$ 8,751.33  | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | Wastewater       | \$ 11,060.96 | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845399 | Invoice Cloud     | Water            | \$ 13,012.91 | For Service Period of 07/01/2021 through 7/31/2021 |
| 08/16/2021 | 845403 | Joki & Assoc      | Gas Tax          | \$ 15,000.00 | WO 09-12 Inner Belt Loop ; Pymt1 Joki & Assoc      |
| 08/16/2021 | 845407 | Knife River       | Street/Traffic   | \$ 4,493.88  | asphalt                                            |

| Check Date | Check# | Name                | Fund Name        | Amount      | Item Desc                                             |
|------------|--------|---------------------|------------------|-------------|-------------------------------------------------------|
| 08/16/2021 | 845409 | Kois Brothers       | Fleet            | \$ 79.38    | 123552 PO NUM 312783                                  |
| 08/16/2021 | 845409 | Kois Brothers       | Fleet            | \$ 266.30   | 123631 PO NUM 312783                                  |
| 08/16/2021 | 845409 | Kois Brothers       | Solid Waste      | \$ 6,429.15 | 123554                                                |
| 08/16/2021 | 845409 | Kois Brothers       | Solid Waste      | \$ 43.62    | 123600                                                |
| 08/16/2021 | 845409 | Kois Brothers       | Solid Waste      | \$ 291.67   | 123653                                                |
| 08/16/2021 | 845417 | Mattress King       | Public Safety    | \$ 200.00   | 21G TWIN HD BED FRAMES                                |
| 08/16/2021 | 845417 | Mattress King       | Public Safety    | \$ 7,188.00 | MATTRESS SETS FOR FIRE STATIONS                       |
| 08/16/2021 | 845422 | MFPE                | Payroll Clearing | \$ 2,698.75 | Payroll Summary                                       |
| 08/16/2021 | 845420 | Montana CS&ED       | Payroll Clearing | \$ 3,151.93 | Payroll Summary                                       |
| 08/16/2021 | 845429 | MPPA                | Payroll Clearing | \$ 3,762.22 | Payroll Summary                                       |
| 08/16/2021 | 845425 | MT State Firemen    | Payroll Clearing | \$ 4,385.72 | Payroll Summary                                       |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 69.00    | 1" X 100' POLY PIPE - SDR9 CTS 250# P/N: SDR91100     |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 69.00    | 1" X 100' POLY PIPE - SDR9 CTS 250# P/N: SDR91100     |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 13.62    | 3/4" IPS PE STIFFNER SS P/N: 613634                   |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 43.00    | 3/4" X 100' POLY PIPE - SDR9 CTS 250# P/N: SDR934100  |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 1,213.00 | 6" PLASTIC PIPE-CLASS 200-SDR-14-C900-SLIP HUB        |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 300.18   | 6" X 3/4" SADDLE DOUBLE BAND - CAST IRON P/N: 3825634 |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 5,106.80 | 7' FIRE HYDRANT - PUSH ON                             |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 2,087.00 | 8" PLASTIC PIPE CLASS - 200 SDR-14- C-900 SLIP HUB    |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 22.80    | AERVOE BLUE MARKING PAINT - #03621                    |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 88.80    | CLOUD WHITE MARKING PAINT                             |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 176.06   | FITTINGS FOR SERVICE REPAIRS                          |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 135.00   | MARKING PAINT GREEN - GREEN SPRAYON #3631             |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 396.06   | Materials                                             |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 696.37   | PIPE BURSTING - 6" PUSH-ON VALVE P/N: 2606BLAFXTU     |
| 08/16/2021 | 845431 | MT Waterworks       | Water            | \$ 14.25    | RED MARKING PAINT # 3611 - (3611)                     |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 12.52    | 0712534-7. Entrance Gate 16. July 2021                |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 19.94    | 0712791-3. Gate 16. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 19.05    | 0712795-4. Gate 17. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 20.16    | 0712797--0. Gate 9. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 6.00     | 0712805-1. IP-10. July 2021                           |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 7.13     | 0712813-5. Burn Pit. July 2021                        |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 19.05    | 0719759-3. Gate 12. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 65.39    | 0719760-1. Gate 14. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 20.30    | 0719761-9. Gate 15. July 2021                         |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport          | \$ 19.29    | 0719762-7. Gate 13. July 2021                         |

| Check Date | Check# | Name                | Fund Name   | Amount      | Item Desc                                   |
|------------|--------|---------------------|-------------|-------------|---------------------------------------------|
| 08/16/2021 | 845442 | NorthWestern Energy | Airport     | \$ 18.03    | 0720296-3. Gate 29. July 2021               |
| 08/16/2021 | 845442 | NorthWestern Energy | Airport     | \$ 19.24    | 2114868-9. Runway Weather System. July 2021 |
| 08/16/2021 | 845442 | NorthWestern Energy | Building    | \$ 16.55    | 1569631-3                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Facilities  | \$ 6.00     | 3866815-8                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | General     | \$ 2,410.71 | 0720841-6                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | General     | \$ 7.63     | 1635289-0                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | General     | \$ 54.24    | 1692666-9                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | General     | \$ 6.00     | 3178260-0                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 179.80   | 0722256-5                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 12.57    | 0722259-9                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 28.70    | 0722277-1                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 315.88   | 0793134-8                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 50.75    | 0813489-2                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 68.59    | 0920801-8                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 13.60    | 0978917-3                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 51.72    | 1156527-2                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 1230066-1                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 1588262-4                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 37.18    | 1849408-8                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 7.77     | 1902257-3                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 44.52    | 1904944-4                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 40.56    | 1941243-6                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 17.12    | 3020837-5                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 59.71    | 3241436-9                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 3477233-5                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parking     | \$ 17.82    | 3835890-9                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 7.94     | 0723387-7                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 7.14     | 0881455-0                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 1.08     | 0971824-8                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 0.35     | 1029192-0                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 74.38    | 1045813-1                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 1.53     | 1265177-4                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 0.84     | 1312707-1                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 323.56   | 1513800-1                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 7.52     | 1514388-6                                   |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint | \$ 6.88     | 1564209-3                                   |

| Check Date | Check# | Name                | Fund Name      | Amount       | Item Desc                                      |
|------------|--------|---------------------|----------------|--------------|------------------------------------------------|
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 1.31      | 1948667-9                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 5.49      | 2055817-7                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 21.22     | 3707234-5                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 52.74     | 3707235-2                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 41.95     | 3707236-0                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Parks Maint    | \$ 9.93      | 3771457-3                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Public Safety  | \$ 8.27      | 0712532-1                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Public Safety  | \$ 689.31    | 0720817-6                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Public Safety  | \$ 2,036.07  | 1183483-5                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Radio          | \$ 263.25    | 1006915-1                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 11.21     | 0855404-0                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 24.03     | 1045820-6                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 17.52     | 1738989-1                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 1.66      | 1797828-9                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 7.13      | 2047000-1                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 7.77      | 2047011-8                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 8.15      | 2047018-3                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 107.78    | 3088038-9                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 1.06      | 3590004-2                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 39.98     | 3648861-7                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Street/Traffic | \$ 119.84    | 3660075-7                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Wastewater     | \$ 7.40      | 1704025-4                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Wastewater     | \$ 66.91     | 1704030-4                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Water          | \$ 50.61     | 1160807-2                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Water          | \$ 44.89     | 1346673-5                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Water          | \$ 13.23     | 1867265-9                                      |
| 08/16/2021 | 845442 | NorthWestern Energy | Water          | \$ 538.43    | 805 Constitution Ave; 1920951-9 July 2021      |
| 08/16/2021 | 845447 | Pace                | Storm Sewer    | \$ 15,807.77 | video inspection and reporting of storm drains |
| 08/16/2021 | 845450 | PeopleReady Inc     | Solid Waste    | \$ 3,909.88  | Contract work for the landfill.                |
| 08/16/2021 | 845452 | Polydyne Inc        | Wastewater     | \$ 4,144.40  | Flosperse 30S                                  |
| 08/16/2021 | 845455 | Public Utilities    | Airport        | \$ 25,102.98 | 136516                                         |
| 08/16/2021 | 845455 | Public Utilities    | Facilities     | \$ 497.84    | 158260                                         |
| 08/16/2021 | 845455 | Public Utilities    | Park Dist 1    | \$ 99.41     | 255552                                         |
| 08/16/2021 | 845455 | Public Utilities    | Wastewater     | \$ 9.45      | 180645                                         |
| 08/16/2021 | 845459 | Rexel USA Inc       | Wastewater     | \$ 1,643.08  | Lights                                         |
| 08/16/2021 | 845459 | Rexel USA Inc       | Wastewater     | \$ 823.73    | Linkage for breaker                            |

| Check Date | Check# | Name                    | Fund Name      | Amount       | Item Desc                                               |
|------------|--------|-------------------------|----------------|--------------|---------------------------------------------------------|
| 08/16/2021 | 845459 | Rexel USA Inc           | Wastewater     | \$ 2,606.95  | Motor circuit                                           |
| 08/16/2021 | 845461 | Rocky Mt Compost        | Amend Park     | \$ 9,000.00  | amend top dressing                                      |
| 08/16/2021 | 845473 | Stewart Title Co        | CDBG           | \$ 10,000.00 | FTHB Cameron Paul 709 Winemiller Ln                     |
| 08/16/2021 | 845471 | StV's Occupation Health | Airport        | \$ 50.00     | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Airport        | \$ 95.00     | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | City Ins Fund  | \$ 360.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | City Ins Fund  | \$ 390.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Fleet          | \$ 190.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | General        | \$ 2,855.00  | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Park Dist 1    | \$ 95.00     | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Solid Waste    | \$ 285.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Street/Traffic | \$ 190.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Wastewater     | \$ 38.00     | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Water          | \$ 260.00    | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845471 | StV's Occupation Health | Water          | \$ 57.00     | Drug Testing, Nurse Visit, COVID Testing, DOT Physicals |
| 08/16/2021 | 845479 | T.W. Clark Const        | Facilities     | \$ 8,035.10  | Retainage Release                                       |
| 08/16/2021 | 845484 | Town & Country Supply   | Fleet          | \$ 17,236.07 | 419631 PO NUM 313010                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Fleet          | \$ 25,541.65 | 419759 PO NUM 313024                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ 1,491.48  | 420419 FIRE 1 DIESEL                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ 708.06    | 420419 FIRE 1 UNLEADED                                  |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ 683.60    | 420419 FIRE 3 DIESEL                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ 745.74    | 420419 FIRE 5 DIESEL                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ 504.62    | 420419 FIRE 6 DIESEL                                    |
| 08/16/2021 | 845484 | Town & Country Supply   | Public Safety  | \$ (0.01)    | 420419 PERCENTAGE ADJUSTMENT                            |
| 08/16/2021 | 845484 | Town & Country Supply   | Water          | \$ 379.62    | NONSTOCKING ITEMS-P.U.D.                                |
| 08/16/2021 | 845484 | Town & Country Supply   | Water          | \$ 342.17    | NONSTOCKING ITEMS-P.U.D.                                |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 1,040.00  | 0270-0876 SPECTRUM SU, LOPRO S1, BOX 10                 |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 1,040.00  | 0270-0877 SPECTRUM SU, LOPRO S2, BOX 10                 |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 120.00    | 0270-0916 GLIDERITE SU STYLET (SMALL) PKG/10            |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 1,040.00  | 0270-0962 SPECTRUM SU, LOPRO S2.5, BOX 10               |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 200.00    | 0270-1093, GLIDERITE SU STYLET (MEDIUM) PKG/10          |
| 08/16/2021 | 845491 | Verathon                | Public Safety  | \$ 200.00    | GLIDESCOPE GO MONITOR KITS & ACCESSORIES                |

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and Resolution for Park District 1 Assessment  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends the City Council hold a public hearing and approve the resolution setting the assessment for Park District 1 for Fiscal Year 2022.

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

The FY22 budget was adopted based upon the Park District 1 assessment generating \$3,090,000 to fund FY22 operations. Per City Council direction, this is a 3% increase in revenue over the prior year. This resolution establishes the FY 22 Park District 1 assessment at 1.3875% of taxable value, resulting in \$3,090,000 in revenue. The FY 21 assessment was 1.4097% of taxable value. The assessment list for each parcel is available at the City Clerk's office.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

Applied to a median home with a \$217,000 market value, the 1.3875% of taxable value would result in an assessment of approximately \$40.72 per year. This is an increase of \$0.57 per year, over the prior year median home.

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**Attachments**

PD 1 Revised

RESOLUTION 21- \_\_\_\_\_

**A RESOLUTION ASSESSING PROPERTIES WITHIN THE CITY OF BILLINGS  
FOR THE PARK DISTRICT 1 ASSESSMENT, PROVIDING FOR NOTICE,  
HEARING AND ADOPTION.**

WHEREAS, Billings, Montana (the "City") is a municipality duly organized existing under and by virtue of the Constitution and laws of the State of Montana.

WHEREAS: the City Council (the "Council") is authorized by Montana Code Annotated ("MCA"), 7-11-1024 to make assessments or impose fees for the costs and expenses of the special district based upon a budget proposed by the governing body.

WHEREAS: Council adopted the FY 22 Budget on 6/28/21, including the operations and maintenance budget for Park District 1 in the amount of \$3,090,000 Per MCA 7-11-1024 and 7-11-1025(2).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

BILLINGS, MONTANA, AS FOLLOWS:

1. ASSESSMENT FOR FISCAL YEAR 2022. MCA 7-11-1024(3)(a) (iii) authorizes the Council to assess the percentage of cost for Park District 1 to each parcel of land, including improvements on the lot or parcel for the fiscal year. Each parcel shall pay to the City that portion of the total Park District 1 assessment of \$3,090,000 imposed annually as hereinafter provided, as the total taxable value of each parcel bears to the total taxable value (1.3875% per taxable value dollar), within the City.

2 LIST OF PROPERTIES ASSESSED. The official list of those properties subject to the assessment within the District, including the tax code, name/names of the owners of such properties and amount of assessment on each property, is on file for public inspection in the City of Billings Clerk's office per MCA 7-11-1025 (3).

3. NOTICE OF HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing as provided in MCA 7-1-4127.

4. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing & Resolution for Setting GO Debt Mill Levy Rates  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No

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**RECOMMENDATION**

Staff recommends that the City Council hold the public hearing and approve the resolution setting the mill levy rates for GO Bonds for FY22.

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

This resolution sets the FY22 City property tax mills for the General Obligation Debt Service Streets at 1.52 mills, General Obligation Debt Service Library at 3.50 mills and General Obligation Debt Service Series A Baseball Stadium at 3.28 mills. These levies are based on the certified taxable valuation from the Montana Department of Revenue. The table below shows a comparison to last year's mills. On 6/28/2021 the City Council approved 169 mills per the City of Billings Charter. The total mills levied by the City of Billings for FY22 are 177.30 mills compared to 179.48 mills for FY21. The revenue generated by setting the GO mills is consistent with the revenue projected in the FY22 budget, adopted by City Council on 6/28/2021. The GO debt mills generate enough revenue to pay the principal and interest expense on the debt. Lowering the number of mills would result in not paying the debt service payment or borrowing money to make the debt service payment.

|             | FY21  | FY22 |
|-------------|-------|------|
| GO Streets  | 1.59  | 1.52 |
| GO Library  | 5.44  | 3.50 |
| GO Ballpark | 3.45  | 3.28 |
| Total       | 10.48 | 8.30 |

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, which would result in not making the debt service payments or using General Fund reserves to make debt service payments for FY22.

**FISCAL EFFECTS**

These mills are set in order to generate the necessary revenues to make the debt service payments for General Obligation (GO) Debt as authorized by the City Charter. The total FY22 of 8.30 mills will generate \$1,776,905 in tax revenue, as compared to the FY21 mills of 10.48, which generated \$2,138,035 in tax revenue. If approved the median home valued at \$217,000 will pay \$24 for G.O. Mill Levy in 2022, compared to \$30 in 2021.

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**Attachments**

Resolution GO Debt Mill rates

**RESOLUTION 21-\_\_\_\_\_**

**A RESOLUTION ESTABLISHING THE MILL LEVIES FOR  
GENERAL OBLIGATION DEBT FOR STREET, LIBRARY,  
AND BASEBALL STADIUM DEBT SERVICE FOR TAX  
YEAR 2021.**

WHEREAS, pursuant to law, the City of Billings is required to make annual mill levies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. That the following mill levies shall be imposed for the fiscal year July 1, 2021 through June 30, 2022.
2. That the mill levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:
  - A. 1.52 mills-General Obligation Debt Service Streets
  - B.. 3.50 mills-General Obligation Debt Service Library
  - C. 3.28 mills-General Obligation Debt Service Baseball Stadium Series A
3. That when said taxes are collected, the same shall be placed in respective funds for the City and expended pursuant to the annual budget.
4. This Resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole    MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman,    CITY CLERK

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and Resolution Setting PMD Annual Assessments for Fiscal Year 2022  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends the City Council conduct a public hearing and approve the resolution setting the assessments for the City's Park Maintenance Districts.

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

The annual assessment resolution for the City's 36 Park Maintenance Districts (PMD's) has been calculated and allocated to each property within the district. Assessed amounts are consistent with the FY22 Budget adopted on June 28, 2021, except for Falcon Ridge which is being recommended by the Parks Department to remain the same amount as FY21. The assessment method varies by district, as described in the attached resolution, consistent with the creation of each PMD.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the Parks Department could stop maintaining the PMD parks or Council could direct staff to continue maintaining the parks and use General Fund or other resources for that purpose.

**FISCAL EFFECTS**

The total amount to be assessed for these PMD's is \$1,157,200 for FY 22. Park maintenance district rates are calculated by estimating the expenses for maintenance, recovering actual expenditures, and planning for future equipment replacement within each district.

There are 6,389 properties in Billings that are within the boundaries of a Park Maintenance District. The average annual charge is \$181 and the median annual charge is \$124.

Gross amounts assessed for each PMD are shown below, with a comparison to FY21 amounts:

| PMD Name                               | FY21               | FY22               | Increase/<br>(Decrease) |
|----------------------------------------|--------------------|--------------------|-------------------------|
| Harvest                                | \$ 174,000         | \$ 174,000         | \$ -                    |
| Olympic                                | 168,000            | 168,000            | -                       |
| Parkland West                          | 31,000             | 34,000             | 3,000                   |
| Kiwanis/Durland                        | 15,000             | 16,000             | 1,000                   |
| High Sierra                            | 79,001             | 70,000             | (9,001)                 |
| Forest Park                            | 2,000              | 2,000              | -                       |
| Woodland Estates                       | 3,000              | 3,000              | -                       |
| Terra West                             | 16,000             | 17,000             | 1,000                   |
| Aspen Grove                            | 6,000              | 7,000              | 1,000                   |
| Lakeview Drain                         | 400                | 500                | 100                     |
| Montana Avenue                         | 45,000             | 48,000             | 3,000                   |
| Country Manor (Village West-Circle 50) | 36,000             | 36,000             | -                       |
| Broadway/City Hall                     | 33,000             | 33,000             | -                       |
| Rush/Shiloh Point                      | 6,000              | 6,000              | -                       |
| Howard Heights                         | 8,700              | 8,700              | -                       |
| Mission United (West end Bike Trail)   | 9,000              | 10,000             | 1,000                   |
| South Gate                             | 14,000             | 10,000             | (4,000)                 |
| Frances Park                           | 20,000             | 19,000             | (1,000)                 |
| Rolling Hills (Silver Spur Trail)      | 8,000              | 7,000              | (1,000)                 |
| Dokken (Town and Country)              | 8,000              | 8,000              | -                       |
| Lutheran Park                          | 8,000              | 8,000              | -                       |
| Rimrock West                           | 54,000             | 50,000             | (4,000)                 |
| Walden Grove                           | 24,000             | 24,000             | -                       |
| Rehberg Ranch                          | 22,000             | 20,000             | (2,000)                 |
| Uinta and Twin Oaks                    | 36,000             | 37,000             | 1,000                   |
| Ironwood                               | 110,000            | 110,000            | -                       |
| Vintage Estates                        | 7,000              | 7,000              | -                       |
| Cottonwood                             | 2,201              | 2,000              | (201)                   |
| Kings Green                            | 16,000             | 12,000             | (4,000)                 |
| Copper Ridge                           | 83,000             | 87,000             | 4,000                   |
| Riverfront Pointe                      | 1,000              | 1,000              | -                       |
| Falcon Ridge                           | 60,000             | 60,000             | -                       |
| Josephine Crossing                     | 8,000              | 12,000             | 4,000                   |
| Terra West Entrance                    | 6,034              | 3,000              | (3,034)                 |
| Yellowstone Family Park                | 32,000             | 32,000             | -                       |
| Annafeld Parks                         | 15,000             | 15,000             | -                       |
| <b>Total Annual PMD Assesment</b>      | <b>\$1,166,336</b> | <b>\$1,157,200</b> | <b>\$ (9,136)</b>       |

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## Attachments

PMD's Revised

RESOLUTION 21- \_\_\_\_\_

A RESOLUTION LEVYING AND ASSESSING ALL PROPERTY WITHIN PARK MAINTENANCE DISTRICTS AN AMOUNT EQUAL TO THE COST OF MAINTAINING THE IMPROVEMENTS IN SAID PARK MAINTENANCE DISTRICTS WITHIN THE CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND FINAL ADOPTION.

WHEREAS, certain Park Maintenance Districts within the City have been created and constructed, and

WHEREAS, certain improvements within those Park Maintenance Districts require maintenance, and

WHEREAS, M.C.A. Section 7-12-4162 provides that the City may levy and assess the costs of maintenance against said districts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. MAINTENANCE OF IMPROVEMENTS. Certain improvements including trees, shrubs, grass and care thereof require maintenance with certain Park Maintenance Districts.

2. MAINTENANCE DISTRICT BOUNDARIES. The boundaries of the park maintenance districts are established by resolution and are on file in the City Clerk's office.

3. ASSESSMENT METHOD. The entire maintenance costs shall be assessed against the entire district, based on either square footage of the lot or a per lot basis of the entire district exclusive of streets, avenues, alleys and public places all as provided in M.C.A. Section 7-12-4162.

4. COST OF MAINTENANCE. The Parks Department estimates that the cost of maintenance for fiscal year 2022 for the following Park Maintenance Districts is:

| PMD Name         | Project Number | FY 22         | FY 22 Assessment Rate |       |
|------------------|----------------|---------------|-----------------------|-------|
| Harvest          | 684001         | \$ 174,000.00 | 0.0404                | sq/ft |
| Olympic          | 684002         | \$ 168,000.00 | 0.0376                | sq/ft |
| Parkland West    | 684003         | \$ 34,000.00  | 0.0161                | sq/ft |
| Kiwanis/Durland  | 684004         | \$ 16,000.00  | 0.0233                | sq/ft |
| High Sierra      | 684005         | \$ 70,000.00  | 0.0089                | sq/ft |
| Forest Park      | 684006         | \$ 2,000.00   | 0.0032                | sq/ft |
| Woodland Estates | 684007         | \$ 3,000.00   | 0.0036                | sq/ft |

|                                        |        |                       |        |         |
|----------------------------------------|--------|-----------------------|--------|---------|
| Terra West                             | 684008 | \$ 17,000.00          | 0.0205 | sq/ft   |
| Aspen Grove                            | 684009 | \$ 7,000.00           | 0.0189 | sq/ft   |
| Lakeview Drain                         | 684010 | \$ 500.00             | 0.0021 | sq/ft   |
| Montana Avenue                         | 684011 | \$ 48,000.00          | 0.0869 | sq/ft   |
| Country Manor (Village West-Circle 50) | 684012 | \$ 36,000.00          | 0.0117 | sq/ft   |
| Broadway/City Hall                     | 684013 | \$ 33,000.00          | 0.0891 | sq/ft   |
| Rush/Shiloh Point                      | 684014 | \$ 6,000.00           | 0.0021 | sq/ft   |
| Howard Heights                         | 684015 | \$ 8,700.00           | 0.0077 | sq/ft   |
| Mission United (West end Bike Trail)   | 684016 | \$ 10,000.00          | 0.0122 | sq/ft   |
| South Gate                             | 684017 | \$ 10,000.00          | 0.0045 | sq/ft   |
| Frances Park                           | 684018 | \$ 19,000.00          | 102.15 | per lot |
| Rolling Hills (Silver Spur Trail)      | 684019 | \$ 7,000.00           | 233.33 | per lot |
| Dokken (Town and Country)              | 684020 | \$ 8,000.00           | 400.00 | per lot |
| Lutheran Park                          | 684022 | \$ 8,000.00           | 112.68 | per lot |
| Rimrock West                           | 684023 | \$ 50,000.00          | 206.61 | per lot |
| Walden Grove                           | 684024 | \$ 24,000.00          | 0.0297 | sq/ft   |
| Rehberg Ranch                          | 684025 | \$ 20,000.00          | 0.0080 | sq/ft   |
| Uinta and Twin Oaks                    | 684026 | \$ 37,000.00          | 132.14 | per lot |
| Ironwood                               | 684027 | \$ 110,000.00         | 0.0162 | sq/ft   |
| Vintage Estates                        | 684028 | \$ 7,000.00           | 62.50  | per lot |
| Cottonwood                             | 684029 | \$ 2,000.00           | 0.0017 | sq/ft   |
| Kings Green                            | 684030 | \$ 12,000.00          | 240.00 | per lot |
| Copper Ridge                           | 684031 | \$ 87,000.00          | 214.29 | per lot |
| Riverfront Pointe                      | 684032 | \$ 1,000.00           | 9.62   | per lot |
| Falcon Ridge                           | 684033 | \$ 60,000.00          | 387.10 | per lot |
| Josephine Crossing                     | 684036 | \$ 12,000.00          | 0.0154 | sq/ft   |
| Terra West Entrance                    | 684038 | \$ 3,000.00           | 38.46  | per lot |
| Yellowstone Family Park                | 684040 | \$ 32,000.00          | 83.12  | per lot |
| Annafeld Parks                         | 684041 | \$ 15,000.00          | 0.0315 | sq/ft   |
| <b>Total Annual PMD Assessment</b>     |        | <b>\$1,157,200.00</b> |        |         |

5. DISPOSITION OF COLLECTIONS. The monies collected from the assessment shall be paid into the respective Park Maintenance Funds.

6. NOTICE OF HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing as provided in MCA 7-1-4127.

7. EFFECTIVE DATE. This Resolution shall be effective upon adoption.

The foregoing Resolution No. \_\_\_\_\_ was ADOPTED by the City Council and APPROVED on the 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing & Resolution for Weed Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the attached assessment resolution.

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

The annual weed assessments have been completed and are ready to be placed on the tax rolls by the attached resolution.

Pursuant to the Billings, Montana City Code (BMCC), Section 25-304, property owners are notified in writing and given ten (10) days from the date of the notice of noncompliance to exterminate weeds or tall grass from their property. If owners fail to cut the vegetation, the City may cut it and assess the costs to the real property, together with an additional administrative fee of 25% of the cost of removal, plus a \$25 penalty. If the charges are not paid within a given time, the costs and penalties constitute a lien on the property and special assessments may be levied. The General Fund initially pays the costs, so the collected assessments reimburse those expenses.

The properties on the attached list had weeds removed from them during the growing season, the owners did not pay the charges and the properties may be assessed to recover the costs, penalty and fee

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, in which case the property owners will not be assessed, and the General Fund will be responsible for paying for the weed removal.

**FISCAL EFFECTS**

The assessments total \$8,600.63 and the payments will reimburse the General Fund.

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**Attachments**

Weed Assessment Revised

## RESOLUTION NO. 21 \_\_\_\_\_

### **A RESOLUTION LEVYING A SPECIAL TAX UPON PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO DEFRAY THE COST OF CUTTING AND/OR EXTERMINATING WEEDS.**

WHEREAS, Billings, Montana City Code, Section 25-307, provides that the City Clerk shall prepare and present a resolution containing a list of all parcels of land in the City, from which and adjacent to which, the weeds were cut, exterminated and/or removed, and such list shall contain opposite the number of such lots or description of such parcels of land, the name of the owner, if known, and the amount of cost for cutting and removing such weeds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. LEVYING OF SPECIAL ASSESSMENT. That for the purpose of collecting funds to defray the cost of cutting and removing of weeds, there is hereby levied an assessment upon the owners and the lots or parcels described on the list attached hereto.

2. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.

3. DISPOSITION OF COLLECTIONS. All monies collected from the assessment shall be paid to the General Fund of the City of Billings.

4. NOTICE OF HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27th St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing as provided in MCA 7-1-4127.

5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED and APPROVED by the City Council on the 13<sup>th</sup> day of September,  
2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

**Exhibit A**

| <u>NAME</u>                      | <u>VIOLATION ADDRESS</u>    | <u>TAX CODE</u> | <u>AMOUNT</u>   |
|----------------------------------|-----------------------------|-----------------|-----------------|
| 5500 MIDLAND LAND LLC            | 5500 MIDLAND RD             | D01889          | 320.00          |
| BARRAGAN, CARMEN                 | 2428 CONSTELLATION TRAIL    | C10757B         | 290.00          |
| BERTSCH, DEBBIE                  | 842 ARLINGTON               | A14235          | 177.50          |
| BOYER, MELVIN                    | 20 WASHINGTON               | A14668          | 177.50          |
| CAIN, DANIEL                     | 1144 N. 22ND ST.            | A16480          | 290.00          |
| CAROL B. REMINTON TRUST          | 2104 WINGATE                | A18619          | 177.50          |
| COOPER, AMANDA                   | 829 ARLINGTON               | A14266          | 203.75          |
| COUGAR CONSTRUCTION & REMODELING | 6421 SOUTHERNBLUFFS LN      | A35157          | 207.50          |
| CRIMSON OIL & GAS CO. LLC        | 2717 4TH AVENUE S.          | A01130          | 177.50          |
| DAWSON, MARK                     | 4102 HEADWATER LANE         | A34946B         | 458.75          |
| ETTLEMAN, DEBORA A.              | 3740 SAN JUAN DR            | A27258          | 177.50          |
| FAMILY DOLLAR #1231              | 4188 STATE AVENUE           | A20297          | 177.50          |
| FLETCHER, BRETT M.               | 2507 LAKE HEIGHTS           | C08266          | 215.00          |
| FRANK, KENNETH & CHERYL D TRUST  | 3103 CENTRAL AVENUE         | C01861          | 233.75          |
| FURSTENBERG BETTY JO             | 1706 LAKEHILLS DRIVE        | A22273          | 177.50          |
| HENRY, DESTINY J.                | 5229 CLEMSON DRIVE          | A35467          | 177.50          |
| HOFFWEST LLC                     | 724 S. 34TH ST              | A01640          | 256.25          |
| HUST, SCHUYLER                   | 4144 JANSMA AVE             | A14460          | 177.50          |
| JOHN SKAUGE REVOCABLE TRUST      | 1511 CENTRAL                | A07459          | 196.25          |
| JOHNSON, LOUISE C.               | 1318 LYNN AVENUE            | A09559          | 177.50          |
| KAUTZMAN, JEROME                 | 835 MILES AVE               | A03432          | 177.50          |
| MARIS, CHARLES F & LOIS D        | 3014 CANYON DRIVE           | C07912          | 177.50          |
| MERSHON, SUSAN                   | 123 N. 22ND ST.             | A00570          | 177.50          |
| MORGAN, MICHAEL                  | 409 S. 30TH ST.             | A01399          | 203.75          |
| NELSON, ROGER A.                 | 1845 N. MARIPOSA LANE       | A13937          | 233.75          |
| NESS, GREGORY A.                 | 223 WINDSOR CIR S           | A21266          | 207.50          |
| PARKER, ROBERT J.                | 2205 GLENEAGLES RD          | A22199          | 203.75          |
| R & S ENTERPRISES LLC            | 1315 6TH AVENUE N.          | A12077          | 177.50          |
| RAE-TRAVER, AMANDA               | 3241 RIMROCK RD             | A06474A         | 177.50          |
| RIDGEWAY, JOHN W.                | 807 N 26 ST                 | A07109          | 177.50          |
| SCHAFER, DEREK R.                | 1616 YELLOWSTONE AVE        | A03758          | 185.00          |
| SHAFFER, MARY LOU                | 5310 CABERNET               | A32058          | 590.00          |
| STANEK, JOSHUA O.                | 1308 LYNN AVENUE            | A09561          | 177.50          |
| STEVENSON, FRED W JR.            | 1114 20 ST W                | A02685          | 177.50          |
| TONN, BRUCE L.                   | 2715 DOREEN DR.             | A12530          | 177.50          |
| TROMBETTA, ANTHONY & ADA         | 826 ARLINGTON               | A14266A         | 177.50          |
| WU TING TING                     | 4330 MONTANA SAPPHIRE DR    | C11991          | 383.75          |
| YONALLY, DALE E.                 | 1219 N 25TH ST              | A16524          | 177.50          |
| ZUBICK, TIMOTHY                  | 619 BROADWATER AVE          | A15378          | 194.38          |
|                                  |                             |                 |                 |
|                                  |                             |                 |                 |
|                                  | <b>TOTAL WEED ABATEMENT</b> |                 | <b>8,600.63</b> |

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 1416 Allocation of Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to allocate assessments for SID 1416.

