

**\*\*ATTENTION\*\***

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- . View the meeting:
  - . On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. (*On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.*)
  - . Online at [www.comm7tv.com](http://www.comm7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - . On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - . In-Person.
  - . Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- . Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- . Email: [Council@billingsmt.gov](mailto:Council@billingsmt.gov).
  - . Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- . Attend the meeting in person.
- . Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
  - o **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing \*9 and the moderator will give you permission to speak when it is your turn. *\*Note this is a long distance toll number and charges may apply depending on your plan.*
- . Click Here for [City Council Zoom Hybrid Meeting Details and Schedule](#)
- . Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

**Webinar ID: 823 2547 8495**

**Passcode: 751284**

**Or join by phone: US: +1-253-215-8782**

Please contact Denise Bohlman, City Clerk, at [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), or at 406.657.8210, with any questions.



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

**CITY COUNCIL  
REGULAR BUSINESS MEETING**

**AGENDA**

**COUNCIL CHAMBERS**

**MAY 23, 2022**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Boyett

**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Gulick,  Neese,  Owen,  Joy,  
 Choriki,  Tidswell,  Purinton,  Boyett,  Rupsis

**MINUTES:**

- April 25, 2022
- May 9, 2022

**COURTESIES:**

**PROCLAMATIONS:** Men's Health Month - June

**COUNCIL REPORTS:**

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 2, 6 and 7 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. **Bid Awards:**

1. **Fire Stations 1, 2 and 3 Driveways.** (Opened 5/3/2022) Recommend rejecting all bids.
2. **MET Transit Training Lot.** (Opened 5/3/2022) Recommend Knife River-Billings; \$706,468.50.
3. **Nine City-owned Parcels to Sell, Exchange or Donate, Terrace Estates Subdivision, 3rd Filing.** (Opened 5/3/2022). No recommendation.

B. **Change Order No. 1, 2019 Hail Claim-Stewart Park Buildings, Finishing Touch Exteriors, Inc.;** \$110,637.16.

C. **Change Order No. 1, 2019 Hail Claim - Fire Station 7 and West Side Maintenance Building (Miscellaneous City Buildings), Finishing Touch Exteriors, Inc.;** \$376,628.63.

- D. **Professional Services Contract** for W.O. 22-20: Water Treatment Plant High Service Pump Station HVAC Upgrades with Advanced Engineering and Environmental Services, LLC (AE2S); \$111,500.
- E. **Amendment No. 1, Law and Justice Center/City Hall Phases II and III**, professional services design agreement, JLG Architects; \$1,063,050.
- F. **2022 High Intensity Drug Traffic Area (HIDTA)** award from the Executive Office of the President, Office of National Drug Control Policy; \$270,254.
- G. **Donation** to Fire Department from Alpha Omega Disaster Restoration for 48 carbon monoxide detectors.
- H. **Perpetual Right-of-Way Easement** with Development 55, LLC for water main improvements located along Harnish Boulevard.
- I. **Annexation Agreement** with Shiloh Farm, LLC for improvements located along the west side of Shiloh Road and north of Zoo Drive.
- J. **Preliminary Subsequent Minor** for Harmony Meadows Subdivision, 3rd Filing.
- K. **Final Minor Plat** for Annafeld Subdivision, 4th Filing.
- L. **Second/Final Reading Ordinance** amending Ordinance 21-5783, to correct the legal description in Zone Change 1000.
- M. **Bills for the Weeks of:**
  - 1. April 18, 2022
  - 2. April 25, 2022

**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. **UTILITY EASEMENT** with Northwestern Energy for overhead electric cables located in parkland along 36th Street West from Monad Road to Central Avenue. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)
  - *Presented by:* Michael Whitaker, Parks, Recreation and Public Lands Director
- 3. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1013:** a zone change located at 527 Lake Elmo Drive. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) ***\*Quasi-Judicial***
  - *Presented by:* Nicole Cromwell, Zoning Coordinator

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1013, and adopt the findings of the 10 criteria, as recommended by Zoning Commission.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1014:** a zone change located at 3038 Central Avenue. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **\*Quasi-Judicial**

- *Presented by:* Karen Husman, Planner

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1014, and adopt the findings of the 10 criteria, as recommended by Zoning Commission.

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1015:** a zone change located at 1411 Emma Drive. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) **\*Quasi-Judicial**

- *Presented by:* Karen Husman, Planner

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve first reading ordinance for Zone Change 1015, and adopt the findings of the 10 criteria, as recommended by Zoning Commission.

**SPECIAL PRESENTATIONS:** *(No Action Required)*

6. **PARKS, RECREATION AND TRAILS FUNDING ISSUES.**

- *Presented by:* Michael Whitaker, Parks, Recreation and Public Lands Director

7. **MULTI-GENERATIONAL COMMUNITY RECREATION CENTER PROJECT UPDATE.**

- *Presented by:* Dusty Easton, A&E Design

**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](mailto: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:** 05/23/2022  
**Title:** Fire Stations #1, 2, & 3 Driveways  
**Presented by:** John Caterino, Facilities Supervisor  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Yes

**RECOMMENDATION**

Staff recommends that City Council reject the only received sealed bid for concrete driveway replacement at Fire Stations #1, 2, & 3. We plan to change the scope and do Request for Quotes (RFQ) without a bid bond. We hope this approach will help to solicit more interest and competition.

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

In June 2020 an RFQ was issued for concrete driveway replacement at City of Billings Fire Stations #1 and 3. There was a base bid and an alternate for each station. The base bid for each station was accepted and the alternate for each station was not accepted due to costs and budget. This advertised IFB is a second phase and a continuation of Fire Station concrete driveway replacement and also includes Fire Station #2. The existing concrete at these stations suffer from various types of distress including cracking, blowups, spalling, and settling. In one case at Fire Station #2 rebar is exposed to the elements. This bid award is to demo existing concrete driveways, removal of base, subgrade prep including scarification, #4 coated rebar install, and pour of a 7-inch slab at a minimum of 4500 psi.

The project was advertised on 04/22/2022 and 04/29/2022 in *Yellowstone County News* and on the City's website.

Bids were opened on 05/03/2022 and one (1) bid was received from 3 Bull Contracting.

The breakdown is as follows:

|                                 |              |
|---------------------------------|--------------|
| Station 1 - Base Bid            | \$97,000.00  |
| Station 1 - Alternate #1        | \$2,500.00   |
| Station 1 - Alternate #2        | \$5,500.00   |
| Station 2 - Base Bid            | \$17,500.00  |
| Station 3 - Base Bid            | \$16,500.00  |
| Station 3 - Alternate #1        | \$5,500.00   |
| Deduct if all bids are accepted | (\$6,000.00) |

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

None. Reject all bids and rebid as RFQ.

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Award of Contract to Knife River-Billings for MET Transit Training Lot Construction  
**Presented by:** Rusty Logan  
**Department:** Transit  
**Presentation:** No  
**Legal Review** No

**RECOMMENDATION**

Staff recommends that the City Council approve the contract with Knife River-Billings, for the construction of the MET Transit Training Lot for the amount of \$706,468.50.

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

On January 10, 2022, City Council approved Amendment 29 to the Aviation and Transit Department's five-year engineering contract with Morrison-Maierle (M-M) for the specification, design, and management of the MET Transit Training Lot project. This project was advertised on April 15, 22, and 29, 2022 in the *Yellowstone County News* and on the City's Website requesting the submission of sealed bids. On May 3, 2022, two bids were received. The bids consisting of the Base Project (lot paving, storm water, grading) and Add/Alternative Option 1 (lot lighting) are as follows:

| BIDDER      | Base Bid     | Alt #1      | Total        |
|-------------|--------------|-------------|--------------|
| JR CIVIL    | \$850,421.00 | \$71,924.00 | \$922,345.00 |
| KNIFE RIVER | \$665,421.50 | \$41,047.00 | \$706,468.50 |

Completion of this project will support multiple regulatory requirements including ongoing operator training outlined in the Public Transit Agency Safety Plan, as well as entry-level driver training required by the Federal Motor Carrier Services Administration for new commercial driver's license (CDL) holders. By fulfilling these requirements, MET Transit will stay in compliance with Federal Transit Administration regulations as well as gain an increased ability to ensure operators receive high quality ongoing training. The completed project will also enhance MET Transit's ability to hire and train new operators who require CDL training. The construction services will be funded using Federal Transit Administration funds at a rate of 80% with a 20% local match.