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

SID 1416 - This project includes installation of water, sanitary sewer and storm drain system improvements and construction of the roadway to extend Gleneagles Boulevard to the intersection of Sierra Granda and widen to the intersection of Black Diamond Road. This project will also widen a portion of Sierra Granda Boulevard. The construction contract was awarded at the 6/14/2021 City Council meeting, and bonds were sold. The individual property assessments for SID 1416 has been calculated and is ready to be allocated to the benefiting properties. The total amount is allocated proportionately to individual properties, with assessments ranging from \$35,458 to \$38,984 spread over 15 years.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total amount to be spread is \$109,900. The costs associated with SID 1416 are assessed per lot, per the attached resolution. The assessment is spread over a 15 year period, at an interest rate of 3.60%.

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**Attachments**

Resolution SID 1416

**Attachment A**

RESOLUTION 21 \_\_\_\_\_

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 1416, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1416  
and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property  
in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings,  
Montana as follows:

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost  
and expense of making improvements in a special improvement district or project known as 1416  
of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of  
land described below, owned by persons respectively indicated, a special assessment tax payable  
in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is  
hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                                  | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|------------------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| A22128<br>WERSLAND, KENNY<br>LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 11, Lot 22  | \$35,457.96          | 3.600            | 15                |
| A22218<br>CLINE, CURTIS B<br>LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 1   | \$38,984.05          | 3.600            | 15                |
| A22220<br>TORRES, JOE STEVE<br>LAKE HILLS SUBD 17TH FILING, S16, T01 N, R26 E, BLOCK 17, Lot 3 | \$35,457.96          | 3.600            | 15                |

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana. The City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 1417 Allocation of Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to allocate assessments for SID 1417.

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

SID 1417 - This project includes installation of water and storm drain system improvements and reconstruction of the roadway to widen and implement a roundabout at the Annafeld Parkway intersection. The project will also install street lighting along Elysian Road and the subdivision streets for Annafeld Subdivision, Third Filing and Annafeld North Subdivision, First Filing. The construction contract was awarded at the 5/24/2021 City Council meeting, and bonds were sold.

The individual property assessments for SID 1417 has been calculated and is ready to be allocated to the benefiting properties. The total amount is allocated proportionately to individual properties, with assessments ranging from \$423,047 to \$1,175,571 spread over 15 years.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total amount to be spread is \$2,685,546. The costs associated with SID 1417 are assessed per lot, per the attached resolution. The assessment is spread over a 15 year period, with an interest rate of 4.55%.

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**Attachments**

Resolution SID 1417

**Attachment A**

**RESOLUTION 21 \_\_\_\_\_**

**A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 1417, IN THE CITY OF BILLINGS, MONTANA.**

WHEREAS, the City created a special improvement district or project known as 1417 and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana as follows:

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 1417 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                                                  | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|----------------------------------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| A36963<br>MCCALL DEVELOPMENT INC<br>ANNAFELD SUB 2ND FILING, S19, T01 S, R26 E, BLOCK 10, Lot 1, (20)          | \$423,046.68         | 4.550            | 15                |
| A36964<br>MCCALL DEVELOPMENT INC<br>ANNAFELD SUB 2ND FILING, S19, T01 S, R26 E, BLOCK 11, Lot 1, (20)          | \$1,175,570.52       | 4.550            | 15                |
| C17119<br>MCCALL DEVELOPMENT INC<br>ADAM & MOLLIE WALTER SUB 1ST FIL (17), S19, T01 S, R26 E, BLOCK 1, Lot 2A, | \$617,390.65         | 4.550            | 15                |
| C17796<br>MCCALL DEVELOPMENT INC<br>QFC SUB 1ST FIL (20), S18, T01 S, R26 E, Lot 1, ANNEXED (21)               | \$469,538.49         | 4.550            | 15                |

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana. The City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 1418 Allocation of Assessments  
**Presented by:** Steve Forsch  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to allocate assessments for SID 1418.

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

SID 1418 - This project constructs approximately 2,450 LF of roadway, including asphalt pavement, curb, gutter, drive approaches, storm sewer infrastructure, replacing approximately 2,350 LF of water main, sanitary sewer improvements, and landscaping along Holiday Avenue. The construction contract was awarded at the 6/28/2021 City Council meeting, and bonds were sold. The individual property assessments for SID 1418 has been calculated and is ready to be allocated to the benefiting properties. The total amount is allocated proportionately to individual properties, with assessments ranging from \$59,807 to \$122,277 spread over 15 years.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total amount to be spread is \$244,554. The costs associated with SID 1418 are assessed per lot, per the attached resolution. The assessment is spread over a 15 year period, at an interest rate of 3.60%.

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**Attachments**

Resolution SID 1418

**Attachment A**

RESOLUTION 21 \_\_\_\_\_

A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 1418, IN THE CITY OF BILLINGS, MONTANA.

WHEREAS, the City created a special improvement district or project known as 1418  
and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property  
in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings,  
Montana as follows:

SECTION 1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost  
and expense of making improvements in a special improvement district or project known as 1418  
of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of  
land described below, owned by persons respectively indicated, a special assessment tax payable  
in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is  
hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                      | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| C09239<br>BELL, RICHARD W & LORI A<br>WEIL SUBD, S17, T01 S, R26 E, BLOCK 3, Lot 6 | \$59,806.60          | 3.600            | 15                |
| C09240<br>BELL, RICHARD W & LORI A<br>WEIL SUBD, S17, T01 S, R26 E, BLOCK 3, Lot 7 | \$62,470.25          | 3.600            | 15                |
| D01896<br>WELLS, DANIEL (ETAL)<br>S17, T01 S, R26 E, C.O.S. 2834, PARCEL 1         | \$122,276.84         | 3.600            | 15                |

SECTION 2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

SECTION 3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana. The City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

SECTION 4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 2916 Allocation of Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to assess property owners for sidewalk, curb and gutter, drive approaches, and alley approaches construction costs for SID 2916 (work order 19-02).

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

This project is for Missing Sidewalk Improvements in various locations around the city. SID No. 2916 (work order 19-02) has been completed by the Finance Department and is ready to spread on the 2021 tax roll.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed, and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total cost spread to the district is \$180,800. Assessments range from \$799 to \$16,451 spread over a 12 year period, at an interest rate of 3.69%. The amount assessed per property is stated in the resolution.

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**Attachments**

Resolution SW 2916

**RESOLUTION NO. 21\_\_\_\_\_**

**A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 2916, IN THE CITY OF BILLINGS, MONTANA.**

WHEREAS, the City created a special improvement district or project known as 2916 and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana as follows:

1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 2916 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                                                      | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|--------------------------------------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| A02486<br>ESTRADA, ALEX & ALIECE B &<br>ARNOLD SUBD 2ND FILING, S06, T01 S, R26 E, BLOCK 2, Lot 17, AMEND          | \$3,129.69           | 3.690            | 12                |
| A02845A<br>SMITH, JIMMIE L JR<br>BARTH - FORTIN SUBD, S35, T01 N, R25 E, BLOCK 3, Lot 5                            | \$4,854.59           | 3.690            | 12                |
| A02849<br>BROWN, MICK S & CATHY LOU<br>BARTH - FORTIN SUBD, S35, T01 N, R25 E, BLOCK 3, Lot 9, LT 10 & E 1/2 OF LT | \$6,286.90           | 3.690            | 12                |
| A02981<br>GASTON, KELLIE M<br>BEVERLY HILL ADD, S32, T01 N, R26 E, BLOCK 2, Lot 3                                  | \$7,467.04           | 3.690            | 12                |
| A03000<br>DAY, JENNIFER M<br>BEVERLY HILL ADD, S32, T01 N, R26 E, BLOCK 6, Lot 6                                   | \$3,875.49           | 3.690            | 12                |

|                                                                                                               |            |       |    |
|---------------------------------------------------------------------------------------------------------------|------------|-------|----|
| A03001                                                                                                        | \$3,316.33 | 3.690 | 12 |
| HUTCHINSON, CYNTHIA D<br>BEVERLY HILL ADD, S32, T01 N, R26 E, BLOCK 6, Lot 7                                  |            |       |    |
| A03012                                                                                                        | \$2,413.19 | 3.690 | 12 |
| HALE, CONRAD & CHERYL M<br>BEVERLY HILL ADD, S32, T01 N, R26 E, BLOCK 6, Lot 18                               |            |       |    |
| A04690                                                                                                        | \$4,203.61 | 3.690 | 12 |
| LEXINGTON PROPERTIES LLC<br>CENTRAL HEIGHTS SUB 5TH FILING, S07, T01 S, R26 E, BLOCK 8, Lot 44                |            |       |    |
| A05167                                                                                                        | \$799.07   | 3.690 | 12 |
| SAND, MATTHEW J & COLLEEN L<br>COLLEGE SUBD 1ST FILING, S31, T01 N, R26 E, BLOCK 3, Lot 19 - 20               |            |       |    |
| A05168                                                                                                        | \$2,952.58 | 3.690 | 12 |
| KISER, E BRUCE<br>COLLEGE SUBD 1ST FILING, S31, T01 N, R26 E, BLOCK 3, Lot 21 - 22                            |            |       |    |
| A05199                                                                                                        | \$1,198.60 | 3.690 | 12 |
| BLAKLEY, JANET PAULINE<br>COLLEGE SUBD 1ST FILING, S31, T01 N, R26 E, BLOCK 5, Lot 1-3, S72 FT LT 1           |            |       |    |
| A05710                                                                                                        | \$5,281.46 | 3.690 | 12 |
| BORCHARDT, JEWELL<br>COWLEY SUBD 2ND FILING, S09, T01 S, R26 E, BLOCK 4, Lot 9, W10' LT 9 ALL L               |            |       |    |
| A05933                                                                                                        | \$2,239.60 | 3.690 | 12 |
| WILKINS, BARBARA L<br>CURTIS SUBD 3RD FILING, S31, T01 N, R26 E, BLOCK 5, Lot 14, LESS S10 FT                 |            |       |    |
| A06224                                                                                                        | \$998.84   | 3.690 | 12 |
| JOE, DONALD G & GERALDINE M<br>DESCRO SUBD - 4TH FILING, S01, T01 S, R25 E, BLOCK 15, Lot 4                   |            |       |    |
| A06528                                                                                                        | \$5,678.36 | 3.690 | 12 |
| MOORE, TERRY K & MICHELLE L<br>EATON, L T SUBD 2ND FILING, S36, T01 N, R25 E, BLOCK 1, Lot 9A, AMND LT 8 &    |            |       |    |
| A06545                                                                                                        | \$3,393.47 | 3.690 | 12 |
| MASIN, JOE C & LINDA J<br>EATON, L T SUBD 2ND FILING, S36, T01 N, R25 E, BLOCK 3, Lot 6A, AMND LTS 6-         |            |       |    |
| A06546                                                                                                        | \$6,990.38 | 3.690 | 12 |
| BROWN, MICK S & CATHY LOU HENKE<br>EATON, L T SUBD 2ND FILING, S36, T01 N, R25 E, BLOCK 3, Lot 7A, AMND LTS 6 |            |       |    |
| A07832                                                                                                        | \$5,900.62 | 3.690 | 12 |
| MCSHERRY, RACHEL &<br>GORHAM PARK SUBD, S06, T01 S, R26 E, BLOCK 7, Lot 9                                     |            |       |    |
| A13616                                                                                                        | \$5,865.42 | 3.690 | 12 |
| BARGEN, DEAN C<br>ROSEDALE SUBD 2ND FILING, S06, T01 S, R26 E, BLOCK 7, Lot 10                                |            |       |    |
| A13617                                                                                                        | \$5,677.86 | 3.690 | 12 |

LAMB, ARTHUR  
ROSEDALE SUBD 2ND FILING, S06, T01 S, R26 E, BLOCK 7, Lot 11

|                                                                                                                    |             |       |    |
|--------------------------------------------------------------------------------------------------------------------|-------------|-------|----|
| A16055                                                                                                             | \$4,632.62  | 3.690 | 12 |
| KENNEDY, WILLIAM T<br>SUNCREST ACRES 1ST FILING, S31, T01 N, R26 E, BLOCK 2, Lot 1, E87 FT & LT 6                  |             |       |    |
| A20188                                                                                                             | \$5,551.53  | 3.690 | 12 |
| REMMICK, STEVE L<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 4, Lot 1A                                    |             |       |    |
| A20189                                                                                                             | \$3,240.42  | 3.690 | 12 |
| ZIMMERER, STEPHEN L & BRENDA L<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 4, Lot 2A                      |             |       |    |
| A20191                                                                                                             | \$5,149.83  | 3.690 | 12 |
| MURPHY AVE LLC<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 4, Lot 5A                                      |             |       |    |
| A20193                                                                                                             | \$3,939.76  | 3.690 | 12 |
| MILLER, LADONNA<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 4, Lot 6                                      |             |       |    |
| A20194                                                                                                             | \$2,798.76  | 3.690 | 12 |
| SCHMIDT, JORDAN A<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 4, Lot 7                                    |             |       |    |
| A20197                                                                                                             | \$4,150.21  | 3.690 | 12 |
| HARDY, WILLIAM G & LINDA L<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 5, Lot 2                           |             |       |    |
| A20198                                                                                                             | \$2,721.95  | 3.690 | 12 |
| BRUNCKHORST, MARY J<br>PINNICK SUBD 3RD FILING, S09, T01 S, R26 E, BLOCK 5, Lot 3                                  |             |       |    |
| A21237                                                                                                             | \$5,480.45  | 3.690 | 12 |
| VESTA VENTURES, LLP<br>SKY VIEW SUBD 3RD, S34, T01 N, R25 E, BLOCK 3, Lot 11                                       |             |       |    |
| A29254                                                                                                             | \$14,189.00 | 3.690 | 12 |
| MOUNTAIN STATES LEASING BILLINGS LL<br>SOUTHGATE SUBD 2ND FILING, S17, T01 S, R26 E, BLOCK 1, Lot 2A, AMD 72486 SQ |             |       |    |
| A31161                                                                                                             | \$3,788.34  | 3.690 | 12 |
| BOYER, DELENA L<br>REBECCA ESTATES SUB, S09, T01 S, R26 E, BLOCK 1, Lot 10                                         |             |       |    |
| C00231                                                                                                             | \$2,601.62  | 3.690 | 12 |
| LEE, LANCE J<br>COUNTRY HOMES SUBD, S14, T01 N, R26 E, BLOCK 1, Lot 10                                             |             |       |    |
| C01217                                                                                                             | \$6,053.58  | 3.690 | 12 |
| PINCOLINI, STEVE<br>MCCORMICK SUBD, S14, T01 N, R26 E, BLOCK 3, Lot 15                                             |             |       |    |
| C03236                                                                                                             | \$4,478.99  | 3.690 | 12 |
| LIND, SAMUEL C & CHANTELLE G<br>YELLOWSTONE CLUB ESTATES 1ST, S30, T01 N, R25 E, BLOCK 2, Lot 15, 2003 ANNE        |             |       |    |

|                                                                             |             |       |    |
|-----------------------------------------------------------------------------|-------------|-------|----|
| C03237                                                                      | \$5,490.05  | 3.690 | 12 |
| COOKMAN, JOHN E II & KASEY N                                                |             |       |    |
| YELLOWSTONE CLUB ESTATES 1ST, S30, T01 N, R25 E, BLOCK 2, Lot 16, 2003 ANNE |             |       |    |
| C03239                                                                      | \$6,301.20  | 3.690 | 12 |
| MEYER, ROBERT L & CHERYL A                                                  |             |       |    |
| YELLOWSTONE CLUB ESTATES 1ST, S30, T01 N, R25 E, BLOCK 2, Lot 18, 2003 ANNE |             |       |    |
| C06091                                                                      | \$1,257.46  | 3.690 | 12 |
| GRIFFING, SCOTT T & CLAUDIA M                                               |             |       |    |
| COUNTRY HOMES SUBD 2ND FILING, S14, T01 N, R26 E, BLOCK 1, Lot 11           |             |       |    |
| C08214                                                                      | \$16,451.49 | 3.690 | 12 |
| HEIN, MATTHEW M & ALLIE M                                                   |             |       |    |
| LAKE HILLS SUBD 12TH (ANNEXED), S09, T01 N, R26 E, BLOCK 43, Lot 21         |             |       |    |

2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 2917 Allocation of Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to assess property owners for sidewalk, curb and gutter, drive approaches, and appurtenant construction costs for SID 2917 (work order 19-35).

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

The final assessment for the improvements constituting the Metal Streets Improvements will be the curb/gutter, sidewalk, drive approach and appurtenant. The streets included in the project are Copper Boulevard, Golden Boulevard, Silver Boulevard, Roth Lane, and Vickery Drive and are generally located north of Poly Drive and west of Beartooth Drive. SID No. 2917 (work order 19-35) has been completed by the Finance Department and is ready to spread on the 2021 tax roll.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed, and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total cost spread to the district is \$136,301. Assessments range from \$1,311 to \$10,393 spread over a 12 year period, at an interest rate of 3.69%. The amount assessed per property is stated in the resolution.

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**Attachments**

Resolution SW 2917

**RESOLUTION NO. 21\_\_\_\_\_**

**A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 2917, IN THE CITY OF BILLINGS, MONTANA.**

WHEREAS, the City created a special improvement district or project known as 2917 and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana as follows:

1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 2917 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                                        | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|------------------------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| A02281<br>JOHNSON, JOSIAH S<br>AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 4 - 6                | \$1,996.83           | 3.690            | 12                |
| A02282<br>TAGGART, POLLY J & DOUGLAS<br>AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 7 - 9       | \$3,924.91           | 3.690            | 12                |
| A02283<br>MILLER, RICHARD E & PAIGE J<br>AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 10 - 12    | \$8,221.32           | 3.690            | 12                |
| A02284<br>IRVINE, CHRISTOPHER & COURTNEY<br>AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 13 - 14 | \$3,422.03           | 3.690            | 12                |
| A02285<br>BROWN, MARTIN M &<br>AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 15 - 16              | \$5,945.21           | 3.690            | 12                |

|                                                          |            |                            |    |
|----------------------------------------------------------|------------|----------------------------|----|
| A02286                                                   | \$7,733.24 | 3.690                      | 12 |
| WILEY, SARAH JEAN                                        |            |                            |    |
| AMVET PARK SUBD                                          |            | 715, S34, T01 N, R25 E, BL |    |
| A02288                                                   | \$2,375.01 | 3.690                      | 12 |
| CHARBONNEAU, JON & SANDRA                                |            |                            |    |
| AMVET PARK SUBD                                          |            | 715, S34, T01 N, R25 E, BL |    |
| A02289                                                   | \$3,548.87 | 3.690                      | 12 |
| WRIGHT RANCH INC                                         |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 7 - 9   |            |                            |    |
| A02290                                                   | \$4,916.41 | 3.690                      | 12 |
| MCKEE, BRETT E & TARA M                                  |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 10 - 12 |            |                            |    |
| A02291                                                   | \$2,976.99 | 3.690                      | 12 |
| NEUHOFF, SETH DOUGLAS                                    |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 13 - 14 |            |                            |    |
| A02292                                                   | \$1,348.00 | 3.690                      | 12 |
| MONTANA MOUNTAINS INVESTMENTS LLC                        |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 15 - 16 |            |                            |    |
| A02293                                                   | \$6,933.56 | 3.690                      | 12 |
| MCKEEVER, AMANDA                                         |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 17 - 19 |            |                            |    |
| A02295                                                   | \$1,311.40 | 3.690                      | 12 |
| GALLAGHER, ERIN M                                        |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 23 - 24 |            |                            |    |
| A02296                                                   | \$1,989.97 | 3.690                      | 12 |
| SANDY, DUSTIN                                            |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 25 - 27 |            |                            |    |
| A02297                                                   | \$1,696.42 | 3.690                      | 12 |
| DAVIS, PATRICK K & EVELYN M                              |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 28 - 29 |            |                            |    |
| A02302                                                   | \$2,192.01 | 3.690                      | 12 |
| ELLIOT, IAN R &                                          |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 4 - 6   |            |                            |    |
| A02304                                                   | \$5,418.44 | 3.690                      | 12 |
| DANIELS, LARRY J & SHERRY A                              |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 10 - 12 |            |                            |    |
| A02305                                                   | \$1,991.26 | 3.690                      | 12 |
| SANDERS, KATHLEEN E                                      |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 13 - 15 |            |                            |    |
| A02308                                                   | \$2,266.07 | 3.690                      | 12 |
| EDGERTON, RICHARD W & COLLEEN E                          |            |                            |    |
| AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 20 - 22 |            |                            |    |
| A02309                                                   | \$1,524.11 | 3.690                      | 12 |

## SKYLARK PROPERTIES LLC

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 23 - 24

|        |            |       |    |
|--------|------------|-------|----|
| A02310 | \$1,981.37 | 3.690 | 12 |
|--------|------------|-------|----|

LONEBEAR, KEVIN &amp;

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 25 - 26

|        |            |       |    |
|--------|------------|-------|----|
| A02311 | \$2,192.01 | 3.690 | 12 |
|--------|------------|-------|----|

ABBEY, HEIDI &amp; KRAIG

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 27 - 29

|        |            |       |    |
|--------|------------|-------|----|
| A02312 | \$2,192.01 | 3.690 | 12 |
|--------|------------|-------|----|

MITCHELL, HILARY J &amp; ANNA M

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 30 - 32

|        |            |       |    |
|--------|------------|-------|----|
| A02313 | \$2,269.03 | 3.690 | 12 |
|--------|------------|-------|----|

EHLENBURG, ROBERT A &amp; CHERRYL L

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 3, Lot 33 - 35

|        |            |       |    |
|--------|------------|-------|----|
| A02316 | \$1,864.17 | 3.690 | 12 |
|--------|------------|-------|----|

SMITH, CHRISTINE A

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 4, Lot 4 - 6

|        |            |       |    |
|--------|------------|-------|----|
| A02317 | \$1,639.25 | 3.690 | 12 |
|--------|------------|-------|----|

COLLIFLOWER, CRYSTAL R

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 4, Lot 7 - 8

|        |            |       |    |
|--------|------------|-------|----|
| A02318 | \$1,558.42 | 3.690 | 12 |
|--------|------------|-------|----|

WEISGERBER, KEVIN

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 4, Lot 9 - 10

|        |            |       |    |
|--------|------------|-------|----|
| A02319 | \$5,826.80 | 3.690 | 12 |
|--------|------------|-------|----|

BRESE, CAROL A

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 4, Lot 11 - 13

|        |            |       |    |
|--------|------------|-------|----|
| A02320 | \$1,779.53 | 3.690 | 12 |
|--------|------------|-------|----|

JOHNSON, ANTHONY

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 4, Lot 14 - 16

|        |            |       |    |
|--------|------------|-------|----|
| A02323 | \$2,265.97 | 3.690 | 12 |
|--------|------------|-------|----|

THODE, CHRISTIAN

AMVET PARK SUBD 715, S34, T01 N, R25 E, BL

|        |            |       |    |
|--------|------------|-------|----|
| A02324 | \$3,545.20 | 3.690 | 12 |
|--------|------------|-------|----|

BASSO, MICHAEL L

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 6, Lot 1 - 4

|        |             |       |    |
|--------|-------------|-------|----|
| A02325 | \$10,393.22 | 3.690 | 12 |
|--------|-------------|-------|----|

CLASON, LOUIS DEAN

AMVET PARK SUBD, S34, T01 N, R25 E, BLOCK 6, Lot 5 - 6, &amp; ALL VACATED GOLD

|        |            |       |    |
|--------|------------|-------|----|
| A13686 | \$4,345.82 | 3.690 | 12 |
|--------|------------|-------|----|

CASEY, MARLENE MARY

ROTH SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 10 - 12

|        |            |       |    |
|--------|------------|-------|----|
| A13687 | \$2,035.71 | 3.690 | 12 |
|--------|------------|-------|----|

BERGER, JEAN PAUL E &amp; AMY R

ROTH SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 13 - 15

|                                                                             |            |       |    |
|-----------------------------------------------------------------------------|------------|-------|----|
| A13688                                                                      | \$2,169.15 | 3.690 | 12 |
| FRANK, KAREEN G                                                             |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 1, Lot 16 - 17                          |            |       |    |
| A13692                                                                      | \$6,247.81 | 3.690 | 12 |
| HUNNES, JEFFERY A &                                                         |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 5 - 7                            |            |       |    |
| A13694                                                                      | \$2,114.05 | 3.690 | 12 |
| HARAN, ROBERT PATRICK &                                                     |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 11 - 13, LT 11-12, S2 LT 13 BLK  |            |       |    |
| A13695                                                                      | \$2,058.58 | 3.690 | 12 |
| ESPESETH, GAYLE A                                                           |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 13 - 15, N2 LT 13, LT 14-15 BLK  |            |       |    |
| A13696                                                                      | \$3,349.09 | 3.690 | 12 |
| CASEY, RICKY A & CAITLIN W                                                  |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 16 - 19, E2 LTS 16,17,18,19 BLK  |            |       |    |
| A13696A                                                                     | \$2,979.23 | 3.690 | 12 |
| YAKEL, TANYA                                                                |            |       |    |
| ROTH SUBD, S34, T01 N, R25 E, BLOCK 2, Lot 16 - 19, W2 LTS 16-19 BLK 2 ROTH |            |       |    |
| D04751B                                                                     | \$1,762.67 | 3.690 | 12 |
| PIOCOS, FRANK                                                               |            |       |    |
| VICKERY TOWNHOMES, S34, T01 N, R25 E, UNIT 3219, 50% COMMON AREA INTEREST,  |            |       |    |

2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing SID 2918 Spread of Assessments  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and pass the proposed resolution to assess property owners for curbs, gutters, sidewalks, drive approaches, and appurtenant features construction costs for SID 2918 (work order 20-12).

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

The final assessment for installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches, and/or appurtenant features or a combination thereof in certain locations in the City heretofore ordered by this Council as W.O. 20-12, South 32nd Street Improvements, to include reconstructing South 32nd Street West between King Avenue West and Gabel Road 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 West and Transtech Way. The improvements 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. SID No. 2918 (work order 20-12) has been completed by the Finance Department and is ready to spread on the 2021 tax roll.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve, the property owners will not be assessed, and the General Fund will be responsible for paying for the improvements.

**FISCAL EFFECTS**

The total cost spread to the district is \$960,000. Assessments range from \$2,089 to \$267,403 spread over a 12 year period, at an interest rate of 3.69%. The amount assessed per property is stated in the resolution.

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**Attachments**

Resolution SW 2918

**RESOLUTION NO. 21\_\_\_\_\_**

**A RESOLUTION LEVYING A SPECIAL ASSESSMENT TAX UPON ALL  
BENEFITED PROPERTY IN A SPECIAL IMPROVEMENT DISTRICT OR  
PROJECT KNOWN AS 2918, IN THE CITY OF BILLINGS, MONTANA.**

WHEREAS, the City created a special improvement district or project known as 2918 and;

WHEREAS, it is necessary to levy a special assessment tax upon each benefited property in the district or project area to defray the cost and expenses of said district or project; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana as follows:

1: LEVY AND ASSESSMENT. That for the purpose of defraying the cost and expense of making improvements in a special improvement district or project known as 2918 of the City of Billings, Montana, there is hereby levied and assessed upon each lot or parcel of land described below, owned by persons respectively indicated, a special assessment tax payable in semi-annual installments with interest. Each lot and parcel assessed and the owner thereof is hereinafter described:

| Tax Code<br>/Owner Name<br>/Legal Description                                                                | Assessment<br>Amount | Interest<br>Rate | Years<br>Assessed |
|--------------------------------------------------------------------------------------------------------------|----------------------|------------------|-------------------|
| A24452B<br>GOLDEN MEADOWS LLC<br>GOLDEN MEADOWS SUBD 3RD FILING, S14, T01 S, R25 E, BLOCK 1, Lot 4, & LTS 1- | \$141,055.63         | 3.690            | 12                |
| A26748<br>GOLDEN MEADOWS LLC<br>WILLOW BEND SUBD 1ST FILING, S14, T01 S, R25 E, BLOCK 1, Lot 1               | \$179,467.89         | 3.690            | 12                |
| A27836<br>GEORGE FRANK REVOCABLE TRUST<br>STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4A, AMD          | \$40,205.89          | 3.690            | 12                |
| A27837<br>GEORGE FRANK REVOCABLE TRUST<br>STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4B, AMD          | \$43,045.61          | 3.690            | 12                |
| A27838<br>GEORGE FRANK REVOCABLE TRUST<br>STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4C, AMD          | \$36,972.17          | 3.690            | 12                |

|                                                                             |             |       |    |
|-----------------------------------------------------------------------------|-------------|-------|----|
| A27839                                                                      | \$30,780.45 | 3.690 | 12 |
| GEORGE FRANK REVOCABLE TRUST                                                |             |       |    |
| STUDER ACREAGE TRACTS SUB, S13, T01 S, R25 E, Lot 4D1, AMD(06)              |             |       |    |
| A30059A                                                                     | \$12,328.02 | 3.690 | 12 |
| KAMPGROUNDS OF AMERICA INC                                                  |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 1A, 8.44% COMMON AREA INTEREST, L |             |       |    |
| A30059B                                                                     | \$7,829.17  | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 2A-1, 5.36% COMMON AREA INTEREST, |             |       |    |
| A30059D                                                                     | \$5,813.45  | 3.690 | 12 |
| MONAD ROAD LLC                                                              |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 4A-1A, 3.98% COMMON AREA INTEREST |             |       |    |
| A30059E                                                                     | \$4,338.18  | 3.690 | 12 |
| LRS LLC                                                                     |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 5A-1, 2.97% COMMON AREA INTEREST, |             |       |    |
| A30059F                                                                     | \$7,653.90  | 3.690 | 12 |
| LRS LLC                                                                     |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 6A-1, 5.24% COMMON AREA INTEREST, |             |       |    |
| A30059G                                                                     | \$2,088.76  | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 7, 1.43% COMMON AREA INTEREST, LO |             |       |    |
| A30059H                                                                     | \$10,808.94 | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 8A, 7.40% COMMON AREA INTEREST, L |             |       |    |
| A30059I                                                                     | \$14,577.45 | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 9A-1, 9.98% COMMON AREA INTEREST, |             |       |    |
| A30059J                                                                     | \$7,785.35  | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 10A, 5.33% COMMON AREA INTEREST,  |             |       |    |
| A30059K                                                                     | \$5,886.49  | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 11A1, 4.03% COMMON AREA INTEREST, |             |       |    |
| A30059L                                                                     | \$9,114.56  | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 12A, 6.24% COMMON AREA INTEREST,  |             |       |    |
| A30059N                                                                     | \$12,021.28 | 3.690 | 12 |
| TECH PROPERTIES DEVELOPMENT, L.L.C.                                         |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 13, 8.23% COMMON AREA INTEREST, L |             |       |    |
| A30059O                                                                     | \$3,023.59  | 3.690 | 12 |
| PINE CO LLC                                                                 |             |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 15A, 3.97% COMMON AREA INTEREST,  |             |       |    |
| A30059P                                                                     | \$5,798.84  | 3.690 | 12 |

|                                                                             |              |       |    |
|-----------------------------------------------------------------------------|--------------|-------|----|
| RODEWALD RANCH LLC                                                          |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 16, 2.07% COMMON AREA INTEREST, L |              |       |    |
| A30059Q                                                                     | \$3,578.64   | 3.690 | 12 |
| WHITMOYER, KATIE & COLE                                                     |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 17A, 2.48% COMMON AREA INTEREST,  |              |       |    |
| A30059R                                                                     | \$3,622.44   | 3.690 | 12 |
| BOBCAT LAND HOLDING LLC                                                     |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 15B, 2.45% COMMON AREA INTEREST,  |              |       |    |
| A30059S                                                                     | \$9,669.61   | 3.690 | 12 |
| RUSTY ROOF LLC                                                              |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 14A, 3% COMMON AREA INTEREST, LOC |              |       |    |
| A30059T                                                                     | \$3,549.42   | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS INC                                             |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 14B, 2.99% COMMON AREA INTEREST,  |              |       |    |
| A30059U                                                                     | \$2,965.16   | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 4A-1B, 6.62% COMMON AREA INTEREST |              |       |    |
| A30059V                                                                     | \$4,864.02   | 3.690 | 12 |
| AKL LLC                                                                     |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 11A2, 2.03% COMMON AREA INTEREST, |              |       |    |
| A30059W                                                                     | \$4,382.00   | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 17B, 2.43% COMMON AREA INTEREST,  |              |       |    |
| A30059X                                                                     | \$4,367.39   | 3.690 | 12 |
| BOTTRELL FAMILY INVESTMENTS LLP                                             |              |       |    |
| TRANSTECH CENTER, S14, T01 S, R25 E, UNIT 17C, 3.33% COMMON AREA INTEREST,  |              |       |    |
| C03638A                                                                     | \$62,996.95  | 3.690 | 12 |
| GRIGSBY CORPORATION                                                         |              |       |    |
| S13, T01 S, R25 E, C.O.S. 1479, PARCEL 1B                                   |              |       |    |
| D00571A                                                                     | \$12,005.51  | 3.690 | 12 |
| WLR LLC (50% INT) &                                                         |              |       |    |
| S14, T01 S, R25 E, C.O.S. 1349, PARCEL 3B, AMND (BBWA CANAL EASEMENT)       |              |       |    |
| D11575                                                                      | \$267,403.24 | 3.690 | 12 |
| FOOD SERVICES OF AMERICA INC                                                |              |       |    |
| S13, T01 S, R25 E, C.O.S. 2548, PARCEL 7A, AMND TR 7 22.629 AC (02)         |              |       |    |

2: DISPOSITION OF COLLECTION. All monies collected from the assessment shall be paid into a special improvement district or project Fund. Assessments become delinquent based on the semi-annual due dates of real property taxes, currently December 1 and June 1 of each year.

3: NOTICE AND HEARING. On Monday, September 13, 2021 at 5:30 p.m., or as soon thereafter as the matter was considered on the agenda of the City Council at

a regular meeting held in the Council Chambers of the Police Facility, 220 N. 27<sup>th</sup> St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing twice with at least six (6) days separating each publication in a newspaper of general paid circulation with a periodicals mailing permit. The final publication was made at least 10 days prior to the public hearing per MCA 7-12-4177.

4: EFFECTIVE DATE. This resolution shall be effective upon adoption.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing & Resolution Revising and Assessing Encroachment Rental Fees  
**Presented by:** Jennifer Duray  
**Department:** Public Works  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and adopt the encroachment assessment resolution setting and assessing the fees for FY22.

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

The City charges an annual rental fee for approved encroachments in the right-of-way. Some examples of encroachments are awnings, fences, landscaping, restaurant patios, signs, and conduit. The City needs to assure safety and accessibility of the right-of-way, and for this reason, it requires an encroachment permit any time a property owner requests to use part of the right-of-way. Encroachment permit applications are processed and approved by the Public Works Department. A fee is collected with the permit application to cover the administrative costs of processing the application. If the encroachment is approved, annual assessments of the encroachment fee for the rental of the right-of-way will begin. The assessments will continue until the permit is revoked. Awnings and canopies in the Central Business District are not charged an annual rental fee in accordance with Resolution 86-15316.

The annual encroachment rental fee had been set at \$1.00 per square foot of the surface area of the encroachment since 1985 until FY21 when Council adopted new fees and methodology. The current methodology is a tier structure consisting of two tiers. Tier 1 encroachments have minimal impact to the right-of-way. Tier 1 encroachments include awnings, overhanging signs, conduit, and other encroachments that minimally impact accessibility of the right-of-way. Tier 2 encroachments have a major impact to the right-of-way and cause the part of the right-of-way that is encroached on to be unusable. Some types of Tier 2 encroachments are restaurant patios on the sidewalk, fences, stairways, and sheds.

The FY21 annual rental rate for Tier 1 encroachments is \$2.00 per square or linear foot per year to cover engineering and administrative costs and staff is recommending no increase to the Tier 1 encroachment fee in FY22. Last year, staff proposed a 5-year plan to gradually increase Tier 2 encroachment rates to 50% of the average taxable value of the adjacent properties, currently \$7.28 per square foot. Council approved the first year's increase of \$2.00 per square foot for FY21. Staff recommends adopting the second year of the five year plan and increasing the Tier 2 encroachment fee to \$2.80. This additional revenue is recommended to be utilized in the beautification of the right-of-way.

Included in the resolution is the list of assessments and property owners at the proposed FY22 encroachment rental fee.

**ALTERNATIVES**

City Council may:

- Approve the resolution to revise and assess the encroachment rental fees; or,
- Approve an amended resolution to revise and assess the fees at another specified rate; or,
- Not approve the resolution. If not approved, Council will need to approve a resolution at the September 27, 2021, Council meeting or no encroachment fees will be assessed for FY22.

**FISCAL EFFECTS**

The proposed FY22 encroachment rental fee will generate \$65,032.59. This is an increase of \$12,480.11 over the FY21 revenues.

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**Attachments**

Encroachment Revised

## RESOLUTION 21-\_\_\_\_\_

### **A RESOLUTION REVISING FEES TO BE CHARGED FOR ENCROACHMENT RENTALS AND LEVYING RELATED ANNUAL ASSESSMENTS TO BE PAID BY PERSONS, FIRMS, AND CORPORATIONS WHO ARE MAINTAINING THE ENCROACHMENTS ON, OVER, ACROSS, OR ABOVE THE STREETS, AVENUES, SIDEWALKS, OR ALLEYS OF THE CITY OF BILLINGS.**

WHEREAS, Section 13-301, Billings, Montana City Code provides that every person that has or maintains any encumbrances, obstructions, or encroachments on, over, across, or above any street, avenue, sidewalk, or alley shall pay an annual rental fee; and

WHEREAS, Section 13-302 Billings, Montana City Code provides that the City Council shall establish the fees to be charged for annual encroachment rental fees; and

WHEREAS, Section 13-303 Billings, Montana City Code provides that the City Council shall annually, by resolution, make a special assessment for such rental upon lots abutting on that part of the street, avenue, sidewalk or alley upon which an encumbrance, obstruction or encroachment is situated on the owner of such abutting lots;

WHEREAS, the encroachment rental fees should reflect payment for encroachments based on the impact of the encroachment to the right-of-way; and

WHEREAS, the existing fees no longer adequately reflect the value of the encroachment; and

WHEREAS, the City Council has duly considered the matter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. ENCROACHMENT RENTAL FEES. The City Engineer may determine in his or her discretion the boundaries of the encroachment area which may be larger than the physical dimensions of an item placed in the right-of-way. The encroachment rental fees to be charged by the City of Billings are hereby established as follows:
  - A. Tier 1 encroachments shall be determined by the Public Works Department as those encroachments that have minimal impact to the right-of-way, including, but not limited to awnings, hanging signs, landscaping, and conduit.
    - i. Annual rate per square foot of the encroachment area: \$2.00
    - ii. Annual rate per linear foot of the encroachment \$2.00
    - iii. Minimum annual fee per encroachment \$10.00

B. Tier 2 encroachments shall be determined by the Public Works Department as those encroachments that have a major impact to the right-of-way, making the encroached upon right-of-way unusable to the public. Tier 2 encroachments include, but are not limited to signs on the ground, fences, restaurant patios, and buildings/structures in the right-of-way.

- i. Annual rate per square foot of the encroachment area: \$2.80
- ii. Minimum annual fee per encroachment \$10.00

2. TERM OF FEES. The above fees shall continue in full force and effect until changed by the City Council by subsequent resolution.
3. ANNUAL ASSESSMENT FOR RENTAL. That for the purposes of collecting said rents for the fiscal year 2022 for said encumbrances, obstructions, and encroachments on, over, across, or above the streets, avenues, alleys, and sidewalks of the City of Billings, there is hereby fixed, levied and assessed a special assessment upon the lots or parcels of land provided in the schedule attached, described as EXHIBIT "A" and by this reference made a part hereof.
4. DISPOSITION OF COLLECTIONS. All monies collected from said assessment shall be paid to the Public Works Engineering Fund of the City of Billings, Montana.
5. NOTICE OF HEARING. On Monday, September 13, 2021, at 5:30 p.m. or as soon thereafter as the matter was considered on the agenda of the City Council at a regular meeting held in the Council Chambers of the City Hall, 220 N. 27<sup>th</sup> St., Billings, Montana, the City Council held a public hearing to hear comments and/or objections to the adoption of this resolution. The City Clerk published notice of the public hearing as provided in MCA 7-1-4127.
6. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF BILLINGS

By: \_\_\_\_\_  
William A. Cole, Mayor

ATTEST:

By: \_\_\_\_\_  
Denise R. Bohlman, City Clerk

## EXHIBIT A

| TAX CODE | PROPERTY OWNER                 | AMOUNT      |
|----------|--------------------------------|-------------|
| A00028   | ATWOOD, SCOTT                  | \$ 28.00    |
| A00029   | APEX BILLINGS LLC              | \$ 280.00   |
| A00123   | TRAIL CREEK PROPERTIES LLC     | \$ 140.00   |
| A00139   | CARROLL BROS LLC               | \$ 80.00    |
| A00140   | SHIPTON SUPPLY CO INC          | \$ 160.00   |
| A00143   | DLB/JMS LLC                    | \$ 40.00    |
| A00146   | MCDONNELL FAMILY IRREVOCABLE T | \$ 160.00   |
| A00243   | BLGS U S EMPLOYEES FED CR UNIO | \$ 240.00   |
| A00260   | TAJ PROPERTIES LLC             | \$ 870.80   |
| A00262   | CITY OF BILLINGS               | \$ 180.00   |
| A00264   | MILLER TROIS LLC               | \$ 250.00   |
| A00349   | ROMAN CATHOLIC BISHOP OF GRT F | \$ 383.60   |
| A00363   | CORMIER PROPERTIES LLC         | \$ 1,400.00 |
| A00364   | GRAY, MICHAEL J                | \$ 935.20   |
| A00374   | LO, CHIA WEI & LIN LIN         | \$ 134.40   |
| A00495   | CARROLL BRO'S LLC              | \$ 80.00    |
| A00510   | FRANK FAMILY LIMITED PARTNERSH | \$ 2,688.00 |
| A00604   | MOUNTRAIL PROPERTIES LLC       | \$ 19.60    |
| A00618   | CLOCK TOWER INN, LLC           | \$ 1,013.60 |
| A00624   | WFC I LLC                      | \$ 36.40    |
| A00636   | ROBERTSON, JEFF & DONNA        | \$ 982.80   |
| A00637   | ACME HISTORIC HOTEL LLC        | \$ 1,086.40 |
| A00642A  | CITY OF BILLINGS               | \$ 185.98   |
| A00642B  | WSR LLC                        | \$ 706.55   |
| A00642C  | CJM LLC                        | \$ 9.07     |
| A00644   | ROYER PROPERTY LLC             | \$ 431.20   |
| A00656   | SWANK PROPERTIES LLC           | \$ 119.16   |
| A00708   | MARKS, STEVE                   | \$ 14.00    |
| A00710   | MARKS, STEVE                   | \$ 14.00    |
| A00737   | RIDER, THEODORE J & (ETAL)     | \$ 20.00    |
| A00765   | MIGNONE, FRANCIS J             | \$ 448.68   |
| A00774   | NEAL C LA FEVER TRUST &        | \$ 4,816.00 |
| A00776   | DB 10 LLC                      | \$ 294.00   |
| A00778   | GLACIER BANK                   | \$ 1,204.00 |
| A00781   | NELSON, BERT A & ANDREW        | \$ 352.80   |
| A00783   | NEAL C LA FEVER TRUST &        | \$ 302.40   |
| A00796A  | SECURITIES BUILDING LLC        | \$ 12.60    |
| A00796B  | SECURITIES BUILDING LLC        | \$ 8.88     |
| A00796C  | SECURITIES BUILDING LLC        | \$ 3.72     |
| A00796D  | SECURITIES BUILDING LLC        | \$ 6.69     |
| A00796E  | SECURITIES BUILDING LLC        | \$ 3.78     |
| A00796F  | WEBHEN LLC                     | \$ 7.17     |
| A00796G  | WEBHEN LLC                     | \$ 3.36     |
| A00796H  | SECURITIES BUILDING LLC        | \$ 1.93     |
| A00796I  | SECURITIES BUILDING LLC        | \$ 1.88     |
| A00796J  | SECURITIES BUILDING LLC        | \$ 1.96     |
| A00796K  | SECURITIES BUILDING LLC        | \$ 1.26     |
| A00796L  | SECURITIES BUILDING LLC        | \$ 1.76     |
| A00796N  | SECURITIES BUILDING LLC        | \$ 1.71     |

|         |                                |             |
|---------|--------------------------------|-------------|
| A00796O | SECURITIES BUILDING LLC        | \$ 1.93     |
| A00796P | SECURITIES BUILDING LLC        | \$ 1.88     |
| A00796Q | SECURITIES BUILDING LLC        | \$ 1.96     |
| A00796R | SECURITIES BUILDING LLC        | \$ 1.26     |
| A00796S | SECURITIES BUILDING LLC        | \$ 1.76     |
| A00796T | SECURITIES BUILDING LLC        | \$ 1.71     |
| A00804  | MAKENNA HOTEL INVESTMENTS LLC  | \$ 364.00   |
| A00806  | COMPUTERS UNLIMITED            | \$ 3,530.80 |
| A00807  | RPS, LLC                       | \$ 148.40   |
| A00817  | LARSON FAMILY PROPERTIES LLC   | \$ 218.40   |
| A00822  | NELSON, ANDY & BERT            | \$ 319.20   |
| A00823  | COMPUTERS UNLIMITED            | \$ 70.00    |
| A00832  | D B SQUARED LLC                | \$ 1,701.00 |
| A00833  | COMPUTERS UNLIMITED            | \$ 1,237.60 |
| A00838  | 2223 MONTANA LLC               | \$ 1,800.40 |
| A00939  | DEAN DAIRY FLUID LLC           | \$ 352.80   |
| A00949  | YELLOWSTONE HEALTH PARTNERSHIP | \$ 28.00    |
| A00964  | HATZELL PROPERTIES LLP         | \$ 80.00    |
| A01010  | PHILLIPS 66 COMPANY            | \$ 160.00   |
| A01251  | CONOCOPHILLIPS COMPANY         | \$ 40.00    |
| A01264  | INTERFAITH HOSPITALITY NETWORK | \$ 117.60   |
| A01273  | PLATH, R RUSSELL & SUSAN L     | \$ 378.00   |
| A01285  | HALSTEN HOLDNGS LLC            | \$ 92.00    |
| A01293  | YELLOWSTONE PAPER COMPANY      | \$ 84.00    |
| A01699  | STATE OF MT DEPARTMENT OF ADMI | \$ 70.00    |
| A01809  | KOINONIA MANAGEMENT CO LLC     | \$ 100.00   |
| A01963A | YELLOWSTONE ART MUSEUM         | \$ 440.00   |
| A02434A | MIDTOWN REALTY LLC             | \$ 42.00    |
| A02920  | COFFMAN, STEPHEN L & VICTORIA  | \$ 14.00    |
| A03492  | MILLER, JANEL R                | \$ 28.00    |
| A04983A | WILGUS, MARK A & JOSI D        | \$ 50.00    |
| A05968  | DEACONESS MEDICAL CENTER OF BI | \$ 608.00   |
| A06751  | GLYNN, ANDREW J                | \$ 18.20    |
| A07017  | JACOBSON, RICHARD LEE &        | \$ 42.00    |
| A07120  | BILLINGS CLINIC                | \$ 200.00   |
| A07131  | BILLINGS CLINIC                | \$ 2,246.00 |
| A07153  | BILLINGS CLINIC                | \$ 640.00   |
| A07192  | BILLINGS CLINIC                | \$ 40.00    |
| A07279  | BILLINGS CLINIC                | \$ 40.00    |
| A07370  | KARLSEN, VIRGINIA G            | \$ 34.00    |
| A08646  | BRYSON, JEFFERY A              | \$ 70.00    |
| A09085  | SHORT, DANIEL W & ELIZABETH YM | \$ 14.00    |
| A09148  | FRIED, WILLIAM JR & SALLY ANN  | \$ 616.00   |
| A09171  | MAIN STREET PARTNERS           | \$ 140.00   |
| A10202  | LUTHERAN CHURCH OF THE GOOD SH | \$ 7,876.40 |
| A10613  | STOUGHTON, ALICE CASADY        | \$ 285.60   |
| A11091  | BERRY, GALE & AMY              | \$ 140.00   |
| A11193  | ROBERTSON, MATTHEW W           | \$ 14.00    |
| A11354  | STATE OF MT - DEPT OF INSTITUT | \$ 18.00    |
| A11550  | BILLINGS CLINIC                | \$ 791.68   |
| A11592  | SISTERS OF CHARITY OF LVNWRTH  | \$ 30.00    |
| A11630  | DEACONESS MEDICAL CENTER OF BI | \$ 160.00   |

|         |                                |             |
|---------|--------------------------------|-------------|
| A12102  | DEACONESS MEDICAL CENTER OF BI | \$ 446.00   |
| A12194  | BILLINGS CLINIC                | \$ 114.28   |
| A12226  | SISTERS OF CHARITY OF LEAVENWO | \$ 2,016.00 |
| A12584  | LAVINDER, LISA                 | \$ 504.00   |
| A12971A | POPP, GREGORY A & SHELLY       | \$ 70.00    |
| A13885  | THOMAS FAMILY LIVING TRUST, TH | \$ 10.00    |
| A13999  | SCHAEFER, JOSHUA T & COREY R   | \$ 70.00    |
| A14554  | STALEY, PAUL THOMAS            | \$ 162.40   |
| A16557  | RIMROCK HOSPITALITY LLC        | \$ 30.00    |
| A17196  | BERGMAN, SAMUEL & CATHERINE    | \$ 56.00    |
| A17571  | GRAND LANES INC                | \$ 134.40   |
| A17942  | EMERICK, RICHARD               | \$ 25.20    |
| A17949  | BALLOU, CAROLYN J              | \$ 33.60    |
| A19326  | ALBERTSON'S STORES SUB LLC     | \$ 20.00    |
| A19570  | BILLINGS 9 RE2 LLC             | \$ 112.00   |
| A19680  | COZZENS, JEANNINE M            | \$ 100.00   |
| A20220  | PUST, NOAH A & MARY J          | \$ 95.20    |
| A20357  | JONES FAMILY HOLDINGS LLC      | \$ 60.00    |
| A20610  | VAN WAGONER, JEREMY T          | \$ 274.40   |
| A20713  | BOGGS, JUSTIN DALE             | \$ 10.00    |
| A20842  | TEICHERT, LYLE W & VALERIE ROS | \$ 28.00    |
| A22975  | MOFFETT, DAVE                  | \$ 140.00   |
| A23158A | BAXTER, SHAWN H & ASHLEY M     | \$ 20.00    |
| A23158B | CROMWELL, LEISHA               | \$ 20.00    |
| A23158C | BRIEN, YUKI JOY                | \$ 20.00    |
| A23158D | FAGG, SHELLEY R & GERTRUDE STE | \$ 20.00    |
| A23158E | CAVAZOS, FRANCIS S & CORA N    | \$ 20.00    |
| A23158F | DERKE, CRAIG                   | \$ 20.00    |
| A23158G | HEGGEM, CONNER                 | \$ 20.00    |
| A23158H | WEBSTER, DIANE F               | \$ 20.00    |
| A23703  | VALKENBURG, CORNELIUS A & LIND | \$ 163.80   |
| A24268  | COLLETT, GORDON C & SIV D      | \$ 50.00    |
| A24843  | SCHNEIDER, JASON & SUMMER      | \$ 140.00   |
| A28233A | GRAND WEST PROPERTY LLC        | \$ 54.15    |
| A28233B | GRAND AVE INVESTOR LLC         | \$ 181.16   |
| A28233C | GRAND AVE INVESTOR LLC         | \$ 32.42    |
| A28233D | GRAND AVE INVESTOR LLC         | \$ 31.58    |
| A28233E | GRAND AVENUE INVESTORS LLC     | \$ 36.68    |
| A28994  | BK RE 11036 LLC                | \$ 70.00    |
| A29218  | BOTTRELL FAMILY INVESTMENTS LP | \$ 240.00   |
| A30109  | WOOD, ALVIN DEAN & STACY RENE  | \$ 260.00   |
| A31092  | CAPITAL HOLDINGS LLC 49.9% INT | \$ 1,000.00 |
| A31495  | HUNTERS POINTE APARTMENTS LLC  | \$ 84.00    |
| A33004  | SERMON, EDWARD J & REGINA L    | \$ 10.00    |
| A36143  | CORP OF PRESIDING BISHOP OF CH | \$ 1,050.00 |
| C01755  | PARKER, PATRICK A &            | \$ 14.00    |
| C06176  | ZIMNY, GERARD P & MICHELLE A   | \$ 315.00   |
| C07319  | MAGGA LLC                      | \$ 1,412.00 |
| C08660  | EGGEBRECHT FAMILY LIMITED PTNR | \$ 14.00    |
| D00527  | RMR I LLC                      | \$ 2,800.00 |
| D01389  | HANSER AUTOMOTIVE CO INC       | \$ 1,890.00 |
| D04718  | ELLIS, SHELLEY M               | \$ 56.00    |

|         |                               |             |
|---------|-------------------------------|-------------|
| D05641  | ROBERTSON, MATT               | \$ 10.00    |
| D05900  | B WHO U R, LLC                | \$ 4,032.00 |
| D05903  | ROOKHUIZEN, EDWARD J & DIANNA | \$ 280.00   |
| E00004A | NORTHWESTERN ENERGY-T & D     | \$ 470.40   |

## City Council Regular

**Date:** 09/13/2021  
**Title:** Zone Change 994- Public Hearing and 2nd Reading  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### RECOMMENDATION

The City Council held its first reading public hearing for Zone Change 994 on August 23, 2021, and approved the zone change on first reading. The Zoning Commission had recommended approval of Zone Change 994, based on the findings of the 10 review criteria. A second reading and public hearing is required to approve the ordinance. Staff recommends the City Council vote to approve the zone change on second reading.

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

This is a Zone Change request from Rural Residential 1 (RR1) to Neighborhood 3 (N3), in order to annex a property into the City to have access to city service like water and sewer. The pending annexation petition requires the property rezoning to an appropriate City zoning district as RR1 is a Yellowstone County zone district and is not recognized by the City. The applicant has requested to rezone the property to N3. The N3 zone district is intended for residential neighborhoods primarily developed with single-family residences. The property is two parcels and held under single ownership. There is an existing single-family home on the westerly parcel and the easterly parcel acts as the yard for the residence. The N3 zone allows a primary structure per 65 feet of frontage. Though the applicant has no plans to develop the easterly lot, it could be developed in the future with a single-family home in accordance with the N3 zoning.

### STAKEHOLDERS

The applicant and agent conducted a pre-application neighborhood meeting on June 17th. 169 invitations were sent and 4 people attended all of whom voiced support of the application. The Planning Division received one letter in support from the surrounding property owners. The pre-application meeting notes are included as an attachment. The Zoning Commission conducted a public hearing on August 3, 2021, and received the staff recommendation. No other testimony was received either in person or by telephone at the hearing. Commission member Trina White moved to recommend approval and adoption of the findings of the ten criteria for Zone Change 994. The motion was seconded by Commission member Dan Brooks and the motion was approved on a 4-0 vote.

The City Council held its first public hearing and first reading on August 23, 2021, and received the Zoning Commission recommendation and testimony from the applicant. There were no other comments from the public.

The City Council approved the zone change on first reading with a unanimous vote.

### 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.

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### Attachments

Ordinance  
Zoning Map

ORDINANCE 21-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON TRACT 1A1  
AND 1A2, CERTIFICATE OF SURVEY 266, GENERALLY  
LOCATED AT 2930 US HIGHWAY 3, 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 1A1 and 1A2, Certificate of Survey 266 presently zoned **Residential Rural 1 (RR1)** 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 1A1 and 1A2, Certificate of Survey 266**, is hereby changed from **Residential Rural 1 (RR1)** to **Suburban Neighborhood Residential (N3)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Suburban Neighborhood Residential (N3)** 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 23<sup>th</sup> Day of August, 2021.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 994, 2930 US Highway 3



**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and Second Reading Zone Change 995 - Cherry Island Subdivision - RR1 and P1 to N3  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the ten criteria for Zone Change 995. Staff recommends the City Council hold a public hearing on the 2nd reading of the ordinance. Following a public hearing, the City Council approved the zone change on first reading on August 23, 2021. A second reading and public hearing is required for zone change ordinances.

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

This is a zone change request with a concurrent petition to annex to the city limits and a preliminary major subdivision on a 10-acre portion of Lot 2, Block 1 of Cherry Creek Estates Subdivision. The annexation and subdivision were approved by Council on August 23, 2021, along with the first reading of the zone change ordinance. The parcel is generally located east of rural residential parcels on the east side of Bitterroot Drive, north of the southern leg of Cherry Creek Loop. The current zoning of the property is Rural Residential 1 (RR1), a county zone district, and Public 1 (P1) for a small portion already annexed to the city. The applicant held a pre-application neighborhood virtual meeting on June 17, 2021. The previous zoning of the property was Residential 9,600 (R-96) on the county portion and Public (P) on the annexed portion of the lot. There is RR1 zoning to the north, Large Lot Suburban Neighborhood (N4) to the west, Residential Manufactured Home (RMH) zoning in the Cherry Creek Manufactured Home Park to the east, and south will remain in the P1 zone district.

**APPLICATION DATA**

**OWNER:** Cherry Island, LLC  
**AGENT:** Sanderson Stewart  
**LEGAL DESCRIPTION:** South 10 acres of Lot 2, Block 1 Cherry Creek Estates  
**ADDRESS:** Cherry Creek Loop  
**CURRENT ZONING:** RR1 and Public 1  
**EXISTING LAND USE:** Vacant  
**PROPOSED USE:** 39 single family dwellings  
**SIZE OF PARCEL:** ~10 acres, 39 residential lots zone N3, and 1.434-acre Access and Utility Lot to remain in the P1 for Cherry Creek Loop and bike path

**SURROUNDING LAND USE & ZONING**

**NORTH:** Zoning: RR1  
Land Use: Vacant  
**SOUTH:** Zoning: P1  
Land Use: Cherry Creek Loop, Bike Path & Yellowstone River  
**EAST:** Zoning: RMH  
Land Use: Cherry Creek Manufactured Home Park  
**WEST:** Zoning: N4  
Land Use: Single family dwellings and a storage warehouse (1123 Bitterroot Dr)

The current zoning of Lot 2 was approved in May 2001 as County Zone Change 541. The Public zone portion was intended to accommodate an extension or connection to the bike & trail system along the Yellowstone River and for potential future park dedication to the city. All large subdivisions for residential purposes are required to either dedicate parkland or pay cash in lieu of dedication. The Public zoned portion of this lot was never offered as parkland dedication and is still owned by Cherry Island, LLC. The Cherry Creek Manufactured Home Park developed and maintains a neighborhood park within the court and Danube Court, the last phase of Cherry Creek, paid cash in lieu of parkland dedication.

The proposed zoning of N3 will allow single family dwellings on lots with at least 65 feet of street frontage on a public or approved private street. The current zoning in County of RR1 also allows single family homes but lots are based on area. The RR1 zone requires at least 1 acre per dwelling. The developer intends to build single family homes on

individual lots. A preliminary major subdivision is pending approval along with the petition to annex for city services. The subdivision plat shows an internal road connecting the northern and southern legs of Cherry Creek Loop with 39 lots for development.

In the fall of 2020, a proposed zoning to allow two-family townhomes was proposed. The application consisted of two applications - one for the county portion of the property and one for the annexed portion. Both zoning commissions recommended approval, however a valid protest against the city zone change was submitted. The BOCC denied the County zone change from R-96 to R-80 and the applicant chose to withdraw the City zone change prior to the City Council hearing. The newly adopted City and County zoning codes do not allow requests for N3 zone districts outside the city limits where a county water and sewer district does not exist. The new code requires a petition to annex and a concurrent zone change for this type of zoning.

The subject property has remained undeveloped for the last 22 years while the Cherry Creek Manufactured Home Park and Danube Court were developed. An early zone change application for a Planned Development (County Zone Change 524) proposed an underlying zoning of RMH for the manufactured home park and Public for all of Lot 2. In this proposal, Lot 2 would remain vacant and be developed as a natural area park with landscaping and trails. The Zoning Commission recommended denial. The County Commissioners denied the Planned Development zone change in early 2000. The next approved zone change for the property was in May 2001 and the zoning has remained the same since that time.

The Planning staff reviewed the application and recommended approval of the zone change to N3. The Zoning Commission concurred with this recommendation. The 2006 Billings Heights Neighborhood Plan and the 2016 City Growth Policy encourage the development of infill property where city services already exist and new neighborhoods can be served efficiently. The Heights Neighborhood Plan adopted a general statement encouraging new neighborhoods and developments that are similar in nature to existing neighborhoods. Both plans encourage a mix of housing choices in neighborhoods. The proposed development of single family homes on lots ranging from 7,470 square feet to 14,080 square feet expands the housing options in this area of Billings Heights, and should be a good fit between the manufactured home park and the low density county residences to the west. Water and sewer are readily available to the property. Public safety services are fiscally constrained, but the adjacent neighborhoods are already served and this new development can be served as well.

## **STAKEHOLDERS**

The applicant conducted a pre-application neighborhood meeting on June 17, 2021, in a virtual meeting format. The newly adopted zoning code requires an expanded notification area - up to 1,320 feet - when a property is within 600 feet of the coterminous city limits. The notification list for this zone change included over 160 property owners. The Planning Division received no comments from the surrounding property owners. The applicant answered questions during the pre-application meeting related to the subdivision development and the proposed N3 zoning. The pre-application meeting notes are included as an attachment.

The Zoning Commission conducted a public hearing on August 3, 2021, and received the staff recommendation and testimony from the applicant's agent, Gary Owen, P.E. Mr. Owen was standing in for Mr. Leuthold. No other testimony was received either in person or by telephone at the hearing. Commission member Jack King moved to recommend approval and adoption of the findings of the ten criteria for Zone Change 995. The motion was seconded by Commission member Trina White and the motion was approved on a 4-0 vote.

On August 23, 2021, the Council conducted a combined public hearing for the annexation and zone change. The annexation was approved along with the zone change first reading and the preliminary subdivision. The applicant's agent attended but no other testimony was received at the hearing. The zone change ordinance requires a second reading public hearing.