**ALTERNATIVES**

City Council may:

- Approve the award of the construction contract with Knife River-Billings for completion of the MET Transit Training Lot and Alternative One for lighting, for a total amount of \$706,468.50; or
- Not Approve the award of the construction contract and advise staff on how to proceed.

**FISCAL EFFECTS**

The total cost of the MET Transit Training Lot construction project with Knife River-Billings is \$706,468.50. This project will be funded using Federal Transit Administration grant funds at 80% Federal (\$565,174.80) and 20% local (\$141,293.70). This project is included in the City of Billings CIP and within the Aviation and Transit Department budget. The local matching funds are available in MET Transit's capital account.

**Attachments**

Training Lot Construction Contract

## Section 1.5 Contract

THIS CONTRACT, made as of \_\_\_\_\_ by and between the City of Billings, hereinafter called the OWNER, and Knife River – Billings hereinafter called the CONTRACTOR.

WITNESSETH THAT, whereas the OWNER intends to construct improvements at City of Billings, Department of Aviation and Transit, consisting of:

### **Schedule 1 – MET Bus Training Lot Additive Alternate 1 – Lighting**

hereinafter called the PROJECT, in accordance with Drawings, Specifications and other Contract Documents prepared by **Morrison-Maierle**, hereinafter called the ENGINEER, and as such designated by the parties hereto as an agent for the OWNER to protect the interests of the OWNER and to insure that the CONTRACTOR's work is done in full compliance with the terms of this CONTRACT.

NOW, THEREFORE, the OWNER and the CONTRACTOR, for the considerations herein set forth, agree as follows:

THE CONTRACTOR AGREES to furnish all the necessary labor, materials, equipment, tools and services necessary to perform and complete, in a workmanlike manner, all work required for the construction of the Project included in the following units and items of the Proposal in strict compliance with the Contract Documents herein mentioned, which are hereby made a part of the Contract:

A. CONTRACT TIME: Work under this Contract shall be commenced upon written Notice To Proceed and shall be completed within the specified calendar days of the commencement of the Contract Time as specified in the Special Provisions.

B. LIQUIDATED DAMAGES AND ACTUAL DAMAGES: Subject to the provisions of the General Provisions and Instructions to Bidders, the OWNER shall be entitled to be paid by the Contractor for liquidated damages, actual damages and damages for additional engineering services as specified in the Instructions to Bidders and as referenced in the "Bid Proposal Packet". (See attached "Acknowledgement of Liquidated Damages" form.)

C. LOBBY DISCLOSURE: As a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code, the Contractor agrees to provide Certification of Disclosure of Lobbying activities and shall require that the language of this certification be included in the award of documents for all sub-awards at all tiers and that all sub-recipients shall certify and disclose accordingly. (See attached "Disclosure of Lobbying Activities" form.)

D. SUBCONTRACTORS: The CONTRACTOR agrees to bind every subcontractor by the terms of the Contract Documents. The Contract Documents shall not be construed as creating any contractual relation between subcontractor and the OWNER.

E. CONTRACT PRICE: THE OWNER AGREES to pay, and the CONTRACTOR agrees to accept, in full payment for the performance of this Contract, the Contract amount of Seven

hundred six thousand four hundred sixty-eight and 50/100 Dollars (\$706,468.50) based on the prices stipulated in the Proposal and in accordance with the provisions of the Contract Documents.

F. PAYMENT PROCEDURES: Progress payments will be made in accordance with the General Conditions and Special Provisions.

G. CONTRACT DOCUMENTS: The term "CONTRACT DOCUMENTS" as used herein shall mean and include the "GENERAL CONDITIONS" hereto attached, all of which are by this reference incorporated into and made a part of this Contract. In the event any provision of one Contract Document conflicts with the provision of another Contract Document, the provision in that Contract Document first listed below shall govern, except as otherwise specifically stated:

- a. Contract (This Instrument)
- b. Performance and Payment Bonds
- c. Addenda to Contract Documents (List): One
- d. Legal and Procedural Documents:
  - 1. Proposal
  - 2. Proposal Guaranty
  - 3. Instructions to Bidders
  - 4. Invitation to Bid
- e. Special Provisions
- e. Drawings (List Sheet Numbers): 19
- f. Technical Provisions
- g. General Conditions