## **ALTERNATIVES**

The City Council may:

- Approve Zone Change 995 and adopt the proposed findings of the 10 review criteria; or,
- Deny Zone Change 995 and state different findings of the 10 review criteria; or
- Delay action on the zone change request for not more than 30 days; or
- Allow the applicant to withdraw the zone change request.

In no case, may the City Council approve a zone change that was not requested by the applicant or advertised in the public hearing notice.

## **FISCAL EFFECTS**

Approval or disapproval of the zone change will have no impact on the Planning Division budget.

## SUMMARY

### SUMMARY

Prior to making a decision on the zone change, the City Council shall consider the following findings as recommended by the Zoning Commission:

#### 1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

##### **Strong Neighborhoods:**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

##### **Home Base:**

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:

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

The proposed zoning will allow another housing choice in an area with limited housing choices -- either manufactured homes or large lot single family dwellings. Subdivisions further north and west have allowed similar housing choices by mixtures of zone districts. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow the existing demand for single family homes to be met in a growing area of Billings Heights.

#### 2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

#### 3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

#### 4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not significantly increase post-development traffic volume. The applicant will be required to prepare a Traffic report to accurately assess the capacity of the surrounding street network to handle the increased traffic from the development. Any improvements or mitigation will be determined by the City Traffic Engineer.

Water and Sewer: The City will provide sewer to the property. Billings Heights Water will provide water service.

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 setbacks to allow for adequate separation between structures and adequate light and air.

#### 6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from 39 new single family dwelling units will be between 390 and 500 new vehicle trips per day. This trip count includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new subdivision will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning will not have a significant effect on the transportation

system.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhoods to the west and east.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area.

9. Will the new zoning conserve the value of buildings?

There are no existing buildings on the property. Manufactured homes to the east will be the closest to the new development, but there is a significant planted buffer yard and 6-foot high screening fence. To the west, most of these home will be 160 to 200 feet from the back of the new single family dwellings. In general, new construction tends to increase adjacent building and property values.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the development of another housing choice in this area of Billings Heights. This is the most appropriate use of the land.

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## Attachments

Ordinance ZC 995

ORDINANCE 21-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON A 10-ACRE  
PORTION OF LOT 2, BLOCK 1, CHERRY CREEK  
ESTATES SUBDIVISION, GENERALLY LOCATED  
BETWEEN NORTH AND SOUTH CHERRY CREEK LOOP  
AND EAST OF BITTERROOT DRIVE 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.** *A 10-acre portion of Lot 2, Block 1, Cherry Creek Estates Subdivision is presently zoned Rural Residential 1 (RR1) and Public 1 (P1) and is shown on the official zoning map within these zones.*

**Section 3. ZONE DISTRICT AMENDMENT.** *The official zoning map is hereby amended and the zoning for 10-acre portion of Lot 2, Block 1, Cherry Creek Estates Subdivision, is hereby changed from Rural Residential 1 (RR1) and a portion of Public 1 (P1) to Suburban Neighborhood Residential (N3), as shown on the attached exhibit, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Suburban Neighborhood Residential (N3), 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 23<sup>rd</sup> Day of August, 2021.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

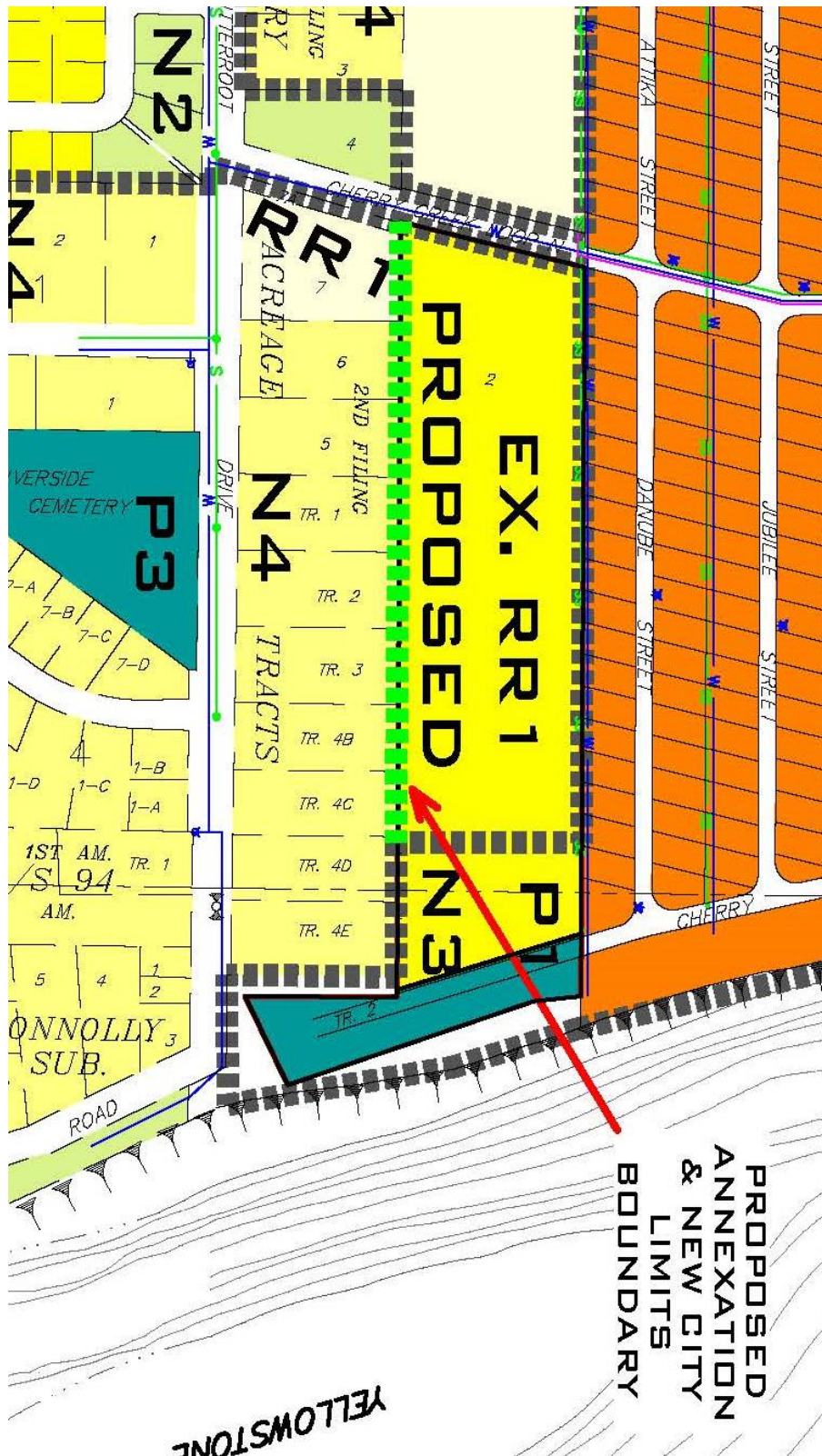
Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 995, Cherry Island Estates

Zone Change 995 – Exhibit



**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and 2nd Reading - Zone Change 996 - Harmony Meadows CMU2 to N2 and NO  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 996 and adoption of the proposed findings of the ten review criteria. After conducting a public hearing, the Council approved the zone change on first reading on August 23, 2021. A public hearing for the second reading is required. Staff recommends the Council conduct the public hearing on the second reading of the zone change.

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

This is a zone change in Harmony Meadows Subdivision that will affect 19 lots with a total area of about 54.5 acres of undeveloped land. The current zoning of the property is Corridor Mixed Use 2 (CMU2) and Mixed Residential 2 (NX2). Prior to the code update in February 2021, the zoning was a mixture of Highway Commercial (HC), Community Commercial (CC) and Residential Multi-family-Restricted (RMF-R) zoning. The existing development in Harmony Meadows consists of several multi-unit apartment buildings ranging from 6 to 8 units in side-by-side dwelling unit structures. The apartment and patio home development density is about 8 to 8.5 dwelling units per acre or about 5,000 square feet of lot area per dwelling unit. The existing development is zoned as Mixed Residential 2 (NX2). This zoning allows 2 to 8 dwelling units in a single structure.

**APPLICATION DATA**

**OWNER:** Harmony Meadows, LLC - Cal Kunkel  
**AGENT:** Performance Engineering, Inc. - Scott Aspenlieder, P.E.  
**LEGAL DESCRIPTION:** Lots 1 through 8, and Lots 12A through 22 (19 lots total) of Harmony Meadows Subdivision, 2nd Filing  
**ADDRESS:** Elysian Road, Dodger Lane and Interstate Avenue  
**EXISTING ZONING:** CMU2 & NX2  
**EXISTING LAND USE:** Vacant land  
**PROPOSED USE:** One and two-family dwellings, professional offices, live/work units or 1-4 family dwellings  
**SIZE OF PARCEL(S):** 54.5 acres (total)

**SURROUNDING LAND USE AND ZONING**

**NORTH:** Land Use - Commercial Business Services - Montana Air Cartage, Personal Storage Warehousing, Performance Imports, AIH Manufacturing, Magic City Granite, Western Municipal Construction  
 Zoning - Heavy Commercial (CX)  
**SOUTH:** Land Use - Undeveloped Parkland  
 Zoning - Public 1 (P1)  
**EAST:** Land Use - Commercial Businesses (Story Road), patio homes and apartments and vacant land  
 Zoning - CMU2, NX2 & CX  
**WEST:** Land Use - Annapolis - a Mixed Use and Residential Subdivision  
 Zoning - Planned Development (PD)

The proposed zoning of Neighborhood Office (NO) for the lots with frontage on Elysian Road will allow a range of development options including professional offices, some service oriented businesses, dwellings (1 to 4 family structures) or a combination of uses such as "live/work" units or offices on Elysian and residential structures on the rear of the lots. The frontage lots on Elysian will also have split zoning with the south 1/3 of the lots in the Mid-Century Neighborhood (N2) zone district. This would allow future subdivision of the lots with the new lots fronting on an internal street (public or private). The proposed zoning for the remaining 11 lots in the proposed zone change is N2. The N2 zone is intended to accommodate one or two-family dwellings including townhomes or patio homes in unit ownership. The design of these lots is to allow lower building heights, and wider structures that face the street. The minimum street frontage required per structure is 50 feet and the maximum is 120 feet. This is a wide range intended to provide flexibility in design. The N2 zone district will not allow more than 2 units in a single structure.

This property is in a rapidly growing neighborhood of Billings. Since 2006, when the first homes were constructed in Josephine Crossing to the east of the subject property, over 1,400 homes have been established on 200 acres of developed land. Land already approved for development but not yet built on including the subject property is another

146 acres for new dwellings with some acres designated for new service businesses in those neighborhoods. The two-unit townhome or duplex dwelling is not a large part of current market in this area. The single lot with a single family dwelling is well represented, as well as the attached townhome or apartment. Annafeld Subdivision to the west of the subject property is beginning to add housing choices with 3 to 4 dwelling units in a structure as well as some two-unit townhomes. The proposed zoning of N2 in this subdivision will add a housing choice that is not a common choice in this area.

Elysian Road is a collector street that is currently under re-construction to add capacity and safety to the existing street. A round-a-bout will be added at the main entrance to Annafeld Subdivision as well as pedestrian and bicycle facilities. Elysian Road provides the main safe route to Elysian School a K through 8th grade elementary school at the intersection of Elysian Road and East Lane about 1/2 mile to the west of the subject property. The re-build of Elysian Road will complete a three-lane road section to allow safer turn movements with a dedicated center turn lane. The City will likely re-visit the posted speed limit on Elysian Road in the near future. The current posted speed limit is 45 mph - well beyond a normal speed limit for a collector street in the city limits. A normal arterial street speed limit - on Grand Avenue for example - is 35 mph and many collector streets are posted at 35 mph or less. There are no traffic counts available for Elysian Road, but Mallowney Lane - also a collector street - just south of the intersection with Midland Road is carrying out 11,000 vehicle trips per day. This is an expected level of traffic given the development in Riverfront Pointe Estates, Josephine Crossing and the Field of Dreams patio homes and apartments as well as the Howard Johnson Hotel and Convention Center and the other service businesses in the Titan Subdivision and on Holiday Avenue. All of these developments currently use Mallowney Lane as a primary route to connect to other parts of Billings and to the interstate.

Planning staff reviewed the request and recommended approval to the Zoning Commission. The Zoning Commission concurred with this recommendation. The Zoning Commission found the proposed zone change is consistent the 2016 Growth Policy goals, including providing a range of housing options, access to everyday neighborhood services and attainable housing in neighborhoods throughout the city. The adjacent transportation network can handle the proposed traffic from the new development that will be less than under the current zoning of CMU2 and NX2. The adjacent property and zoning districts will be compatible with the proposed zoning districts.

## **STAKEHOLDERS**

The applicant and agent conducted a pre-application neighborhood meeting in a virtual format on June 22, 2021. No one in the 1/4-mile noticed area attended the virtual meeting. The 343 property owners notified of the Zoning Commission public hearing have not sent any comments, questions or concerns to the Planning Division staff.

The Zoning Commission conducted a public hearing on August 3, 2021, and received the staff recommendation and testimony from the applicant's agent, Scott Aspenlieder. No other testimony was received at the hearing. Commission member Jack King made a motion to recommend approval and adoption of the findings of the ten review criteria for Zone Change 996. Commission member Dan Brooks seconded the motion and the motion was approved on a 4-0 vote.

The Council conducted a public hearing on the first reading of the zone change on August 23, 2021. The Council approved the zone change on first reading. The applicant's agent was the only one present for the public hearing and there was no other testimony. A public hearing is required for the second reading of the ordinance.

## **ALTERNATIVES**

The City Council may:

- Approve the zone change and adopt the findings of the ten review criteria for Zone Change 996; or,
- Deny the zone change and adopt different findings of the ten review criteria for Zone Change 996: or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

Be advised, the City Council may not approve any zone district other than the requested zone districts including a zone district that was not legally advertised or included in the official notice of the hearing.

## **FISCAL EFFECTS**

Approval or denial of the requested zoning will have no fiscal effect on the Planning Division budget.

## **SUMMARY**

Prior to making a decision on the zone change, the City Council shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:

## Strong Neighborhoods:

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Neighborhoods that are safe and attractive and provide essential services are much desired

## Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe

The proposed zoning will allow another housing choice in an area with housing options available on both ends of the housing "spectrum" - either single family homes on single lots or multi-family attached dwellings in apartments buildings. A two-unit townhome is a more affordable choice for many buyers in the Billings market and a choice that is not built often in this area. Existing demand for housing choice is going up for all ages of buyers including "boomers" and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where the choices are limited.

### 2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

### 3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

### 4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not significantly increase post-development traffic volume. A traffic impact study (TIS) or an update to an existing TIS will be necessary at the time of development. The proposed zoning versus the present zoning will have less traffic impact.

Water and Sewer: The City provides water and sewer to the property. There is adequate capacity to serve the property.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. Harmony Meadows Subdivision has dedicated parkland as required for subdivisions. If any additional parkland is necessary, this will be determined at the time of development.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

### 5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

### 6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from a potential 250 to 300 new dwelling units will be between 1,500 to 2,400 new vehicle trips per day. This trip counts includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new development will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning designation itself should not have any increase effect on the transportation system.

### 7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhood.

### 8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area.

### 9. Will the new zoning conserve the value of buildings?

There are no structures on the subject property. In general, new construction improves the value of adjacent property.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the development of another housing choice in this area of the Southwest Corridor of Billings. This is the most appropriate use of the land.

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#### **Attachments**

Proposed Zoning Exhibit  
Ordinance ZC 996



ORDINANCE 21-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON LOTS 1-8 &  
12A-22, HARMONY MEADOWS SUBDIVISION, 2<sup>ND</sup>  
FILING GENERALLY LOCATED SOUTH OF ELYSIAN  
ROAD AND WEST OF DODGER LANE, 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.** **Lots 1 through 8 and Lots 18 through 22, Harmony Meadows 2<sup>nd</sup> Filing** are presently zoned **Corridor Mixed Use 2 (CMU2)** and **Lots 12A through Lot 17** are presently zoned **Mixed Residential 2 (NX2)**, and these lots are shown on the official zoning map within these zones.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Lots 1 through 4 and Lots 19 through 22** are hereby changed from **Corridor Mixed Use 2 (CMU2)** to **Neighborhood Office (NO)** on the northern 190 feet and to **Mid-Century Neighborhood Residential (N2)** for the remaining portions; and **Lots 5 through 8 and Lot 18** are hereby changed from **Corridor Mixed Use 2 (CMU2)** to **Mid-Century Neighborhood Residential**; and **Lots 12A through Lots 17** are hereby changed from **Mixed Residential 2 (NX2)** to **Mid-Century Neighborhood Residential (N2)**, as shown on the attached exhibit, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Neighborhood Office (NO)** and **Mid-Century Neighborhood Residential (N2)**, as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 23<sup>rd</sup> Day of August, 2021.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

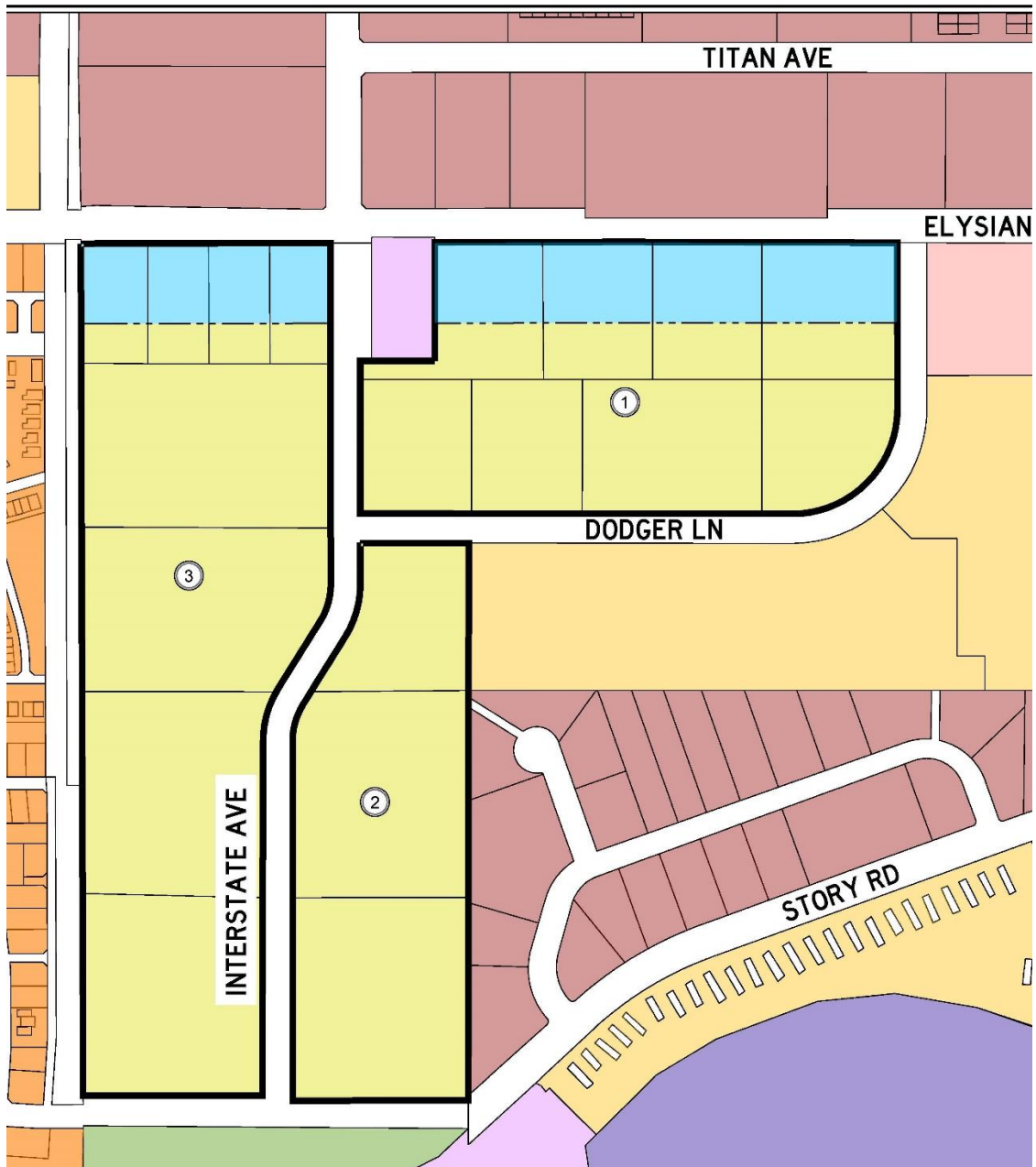
Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 996, Harmony Meadows Subdivision

Zone Change 996 – Exhibit



**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and 2nd Reading - Zone Change 997 - Ridgeline Development - A to MU-PND  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the findings of the ten review criteria for Zone Change 997, a Mixed Use Planned Neighborhood Development zone change. The City Council approved the zone change for Phase 1 of the MU-PND on August 23, 2021 on first reading. A public hearing for the second reading of the ordinance is required.

Staff recommends the City Council hold a public hearing and act on second reading of the zone change ordinance.

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

This is a zone change request for a new Planned Neighborhood Development zone change for a proposed annexation of Phase 1 of a 65.873 acre parcel at the intersection of King Ave W and 48th St West. The proposed Mixed Use PND will include 7.02 acres of CMU1, about 12 acres of NX2, 36.75 acres of N2 zoning and about 6.5 acres of open space (P1). The PND is a new zoning tool to help guide the coordination of annexation, subdivisions, and master planing for new city neighborhoods. The previous zoning code allowed urban-type zoning districts in both the city and the county. In many cases, developers were "pre-zoning" parcels in the county prior to annexation. The new PND tool will allow developers to process all the zoning with the City Council, phase the annexation of the property (if necessary), and coordinate both of these processes with subdivision or master site plan review. The new tool applies a level of certainty to all stakeholders, including the surrounding property owners.

This zone change is for a Mixed Use PND and includes some mixed use zoning (CMU1) at the intersection of the two arterial streets, mixed residential zoning (NX2) in two locations with most of the remaining area in the Mid-Century Neighborhood (N2) zone district. There is a substantial amount of open space shown on the plan. A master plan for the use and development of this open space is not yet completed. There is a small "in-holding" parcel that is wholly surrounded by the proposed annexed property. This parcel is about 1.25 acres, is zoned Agriculture and has a single family dwelling. The property is owned by Frank and Sharon Wetsch.

**APPLICATION DATA**

**OWNER:** Thomas and Mary Dyk Trust  
**AGENT:** Performance Engineering, Craig Dalton, P.E.  
**LEGAL DESCRIPTION:** Tract 2C, 2-G-1, 14, and 2-H-1 of Certificate of Survey 983  
**ADDRESS:** King Avenue West and 48th St West - 645 S 48th St West  
**CURRENT ZONING:** Agriculture (A)  
**EXISTING LAND USE:** Agriculture and residence (one)  
**PROPOSED USE:** Residential and Mixed Use  
**SIZE OF PARCEL:** 65.873 acres

**SURROUNDING ZONING AND LAND USE:**

**NORTH:** Zoning: Rural Residential 1 (RR1)  
 Land Use: County residences on large lots  
**SOUTH:** Zoning: Western Sky Planned Development (PD-NC and PD-CC)  
 Land Use: Vacant land  
**EAST:** Zoning: Lenhardt Square Planned Development (PD-MFR & PD-MU)  
 Land Use: Vacant land  
**WEST:** Zoning: Agriculture (A)  
 Land Use: Agricultural and single family residences

This area of Billings has experienced a great deal of growth and development in the past decade. This includes three Planned Development zones, customized zoning for specific parcels, that include mixed uses, residential development and medical facilities. Housing demand has reached a high level while supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census

indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher costs of all housing has driven the demand for apartments, townhomes, and smaller multi-family products. Developers have made robust investments in multi-family dwelling choices in Lenhardt Square already including the InterUrban and Interpointe Apartments, and the KWO Apartments. A new multi-family project is planned for the northern piece of Lenhardt Square. Several other multi-family developments have come on-line in the last 15 years around King Avenue West and Shiloh Road including Long Beach Apartments, Affinity at Billings (age restricted), and Hoop Dreams Apartments and condominiums. Apartments, townhomes and unit ownership housing choices are still in high demand in Billings especially in areas close to shopping, schools and recreational opportunities.

There are challenges to an area of urban development that is on the edge of the city limits. These challenges include ensuring the adjacent county property owners and uses are protected as much as possible from conflicts with the new urban neighborhood residents and uses. This is not meant to ensure similarity or homogenous development patterns between the city and county, but the development plan includes buffering, connectivity where and when needed, and recognition of similar goals for both types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed Mixed Use PND. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban designed public spaces. The proposed zone change supports these goals as well.

## **STAKEHOLDERS**

The applicant and agent conducted a pre-application neighborhood meeting on June 23, 2021 and six surrounding owners attended. The meeting was held in a virtual format. Sharon Wetsch, one of the owners of the in-holding parcel, asked questions regarding her parcel's access and how that would be affected by the zone change and development. The applicant stated the existing easement to her lot from King Ave West would stay in place until she or a future owner of the parcel abandoned the easement or wanted it re-located. There were other general questions about the road layout and how the development would progress.

As part of the PND zone change process, the applicant is also required to hold a pre-application Concept Review meeting with city staff to address any concerns with the street layout, zone districts, access, parks, utilities and similar infrastructure provisions. Staff was generally supportive of the proposed street layout and distribution of the zone districts.

Planning staff did not receive any comments prior to completing the staff report for the zone change.

The Zoning Commission conducted a public hearing on August 3, 2021 and received the staff recommendation of approval and testimony from the applicant's agent, Scott Aspenlieder of Performance Engineering. Additional testimony opposed to the zone change was received from Sharon Wetsch. Mrs. Wetsch stated her property, the in-holding, is surrounded by the NX2 zoning that she believes is unnecessary and was done purposely to cause diminishment of her properties value and livability. She stated she consulted an attorney regarding this zoning and her attorney advised her the NX2 zoning north of her property was beyond the minimum requirements of the PND zoning process. She stated the applicant only needed to provide mixed residential or mixed use zoning along the arterial street frontage and not north of her home. Mrs. Wetsch stated a better choice would have been NX1 - 1 to 4 family dwellings. She stated her concern with the utility of her existing access easement from King Ave West and whether the roads planned around her property would interfere with this easement. Scott Aspenlieder, agent for owner, clarified the access easement is of record and neither his client nor any future owner of the property could interfere with or block this recorded easement for Mrs. Wetsch's property. He stated the owners plan is for the proposed NX2 zoning along this portion of the King Ave West street frontage. The owner has no definitive building plans in place yet for this section of the development and the NX2 zone allows 2-family or up to 8-unit buildings. Planning staff clarified the differences between the NX zone districts, and stated there will be future administrative approvals for building plans in the development. Staff indicated Mrs. Wetsch can be notified of these administrative processes. Staff also clarified, the development plan will have future public hearings not just for the zoning but the subdivision approval as well.

Aileen Kindsfater of 4733 Georgina Drive called into the Zoning Commission hearing to ask questions regarding traffic, the annexation and whether the owners on Georgina Drive could annex after this development put in the utilities. Scott Aspenlieder, agent, stated a traffic study was in process and is required by the subdivision regulations. He stated the subdivision is following the zone change and annexation by about 30 to 45 days. He stated the access road from King Ave West is under the authority of the Montana Department of Transportation. He stated this location is already fixed by MDT. He stated the T-intersection proposed with Georgina Drive (northwest corner of the parcel) can be slightly adjusted to reduce conflict with driveways to the north, but it also has to be a certain distance from the

Georgina Drive intersection with 48th West and has to meet the PND zoning requirements for block perimeters (max 2,200 feet). He stated there is no need to change any speed limits on Georgina, or 48th St West. MDT controls the speed limit on King Ave West. He stated 48th St West and King Ave West will be controlled with a round-a-bout in the future instead of the 2-way stop control. He stated when the developer installs city utilities as part of the Georgina Drive improvements, the city may allow for the installation of stub lines to the county residences on the north side of Georgina. These would not be connected unless or until the owners chose to annex to the city. He stated this would be the last phase of the development and could be a number of years in the future. Mr. Aspenlieder stated the county residents could petition to annex at any time, but would be financially responsible for the improvements on the north side of Georgina.

Commission member Dan Brooks made a motion to recommend approval and adoption of the findings for Zone Change 997. The motion was seconded by Commission member Trina White and the motion was approved on a 3-1 vote. Commission member Jack King voted against the motion.

The Council conducted a combined public hearing for annexation and zone change on August 23, 2021, and voted to approve the annexation and the zone change on first reading. The Council received testimony from the applicant's agent, Scott Aspenlieder of Performance Engineering. No other public testimony was received. A public hearing is required for the second reading of the zone change ordinance.

## **ALTERNATIVES**

The City Council may:

- Approve the zone change and adopt of the findings of the ten review criteria for Zone Change 997; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 997; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

Be advised, the City Council may not approve a zone change that was not requested or advertised in the public hearing notice.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change should not have an effect on the Planning Division budget.

## **SUMMARY**

Before making a decision on the zone change, the City Council shall consider the following findings of the ten review criteria:

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 and the West Billings Neighborhood Plan (2001):

The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed MU-PND for Ridgeline Development is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed MU-PND is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a mixed-use environment. The proposed development will also have good access to outdoor activities and is in proximity to commercial centers and transportation options.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

### **Strong Neighborhoods:**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired Implementation of

the Infill Policy is important to encourage development of underutilized properties

### Home Base:

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed layout for the Ridgeline Development will allow the higher density housing and commercial uses to occupy the high-value arterial street frontage. The layout of the linear parkland through the center of the development will provide a safe connection for pedestrians and recreation from north to south. The CMU1 zoning at the arterial street intersection will also provide quick and safe access to neighborhood services and businesses. The larger park parcel that faces the CMU1 district across the internal street is a good urban design element not often used in Billings. Even the larger community parks in Billings are not often in proximity to a neighborhood service center or commercial mixed use area. This will create a unique opportunity to develop complementary uses.

#### 2) Is the new zoning designed to secure from fire and other dangers?

The zoning requires minimum setbacks, open and landscaped areas and building separations. The zoning assembly and street layout is designed to secure the development 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 change. Approval of the overall zoning plan and street layout will provide certainty both for the property owner and the surrounding owners. Annexation and provision of public health and safety services from the city will promote the general welfare of the area.

#### 4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The applicant has started the process of developing a traffic impact study and will coordinate with the city Engineering Division and state Department of Transportation to ensure access to and from the entire development will be safe and adequate traffic controls and management are in place. The applicant will be part of building a multi-use path the two arterial streets. As each area of the new neighborhood is developed, a review of the original traffic plan will ensure the required mitigation is still relevant or in need of updating.

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 changes.

Schools and Parks: Schools and parks may be effected by the proposed zone change and development of a new city neighborhood. SD #2 did not provide any comments.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

#### 5) Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

#### 6) Will the new zoning effect motorized and non-motorized transportation?

Non-motorized travel -- walking and biking -- is an essential part of the circulation plan both within the proposed development and connecting to adjacent areas including the multi-use trail on Shiloh Road and to the nearby Shiloh Conservation Area Trail system to the east. Pedestrian connections will be ensured through the development, and the property is close to a fixed route MET bus line. Traffic counts in the area on King Ave West and 48th St West are well below the expected volume on a principal arterial street. King Avenue West has an average daily traffic volume of 11,390 vehicles per day at this location, less than Rimrock Road at 17th St West. 48th Street West is less than most local streets with about 2,500 vehicles per day. As development increases in the area, these 2 arterial streets will need to build in additional controls, management facilities and safety features. MDT retains jurisdiction over the management of King Avenue West and the city will be managing the 48th St W right of way when it is annexed to the city.

#### 7) Will the new zoning will promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level services to the new residents. The proposed zone district boundaries are consistent with the urban growth in

this area and will be compatible with the surrounding neighborhoods.

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. This area between Shiloh Road and 48th St West is an area undergoing rapid urban development and growth. Demand for local neighborhood and commercial services is increasing. Increasing the area for these services is suitable for this location. Providing a wide range of housing choices is also suitable for this area.

9) Will the new zoning conserve the value of buildings?

The property is a combination of developed and agricultural parcels. There is a single family home at 645 S 48th St West. The home will become a legal nonconforming use when the new zoning of NX2 is applied to this part of the property. Fortunately, the City Zoning Regulations protect all existing residential uses in neighborhood zones and will allow re-building of the structure without requiring a variance or a zone change. Approval of the zone change will provide certainty to surrounding landowners and may help to maintain property values of adjacent buildings.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed MU-PND will encourage the most appropriate use of this land in Billings.

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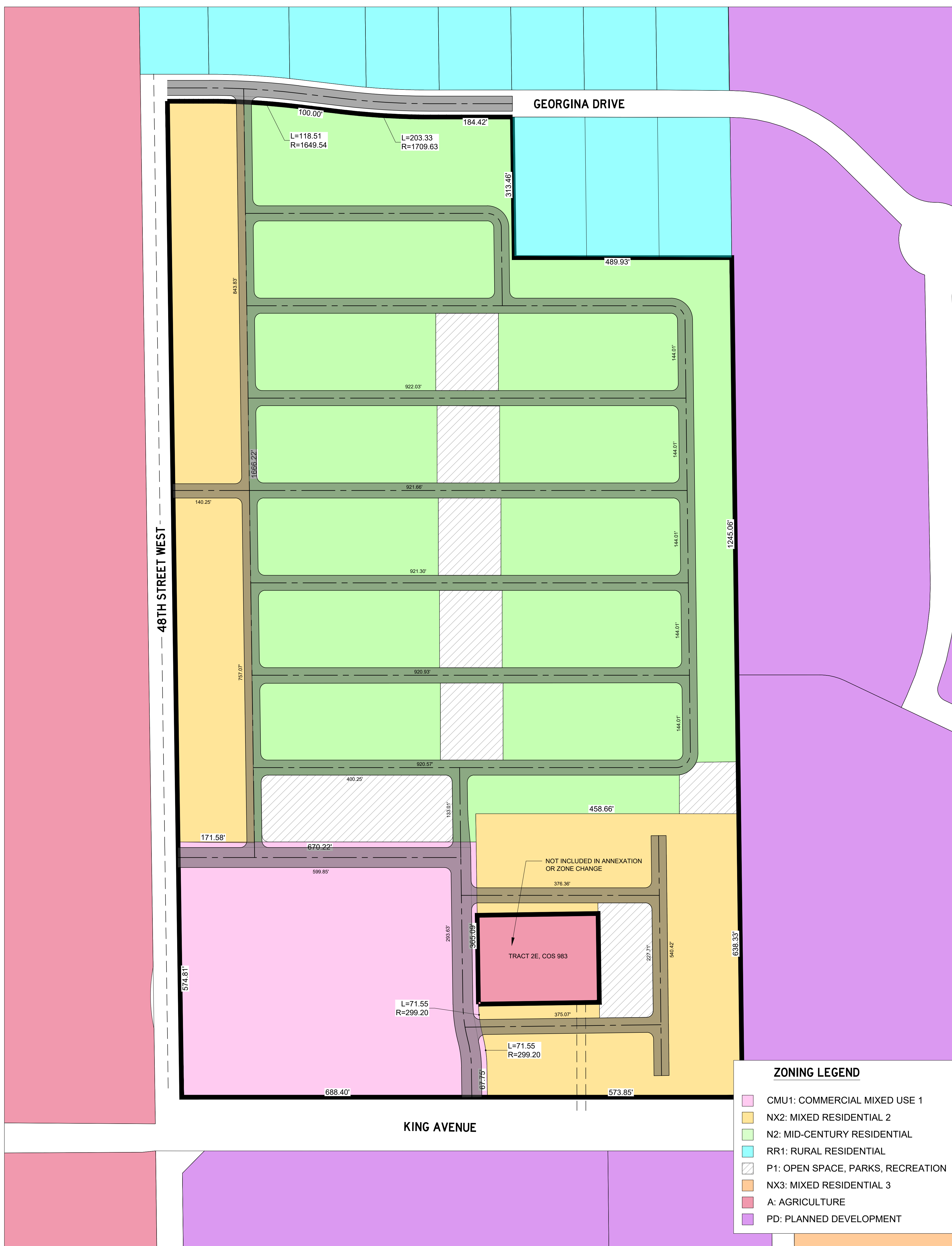
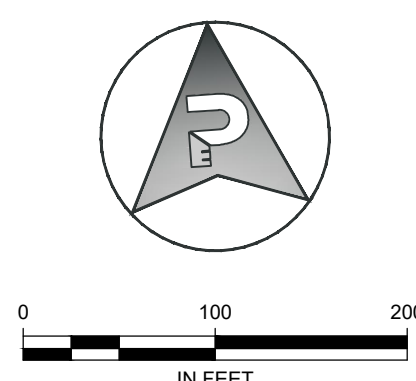
### **Attachments**

Proposed Zoning Exhibit  
Ordinance ZC 997

PROPOSED PND MAP FOR  
**RIDGELINE SUBDIVISION**  
BEING LOCATED ON TRACTS 2-G-1, 2-H-1, 2C, & 14 OF COS 983 IN S10, T01S, R25E

PREPARED FOR : TKJ DEVELOPMENTS, LLC

PREPARED BY : PERFORMANCE ENGINEERING, LLC



ORDINANCE 21-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON TRACT 2C,  
2-G-1, AND 2-H-1 OF CERTIFICATE OF SURVEY 983,  
GENERALLY LOCATED NORTH AND WEST OF THE  
INTERSECTION OF KING AVE WEST AND S 48<sup>TH</sup> ST  
WEST, 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 2C, 2-G-1, and 2-H-1 of Certificate of Survey 983** is presently zoned **Agriculture (A)** and is shown on the official zoning map within these zones.

**Section 3. PLANNED NEIGHBORHOOD DEVELOPMENT.** The owners have proposed to master plan a new mixed use Planned Neighborhood Development (PND) to be annexed in phases to the City of Billings. The development and review of the PND is in accordance with BMCC 27-800. Phase 1 of the annexation and PND includes Tracts 2C, 2-G-1 and 2-H-1 of C/S 983 (this ordinance). Phase 2 of the PND consists of Tract 14 of C/S 983. The zoning master plan includes zoning for Tract 14 that will be adopted by separate ordinance at the time Phase 2 is annexed. The Resolution of Annexation for Phase 1 references Phase 2 as a future development. This ordinance also references Tract 14 of C/S 983 as Phase 2 of the zoning master plan for the PND.

**Section 4. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Tract 2C, 2-G-1, and 2-H-1 of Certificate of Survey 983**, is hereby changed from **Agriculture (A)** to **Corridor Mixed Use 1 (CMU1), Mixed Residential 2 (NX2), Mid-Century Neighborhood Residential (N2), and Public 1 (P1), as shown on the attached Planned Neighborhood Development exhibit – Phase 1**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Corridor Mixed Use 1 (CMU1), Mixed Residential 2 (NX2), Mid-Century Neighborhood Residential (N2), and Public 1 (P1)**, as set out in the Billings, Montana City Code.

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. 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 23<sup>rd</sup> Day of August, 2021.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

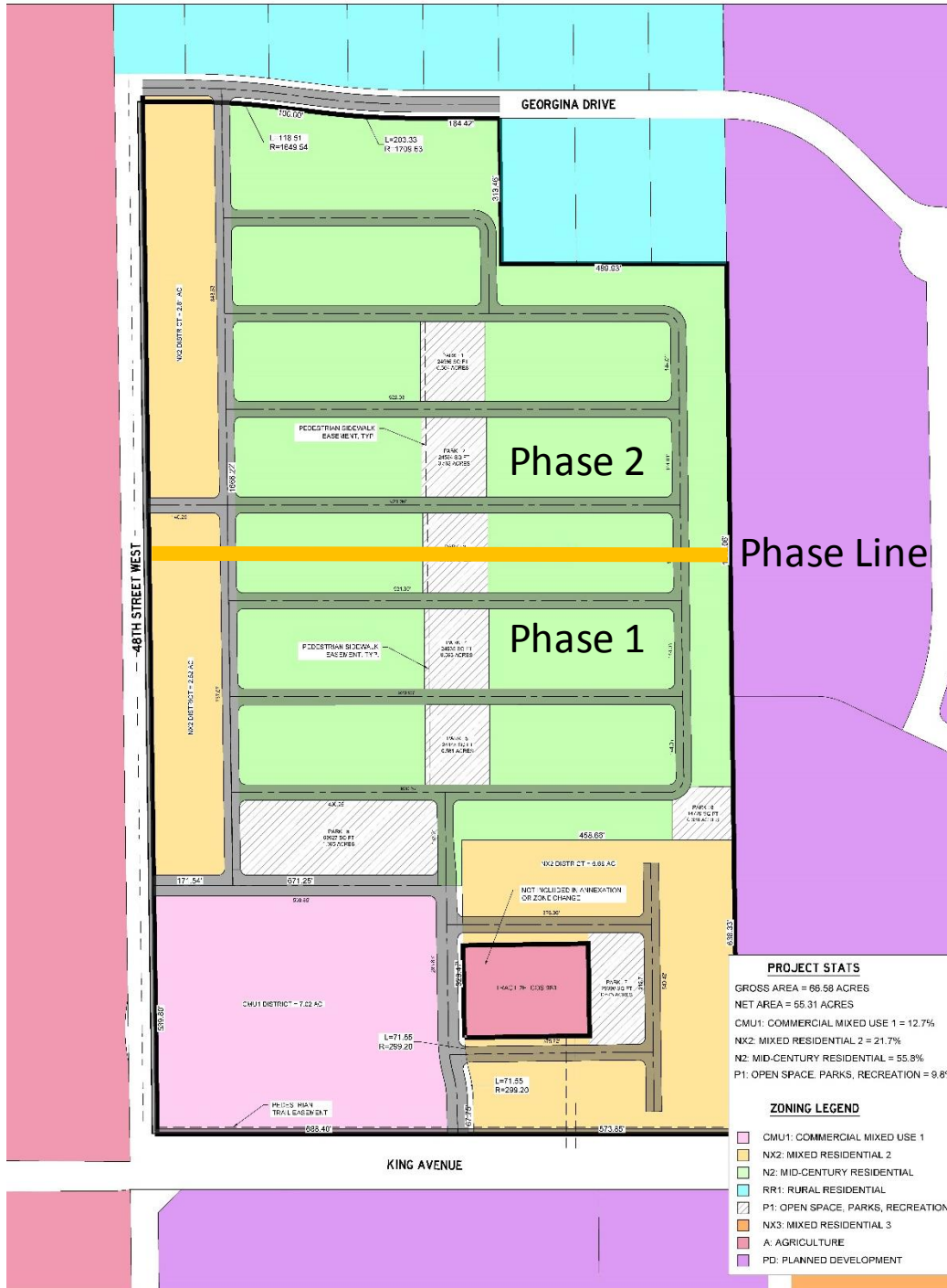
Denise R. Bohlman, City Clerk

Zone Change 997, Ridgeline Development Subdivision

# Zone Change 997 – Exhibit

PROPOSED PND/ZONING MAP FOR THE  
**RIDGELINE DEVELOPMENT**  
BEING LOCATED ON TRACTS 2-G-1, 2-H-1, 2C, & 14 OF COS 983 IN S10, T01S, R25E

PREPARED FOR: TKJ DEVELOPMENTS, LLC  
PREPARED BY: PERFORMANCE ENGINEERING, LLC



**City Council Regular**

**Date:** 09/13/2021  
**Title:** Downtown Billings Partnership - Tax Increment Assistance - Billings Community Foundation  
**Presented by:** Wyeth Friday  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**RECOMMENDATION**

The Downtown Billings Partnership (DBP) Board has re-reviewed this TIF application and recommends the City Council approve up to a maximum reimbursement of \$98,518, starting in the fiscal year following the year in which the project is completed, from Downtown Urban Renewal tax increment finance district funds to the Billings Community Foundation. Actual reimbursement will be based upon 100% of the actual costs incurred for qualified expenses for renovation of the property at 404 North 30th Street, subject to the following conditions:

1. The Applicant shall sign a development agreement with the City of Billings and DBP within 180 days of City Council's approval.
2. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.
3. If funds are not available, reimbursement can be carried over to the next fiscal year

NOTE: The City Council first reviewed this application at its meeting on July 26 and a recommendation to award TIF funds failed due to a 5-5 tie vote of the Mayor and Council, with one Council member absent. There were concerns expressed by some Council Members that the applicant was a non-profit entity that would not contribute to the tax base of the District or City, and also that the existing building at 404 North 30th Street was not in need of any improvements. The DBP recommendation to the Council this time has been modified to focus even more specifically on public access and infrastructure needs to make the building accessible and usable by the public into the distant future. More information is provided in the Background section of this memo.

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

The Billings Community Foundation (BCF) submitted an application on April 15, 2021 to the DBP requesting TIF assistance to rehabilitate its recently acquired property located at 404 N30th Street. The application was vetted by staff and presented to the Development Committee on May 13, 2021. The Development Committee vetted the proposal further, reduced the requested amount, and drafted a recommendation for the Board. The recommendation was presented to the DBP Board on June 18, 2021 and the DBP Board made its recommendation to City Council. The proposal went before Council on July 26, 2021 where the recommendation failed due to a 5-5 tie vote. Following the Council meeting, the DBP staff followed up with the BCF, City staff and Council members, and determined it was important to revise the application, take it back to the DBP Board for consideration, and come back to Council. The DBP Board reconsidered this application at its meeting on August 27 and is forwarding a recommendation to City Council to award TIF assistance of up to a maximum of \$98,518 for the project.

**Application Changes - Original recommendation and revised recommendation:****Original Recommendation:**

- BCF originally requested TIFD assistance in the amount of \$202,713 dollars to help complete development of its estimated \$1 million renovation to its newly acquired property at 404 North 30th Street. BCF's private investment at that time was estimated at \$1,088,466, which included cash, equity, and a bank loan (This estimate has been refined further as discussed below in the revised recommendation).
- This resulted in the DBP Board's first recommendation in July to Council of a 5:1 private to public investment grant ratio of \$181,774, aligning with the City's TIF Policy recommendation of a 5:1 private to public investment.
- Improvements in the original award recommendation included installation of ADA restrooms and an ADA accessible lift to the second floor, sewer line repairs, parking and sidewalk resurfacing, landscaping, lighting and streetscape improvements.

**Revised Recommendation:**

- The DBP Board at its August 27, 2021 meeting reviewed a revised TIF funding proposal, including an updated total private investment \$1,013,526, for this application and recommended to Council an approximately 10:1

private to public investment grant ratio of \$98,518, well above the City's TIF Policy recommendation of a 5:1 private to public investment.

- Improvements in this award recommendation include installation of ADA restrooms and some foundation repair, installation of an ADA accessible lift to the second floor, and sewer line repairs funded as follows:
  - Plumbing & carpentry for ADA restroom; interior wall repair, flooring & structural repair of the building's foundation - \$24,693
  - ADA lift preparation demolition and construction - \$58,425
  - Sewer repairs to reestablish access to public utilities - \$15,400

The DBP Board continues to be supportive of the project and found the revised application was a very strong match for accessing urban renewal funds because:

- The renovation and restoration project is well above (@10:1) the 5:1 private to public matching fund requirements of the DBP Large Project Incentive Grant criteria and address blight remediation (MCA 7-15-4282 through 7-15-4294 and Ordinance 12-5590) through the transformation and adaptive reuse of a vacant historic property.
- The project further enhances the vibrancy of Downtown Billings through increased public activities, enhanced pedestrian experiences on the corner of North 30th and 4th Avenue, public green space and improved public safety.
- The application aligns with elements/goals of the DBA Strategic Plan (may be viewed through this link <https://downtownbillings.com/about/about-the-dba/>), City TIF Policy, MCA, and the North 27th Street District Urban Renewal Plan (See Table 1 below and attachments).

**Table 1 - Portions recommended for TIF funding in the revised recommendation are bolded and in orange.**

| Qualified Improvements                                                                                                                 | DBA Strategic Plan                                                                    | City TIF Policy                                                                                                                                                                    | Urban Renewal Plan                                                                  | Montana Code Annotated                             |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|
| Exterior site work and landscaping<br><br><i>Public area improvements for ADA accessibility</i><br><br><i>Sewer connection repairs</i> | Strong Downtown Identity --P.13<br><br><i>Vibrant &amp; Connected Downtown-- P.13</i> | Permitted uses of TIF Funds: Private infrastructure with Public Benefit and Public infrastructure (parking, sidewalks, <i>sewer lines, utility connections, ADA access</i> ) --P.2 | Business Programs & Projects --P.54<br><br><i>Infrastructure Improvements--P.55</i> | 7-15-4233 (i)(m)(n)<br><br><i>7-15-4288 (2)(4)</i> |
| Crime Prevention Through Environmental Design (CPTED) through landscaping, lighting and street scape improvements                      | Diverse Economic Engine -P.13                                                         | Financial Assistance Through TIF-- (grants may benefit non-profit businesses) P.2                                                                                                  | Crime Prevention and Public Safety -P.55                                            |                                                    |

The Billings Community Foundation (BCF) has been a local philanthropy and charitable giving organization in Billings and the Greater Yellowstone County since 2007. Its service encompasses south-central and south-eastern Montana in Yellowstone, Musselshell, Rosebud, Custer, Treasure, Bighorn, Carbon, Stillwater, and Fergus County. Since its inception, BCF has distributed over \$3.5M in grants and distributions for the support of charitable organizations and projects throughout the region. In addition to grant making activities, BCF partners with area nonprofits to provide capacity building workshops, assists clients utilizing the MT Charitable Income Tax Credit, establishes endowments, manages Donor Advised Funds, creates Community Funds, and offers consultations upon request. The new facility for BCF will allow it to scale proven initiatives in an innovative and collaborative space designed to meet the needs of the philanthropic and non-profit sectors. BCF will revitalize a historic landmark building to be functional in downtown well into the future, enhancing vibrancy and economic investment in Downtown Billings through a centralized location.

The DBP Development Committee and the DBP Board both support this application request, recognizing this project will make a significant commitment and investment in Downtown Billings, anchor a significant corner in downtown Billings at North 30th and 4th Avenue North, while also providing a very beneficial service in the community.

## ALTERNATIVES

City Council may:

- Approve the recommendation from the DBP Board for the expenditure of these TIF funds consistent with some

- elements/goals of the DBA Strategic Plan, North 27th Street Urban Renewal Plan, City TIF Policy and MCA, or;
- Modify the recommendation from the DBP Board for the expenditure of these TIF funds before taking action, or;
  - Disapprove the recommendation from the DBP Board for the expenditure of these TIF funds. If the Council chooses not to approve this TIF application, specific reasoning for the denial is necessary to provide further direction to the DBP Board and staff, and City staff for future applications.

## **FISCAL EFFECTS**

The recommendation is for up to a maximum of \$98,518 to be reimbursed to the Billings Community Foundation for the identified building remodel and utility repair work. The estimated total project cost is about \$1 million, making the private to public investment ratio for this total project of about 10:1. The funds are payable per the conditions of approval outlined above in the DBP recommendation and pending satisfactory submission of all paid invoices showing actual cost incurred for the project. This project is proposed to be reimbursed starting the fiscal year after the project is completed. Currently, the project is estimated for completion in late 2021 (FY22). If approved, payments will be incorporated into future year budgets, the earliest is expected to be FY23.

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## **Attachments**

ORIGINAL - BCF Downtown TIF Application  
DBP Board Funding Recommendation  
2008 Downtown Urban Renewal Plan  
City TIF Policy  
DBP Board Minutes



**Large Project  
Incentive Grant  
Information & Application**

Updated 3/31/2020

**Downtown Billings Partnership, Inc.**  
116 N. 29<sup>th</sup> St, Billings, MT 59101 - Tel. 406-294-5060  
[www.downtownbillings.com](http://www.downtownbillings.com)

# Large Project Incentive Grant

## Purpose:

The purpose of this program is to provide financial and practical assistance to develop or redevelop buildings within the boundaries of the Expanded North 27th Street Urban Renewal District (URD) in downtown Billings. This program will:

- 1) Assist in the economic revitalization and stabilization of the URD;
- 2) Attract and retain a stable clientele population within the URD;
- 3) Stimulate private investment within the URD;
- 4) Generate additional property tax revenues within the URD; and
- 5) Encourage and facilitate in the remodeling and restoration of historically significant structures within the URD.

Large projects must support the goals of the Downtown Billings Strategic Plan and the Urban Renewal Plan of the North 27<sup>th</sup> St. TIFD. Applicants are encouraged to consider the design aesthetic of the surrounding neighborhood when submitting a design for review.

Applicants are reminded that grant awards made by the Downtown Billings Partnership (DBP) are discretionary in nature and should not be considered an entitlement by the applicant. All grant criteria contained herein are guidelines for awards and successful applicants may receive any amount up to the maximum award. Should an applicant meet all grant criteria, a grant may or may not be awarded at the DBP and Billings City Council's discretion due to funding limitation, competing applications, and/or competing priorities of the DBP.

## Eligible Expenses:

**Section One:** All public governments as well as public corporations (501c3) inherently have a public benefit purpose. Even though public business normally is not subject to property tax, if their projects, programs, or activities can show blight remediation, as defined by the Urban Renewal Plan, they qualify for up to 100% TIFD assistance. [MCA 35-1-1402 Definitions](#).

**Section Two:** Pursuant to [MCA 7-15-4208](#), private enterprise and private projects are encouraged and enabled to receive TIFD support for qualified expenditures/costs.

**Section Three:** Qualified Expenditures - [MCA 7-15-4282](#) through [7-15-4294](#). Ordinance [08-5483](#).

- a. Remediation or diminishing blight [{MCA 7-15-4206\(2\)}](#) affecting buildings and structures that negatively impact the residents of the city due to:
  - i. Substantial deterioration especially roofs in serious need of repair or replacement
  - ii. Obsolete uses that require a change of use
  - iii. Defective and not in compliance with current Building and Fire Codes
    1. Electrical service upgrades
    2. plumbing upgrades
  - iv. Unsanitary and/or unsafe structures
  - v. Vacant and unused spaces
- b. Relocation of displaced people and/or businesses
- c. Enhancement of infrastructure, public or private, that improve the pedestrian experience
  - i. Streetlights, sidewalks, curbs, gutters, wayfinding, and placemaking
  - ii. Repair and stabilization of vault caps in the public right of way
  - iii. Building and business signage
  - iv. Facade stabilization and/or improvement
  - v. Outdoor patios

- vi. Landscaping
- vii. Green spaces
- d. Mixed use redevelopment containing
  - i. Parking
  - ii. Conference facilities
  - iii. Housing
    - 1. Market rate
    - 2. Workforce
  - iv. Street level retail and dining
- e. Improvements that lead to stabilized and/or increased taxable valuation
- f. Relocation of utility wires, inefficient land use, and/or problems of access and circulation
- g. Increased use of public transit
- h. Increased Crime Prevention and Public Safety
  - i. Increased energy efficiencies
  - i. Exterior windows, and doors
  - ii. HVAC upgrades
- j. Change of ownership through property acquisition

**Section Four:** Qualified Expenditures - [MCA 7-15-4282](#) through [7-15-4294](#). Ordinance [12-5590](#).

- k. Remediation or diminishing blight {MCA 7-15-4206(2)} at sidewalk/street level that negatively impacts the residents of the city due to:
  - i. Vacant storefronts
    - 1. Business Retention and Recruitment projects
      - a. Business plan program/contest (e.g. Battle of the Plans)
      - b. Retail coordinator staff or consultant
      - c. Strategic planning
      - d. Marketing and promotion
      - e. Commercial rent assistance
      - f. Public art
      - g. Pocket parks

**Timeframe and application process:**

Applications will be accepted and reviewed quarterly. Applications must be received by the 15<sup>th</sup> day of the first month of each quarter. Each complete application will be reviewed by the DBP staff, Development Committee, and the DBP Board of Directors and, if recommended, will go in front of the Billings City Council for final approval within each quarterly grant cycle.

| Application Due to DBP                                                                                                                                                          | Application Reviewed by Development Committee and DBP Board                                       | Application Presented to City Council for Final Approval |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| July 15                                                                                                                                                                         | 2 <sup>nd</sup> Thursday of August – Dev. Com<br>4 <sup>th</sup> Friday of August – DBP Board     | September Council Business Meeting                       |
| October 15                                                                                                                                                                      | 2 <sup>nd</sup> Thursday of November – Dev. Com<br>4 <sup>th</sup> Friday of November – DBP Board | December Council Business Meeting                        |
| January 15                                                                                                                                                                      | 2 <sup>nd</sup> Thursday of February – Dev. Com<br>4 <sup>th</sup> Friday of February – DBP Board | March Council Business Meeting                           |
| April 15                                                                                                                                                                        | 2 <sup>nd</sup> Thursday of May – Dev. Com<br>4 <sup>th</sup> Friday of May – DBP Board           | June Council Business Meeting                            |
| Every effort will be made to facilitate every complete application through the entire process within each quarterly grant cycle. Incomplete applications may extend the process |                                                                                                   |                                                          |

## Grading Criteria:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>The purpose of this program is to provide financial and practical assistance to develop or redevelop buildings within the boundaries of the Expanded North 27th Street Urban Renewal District (URD) in downtown Billings. This program will:</b></p> <ul style="list-style-type: none"> <li>- Assist in the economic revitalization and stabilization of the URD;</li> <li>- Attract and retain a stable clientele population within the URD;</li> <li>- Stimulate private investment within the URD;</li> <li>- Generate additional property tax revenues within the URD; and</li> <li>- Encourage and facilitate in the remodeling and restoration of historically significant structures within the URD.</li> </ul> |                                                                                                                                                                                                                                                                                             | <p>Out of a total of 85 points, each item to be scored 0-5:</p> <ul style="list-style-type: none"> <li>• 55 to be considered</li> <li>• 65 to be strongly considered</li> <li>• 75 to be of highest priority</li> </ul> |
| <p><b><u>Vibrancy &amp; Connectedness</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                         |
| <p>Some of the resistance to walking from a parking facility to a destination in the downtown area can be overcome if the walk itself offers the visitor a pleasant, unique, fun, or informative experience.</p> <p>Promotion of upper floor housing and new housing development projects for downtown and prioritization of model housing development projects that test the market, establish a price floor, and prove viability.</p>                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                         |
| Does the project eliminate blight?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Blight may include but is not limited to conditions which represent a risk to public health, morals, safety, and welfare in its present condition. Examples range from physical dilapidation to improper or inefficient layout. For a more complete list of factors, refer to MCA 7-15-4206 | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |
| Does the project add or improve housing opportunities?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Construction or rehabilitation of housing is a priority in the downtown area. Quantity, quality, and projected rental or sale rates of units are to be considered.                                                                                                                          | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |
| Does the project add, maintain, and/or enhance landscaping?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Addition of significant and sustainable landscaping where appropriate is encouraged.                                                                                                                                                                                                        | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |
| Does the project activate an inactive building or space?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Vacant buildings can be considered blighted. Consideration is to be given to current AND expected duration of vacancy based on all currently available information.                                                                                                                         | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |
| Does the project connect and/or improve walkways, parks, or parking options?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Does it widen sidewalks and calm car traffic? Does it provide weather protection with trees or awnings? Are any or all improvements aesthetically pleasing (painted in interesting ways or otherwise include public art)?                                                                   | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |
| Does the project add or improve green space or public space?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Examples include urban parks, micro parks, and parklets.                                                                                                                                                                                                                                    | <b>0 1 2 3 4 5</b>                                                                                                                                                                                                      |

| <b><u>Strong Identity</u></b>                                                                                                                                                                                                                                        |                                                                                                                                                                               |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Creative painting of crosswalks and intersections can have dual benefits of adding to the visual appeal of downtown while also improving safety by alerting drivers to areas with heavier pedestrian traffic.                                                        |                                                                                                                                                                               |                    |
| Two way street networks provide lower vehicle moving capacities but can serve trips at a higher rate.                                                                                                                                                                |                                                                                                                                                                               |                    |
| Two way traffic, enhanced sidewalk spaces, and a narrower street attracts new and vibrant businesses.                                                                                                                                                                |                                                                                                                                                                               |                    |
| Does the project support increased visitation?                                                                                                                                                                                                                       | Examples include large spaces which could host concerts or other gatherings, spaces which could be occupied by destination businesses such as restaurants or boutique retail. | <b>0 1 2 3 4 5</b> |
| Does the project improve the overall design/aesthetic?                                                                                                                                                                                                               | Examples include improvements to the façade, signage, historic preservation, alleyscapes.                                                                                     | <b>0 1 2 3 4 5</b> |
| Does the project provide an improved pedestrian/visitor experience?                                                                                                                                                                                                  | Examples include seasonal décor, seasonal event opportunity, ambiance lighting, safety improvements, additional trees or landscaping, public seating, etc.                    | <b>0 1 2 3 4 5</b> |
| Does the project add public art?                                                                                                                                                                                                                                     | Examples include large murals, sculptures, interactive installations.                                                                                                         | <b>0 1 2 3 4 5</b> |
| <b><u>Diverse Economy &amp; Sustainability</u></b>                                                                                                                                                                                                                   |                                                                                                                                                                               |                    |
| Downtown Billings has the opportunity to implement large scale development in the Downtown area. Such development should create new jobs and engage the existing workforce as well as provide meaningful economic and fiscal impacts to the city, county, and state. |                                                                                                                                                                               |                    |
| Does the project promote the creation of jobs?                                                                                                                                                                                                                       | Will potential tenants create new jobs? How many employees?                                                                                                                   | <b>0 1 2 3 4 5</b> |
| Does the project promote economic growth?                                                                                                                                                                                                                            | Current taxable value vs. projected value                                                                                                                                     | <b>0 1 2 3 4 5</b> |
| Does the project include energy efficient components?                                                                                                                                                                                                                | Examples include doors, windows, roofing, HVAC, plumbing, recycled products, etc.                                                                                             | <b>0 1 2 3 4 5</b> |
| Does the project encourage business development?                                                                                                                                                                                                                     | Will the project assist in business recruitment (new business), retention (expansion of existing business), diversification (add new industry/retail/etc.)                    | <b>0 1 2 3 4 5</b> |
| <b><u>Benefit to the Public</u></b>                                                                                                                                                                                                                                  |                                                                                                                                                                               |                    |
| Project should include appropriate wayfinding signage to direct drivers to existing parking and then on foot to their destination. Where possible, the project should also delineate future employee parking on higher floors of parking garages.                    |                                                                                                                                                                               |                    |
| Does the project add public parking?                                                                                                                                                                                                                                 | Underground? Ground? Higher floors?                                                                                                                                           | <b>0 1 2 3 4 5</b> |
| Does the project support public safety                                                                                                                                                                                                                               | Will the project incorporate CPTED evaluation and standards? Will the project improve an existing public safety challenge?                                                    | <b>0 1 2 3 4 5</b> |
| Does the project reinforce safe pedestrian crossing and promote traffic calming?                                                                                                                                                                                     | Examples include installation of pedlets, widening of sidewalks                                                                                                               | <b>0 1 2 3 4 5</b> |
| <b><u>Additional/Bonus</u></b>                                                                                                                                                                                                                                       |                                                                                                                                                                               |                    |
| Convention Center                                                                                                                                                                                                                                                    |                                                                                                                                                                               | <b>0 1 2 3 4 5</b> |
| Infrastructure                                                                                                                                                                                                                                                       |                                                                                                                                                                               | <b>0 1 2 3 4 5</b> |

At the sole discretion of the DBP Board of Directors, applicants are required to seek endorsement from the TIF Development Committee, which shall consist of design professionals, business or property owners, community members with an interest in downtown vitality, and members of the DBP Board. Applications will be reviewed by the DBP staff under supervision of the Development Committee. The DBP shall review applications on a first come, first served basis for the duration of funding availability. Quarterly, all projects that are recommended for approval by the Committee shall be submitted to the DBP Board of Directors for recommendation to Billings City Council for final approval or disapproval of funding the project.

All applicants will be apprised of the status of their application by written communication from the DBP staff. Award recipients shall receive a Development Agreement indicating the amount of the incentive funds awarded and any conditions deemed necessary by the DBP Board for receipt of the award. Applicants are required to return a signed copy of the Development Agreement to the DBP staff before funds will be committed to the project.

#### **Release of Funds:**

It is the responsibility of the award recipient to maintain proper documentation of funds expended in the course of completing the project. Release of funds is subject to submission of this documentation to the DBP by the award recipient. The project must be completed essentially as presented to the Committee and DBP Board in order to receive payment.

Incentive funds will be paid out according to the following criteria:

1. Applicants must submit copies of all required building permits.
2. Payment documentation must be submitted to the DBP office at 116 N 29<sup>th</sup> St.
3. Incentive awards will be paid upon **completion** of the project.

**Acceptable documentation is defined as PAID invoices, statements, or schedule of values from vendors, contractors, or consultants clearly detailing the work completed for the project.**

#### **Encumbrance Policy:**

Applicants receiving funding under this program during the course of a given fiscal year (July 1 through June 30) are eligible to carry forward/encumber unexpended funds for a **maximum of one additional fiscal year** if all effort has been made to begin the project in the initial year; and/or when circumstances related to weather, construction season, etc. prohibit the completion of the project. Applicants must advise the DBP by June 1<sup>st</sup> if they will be requesting an extension of their project schedule.

#### **Disclaimer:**

The Downtown Billings Partnership, Inc., its committees, partners and or affiliates are not responsible for the planning, design, or construction of improvements to property that is owned by the applicant. No warranties or guarantees are expressed or implied by the description of, application for, or participation in the Urban Renewal Project Program. The applicant is advised to consult with licensed architects, engineers, or building contractors before proceeding with final plans or construction.



# DOWNTOWN (N 27TH STREET) URBAN RENEWAL DISTRICT N27URD

## Tax Increment Financing Fund Application

### APPLICANT INFORMATION

Name:

Address:

City/State/Zip

Phone:

E-mail:

If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of:

A corporation/LLC: ☐ A non-profit or charitable institution or corporation ☐ A partnership: ☐ Other: ☐  
Known as:

Date of Organization:

### PROJECT INFORMATION

Building Address:

City:

State:

ZIP Code:

Legal Description:

**Property Owner** (if property is not owned by the Applicant, list leasehold interests and attach evidentiary materials)

Property Owner (name or entity):

Property Owner Contact Name:

Contact Phone:

Lessor's Address:

City:

State:

ZIP Code:

### PROJECT ARCHITECTURAL FIRM

Firm Name:

Address:

Representative:

Phone:

E-mail:

### PROJECT CONTRACTOR (OR PARTY RESPONSIBLE FOR CONSTRUCTION)

Name/Representative:

Address:

Phone:

E-mail:

### PROJECT FINANCIAL LENDING INSTITUTION (leave blank if not applicable)

Name/Representative:

Address:

Phone:

E-mail:

### PROJECT INFORMATION

#### Description of Project:

Attach a narrative explanation and any other design information. Use this section to pitch your project and explain how it will eliminate blight and/or benefit the public.

#### Rehabilitation Plans:

Attach schematic design drawings and/or completed construction document plans - including site, landscaping, and other engineering design information.

#### Project Schedule:

Attach a timeline or schedule through completion.

## PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

### Applicant Equity

|                       |          |
|-----------------------|----------|
| Cash Invested         | \$ _____ |
| Land & Buildings      | \$ _____ |
| Other (Specify) _____ | \$ _____ |
| Subtotal              | \$ _____ |

If land & building value is more than the State of Montana valuation, a current appraisal must be submitted (within 3 years).

### Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation)

| Lender            | Loan Amount | Interest | Term      | Payment/Period  |
|-------------------|-------------|----------|-----------|-----------------|
| _____             | \$ _____    | _____ %  | _____ yrs | \$ _____ /Month |
| _____             | \$ _____    | _____ %  | _____ yrs | \$ _____ /Month |
| Total Loan Amount |             |          |           | \$ _____        |

### TIF Request

Eligible Improvements

|       |          |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

Subtotal of TIF Funds Requested \$ \_\_\_\_\_

### Sources of Funds Summary (Post totals from above)

|                             |          |
|-----------------------------|----------|
| Applicant Equity            | \$ _____ |
| Lender Commitments          | \$ _____ |
| TIF Funds Request           | \$ _____ |
| Other Funds (Specify) _____ | \$ _____ |

**Total Project Cost** \$ \_\_\_\_\_

To receive maximum funding all applications must be submitted to the DBP and approved by the CITY prior to the start of the relevant phase of construction.

## CERTIFICATION

I (we), \_\_\_\_\_ (please print), the APPLICANT, certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

*URD TIF GRANT PROGRAMS – Governing Body: City of Billings, City Council*

Meeting Date: Friday, August 27, 2021, 7:30 am

Location: First Montana Title Classroom

*RE: Billings Community Foundation TIFD Assistance*

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**The DBP Board recommends approval of this project to the City Council with the following contingencies:**

- 1. The Applicant shall sign a development agreement with the City of Billings and DBP within 180 days of City Council's approval.**
- 2. This TIFD reimbursement is the maximum that can be awarded pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.**
- 3. If funds are not available, reimbursement can be carried over to the next fiscal year.**

**Proposal:**

The Billings Community Foundation (BCF) had applied by April 15, 2021, to the DBP requesting TIF assistance to rehabilitate their recently acquired property at 404 N 30<sup>th</sup> Street. The application was vetted by DBP staff and presented to the DBP Development Committee by May 13, 2021. The DBP Development Committee vetted the proposal, reduced the requested amount, and drafted a recommendation for the Board's consideration. The recommendation was presented to the DBP Board on June 18, 2021, and was seconded by a majority. The proposal went before City Council on July 26, 2021, where the recommendation failed due to a 5-5 tie vote. The following week, DBP staff followed up with City staff as well as several Council members. Consensus feedback indicated merits for the project to be revised and to come back to City Council as soon as possible for consideration.

DBP and City staff discussed next steps with the applicant and presented a modified proposal to the DBP Board on August 27, 2021. The Board supported the following improvements as being of utmost significance to be taken care of because they address safety, accessibility, stability, and longevity of the property. The Board also found, as it had in review of the first application, that the request qualified for TIF funds per the City TIF Policy, Downtown Urban Renewal Plan and Strategic Plan, and per Montana Code.

**Recommended TIF Eligible Improvements:**

- Plumbing & carpentry for ADA restroom; interior wall repairs, flooring & structural repairs of the building's foundation = \$24,693
- ADA lift demolition = \$25,000
- ADA lift construction = \$33,425 (not including permitting)
- Sewer repairs to reestablish access to public utilities = \$15,400

The total reimbursement would be \$98,518, which is the equivalent of supporting 10% of the project.

The items below shaded in green are what is recommended in this TIF award.

The items below shaded in yellow are qualifying expenses not being recommended in this TIF award.

The items below in white are non-qualifying items that are not completed.

The items below shaded in red are completed items.

| <b>Eligible Public Improvements</b>                                                                                          | <b>Actual</b> | <b>Recommended</b> | <b>Percentage</b> | <b>MCA Statute</b> |
|------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|-------------------|--------------------|
| Plumbing and carpentry for ADA restrooms; interior wall repair, flooring, and structural repair to the building's foundation | \$24,693      | \$24,693           | 100%              | 7-15-4233 (i) (m)  |
| Sewer repairs to reestablish access to public utilities                                                                      | \$15,400      | \$15,400           | 100%              | 7-15-4288 (2)      |
| ADA lift construction (permitting is not included)                                                                           | \$33,425      | \$33,425           | 100%              | 7-15-4233 (i) (m)  |
| ADA lift demolition                                                                                                          | \$25,000      | \$25,000           | 100%              | 7-15-4233 (i) (m)  |
| Fire & security system                                                                                                       | \$10,412      |                    |                   | 7-15-4233 (i) (m)  |
| Structural Engineering                                                                                                       | \$2,500       |                    |                   | 7-15-4233 (m) (n)  |
| Parking lot resurfacing and sidewalk replacement                                                                             | \$5,818       |                    |                   | 7-15-4288 (4)      |
| Exterior drainage and gutters                                                                                                | \$10,898      |                    |                   | 7-15-4288 (4)      |
| Exterior door replacement – metal frames and door with panic bar                                                             | \$16,991      |                    |                   | 7-15-4233 (i) (m)  |
| Exterior landscaping – as recommended by CPTED evaluation                                                                    | \$26,970      |                    |                   | 7-15-4233 (m) (n)  |
| Exterior tree trimming                                                                                                       | \$3,160       |                    |                   | 7-15-4233 (m) (n)  |
| Exterior lighting                                                                                                            | \$1,500       |                    |                   | 7-15-4288 (4)      |
| Exterior signage                                                                                                             | \$20,000      |                    |                   | 7-15-4288 (4)      |
| Exterior planters and raised beds xeriscaping                                                                                | \$29,150      |                    |                   |                    |

|                                                                      |                    |                 |            |  |
|----------------------------------------------------------------------|--------------------|-----------------|------------|--|
| Restroom vanities and hardware                                       | \$7,500            |                 |            |  |
| Infrastructure and equipment for community classroom/training center | \$19,665           |                 |            |  |
| Café cabinetry, countertops, shelving, and equipment                 | \$12,992           |                 |            |  |
| Lobby and shared space cabinetry and countertops                     | \$10,000           |                 |            |  |
| Interior window blinds                                               | \$15,214           |                 |            |  |
| Interior signage and donor wall                                      | \$10,000           |                 |            |  |
| Interior finishing for classroom                                     | \$15,000           |                 |            |  |
| Office furniture                                                     | \$10,090           |                 |            |  |
| Utility relocation                                                   | \$8,920.80         |                 |            |  |
| Upstairs renovation                                                  | \$46,957.50        |                 |            |  |
| Electrical                                                           | \$2,380.51         |                 |            |  |
| Plumbing                                                             | \$117.80           |                 |            |  |
| Interior lighting                                                    | \$2,158.90         |                 |            |  |
| Telecommunication                                                    | \$14,687.23        |                 |            |  |
| Architectural and engineering services                               | \$20,530.50        |                 |            |  |
| Feasibility study                                                    | \$2,887.50         |                 |            |  |
| Planning and research                                                | \$2,025            |                 |            |  |
| Building purchase                                                    | \$685,000          |                 |            |  |
| <b>Total</b>                                                         | <b>\$1,013,526</b> | <b>\$98,518</b> | <b>10%</b> |  |

## **Financials**

If this TIF recommendation is approved, the Billings Community Foundation can move forward to address the time sensitive improvements and will address the remainder of the improvements at a later time as weather permits and as they continue to fundraise. The reimbursement award is available starting in the fiscal year following the fiscal year in which the improvements are completed.

**NOTE: SUPPORTING DOCUMENTS FOLLOW AGENDA**

# **CITY OF BILLINGS**

**CITY OF BILLINGS' VISION STATEMENT:**

***"THE MAGIC CITY – A VIBRANT, WELCOMING PLACE WHERE  
PEOPLE FLOURISH AND BUSINESS THRIVES"***

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## **AGENDA**

**COUNCIL CHAMBERS**

**December 8, 2008**

**6:30 P.M.**

**CALL TO ORDER – Mayor Tussing**

**PLEDGE OF ALLEGIANCE – Mayor Tussing**

**INVOCATION – Councilmember McCall**

**ROLL CALL**

**MINUTES – November 13, 2008, Special Meeting  
November 24, 2008**

**COURTESIES – Presentation to Al Winegardner and family in appreciation of donation in memory of Jayne Winegardner**

**PROCLAMATIONS**

**ADMINISTRATOR REPORTS – Tina Volek**

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Item: 1 ONLY.**  
**Speaker sign-in required.** (Comments offered here are limited to 1 minute per speaker. Please sign up on the clipboard located at the podium. Comment on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item.)

*(NOTE: For Items not on this agenda, public comment will be taken at the end of the agenda. Please sign up on the clipboard located at the back of the room.)*

## **CONSENT AGENDA:**

**1. A. Change Order #3, W.O. 08-09, Waste Water Treatment Plant Primary Effluent Pipe Replacement and Sludge Drying Bed Expansion, Western Municipal, \$20,468.65, and **increase** the City Administrator's change order authority by \$50,000.**

**B. Approval of compensation agreement for Private Contract No. 599, Emmanuel Baptist Church Sanitary Sewer Extension project, \$325,360.**

**C. Approval** of amended Purchase and Sale Agreement with School District Two for ten acres within Cottonwood Park for \$200,000, and **authorization** for the Mayor to execute associated documents to consummate the sale and transfer of ownership of the property.

**D. Approval** of grant application submittal to Safe Route to School Program for the Elementary School Traffic Plan, \$50,000.

**E. Resolution** relating to financing of proposed Zone 3 Storage, Zone 4 Reservoir project and Water Rehabilitation project; establishing compliance with reimbursement bond regulations under the Internal Revenue Code for the purpose of reimbursing the City with bond sale proceeds for financing water projects prior to the availability of funds.

**F. Resolution** relating to financing of a proposed Wastewater treatment plant disinfection system project; establishing compliance with reimbursement bond regulations under the Internal Revenue Code for the purpose of reimbursing the City with bond sale proceeds for financing sewer projects prior to the availability of funds.

**G. Second/Final reading** ordinance expanding the North 27<sup>th</sup> Street Urban Renewal Area – 2008.

**H. Second/Final reading** ordinance modifying the South Billings Boulevard Urban Renewal District.

**I. Exempt Amended Plat** of Tract 1 of Certificate of Survey 1815.

**J. Bills and Payroll**  
(1) November 7, 2008  
(2) November 14, 2008

**(Action:** approval or disapproval of Consent Agenda.)

## **REGULAR AGENDA:**

- 2. PUBLIC HEARING AND RESOLUTION GRANTING NEW OR EXPANDING INDUSTRY TAX INCENTIVES FOR BIG SKY ECONOMIC DEVELOPMENT AUTHORITY/GENERAL ELECTRIC CAPITAL CORPORATION** for a new building at 3333 Hesper Road. Staff recommends approval. **(Action:** approval or disapproval of staff recommendation).
- 3. PUBLIC HEARING AND RESOLUTION GRANTING NEW OR EXPANDING INDUSTRY TAX INCENTIVES FOR DALCO INDUSTRIES DBA TETON STEEL** for property improvements at Gabel Road and South 29<sup>th</sup> Street. Staff

recommends approval. (**Action:** approval or disapproval of staff recommendation).

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR REVISIONS TO BOARDS AND COMMISSIONS:** Revisions that provide consistency in procedural areas for advisory boards, commissions and committees, and reorganizes ordinances into one Article of the Code. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation).
5. **PUBLIC HEARING FOR EXTENSION OF INTERIM ZONING ORDINANCE:** A proposed one-year extension of the Interim Zoning Ordinance that amends Section 27-611, Sexually Oriented Businesses, and allows the interim zoning ordinance to be effective until December 23, 2009. Staff recommends approval. (**Action:** approval or disapproval of staff recommendation).
6. **DOWNTOWN BILLINGS PARKING STUDY.** Delayed from 11/24/08. Staff recommends approval of contract with Rich and Associates, Inc. for \$68,500. (**Action:** approval or disapproval of staff recommendation).
7. **PUBLIC COMMENT on Non-Agenda Items -- Speaker sign-in required.** (*Restricted to ONLY items not on this printed agenda; comments limited to 3 minutes per speaker. Please sign up on the clipboard located at the back of the Council Chambers.*)

(**Action:** approval or disapproval of Consent Agenda.)

## ADJOURN

(*NOTE: Additional information on any of these items is available in the City Clerk's Office*)

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| <p>Visit our Web site at:<br/><a href="http://ci.billings.mt.us">http://ci.billings.mt.us</a></p> |
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## **ATTACHMENT A**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN OF THE NORTH 27<sup>TH</sup> STREET DISTRICT URBAN RENEWAL AREA; MODIFYING THE BOUNDARIES OF THE DISTRICT; ADOPTING A MODIFIED URBAN RENEWAL PLAN INCLUDING A TAX INCREMENT PROVISION; APPROVING URBAN RENEWAL PROJECTS THEREIN AND AUTHORIZING THE ISSUANCE OF TAX INCREMENT URBAN RENEWAL REVENUE BONDS OF THE CITY TO FINANCE COSTS THEREOF

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

WHEREAS, on July 11, 2005 the City Council adopted Ordinance No. 05-5333, which created the North 27<sup>th</sup> Street District Urban Renewal Area (hereafter “North 27<sup>th</sup> Street District”) and adopted the Urban Renewal Plan of the North 27<sup>th</sup> Street District Urban Renewal Area (“N. 27<sup>th</sup> Street Plan”) that included a tax increment provision and endorsed urban renewal projects.

WHEREAS, on November 13, 2006 the City Council adopted Ordinance No. 06-5394 which expanded the boundaries and amended the N. 27<sup>th</sup> Street Plan to create the Extended N. 27<sup>th</sup> Street District that included a tax increment provision and endorsed urban renewal projects.

WHEREAS, it has been determined that the Extended North 27<sup>th</sup> Street District and the N. 27<sup>th</sup> Street Plan should be modified to include additional property contiguous to the Extended North 27<sup>th</sup> Street District.

WHEREAS, this Council on November 24, 2008, conducted a public hearing on a proposal to modify the N. 27<sup>th</sup> Street Plan by adopting the Urban Renewal Plan of the Expanded North 27<sup>th</sup> Street District Urban Renewal Area - 2008, thereby establishing a modified urban renewal area to be formally designated as the Expanded North 27<sup>th</sup> Street District Urban Renewal Area - 2008 (the “Expanded North 27<sup>th</sup> Street District - 2008” or “the Property”), and to undertake urban renewal projects therein, all as authorized by Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”).

WHEREAS, the Expanded North 27<sup>th</sup> Street District - 2008 is depicted on Attachment 1 (depicting the relationship of the Expanded North 27<sup>th</sup> District – 2008 to the Extended N. 27<sup>th</sup> Street District) and which is hereby incorporated herein and made a part hereof. Pursuant to this Ordinance, the boundaries of the Redevelopment Area are modified to reflect the addition of the Property depicted on the map on Attachment 1. The Redevelopment Area, as modified, is depicted on Attachment 1 and legally described on Attachment 2 (the “Resulting Redevelopment Area”) (each of which is hereby incorporated herein and made a part hereof). The Resulting Redevelopment Area is contiguous.

WHEREAS, opportunities have been presented to the City that makes it desirable for the City to consider urban renewal projects within the Expanded North 27<sup>th</sup> Street District - 2008 consisting of demolishing certain blighted structures within the district; improving such properties with new construction, landscaping, utilities, and other similar improvements; and making the properties so improved available for private redevelopment in accordance with the Act (the “Projects”). Development proposals to be considered for funding include mixed use projects, building renovations, services for the District and the construction or expansion of City owned parking structures within the District.

WHEREAS, the proposed modified urban renewal plan titled the Urban Renewal Plan of the Expanded North 27<sup>th</sup> Street District - 2008 is attached hereto as Attachment 3 (which is hereby incorporated herein and made a part hereof) (the “Modified Plan”). The Modified Plan contains a tax increment provision and will govern the operation and administration of the Expanded North 27<sup>th</sup> Street District - 2008.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Billings, Montana, as follows:

1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:

a. The Property presently contains structures and improvements that are in a state of substantial deterioration, are obsolete or defective, pose unsanitary or unsafe conditions, are vacant and unused, and have inappropriate uses. The present condition of the Property substantially impairs the sound functioning of the downtown area of the City and its environs, is conducive to juvenile delinquency and crime, poses the threat of vandalism or mischief and fire or loss, constitutes an economic and social liability, and is a menace to the public health, safety, and welfare of the residents of the City. Accordingly, the Council reaffirms its previous findings that the Property is a blighted area within the meaning of Section 7-15-4210 of the Act. This Council finds that the rehabilitation, redevelopment or a combination thereof of the Property is necessary and in the interest of the health, safety, morals or welfare of the residents of the City. This Council finds that undertaking measures to eradicate or diminish the blight affecting the Property will help to foster a more dynamic, livable, and vibrant downtown.

b. If Projects require relocation of displaced persons, a detailed relocation plan is required and will be prepared.

c. The Modified Plan conforms to the 2003 Billings and Yellowstone County Growth Policy and the City’s Downtown Framework Plan.

d. The Modified Plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise.

e. A sound and adequate financial program is required for the financing of Projects, which program includes substantial private investment and financing and the sale and issuance by the City of Tax Increment Bonds in proportions yet to be determined, for the purpose of financing a portion of the costs of the Projects as set forth above.

f. Approved Projects will constitute urban renewal projects within the meaning of the Act and are authorized to be undertaken by the City.

2. Plan Adoption. The Modified Plan is hereby adopted and approved in all respects, including without limitation, the segregation and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein. For purposes of allocating taxes according to the Act, the "prior assessed value" of taxable property within the Expanded North 27<sup>th</sup> Street District - 2008 is that value shown on the assessment rolls as of January 1, 2008.

3. Project Approval. Authorized Projects are hereby approved.

4. Bonds. This Council approves financing the costs of Urban Renewal Projects, or a portion thereof, with proceeds of the Bonds. The City is hereby authorized and directed to undertake activities and analysis ordinarily prerequisite to the issuance of tax increment urban renewal revenue bonds in a principal amount not to exceed \$10 million for financing of the costs of Urban Renewal Projects or a portion thereof.

5. Conditional Commitment. The adoption of the Plan does not constitute a guarantee or a firm commitment that the City will issue the Bonds or undertake Projects. If, based on comments or information made available to or obtained by the City, it appears that the issuance of the Bonds or Projects is not in the public interest or consistent with the purposes of the Act, the City reserves the right not to issue the Bonds or undertake the Project.

7. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

8. 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.

9. Effective Date. This Ordinance shall be in full force and effect from and after the date that is 30 calendar days after the date set forth below.

ADOPTED by the City Council of the City of Billings, Montana, on second reading this 8<sup>th</sup> day of December, 2008.

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Ron Tussing, Mayor

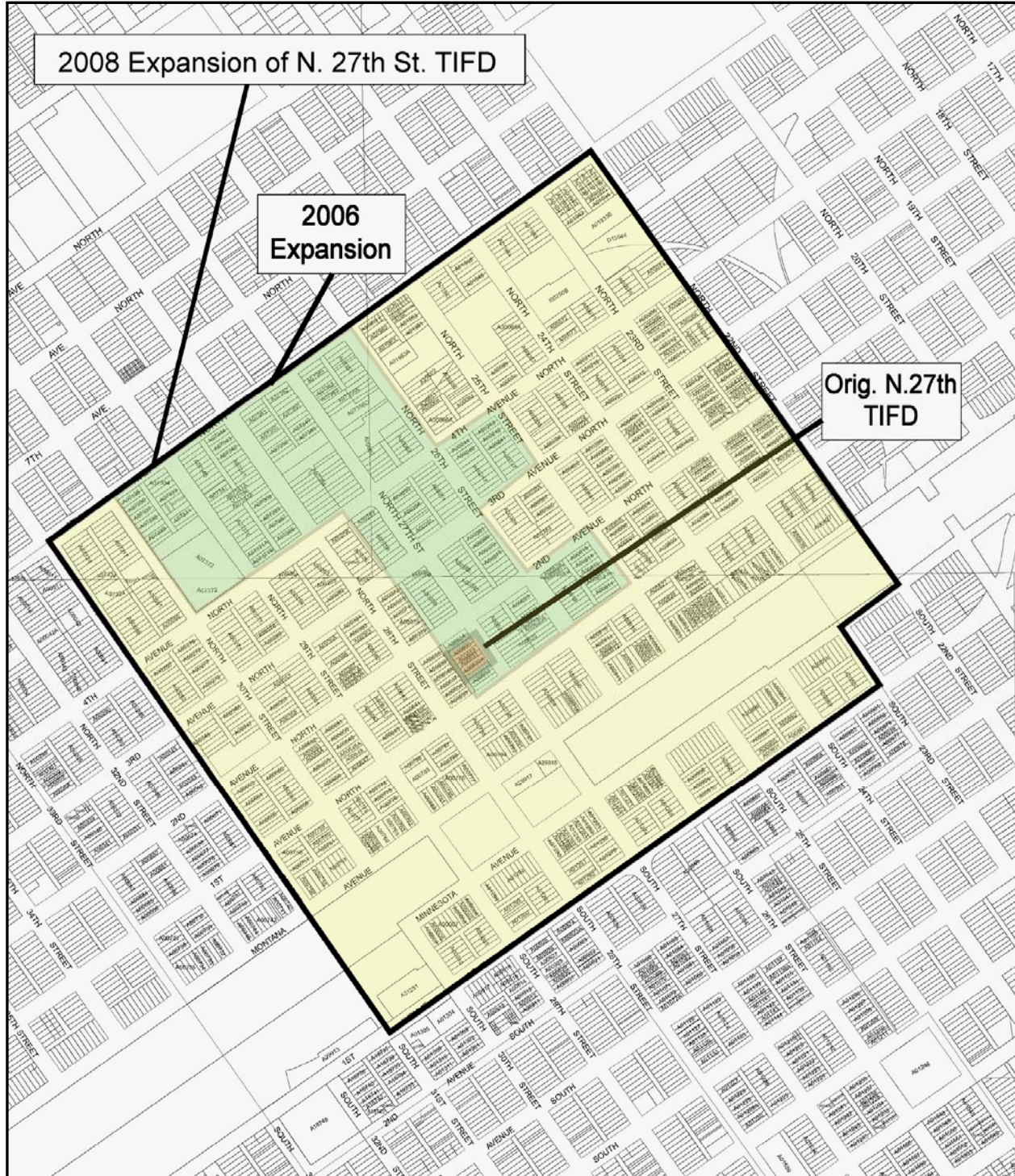
ATTEST:

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Cari Martin, City Clerk

## ATTACHMENT 1

**Expanded North 27<sup>th</sup> Street Urban Renewal District – 2008 Boundaries, Boundaries of the Extended N. 27<sup>th</sup> Street District (2006) and the Boundaries of the N. 27<sup>th</sup> Street District (2005)**



**ATTACHMENT 2**  
**Expanded North 27<sup>th</sup> Street Urban Renewal District – 2008**  
**Boundary Description**

**Beginning at a point at the intersection of the centerlines of 6<sup>th</sup> Avenue North and North 31<sup>st</sup> St. proceeding east along the centerline of 6<sup>th</sup> Ave. North to a point at the intersection of the centerlines of 6<sup>th</sup> Avenue North and N. 22<sup>nd</sup> Street proceeding south along the centerline of North 22<sup>nd</sup> Street, crossing the centrally assessed Burlington Northern Railroad property, to a point at the intersection of South 22<sup>nd</sup> Street and Minnesota Avenue proceeding west along the centerline of Minnesota Avenue to a point at the intersection of Minnesota Avenue and South 23<sup>rd</sup> Street proceeding south along the centerline of South 23<sup>rd</sup> Street to a point at the intersection of South 23<sup>rd</sup> Street and 1st Avenue South proceeding west along the centerline of 1<sup>st</sup> Avenue South to a point at the intersection of the centerlines of 1<sup>st</sup> Avenue South and South 31<sup>st</sup> Street proceeding north along the centerline of South 31<sup>st</sup> Street, crossing the centrally assessed Burlington Northern Railroad property, to the starting point at the intersection North 31<sup>st</sup> Street and 6<sup>th</sup> Avenue North encompassing all parcels and tax codes therein.**

**ATTACHMENT 3**  
**Expanded North 27<sup>th</sup> Street Urban Renewal Area – 2008**  
**Modified Plan**

**EXPANSION OF THE BILLINGS, MONTANA  
NORTH 27<sup>TH</sup> STREET URBAN RENEWAL AREA,  
WITH TAX INCREMENT, AND AMENDMENT TO  
THE URBAN RENEWAL PLAN**

**FOR CITY OF BILLINGS AND PLANNING REVIEW**  
**October 14, 2008**

Prepared by



Downtown Billings Partnership, Inc  
2815 2<sup>nd</sup> Ave. North – Billings, MT 59101 – [gregk@downtownbillings.com](mailto:gregk@downtownbillings.com)

## **SECTION 1 – INTRODUCTION**

On July 11, 2005, the City Council adopted an ordinance that (a) created the North 27<sup>th</sup> Street District Urban Renewal Area (“North 27<sup>th</sup> Street District”) and (b) adopted an urban renewal plan for the district. On November 13, 2006 the City Council adopted an ordinance that (a) expanded the North 27<sup>th</sup> Street District and (b) modified the urban renewal plan for the district. For reasons discussed in this Amendment to the Urban Renewal Plan of the North 27<sup>th</sup> Street District (“Plan”), it has been determined that the North 27<sup>th</sup> Street District should be expanded again to include other contiguous blighted properties in need of redevelopment. Further, it has been determined that this area, known as the Central Business District of Billings, has been and is in need of expanded public parking, enhanced pedestrian connections and experiences, improved public safety, and infrastructure improvements to public and private properties that will lead to increased taxable values. The existing urban renewal plan may be modified by ordinance in accordance with the procedure described in M.C.A. § 7-15-4221. The Urban Renewal Plan of the North 27<sup>th</sup> Street District approved by the City Council on July 11, 2005 and modified on November 13, 2006 is hereby included by reference as part of this amended Plan and shall remain applicable hereto except to the extent the original plan is explicitly or impliedly amended by this Plan. It is recognized as part of this Plan that the basic vision of the document known as Downtown Billings Framework Plan, adopted by the Billings City Council on December 22, 1997 and by the Yellowstone County Commissioners on December 23, 1997, is still valid and should be considered a part hereof. The terms defined in “Part I – DEFINITIONS” of the North 27<sup>th</sup> Street District Plan shall have the same meanings in this Plan unless a contrary meaning is expressed herein. The expanded district proposed in this Plan is hereafter referred to as the Expanded North 27<sup>th</sup> Street District - 2008 or the “District.”

## **SECTION 2 – BACKGROUND**

The original Downtown Redevelopment District, a downtown tax increment finance district, was created on December 20, 1975 by a resolution which cited hazardous conditions existing in the district due to overhead utility wires, inefficient land use, problems of access and circulation, physical constraints to development, random location of mixed uses and deteriorated building

conditions, and found that rehabilitation and redevelopment of the District would be in the public interest. That original district (hereafter “1975 District”) comprised one hundred and twenty four (124) blocks in the city center after the 1985 south expansion and the 2004 east expansion. The 1975 District expired March 1, 2008 but the Urban Renewal Plan and the Framework Plan used for that district, in many parts and in relation to this District remain valid.

Because the 1975 District has terminated, but many of the undesirable conditions continue to exist, it was determined that it would be in the best interest of the City to expand the North 27<sup>th</sup> Tax Increment District to assist the construction of public improvements, stabilize and grow the tax base, increase the parking inventory, increase the inventory of downtown residential property, stimulate multi-use development (“Multi-Use Facility Projects”), fill street level vacancies, provide expanded security, develop safe event locations with appropriate traffic control devices, expand the Business Improvement District, make modifications to street and intersection lighting, increase traffic calming and reduce the noise in the district through Quiet Zone management and further implement the vision of the Downtown Framework Plan.

Currently, there is a need to expand the North 27<sup>th</sup> Street District to encompass development needs on the North 27<sup>th</sup> Street corridor, the North Broadway corridor, the Old Town Neighborhood and the Montana Avenue Historic District (including expansion of the Historic District to include areas south of the railroad tracks), the Civic District, areas adjacent to the Medical Corridor, adjacent to the East Billings Urban Renewal Area and other underutilized properties within the Central Business District of Billings. Although there has been significant improvement in the valuation of property in much of the 1975 District, the area defined by this proposed expanded tax increment district has major properties that have been neglected for many years and continue to show signs of serious blight and tax base decline. Many parcels have been removed from the tax rolls and/or are delinquent on payments of taxes and fees. The Expanded North 27<sup>th</sup> Street District creates an opportunity to continue redevelopment of the center of downtown with a mixture of public and private investment in a roughly seventy-one-square-

block district (just over half of the size of the 1975 expanded district) encompassing the existing North 27<sup>th</sup> Street District.

The area has several pockets of low taxable value, with several lots of the land being owned by government and other non-profit entities and several buildings that are over 50% vacant.

The creation of the Expanded North 27<sup>th</sup> Street District is essential to any planned development at 4<sup>th</sup> Avenue North and North Broadway, redevelopment of the vacant Northern Hotel, improving security and expanding the clean safe and vibrant programs of the Business Improvement District, continuing redevelopment of the Civic Plaza area, developing the boundary areas of the Medical Corridor and the East Billings Urban Renewal Area, and expanding the Historic District. It could also assist with the essential remodeling of the Northern Hotel, the Babcock Theatre, the Westwood Building, the Lincoln Hotel Building. Public infrastructure construction within this expanded District could assist with the renovation and/or relocation of various City facilities, such as the public library. It is currently expected that the expanded North 27<sup>th</sup> Street District may help fund the following projects:

## **I. Business Programs and Projects**

- a. Business Retention
  - i. Targeted assistance and review of existing street level businesses
  - ii. Retail market survey
- b. Business Recruitment
  - i. Development of a “chainlet” network
  - ii. Business plan development assistance
  - iii. Association networking
  - iv. Business Improvement District support
  - v. Business cluster analysis
  - vi. Pedestrian study
    - 1. demographics
    - 2. directions
    - 3. linkages
    - 4. destinations
    - 5. wayfinding

## **II. Parking and Transportation**

- a. Increase use of public transit
- b. Parking structures to support current and future needs

- c. Explore parking linkages to adjacent destinations
- d. Explore parking management practices and programs
  - i. Off street parking
  - ii. On street parking

### **III. Crime Prevention and Public Safety**

- a. Cooperative Security Program
- b. Business Watch Program
- c. Crime and Fraud prevention programs
  - i. Geared towards street level businesses

### **IV. Management, Implementation and Maintenance**

- a. Downtown Billings Partnership, Inc. or its successor, management agreement
  - i. Project development
  - ii. Public awareness
  - iii. Advocacy and liaison between public and private sectors
- b. Business Improvement District expansion and development
  - i. Cooperative work agreements with PMDs
  - ii. Development and promotion of Conference Corridor
  - iii. BID expansion
  - iv. “Green” Management
    - 1. Recycling programs
    - 2. Tree management

### **V. Infrastructure Improvements**

- a. Public
  - i. Expansion of Historic District
  - ii. New Library
  - iii. New Planning Department Offices
  - iv. Public Parking and Greenspace
  - v. Intersection Lighting by Public Works
  - vi. New SILMDs for mid-block lighting
  - vii. Streetscapes and traffic calming plans
  - viii. Sidewalks, curbs and gutter improvements
    - 1. stabilization of vaults
  - ix. Relocation of public and private utility lines
- b. Public infrastructure improvements that would support the following development projects/programs
  - i. Workforce housing development
  - ii. Loft and Condo development
  - iii. Lodging development
  - iv. Conference Facilities

v. Entertainment venues

**SECTION 3 – SUMMARY OF BLIGHT FINDINGS**

The area in the proposed expansion of the North 27th Street District contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, a railroad spur line that has been abandoned and a major rail line that continues to divide the Central Business District. Several of the commercial buildings in the district are deteriorated and/or vacant and need demolition or renovation. Many of the storefronts and upper floors are vacant or under-occupied. Sidewalks are cracked; alleys are deteriorated, and, in general, much of the area is below accepted standards. In contrast to the above, there are certain properties within the district in good repair but included in the district to allow for a contiguous block of land within the district and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without continued managed urban renewal, even these success stories will once again decline in taxable value. Most of the district falls into the blighted, neglected and under-utilized categories.

**SECTION 4 – DESCRIPTION OF BLIGHTED AREA**

The expanded urban renewal area described in this amended Plan incorporates most of the Central Business District. Within the district there are several older, single-story structures that have been retrofitted for offices and warehousing, numerous surface parking lots, and several vacant structures. Many of these structures are unsuited to their current uses because of age obsolescence and physical deterioration.

Montana's Urban Renewal Law (Montana Code Annotated Title 7, Chapter 15, Parts 42 and 43) provides the authority to declare the existence of blighted areas and to target them for improvements. "Blighted area" is defined in Section 7-15-4206(2), M.C.A., as follows:

*[A]n area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental*

*or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:*

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;*
- (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;*
- (c) inappropriate or mixed uses of land or buildings;*
- (d) high density of population and overcrowding;*
- (e) defective or inadequate street layout;*
- (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (g) excessive land coverage;*
- (h) unsanitary or unsafe conditions;*
- (i) deterioration of site;*
- (j) diversity of ownership;*
- (k) tax or special assessment delinquency exceeding the fair value of the land;*
- (l) defective or unusual conditions of title;*
- (m) improper subdivision or obsolete platting;*
- (n) the existence of conditions that endanger life or property by fire or other causes; or*
- (o) any combination of the factors listed in this subsection (2).*

The land being added to the Plan area includes 405 (Exhibit A) property tax codes plus a segment of centrally assessed BN Railroad property. The complete, expanded Urban Renewal Area will have 481 property tax codes plus the segment of BN Railroad property. Within that total area, and as noted in the 2006 approved Urban Renewal Plan, there are many “target areas” that should be immediately considered for redevelopment. The properties on N. Broadway between 4<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue North will need additional parking to facilitate the construction of a Stockman Bank facility. The area adjacent to the Northern Hotel on North Broadway is in need of parking due to the closure of the privately owned parking structure in that area due to unsafe and blighted conditions of the structure. The area east of the Yellowstone County Courthouse Lawn is targeted for a new federal courthouse and will need additional parking and green spaces. The area between the new MET transit facility on N. 25<sup>th</sup> Street and to the east boundary of the East Billings Urban Renewal Area (N. 22<sup>nd</sup> Street) is in need of redevelopment that could include workforce housing and parking. The status of the Battin Federal Courthouse is still unclear. The facility is contaminated with asbestos and is destined to become vacant with the completion of a new federal courthouse and office building. This

vacancy will present a redevelopment opportunity in the near future. The area surrounding City of Billings Park IV contains many surface parking lots that could be developed if Park IV is sold to a private developer. This area lacks high-rise housing with mixed use occupancy on the first floor. The future use of the Lincoln Center is unclear and it could be a redevelopment opportunity if the school district ceases its administrative and continuing education functions in the building. The properties on 1<sup>st</sup> Ave. S. and Minnesota Avenue are not currently in a Historic District and values remain stagnant as compared to the Montana Avenue area. The redevelopment of the south side of the railroad tracks has not kept up with the redevelopment north of the tracks and should be a target area. Several properties located between Montana Avenue and 1<sup>st</sup> Avenue North are severely underutilized and in need of redevelopment. Without attention to some of this blight, over time, the value of the Montana Avenue redevelopment will most likely be negatively impacted.

#### **SECTION 5 – DETERMINATION OF BLIGHT**

The proposed expansion area of the North 27<sup>th</sup> Street District contains a number of underdeveloped properties. The Council previously determined that the property included in the North 27<sup>th</sup> Street District was “blighted” within the meaning of the Act in Resolution 05-18276 adopted June 13, 2005 and Resolution 06-18488, adopted September 25, 2006. The Redevelopment Area, including the portion that is to be expanded to form the Expanded North 27<sup>th</sup> Street District - 2008, was previously determined to be blighted and an appropriate area for an urban renewal project in Resolution No. 12107 dated January 5, 1976. Deficiencies in public and private properties located in the district lead to a determination that the area continues to be blighted, as defined by state statute. Specific areas of blight on the site are listed below:

##### **Deficient Structures in Expanded Area**

There are several buildings that are over 50 years in age and do not qualify as being historically significant. Many are in poor repair and may contain potentially hazardous asbestos and lead paint.

#### Deficient Public Facilities in Extended Area

The streets, curbs, gutters and sidewalks in much of the area are in satisfactory repair. However, sewer and water utilities in the area are aging and have required frequent repairs in recent years. Several parking lots generally do not meet code requirements for paving, striping and landscaping. Many of them are cracked and crumbling. The city owned parking ramps within the area, except for Park IV have extensive “waiting lists” and public parking for adjacent office and commercial structures continues to be inadequate. Demand for parking will continue and additional and expanded parking structures will be required to accommodate commercial growth.

#### Deficient Land Use in Extended Area

In general, the area is under-utilized due to the significant amount of surface parking areas and a large number of single-story structures. The taxable value of this district must be stabilized and encouraged to grow.

### **SECTION 6 – THE SITE AND ITS RELATIONSHIP TO THE CITY**

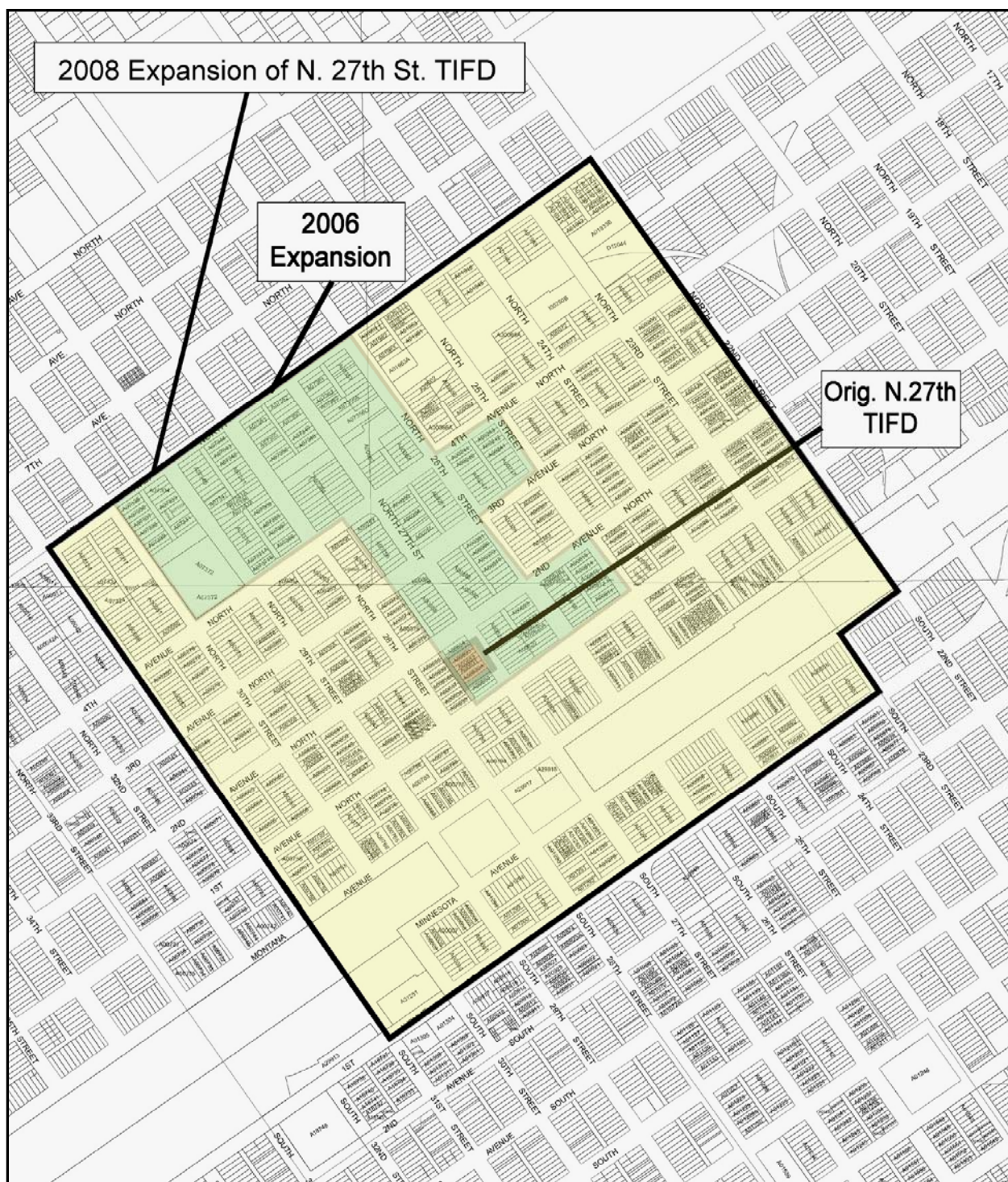
As noted, the expanded North 27<sup>th</sup> Street Urban Renewal Area comprises most of the Central Business District (CBD) of the City of Billings.

### **SECTION 7 – LEGAL DESCRIPTION**

The legal description of the proposed Expanded North 27<sup>th</sup> Street District – 2008 is as follows:

**Beginning at a point at the intersection of the centerlines of 6<sup>th</sup> Avenue North and North 31<sup>st</sup> St. proceeding east along the centerline of 6<sup>th</sup> Ave. North to a point at the intersection of the centerlines of 6<sup>th</sup> Avenue North and N. 22<sup>nd</sup> Street proceeding south along the centerline of North 22<sup>nd</sup> Street, crossing the centrally assessed Burlington Northern Railroad property, to a point at the intersection of South 22<sup>nd</sup> Street and Minnesota Avenue proceeding west along the centerline of Minnesota Avenue to a point at the intersection of Minnesota Avenue and South 23<sup>rd</sup> Street proceeding south along the centerline of South 23<sup>rd</sup> Street to a point at the intersection of South 23<sup>rd</sup> Street and 1<sup>st</sup> Avenue South proceeding west along the centerline of 1<sup>st</sup> Avenue South to a point at the intersection of the centerlines of 1<sup>st</sup> Avenue South and South 31<sup>st</sup> Street proceeding north along the centerline of South 31<sup>st</sup> Street, crossing the centrally assessed Burlington Northern Railroad property, to the starting point at the intersection North 31<sup>st</sup> Street and 6<sup>th</sup> Avenue North encompassing all parcels and tax codes therein, all inclusive.**

Map of entire Expanded N. 27<sup>th</sup> District



## **SECTION 8 – PROPERTY DEVELOPERS**

New development in the proposed tax increment district will also be accomplished through the implementation of the Downtown Framework Plan. These Projects are described in Section 2 of this plan.

## **SECTION 9 – PROJECT RELATIONSHIP TO THE FRAMEWORK PLAN**

The proposed urban renewal area and expanded tax increment district is located generally in the center of the City and encompasses most of the “districts” as defined by the Billings Framework Plan (“Framework Plan”). One goal of the Framework Plan was to remove barriers to downtown circulation and development created by 4<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue North and establish the area between the avenues as both a discreet district and a recognized extension of the CBD, thereby allowing potential ties to the medical corridor and MSU-Billings from the CBD. Generally, the Framework Plan stressed the downtown’s ability to make a positive impact on the entire city. The Framework Plan also recommended a private non-profit organization to assist the City of Billings with the management of the Tax Increment District through an annual work plan and contract. This Expanded N 27<sup>th</sup> Street District may be managed in a similar manner and could make use of the redevelopment and facilitation established through that management entity.

### **Framework Plan Recommendation: Housing**

The Framework Plan states that housing should be a top priority and that the City should continue to work with builders and developers to encourage downtown housing through various methods. Specifically, the plan states that high-rise housing is to be located in the east transition zone and portions of the north transition zone.

The formation of an expanded tax increment district will help to raise funds that can be used for construction or rehabilitation of public infrastructure necessary to attract and retain housing in the area.

## **Framework Plan Recommendation: Priorities**

The top priorities identified in the Framework Plan include the following:

- Development incentives, including business retention and recruitment
- Housing – demonstration projects
- Streetscape Kit of Parts – expand kit to include Minnesota Avenue
- Events Kit of Parts – Modern and safer traffic control devices may be needed
- Paring configuration adjustments – several one-way streets could be converted to 2-way
- 5<sup>th</sup> Avenue North Corridor preservation and enhancement

**This amendment to the Plan and the urban renewal projects that it contemplates specifically address all six of these priorities.**

### **SECTION 10 – CONFORMANCE TO THE GROWTH POLICY**

One of the requirements of Montana’s Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43) is that the urban renewal plan must conform to the community’s growth policy. The Yellowstone County and City of Billings Growth Policy (“Growth Policy”) refers to and promotes downtown redevelopment in a variety of ways. This amendment to the Plan is consistent with the current Growth Policy.

### **SECTION 11 – CERTAIN PLAN FEATURES AND FINANCIAL MATTERS**

Section 7-15-4217, M.C.A., of the Act requires cities to make certain findings when they adopt an urban renewal plan and approve Urban Renewal Projects. These are addressed below:

1. Most of the District contains no existing dwelling units or housing, and planned projects would not displace any persons from housing. Accordingly, there is no need to have a workable and feasible plan for substitute housing until and unless such a project is developed in the future.
2. This amended Plan conforms to the Growth Policy for the City as a whole and to the

Framework Plan.

3. This Modified Plan affords maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the Expanded North 27<sup>th</sup> Street District by private enterprise. It is unreasonable to expect that the district will be remain stabilized and/or redeveloped without substantial public support. Numerous properties within the area are dilapidated. As presently constituted, property in the district is not conducive to any sort of uniform or integrated development and, as presently existing, cannot compete with other areas of the City for substantial developments, particularly areas at the outskirts of the City. Experience has validated the foregoing facts and observations. This amended Plan is intended to facilitate the identification and construction of significant Urban Renewal Projects, which would not be possible without this Plan.
4. A sound and adequate financial program exists for financing projects, which include the sale and issuance by the City of the Bonds in an amount not to exceed the costs of the project, including administration costs and costs of issuance of the Bonds. Any approved Development Project will require commitments of substantial private financing that will provide the primary means for funding construction of the improvements.
5. This Expanded N. 27<sup>th</sup> Street District - 2008 may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas, and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may be mailed only to those owners whose properties are situated within the area of expansion or contraction of the Urban Renewal District boundaries. In cases where the boundaries are not modified, but the contents of the urban renewal plan are substantially modified, notification shall be mailed to all owners of property within the Urban Renewal District area.

## SECTION 12 – TAX INCREMENT

Tax increment financing is necessary to encourage private reinvestment within the District, which will further encourage economic growth in the District and Downtown Billings, create substantial employment opportunities, and increase the tax base of the City and other taxing jurisdictions. The expanded North 27<sup>th</sup> Street District is hereby established as a tax increment financing urban renewal area within the meaning of the Act, and, in particular, Section 7-15-4282 through 7-15-4293 of the Act. This Section constitutes a tax increment provision within the meaning of the Act. In connection therewith:

1. For the purpose of calculating the incremental taxable value each year for the life of the district, the base taxable value shall be calculated as current base taxable value of the district plus the base taxable value of all real and personal property added to the district by this amended plan and as show in Exhibit B as of **January 1, 2008.**
2. The City is hereby authorized to segregate the tax increment derived in the district and use and deposit such increment into the tax increment fund of the district for use as authorized by the Act and as authorized herein from time to time, including, without limitation, pledging the tax increment to repayment of Bonds.
3. The tax increment received from the district may be used to pay directly costs of an approved Development Project as may from time to time be approved by the Council. The Council also hereby authorizes the use of tax increment in the district to pay debt service on Bonds issued to finance a portion of the costs of these Development Projects, and costs associated with the sale and security of such Bonds in compliance with the Act, subject to any limitations imposed by the Montana Constitution and federal law.
4. The tax increment provision of the district will terminate upon the latter of:
  - a. The fifteenth (15<sup>th</sup>) year following the original creation of the district; or
  - b. The payment or provision for payment in full or discharge of all Bonds, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the district, but shall be paid into funds of the taxing bodies levying taxes within the district.

## SECTION 13 – CONCLUSIONS

The creation of this expanded North 27th Street Urban Renewal District will have a positive impact on Downtown Billings and no impact on the total taxable value flowing to the taxing entities from the now expired 1975 Urban Renewal District.

Expansion of the North 27<sup>th</sup> Street District is an essential first-step in completing what may be a number of urban renewal projects. If completed, mixed use projects approved within the first two years could stimulate over \$30 million in new construction, and possibly as much as \$15 million in re-sales and redevelopment. Approximately 500 new employees and new downtown residents could be located on the commercial and upper floors of possible mixed use projects. Thus, expansion of the district, in addition to further stabilizing the tax base, eliminating blight and providing renaissance to the CBD, will also bring new employees and residents to the CBD.

Mixed use development within the Expanded District ties in favorably with and actually stimulates the remodeling plans that are currently underway for several downtown properties. Additionally, like any major new development, the anticipated Stockman Bank construction at 4<sup>th</sup> Avenue North and North Broadway will have a stimulating effect on the surrounding area. Specific examples of this are:

1. It will tie the CBD to the medical corridor located immediately to the north of the development.
2. The Billings Clinic has purchased the Underriner property to the north and west of the Library. The Clinic's plans at this point have not been determined; however, the development proposed in this amended Plan will enhance and encourage future development by this group.

3. The Framework Plan encourages the development of the 5<sup>th</sup> Avenue North corridor. An enhanced Library, as accomplished by projects described in this Plan, will provide an excellent entrance to this corridor.
4. Future redevelopment and revitalization of structures like the Northern Hotel and the Babcock Theatre Building are enabled by this district.
5. This expanded district may assist with the completion of and continued modernization of City owned downtown parking structures.

In conclusion, expansion of the North 27<sup>th</sup> Street Urban Renewal District to include the property described in this amended Plan will have a positive effect on the CBD and the City.

**RESOLUTION NO. 18-10750****A RESOLUTION OF THE CITY OF BILLINGS FORMING A  
POLICY FOR THE ADMINISTRATION OF URBAN  
RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.**

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

- (1) To carry out and effectuate the purposes and provisions of this part and part 43;
- (2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;
- (3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;
- (4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the City Council now makes and adopts the following TIF Policy:

## CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
  - a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
  - b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
  - c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.
  
2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
  - a. A minimum of  $\geq$  \$5 of private investment for every \$1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than \$100,000, and for publicly owned projects, properties or facilities.
  - b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
  - c. Bonding may be available at the discretion of the City Council.
  - d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.
  
3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
  - a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
  - b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

- c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.
- d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.
- e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9<sup>th</sup> day of July, 2018.



CITY OF BILLINGS

BY: William A Cole  
William A. Cole, Mayor

ATTEST

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

## 8.27.21 DBP Board Meeting

| <b>Downtown Billings Partnership At Large Members</b> |                     |                      |
|-------------------------------------------------------|---------------------|----------------------|
| <b>PRESENT:</b>                                       | James “Andy” Patten | Norman Miller        |
| Chris Montague                                        | Ethan Kanning       | Jock West            |
| Sam Merrick                                           | Joni Harman         | Steve Wahrlich       |
| <b>ABSENT:</b>                                        | Steve Tostenrud     | Marguerite Jodry     |
| <b>Partners</b>                                       |                     |                      |
| <b>PRESENT:</b>                                       | Chris Kukulski      | Wyeth Friday         |
| Commissioner Denis Pitman                             | Janna Hafer         | Steve Arveschoug     |
| Matt Blakeslee                                        | Katy Easton         | Sean Lynch           |
| David Fishbaugh                                       | <b>ABSENT</b>       | Ignacio Barron Viela |
| <b>Guests</b>                                         |                     |                      |
| Chief St. John                                        | Dan Brooks          | Mary Underinner      |
| Kelly Donovan                                         | Matt Hobbie         |                      |
| <b>Staff</b>                                          |                     |                      |
| Mehmet Casey                                          | James Chandler      | Jenny Ross           |

- 1) Call to Order - Introductions, Courtesies and Public Comments - 7:30 Mr. Patten called the meeting to order and requested attendees to introduce themselves for the benefit of the guests/speakers.
- 2) Regular Agenda:
  - a. Minutes - July 23, 2021 meeting minutes, vote to approve minutes – Mr. Wahrlich made a motion to approve, Mr. Lynch seconded the motion; all were in favor and none were opposed.
  - b. Presentations:
    - i. Public Safety Mill Levy- City of Billings / Chamber of Commerce – Mr. Kukulski provided a presentation on the Public Safety Mill Level that provided a quick overview of the City of Billings’ responsibilities as well as their partner’s responsibilities. Mr. Kukulski shared that the number one problem is that crime is too high and shared the involvement of the fire department and police department on the calls. He provided a slide that reviewed the results of the comprehensive analysis of the police and fire services executed in 2020. Of this, the study provided 102 recommendations to the police department and 34 to the fire department; he shared that of these recommendations, the majority was not money related and would likely save the departments money. He shared an overview of the \$7.1M ask and what services these funds would be allocated to as well as the median average of what this would cost households on a monthly and annual basis.

Chief St. John, shared an overview of the Billings Police Department's (BPD) objectives; he shared that 95%+ of the activity is drug driven violence here in Billings. Chief St. John shared that Violent Crime Reduction, Improving Downtown Safety, Improving Traffic Safety and supporting mental health in priority order or 1.1.3.4. He shared that in 2019, the BPD was able to target problematic areas where officer presence, along with proactive policing diminished crime and he believed the statistics reflected this. He shared that in 2020 due to the pandemic, the BPD saw a significant increase and right now, he believes that BPD has been stalled, but believes they need to get the crime rate numbers on a downward trend. He shared that of the \$7.1M, the BPD is asking for \$2.1 M to Personnel Services and the Remaining 278,000 would be allocated to O&M.

Assistant Chief Matt Hobbie shared that the Billings Fire Department (BFD) ask is different from the previous Safety Mill Levy and that it is efficiency related. He shared that the BFD is an all hazard department, not just a fire department. He shared that the large BFD fire trucks carry all equipment needed when on an EMS call and they are looking to be more efficient by being able to use smaller vehicles with less equipment for specific calls.

Mr. Kukulski shared a brief overview of the district attorneys slides and gave an overview of their caseload per prosecutor and shared their current caseload and also covered domestic violence statistics. Mr. Kukulski shared that this is not a new Public Safety Mill Levy, and that they have been preparing this discussion and how to make this situation better. He believed that the proposal is comprehensive and targeted. He shared that those presenting are unable to advocate but simply educate.

Mr. Brooks and Ms. Underriner introduced themselves as members of the Chamber's Citizens for a Safer Billings Committee. This group was formed to help lead on the advocacy efforts for the Public Safety Mill Levy. Mr. Brooks asked that ultimately, he wishes for the Board to take a vote in favor of this Public Safety Mill Levy. The meeting was then opened up for questions.

Mr. Arveschoug asked about the challenges finding the talent to fill these positions. Chief St. John stated that he believed BPD to be a desirable employer and he shared that his last four hires came from other departments across the country and he believed that Billings and the BPD are places people want to be. Chief St. John shared that he is currently operating at +2 over the authorized strength and he shared that this is within the permission of Mr. Kukulski. He

shared it takes eight months to get someone up to speed but it only takes two weeks for someone to leave and this is a challenge that the BPD faces. Mr. Montague asked about the portion of the 1.1.3.4. and the priority of Downtown Safety? Chief St. John shared that this can be accomplished by partnering with social services and increasing officer presence, adjusting schedules, and other priorities. Mr. Kukulski shared that yesterday he did a ride along with the Downtown Resource Officers and learned a lot from the experience.

Mr. Patten asked about the opportunity to expand the jail? Mr. Kukulski said they are working with the County to get State/Federal people out of the County jail; however, they are hitting a roadblock with having State inmates in County jails, and they are working with various partners to determine what the jail should be. He confirmed that there is consensus that there is a jail problem.

Mr. Lynch commented to the Board that he wants to go past the endorsement on this and he believed that this problem downtown needs to be taken care of, so he made a motion to approve. Mr. Montague seconded the motion. All were in favor and none were opposed. The motion carried. Ms. Easton shared that the DBA is the only Board that has the ability to advocate but encouraged the DBP Board to do whatever it is they can to help this initiative pass.

Mr. Lynch made a motion to do whatever is in their legal power to do what they can to try to get this Mill Levy to pass. Mr. Wahrlich seconded. All were in favor and none were opposed. Mr. Lynch shared that a lot of people in this room are in a better position than others and he believed those in attendance should put money where their mouths are, and support Citizens for a Safer Billings and Mr. Brook's initiatives. Mr. Kukulski thanked the Board and those in attendance for their time.

### 3) Action Items

- a. Public Safety Mill Levy Endorsement
- b. Billings Community Foundation (BCF) TIF Assistance Reconsideration - Mr. Casey provided an overview of how we arrived at this potential reconsideration. He gave an explanation on the four qualified expenses that are being reviewed for a second consideration. Mr. Lynch asked to clarify whether BCF expects this payment upfront or knows that it is a reimbursement? Mr. Casey shared that BCF has access to committed funds that would be available to them if there is a formal indication that the City has committed TIF dollars. Ms. Hafer asked about the reason behind Council's desire to only offer half of the requested funds? Mr. Casey shared that it was made as a substitute motion at the July 26th Council meeting. He added that he reached out to Council members and to his understanding, the opposition was due to the nature of the applicant being a nonprofit

and requesting TIF assistance. Another concern was reflecting that the DBP vote seemed reluctant. Another expressed that they did not find a benefit to the public or blight elimination in this project. Mr. Kanning asked about any current policies for nonprofit v profit allocations? Mr. Casey shared that MCA, City's resolution, and DBP's application currently allow nonprofits to apply and be considered.

There was further group discussion regarding the BCF project. Ms. Easton shared that this result in a tie vote wasn't an expected outcome and she commended Mr. Casey for his efforts on reaching out to Council members for direction and guidance, and she suggested that this is something the Board continues to pursue and move forward on. Mr. Merrick shared that the sewage problem is the epitome of blight. Mr. Patten shared that the next meeting will explore our TIF portfolio and determine our priorities moving forward.

Mr. Lynch made a motion to take this proposal to Council stating that those items address safety, accessibility, and stability of the property. Mr. Wahrlich seconded the motion.

Ms. Hafer made a comment that she supported this the first time around because she believed the first request was addressing many valid qualified expenses. A 50% reduction in the amount is random and not based on policy. She believed the project needs to be done but the reduction does not offer enough reasoning for her to confidently support it. She stated that such inconsistencies do not offer clarity and may discourage future applicants.

Ms. Easton shared that there was a process that the BCF went through, where the BCF determined to focus on qualified expenses of utmost significance and that happened to be right around half of their initial ask. When this went to a vote, all were in favor and only Ms. Hafer was opposed.

- c. MRM Update Review - Mr. Casey and Mr. Patten met and they wanted to bring it to the Board's attention that initially, the Montana Rescue Mission's proposal of mitigating Granny's Attic, which is the building adjacent to the men's shelter, was to demolish the east half of it to make it a parking surface for the Low Income Housing tenants. The facade facing Minnesota Ave would be maintained however to hide the surface parking and maintain the pedestrian experience as a gesture to pay homage to what existed there once before. The DBP staff was then made aware of another rendering that was used by the MRM team at the Yellowstone Historic Presentation Board, and that the facade extension was no longer there. Mr. Casey was reassured that these were simply artist renderings and that MRM is still fundraising. Once their plans are finalized, they would be shared with the DBP Board. Mr. Casey indicated that an agreement is not signed yet and is seeking the Board's guidance as to whether to execute an agreement or wait until we have the final plans? Mr. Patten's recommendation was to wait and see what they are actually going to do. Mr. Lynch agreed. Mr. Casey said the tenant isn't

changing but the structure might look different. Discussion was had about the process and ability in regards to application, presenting to Council, the Board's approach to presenting to Council, and other policies and procedures in which to handle items and varying situations which have arrived.

Ms. Hafer asked if a motion is needed to delay the award in a final plan? The board gave direction that no motion is needed but simply stay in touch with the applicant and wait for further details.

4) Staff Update/ Financials- It was determined that the Board is going to meet on the 17th of September instead of September 24th. Mr. Wahrlich made a motion to move the meeting to the 17th. Ms. Hafer seconded the motion; all were in favor and none were opposed.

5) Old Business / New Business

6) Partner Reports ( if time permits)

- a. City of Billings
- b. Yellowstone County
- c. SD#2
- d. BSEDA
- e. Downtown Billings Property Owner Association
- f. DBA
- g. BID
- h. Billings Cultural Partners
- i Billings Parking Board

7) Mr. Patten adjourned the meeting at 9:05 AM

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Teamsters Local 190 Collective Bargaining Agreement/Non-Bargaining COLA  
**Presented by:** Karla Stanton, Human Resources Director  
**Department:** Human Resources  
**Presentation:** Yes

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**RECOMMENDATION**

The City Council is being asked to approve a tentative agreement for the renewal of a labor contract between the Teamsters - Local 190 and the City of Billings. This negotiated agreement will replace the one that was in effect from July 1, 2018, through June 30, 2021. Staff recommends City Council approve the proposed collective bargaining agreement with the Teamsters - Local 190.

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

The Consumer Price Index (CPI-U) during the months both parties were negotiating increased 4.2% in April, 5% in May, and 5.4% in June from the same month, a year ago. Almost all positions at the City are advertised "open until filled", still resulting in small applicant pools. Some positions are advertised for weeks and even months without a qualified applicant. The City is not alone, but it is more critical than ever that pay remains competitive. The increased CPI-U coupled with recruitment and retention difficulties were the main drivers in negotiating the following changes.

The City began negotiations on April 28, 2021, and met several times before reaching a tentative agreement with the Teamsters on July 7, 2021. Both parties agreed to extend the contract past June 30, 2021, in an effort to reach a new agreement. The Teamsters' members voted in favor of accepting the tentative agreement on August 10, 2021. If approved by City Council, then the contract will go into effect retroactively from July 1, 2021, and continue through June 30, 2024.

Changes to the collective bargaining agreement include:

- A 3.0% cost of living adjustment (COLA) for the first year of the contract, effective retroactively to July 1, 2021;
- A 3.0% COLA for the second year of the contract, effective July 1, 2022;
- A 3.0% COLA for the third year of the contract, effective July 1, 2023;
- Standby pay will increase from \$1.75 per hour to \$2.00 per hour;
- Graveyard Shift Differential pay (Midnight to 6:00 a.m.) will increase from \$0.95 per hour to \$1.25 per hour;
- Employees will be eligible to take their two Personal days in 15 minute increments, instead of full-day increments;
- The City will provide \$75 every other year to an employee who must purchase prescription safety glasses in order for them to perform their job duties safely;
- The City will provide Compensatory time (at straight time), instead of vacation time, as an incentive for its employees who maintain good attendance. The incentive will be calculated every 4 months, instead of annually, beginning July 1, 2021;
- For the purposes of computing overtime, sick leave will not be considered hours worked. Sick days taken during the workweek will be excluded from hours worked when calculating overtime. Hours worked beyond a normal shift are paid at the overtime rate;
- If an employee is disciplined and suspended without pay, then the employee shall be restricted from cashing out any compensatory time during the current pay period, and the pay period immediately after the initial disciplinary period.
- Formalized the holiday for the day after Thanksgiving in lieu of the Columbus Day holiday;
- Updated Military Leave language to mirror state statute;
- Updated Safety language to include: obey all Federal, State, and local laws;
- The City agreed to increase the boot allowance from \$130 to \$150 annually with the additional language: Employees separating from service within 60 days are not authorized to purchase new safety shoes without preapproval from their supervisor. If an unauthorized purchase is made during this time, then the employee will reimburse the City for the cost;
- Updated language regarding notification to the Union by the City regarding new hires;
- Clarified the shift bidding process in Solid Waste Collections and Landfill;
- Clarified MET Transit language to state: All blocks of work will have no more than two start times;
- Revised Memorandum of Understanding regarding cold weather gear to include not only Solid Waste and Street/Traffic, but also Distribution and Collection, and Water and Water Reclamation employees. The employees will be provided \$140 every other year, instead of \$65 every year to purchase either a coat, a bib

- overall, a coverall, or a sweatshirt;
- Eliminated Treatment Technician I and II classifications resulting in some employees being reclassified to Treatment Technician III's;
- Communication Center employees will be provided 12 hours of rest between consecutive 16-hour shifts;
- Police Support Specialists will be reclassified from grade C39 to C47.

A copy of the contract is available for review in the City Clerk's office.

## **ALTERNATIVES**

City Council may:

- Approve the contract as presented, with a cost of living adjustment effective retroactively to July 1, 2021;
- Postpone action on the contract to obtain additional information; or
- Deny approval of the contract, forcing both parties to resume negotiations.

## **FISCAL EFFECTS**

The costs associated with implementing this contract are as follows:

- The cost of living adjustment (COLA) will cost approximately \$766,743 in each year of the contract.
- The cost of increasing Standby pay from \$1.75 per hour to \$2.00 per hour is \$14,000 in each year of the contract.
- The cost of increasing Graveyard Shift Differential pay from \$0.95 to \$1.25 is \$15,000 in each year of the contract.
- The cost of increasing the boot allowance from \$130 to \$150 is \$5,000 in each year of the contract.
- The cost to reclassify the Police Support Specialists from grade C39 to C47 is approximately \$45,000.
- The cost to reclassify the Water Treatment Technician I and II job classifications to Treatment Technician III is approximately \$34,000.

As you are aware, the FY22 budget included a 2% COLA; however, if this contract is approved then the City Council will be asked to approve a budget amendment to account for the additional 1% in wages. The 1% budget adjustment for Teamsters' employees is \$255,581.

While not directly related to the Teamster contract, staff will also request a budget amendment consistent with the Teamsters' increase for Non-bargaining employees. The 1% budget adjustment for Non-bargaining employees is \$240,319.

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## **Attachments**

Teamsters Contract Presentation

# 2021 Contract Negotiations

*Teamsters – Local 190*  
*September 13, 2021*

# Teamsters – Local 190

- *What employee groups does this Union Represent?*

Equipment Operators, Dispatchers, Police Clerks, Mechanics, Facilities Support, Parking, Library, Treatment Plant Techs, Account Clerks, Administrative Support, Animal Control, Transit Drivers, ARFF, Electricians, Combination Inspectors, and Bailiffs

# Union Team Members

Chad Bargstadt – Water Treatment Plant

Craig Callicott – Airport

Michael Gioioso – Met Transit

Pat Kittson – Solid Waste

Ralph Mann – Distribution and Collection

Doug Studiner – Water Reclamation Plant

Rhonda Johnson – Teamsters' Representative

Jim Soumas – Teamsters' Representative

# City Team Members

Jennifer Duray – Public Works

Kevin Iffland – Administration

Rusty Logan – MET Transit

Karla Stanton – Human Resources

Karen Tracy – Legal

Michael Whitaker – PRPL

Andy Zoeller – Finance

# Traditional Bargaining

Each side presents written desired changes to the CBA. Based on proposals being exchanged back and forth, teams engage in discussion until an agreement is reached.

# July 1, 2021, Contract Revisions

3% Cost of Living Adjustment for July 1, 2021, 2022, and 2023;

Shift Differential pay will increase \$0.30 per hour for night shift differential. (Hours: Midnight to 6:00 a.m.);

Standby pay will increase \$0.25 per hour;

Personal Days may be taken in 15 minute increments, instead of full days;

\$75 will be provided every other year to employees who are required to wear prescription safety glasses to perform their job;

# July 1, 2021, Contract Revisions

Revised Attendance Incentive plan to every 4 months instead of annually;

Sick leave will not be considered hours worked for the calculation of overtime. However, hours worked beyond normal shift are overtime;

If employee is suspended without pay, they cannot cash out compensatory time during the current pay period, or the pay period immediately after the initial disciplinary period;

# July 1, 2021, Contract Revisions

Updated Military Leave language to mirror MCA 10-1-1009;

Formalized day after Thanksgiving as holiday in lieu of Columbus Day;

Added to Safety language, "...obey all Federal, State, and local laws";

# July 1, 2021, Contract Revisions

Increased boot allowance for safety boots from \$130 to \$150;

Employees separating from service within 60 days are not authorized to purchase new safety shoes without supervisor preapproval. If an unauthorized purchase is made, then the employee will reimburse the City for the cost of the boots;

Updated new hire notification language to the Union;

# July 1, 2021, Contract Revisions

MET Transit – Clarified language that all blocks of work will not have more than two start times;

Solid Waste – All permanent collection routes will be bid by seniority upon route becoming vacant;

Landfill – Vacant shifts will be bid by seniority within the job classification;

# July 1, 2021, Contract Revisions

Communication Center – 12 hours rest will be required between 16-hour shifts;

Public Works Cold-weather Gear – Employees will be provided \$140 every two years for a coat, bib overall, coverall, or sweatshirt;

Water Treatment Technicians I and II will be reclassified to Treatment Technician III, excluded Technician IIA;

# July 1, 2021, Contract Revisions

Police Support Specialists will be reclassified from grade C39 to Grade C47.

# Costs of Implementation

3% COLA Adjustment in each year of the contract - \$766,743;

The cost of increasing Standby pay from \$1.75 per hour to \$2.00 per hour is \$14,000 annually;

The cost of increasing Graveyard Shift Differential pay from \$0.95 to \$1.25 is \$15,000 annually;

# Costs of Implementation

The cost of increasing the boot allowance from \$130 to \$150 is \$5,000 annually;

The cost to reclassify the Police Support Specialists from grade C39 to C47 is approximately \$45,000;

# Costs of Implementation

The cost to reclassify the Water Treatment Technician I and II job classification to Treatment Technician III is approximately \$ 34,000.

# Non-bargaining COLA

3% COLA for Non-bargaining employees will cost approximately \$720,957.

# City Council Options

Approve the Teamsters Contract as proposed;

Postpone action on the contract to obtain additional information;

Deny approval of the contract forcing negotiations to resume.

# Funding

The City Council will be asked to approve a budget amendment for FY22 for 1% of the proposed 3% increase.

*(A 2% COLA was included in the FY22 budget.)*

Questions?

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Public Hearing and Resolution - FY22 Budget Amendment - COLA Teamsters & Non-Bargaining  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No

**RECOMMENDATION**

Staff recommends City Council approve amendments and adjustments to the FY22 budget as described below to cover the additional 1% above the Teamster Cost of Living Adjustments consistent with the labor contract. Additionally, adjust the budget for non-bargaining COLA consistent with the Teamster's Union.

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

On June 28, 2021, the City Council adopted a budget with an assumed 2% Cost of Living Adjustment (COLA) for City Employees. On July 7, 2021 the City and Teamster Union reached a tentative agreement, which included a negotiated COLA of 3%.

On September 13, 2021, the City Council will be asked to approve the Teamster Union contract. This budget adjustment will cover the additional 1% for both Teamster and non-bargaining employees for FY22.

**ALTERNATIVES**

City Council may:

- Approve the attached budget amendment or,
- Not Approve the budget amendment, which would require staff to reduce budgets to cover the additional costs over what was budgeted in FY22.

**FISCAL EFFECTS**

The funds impacted by this total increase of \$352,571 are provided below. Rates and charges are set sufficiently to cover the cost of the increase in all funds except the General Fund and Public Safety Fund (utility rates, assessments and other fee based divisions have consistently used ~3% as an estimated annual wage increases). However, in the General and Public Safety Funds expenditures budgeted in FY22 will need to be shifted to cover the additional 1%, as there is not sufficient revenue to cover the additional need. The following adjustments will be used to cover the increased cost of \$143,329, and no budget amendment will be needed for these two funds. The expenditures include vacancy savings from positions being held open (CE Manager, P.I.O., City Attorney, other vacant positions), reduced election costs as a result of no municipal primary election in 2021, and a small increase in tax revenue over the estimated budgeted amount.

| <b>Fund Name</b>       | <b>Amount</b> |
|------------------------|---------------|
| Airport                | 37,845        |
| Building               | 11,404        |
| CDBG                   | 3,770         |
| City Attorney Grants   | 4,759         |
| Facilities             | 3,704         |
| Fire Grants            | 1,284         |
| Fleet Services         | 12,351        |
| Gas Tax                | 713           |
| Information Technology | 16,396        |
| Library                | 20,111        |
| Municipal Court Grants | 1,217         |
| Park District 1        | 2,048         |
| Parking                | 6,318         |
| Planning               | 10,981        |
|                        |               |

|                                |        |
|--------------------------------|--------|
| Police Programs                | 621    |
| Property & Liability Insurance | 943    |
| Public Works Administration    | 13,944 |
| Public Works Engineering       | 21,347 |
| Solid Waste                    | 43,693 |
| Street/Traffic Operating       | 32,720 |
| Telephone                      | 1,386  |
| Transit                        | 34,465 |
| Wastewater                     | 31,627 |
| Water                          | 38,924 |

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## Attachments

Budget Amendment Resolution

RESOLUTION 21-

A RESOLUTION ADOPTING FISCAL YEAR 2022  
ADJUSTMENTS TO APPROPRIATIONS PURSUANT TO M.C.A.  
7-6-4006 AS AMENDED, AND PROVIDING TRANSFERS AND  
REVISIONS WITHIN THE GENERAL CLASS OF SALARIES  
AND WAGES, MAINTENANCE AND SUPPORT AND CAPITAL  
OUTLAY.

WHEREAS, M.C.A. 7-6-4006 provides that the City Council, upon proper resolution, adopted by said Council at a regular meeting and entered into its Minutes, may transfer or revise appropriations within the general class of salaries and wages, maintenance and support, and capital outlay, and

WHEREAS, based upon a Budget Review (**FY 2022**), it is necessary to alter and change said appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

That the attached transfers or revisions are hereby adopted.

(SEE EXHIBIT A)

PASSED AND APPROVED by the City Council, this 13th day of September, 2021

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise R. Bohlman, CITY CLERK

## **EXHIBIT A**

### **Expenditure**

#### **Cost of Living Adjustment FY22 Teamsters and Non-bargaining**

On September 13, the City Council approved the Teamster Union contract which included a COLA of 3% in FY22. The FY22 budget was originally prepared using and estimated 2% COLA. The budget amendment will increase the budget authority for each fund to cover the additional cost. The funds used to cover the additional costs will come from reserves established through prior year savings or rates and charges.

|                          |                                    |
|--------------------------|------------------------------------|
| Airport                  | 37,845 Salaries, Wages, & Benefits |
| Building                 | 11,404 Salaries, Wages, & Benefits |
| CDBG                     | 3,770 Salaries, Wages, & Benefits  |
| City Attorney Grants     | 4,759 Salaries, Wages, & Benefits  |
| Facilities               | 3,704 Salaries, Wages, & Benefits  |
| Fire Grants              | 1,284 Salaries, Wages, & Benefits  |
| Fleet Services           | 12,351 Salaries, Wages, & Benefits |
| Gas Tax                  | 713 Salaries, Wages, & Benefits    |
| Information Technology   | 16,396 Salaries, Wages, & Benefits |
| Library                  | 20,111 Salaries, Wages, & Benefits |
| Municipal Court Grants   | 1,217 Salaries, Wages, & Benefits  |
| Park District 1          | 2,048 Salaries, Wages, & Benefits  |
| Parking                  | 6,318 Salaries, Wages, & Benefits  |
| Planning                 | 10,981 Salaries, Wages, & Benefits |
| Police Programs          | 621 Salaries, Wages, & Benefits    |
| Property/Liability Ins   | 943 Salaries, Wages, & Benefits    |
| Public Works Admin       | 13,944 Salaries, Wages, & Benefits |
| Public Works Engineering | 21,347 Salaries, Wages, & Benefits |
| Solid Waste              | 43,693 Salaries, Wages, & Benefits |
| Street/Traffic Operating | 32,720 Salaries, Wages, & Benefits |
| Telephone                | 1,386 Salaries, Wages, & Benefits  |
| Transit                  | 34,465 Salaries, Wages, & Benefits |
| Wastewater               | 31,627 Salaries, Wages, & Benefits |
| Water                    | 38,924 Salaries, Wages, & Benefits |
|                          | 352,571                            |

**City Council Regular**

**Date:** 09/13/2021  
**Title:** Interim Zoning Moratorium and Emergency Ordinance Temporary Suspension of Business Licenses for Marijuana Businesses  
**Presented by:** Gina Dahl  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**RECOMMENDATION**

Staff recommends City Council conduct a public hearing and adopt an Interim Zoning Ordinance imposing a moratorium on new marijuana businesses, and adopt an Emergency Business License Ordinance imposing a temporary suspension on issuing business licenses to marijuana businesses for ninety (90) days. Two separate motions and actions will be needed for each of these ordinances. These ordinances may each be approved with a single reading at this meeting.

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

Montana voters, including those in Yellowstone County and the City of Billings, approved Initiative 190 (I-190) which permitted recreational adult-use marijuana and approved certain marijuana businesses in the state. The I-190 was amended by the legislature in House Bill 701, which was signed into law on May 18, 2021. HB 701 delayed many effective dates from the 190-Initiative, significantly changed the scope of marijuana businesses, expanded some local government regulatory options, and repealed the existing Montana Medical Marijuana Act. Most of these changes will be effective January 1, 2022.

Under the prior version of the Montana Medical Marijuana Act, state statutes expressly authorized the City of Billings to prohibit storefronts. BMCC Ordinance 11-5545, passed on November 14, 2011, prohibited storefronts under the authority granted to the City of Billings by state statute. Ordinance 11-5545 does not prohibit dispensaries because the authority to prohibit "dispensaries" was provided by a later amendment to state law. The City previously relied on Ordinance 12-5587, which requires all businesses to comply with local, state, and federal law, in denying business licenses to dispensaries. However, the changes in HB 701 require the City to provide for significant changes in its approach to marijuana businesses.

Montana medical marijuana businesses will be the first to be granted state licenses for recreational adult-use, but only to the extent that those medical marijuana businesses are in good standing with the state and any local jurisdiction as of January 1, 2022. For this reason, timely adoption of standards related to medical marijuana businesses maximizes the ability of the City of Billings to regulate both medical marijuana sales and adult-use marijuana businesses.

Per Council direction, and through coordination with a City Administrator established Working Group that includes Council members, staff is developing regulations for City Council to consider at an upcoming regular business meeting. As part of that process, City Council also is acting on an initiative later in this meeting to initiate a zoning code text amendment process to address the new marijuana land use regulations.

However, there are currently businesses in Yellowstone County/City of Billings that have medical marijuana licenses issued by the state and they may seek to obtain a business license from the City prior to the adoption of zoning and business license regulations by City Council. This would create issues with zoning if the businesses sought to locate in a zoning district where such use may be prohibited under the City's new regulations. Another example of a problematic issue this would create is if the Council considers capping the number of business licenses to be issued in an area and a business obtains a license prior to adoption of that regulation. Such a business would have an unfair advantage over other businesses. For these reasons, staff is recommending the Council adopt these two ordinances to place a moratorium on new marijuana businesses through land use or business license entitlement processes until the City adopts its new regulatory processes per authority under state law prior to January 1, 2022.

**STAKEHOLDERS**

Per public notice and participation requirements, a public hearing is required prior to the Council taking action on these ordinances. A public hearing was properly noticed for these items in the Yellowstone County News. Anyone interested in these items may submit written testimony or attend the Council meeting and testify regarding these items.

## ALTERNATIVES

City Council may:

- Adopt an Interim Zoning Ordinance imposing a moratorium on new marijuana businesses, and adopt an Emergency Business License Ordinance imposing a temporary suspension on issuing business licenses to marijuana businesses; or,
- Not adopt an Interim Zoning Ordinance imposing a moratorium on new marijuana businesses, and not adopt an Emergency Business License Ordinance imposing a temporary suspension on issuing business licenses to marijuana businesses. Not adopting these ordinances would not align with the Council's intent to develop new zoning and business license regulations for marijuana businesses per House Bill 701 that was signed into law by the Governor in May 2021. Not adopting these ordinances could also place the City in an awkward position of being asked to approve new marijuana businesses in the City while at the same time drafting new regulations that apply to the same businesses. New state regulations take effect January 1, 2022, so the City will have these moratoriums in place until approximately the end of the year to complete drafting and adoption of new regulations.

## FISCAL EFFECTS

No specific fiscal effects are identified at this time regarding the passage of these two ordinances.

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### Attachments

Emergency Ordinance re Marijuana Business Licenses  
Zoning Moratorium Ordinance

**ORDINANCE NO. 21\_\_\_\_\_**

**AN EMERGENCY ORDINANCE OF THE CITY OF BILLINGS,  
MONTANA, AS AUTHORIZED BY MONTANA CODE ANNOTATED  
SECTION 7-5-104, IMPOSING A TEMPORARY SUSPENSION OF THE  
LICENSING OF MARIJUANA BUSINESSES FOR NINETY (90) DAYS**

**RECITALS**

**WHEREAS**, Montana voters adopted Initiative Measure 190 (I-190) on November 3, 2020, statewide, in Yellowstone County, Montana, and in the City of Billings, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana.

**WHEREAS**, the 2021 Montana Legislature passed House Bill (HB) 701, with most sections effective January 1, 2022, which extensively changes and regulates the use, possession, and sale for profit of medical and adult-use (recreational) marijuana and modifies I-190.

**WHEREAS**, HB 701 defines “marijuana businesses” as a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department of revenue under HB 701.

**WHEREAS**, the concerns of local governments about HB 701’s application in their communities and the parameters under which a local government has authority to regulate its effects are still being understood.

**WHEREAS**, the City Council of the City of Billings previously passed Ordinance 11-5545 which prohibits any storefront medical marijuana business within the city limits under the authority of Senate Bill (SB) 423, passed by the 2011 Montana Legislature, and later codified at MCA section 50-46-328(2).

**WHEREAS**, the City Council of the City of Billings previously passed Ordinance 12-5587 which requires all businesses, occupations, and professions to comply with local, state, and federal law. Marijuana is currently defined as a Schedule 1 controlled substance under federal law, specifically 21 USC §812, the Controlled Substances Act, and as such the use, possession, or sale of marijuana remains a violation of federal law.

**WHEREAS**, based on Ordinances 11-5545 and 12-5587, business licenses have not been issued for any sale of medical marijuana within city limits. However, with the passage of HB 701, the City Council of the City of Billings is considering regulations as allowed under HB 701 to

regulate the sale of medical and recreational marijuana and other marijuana businesses as defined under HB 701.

**WHEREAS**, businesses that cultivate, manufacture, dispense, test, or transport marijuana are not currently permitted in any zoning district established by the City of Billings.

**WHEREAS**, businesses that cultivate, manufacture, dispense, test, or transport marijuana could have a deleterious effect on neighborhoods or on nearby schools, recreational facilities, or other uses and can through such effect create a public nuisance.

**WHEREAS**, the City Council of the City of Billings has determined that the operation of establishments that cultivate, manufacture, test, sell, transport or distribute marijuana within the City limits of Billings, could be immediately detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, until such time as the City has had an opportunity to further study such issue and an opportunity to adopt appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments.

**WHEREAS**, in a legitimate exercise of its legislative power to preserve the public peace, health, safety, and welfare of the City, the City Council is considering a number of regulations, including a cap on the number of each category of marijuana business licenses allowed in the City, with such cap necessitating implementation of a process for the allocation of a limited number of licenses.

**WHEREAS**, allowing marijuana businesses to be licensed prior to ordinances being enacted may provide an unfair advantage over other businesses if City Council subsequently imposes a cap on the number of marijuana business licenses allowed in the City.

**WHEREAS**, the voters of the City shall, on November 2, 2021 be asked to decide on whether dispensaries of adult-use marijuana, commonly referred to as recreational use marijuana, shall be permitted within the limits of the City of Billings.

**WHEREAS**, in order to protect and preserve the public peace, health, safety and welfare, the City Council of the City of Billings has determined an immediate, emergency ordinance is necessary to implement regulations authorized by HB 701 for marijuana businesses.

**WHEREAS**, MCA section 7-5-104 permits the City to waive the second reading and adopt an ordinance in the event of an emergency. An ordinance passed in response to an emergency requires a two-thirds vote of the City Council for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

**WHEREAS**, after first having provided lawful public notice, the City Council conducted a public hearing on September 13, 2021, with respect to this proposed Ordinance, and invited public comment;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Billings, Montana, as follows:

Section 1: All of the Recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The terms “marijuana businesses” shall have the meaning provided to such term by HB 701 passed by the 2021 Montana Legislature.

Section 3: The City Council of the City of Billings hereby directs City Administration, the City-County Planning Division, the Billings Police Department and the City Legal Department to investigate and study the effect of the licensing and operation of establishments that cultivate, manufacture, test, sell, transport or distribute marijuana and to make recommendations concerning new business license regulations that could be adopted to better regulate and/or deal with such establishments, to limit, prohibit, or abate any negative effect implicating the health, safety and/or welfare of the citizenry of the City of Billings, Montana, upon the City.

Section 4: The City Council of the City of Billings directs the City Administration, the City-County Planning Division, the Billings Police Department and the City Legal Department to present the findings of its investigation and its recommendations to the City Council, so that the Council may consider the issue within approximately ninety (90) days of the date of the enactment of this Ordinance.

Section 5: Until such new ordinances, zoning or otherwise, are adopted and in order to deal with the issues described above, any new establishments attempting to cultivate, manufacture, test, sell, transport or distribute marijuana are hereby prohibited from being opened within the City of Billings and no new business licenses for such businesses shall be issued for the next ninety (90) days.

Section 6: Any individual, entity or establishment that violates the terms of this ordinance shall be deemed to be creating a public nuisance and shall be subject to criminal penalties as provided in Billings, Montana City code (BMCC) section 1-110 and shall further be subject to civil action to restrain or abate as authorized in B.M.C.C. section 18-301, et. seq. as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City at law or in equity.

Section 7: This Ordinance is expressly made immediately effective, and shall apply to all pending applications of business licenses, building permits, zoning variances, special review permits, zoning changes and all other applications for building and land use permits, developmental activity, land use activity, land use changes, and any other applications or licenses for approval of any type or nature, which have been received by the City of Billings and not yet granted as of the effective date of this Ordinance.

Section 8: In the event any word, phrase, clause, sentence, paragraph, section or other part of the ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid and the remaining provisions thereof shall continue in full force and effect.

Section 9: Pursuant to MCA section 7-5-104, upon its adoption at First Reading by a two-thirds vote of the entire City Council of the City of Billings, Montana, and signing of the Mayor thereof, this Ordinance shall take effect immediately upon passage and approval and shall expire Ninety (90) calendar days thereafter. No second reading shall be required.

**PASSED AND ADOPTED** by the City Council of the City of Billings, Montana, this 13<sup>th</sup> day of September, 2021.

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William A. Cole, Mayor

Attest:

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Denise Bohlman, City Clerk

**ORDINANCE 21-\_\_\_\_\_**

**AN INTERIM ZONING ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF BILLINGS, MONTANA,  
IMPOSING A MORATORIUM ON THE OPENING OF NEW  
ESTABLISHMENTS THAT GROW, MANUFACTURE,  
SELL, TEST OR DISTRIBUTE MARIJUANA, AND  
DIRECTING THE STUDY OF NEW PROPOSED  
ORDINANCES TO REGULATE SUCH  
ESTABLISHMENTS.**

**WHEREAS**, Montana voters adopted Initiative Measure 190 (I-190) on November 3, 2020, statewide, in Yellowstone County, Montana, and in the City of Billings, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana; and

**WHEREAS**, the 2021 Montana Legislature passed House Bill (HB) 701, with most sections effective January 1, 2022, which extensively changes and regulates the use, possession, and sale for profit of medical and adult-use (recreational) marijuana and modifies I-190; and

**WHEREAS**, HB 701 defines “marijuana businesses” as a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department of revenue under HB 701; and

**WHEREAS**, the concerns of local governments about HB 701’s application in their communities and the parameters under which a local government has authority to regulate its effects are still being understood; and

**WHEREAS**, the City Council of the City of Billings previously passed Ordinance 11-5545 which prohibits any storefront medical marijuana business within the city limits under the authority of Senate Bill (SB) 423, passed by the 2011 Montana Legislature, and later codified at MCA section 50-46-328(2); and

**WHEREAS**, the City Council of the City of Billings previously passed Ordinance 12-5587 which requires all businesses, occupations, and professions to comply with local, state, and federal law. Marijuana is currently defined as a Schedule 1 controlled substance under federal law, specifically 21 USC §812, the Controlled Substances Act, and as such the use, possession, or sale of marijuana remains a violation of federal law; and

**WHEREAS**, establishments that grow, manufacture, test, sell or distribute marijuana are not currently permitted in any zoning district established by the City of Billings; and

**WHEREAS**, establishments that grow, manufacture, test, sell, transport or

distribute marijuana could have a blighting or detrimental effect on neighborhoods or on nearby schools, recreational facilities, or other uses, and can through such blighting create a public nuisance; and

**WHEREAS**, §76-2-306, MCA, permits a city to adopt an interim zoning ordinance for the preservation of the public peace, property, health, or safety, which may take effect immediately upon passage at one reading; and

**WHEREAS**, this statute allows the City to adopt an interim zoning ordinance to protect public safety, health, and welfare without following the procedures otherwise required preliminary to the adoption of zoning ordinances, and such interim zoning ordinances may prohibit uses that may be in conflict with a contemplated zoning proposal, which the legislative body is considering or intends to study within a reasonable amount of time; and

**WHEREAS**, the City Council of the City of Billings has determined that the operation of establishments that grow, manufacture, test, sell, transport or distribute marijuana within the City limits of Billings, could be immediately detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, until such time as the City has had an opportunity to further study such issue and an opportunity to adopt appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments; and

**WHEREAS**, after first having provided lawful public notice, as required by Section §76-2-306 (2), MCA the City Council conducted a public hearing on September 13, 2021, with respect to this proposed Ordinance, and invited public comment;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Billings, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The terms “marijuana business,” shall have the meaning provided to such terms by HB 701.

Section 3: The City Council of the City of Billings hereby directs City Administration, the City-County Planning Division, the Billings Police Department and the City Legal Department to investigate and study the effect of the opening of establishments that grow, manufacture, test, sell, transport or distribute marijuana and to make recommendations concerning new zoning ordinances that could be adopted to better regulate and/or deal with such establishments, to limit, prohibit, or abate any negative effect implicating the health, safety and/or welfare of the citizenry of the City of Billings, Montana, or blight, upon the City (and its entire zoning jurisdiction and its inhabitants), or the schools, recreational facilities, other uses or neighborhoods located therein.

Section 4: The City Council of the City of Billings directs the City Administration, the City-County Planning Division, the Billings Police Department and the City Legal Department

to present the findings of its investigation and its recommendations to the City Zoning Commission, who in turn will provide its recommendations to the City Council, so that the Council may consider the issue within approximately three (3) months of the date of the enactment of this Ordinance.

Section 5: Until such new ordinances, zoning or otherwise, are adopted and in order to deal with the issues described above, any new establishments attempting to grow, manufacture, test, sell, transport or distribute marijuana are hereby prohibited from being opened within the City of Billings.

Section 6: Any individual, entity, or establishment that violates the terms of the restrictions set forth above shall be deemed to be creating a public nuisance, and shall be subject to criminal penalties as provided in B.M.C.C. Sec. 1-110, and shall further be subject to such civil action to restrain or abate as provided in B.M.C.C. Sec. 18-301 et. seq., as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City, at law or in equity.

Section 7: This Ordinance is expressly made immediately effective, and shall apply to all pending applications of business licenses, building permits, zoning variances, special review permits, zoning changes and all other applications for building and land use permits, developmental activity, land use activity, land use changes, and any other applications or licenses for approval of any type or nature, which have been received by the City of Billings and not yet granted as of the effective date of this Ordinance.

Section 8. In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 9. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Billings, Montana, and signing of the Mayor thereof. No second reading shall be required.

PASSED, ADOPTED and APPROVED on this 13<sup>th</sup> day of September, 2021.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Temporary Zoning Moratorium on Marijuana Related Uses