H. AUTHORITY AND RESPONSIBILITY OF THE ENGINEER: The ENGINEER shall decide any and all questions which may arise as to the quality and acceptability of materials furnished, work performed, rate of progress of work, interpretation of drawings and specification, and all questions as to the acceptable fulfillment of the Contract on the part of the CONTRACTOR. In acting in this capacity under this Contract, the ENGINEER is acting as an agent for the OWNER to protect the interest of the OWNER. ENGINEER will endeavor for the benefit of the OWNER to determine, in general, if the work is proceeding in accordance with the contract documents. ENGINEER will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work. ENGINEER'S efforts will be directed toward providing for owner a greater degree of confidence that the completed work will conform generally to the contract documents. This service does not include direction or supervision of the CONTRACTOR'S employees, agents or subcontractors, or the inspection of any of the equipment, installations, temporary shoring, or any other of the CONTRACTOR'S operations or those of his subcontractor, to safeguard their agents or public employees or the general public, or to prevent damage to public or private property, these being the sole responsibility of the CONTRACTOR.

I. SAFETY PROVISIONS: It is a condition of the Contract, and shall be made a condition of each subcontract entered into pursuant to this Contract, that the CONTRACTOR and any subcontractor shall not require any laborer or mechanic employed in performance of the Contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety, as determined under construction safety and health standards. Title 29 Code of Federal Regulations, Part 1518, 36 F.R., 7340, promulgated by the United States Secretary of Labor in accordance with Section 107 of the Contract Work Hours and Safety Standards Act, 82 Stat. 96.

J. LABOR PROVISIONS: The labor provisions of Section 1.8 A.10 Employee Protections are hereby made a part of this contract.

K. SUCCESSORS AND ASSIGNS: This contract and all of the covenants hereof shall insure to the benefit of, be binding upon the OWNER and the CONTRACTOR respectively, and his partners, successors, assigns, and legal representatives. Neither the OWNER nor the CONTRACTOR shall have the right to assign or transfer his interests or obligations hereunder without written consent of the other party.

L. ATTORNEY'S FEES: In the event either party engages the services of an attorney to enforce any provisions hereof or to secure payments, the prevailing party shall receive from the other party all costs, charges and expenses, including reasonable attorney's fees.

M. EQUAL EMPLOYMENT OPPORTUNITY CLAUSE: (Applies to all Construction Contracts in excess of \$10,000): During the performance of this contract, the contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. 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, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment 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 to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of

September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interest of the United States.

N. AFFIDAVIT OF AMOUNTS PAID DBE PARTICIPANTS: Upon completion of the project, the Bidder agrees to complete the attached "Affidavit of Amounts Paid DBE Participants" indicating actual DBE firms used, a description of utilization, and the amount paid each DBE firm. (See Forms Appendix, make copies as needed, complete and provide to project engineer.) IN WITNESS WHEREOF, the parties have made and executed this Contract this day and year first above written.

City of Billings  
Aviation and Transit Department  
OWNER

Knife River – Billings  
CONTRACTOR

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

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

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

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

P.O. Box 1178  
Business Address

P.O. Box 80066  
Business Address

Billings MT 59103  
City State Zip

Billings MT 59108  
City State Zip

The foregoing Contract, including all Contract Documents which are a part thereof, is in due form according to the law and is hereby approved.

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney's Office

ATTEST

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

See attached forms:

- A. CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS (Requires Signature)
- B. DISCLOSURE OF LOBBYING ACTIVITIES (Requires Disclosure)
- C. ACKNOWLEDGEMENT OF LIQUIDATED DAMAGES (Requires Signature)

**Attachment "A"**  
**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,  
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed: \_\_\_\_\_  
Contractor's Authorized Representative

Dated: \_\_\_\_\_

**Attachment "B"**  
**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Type of Federal Action:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Contract</li> <li><input type="checkbox"/> b. Grant</li> <li><input type="checkbox"/> c. Cooperative Agreement</li> <li><input type="checkbox"/> d. Loan</li> <li><input type="checkbox"/> e. Loan Guarantee</li> <li><input type="checkbox"/> f. Loan Insurance</li> </ul>                                                                                                                                                                                                                                      | <p>2. Status of Federal Action</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. bid/Offer/Application</li> <li><input type="checkbox"/> b. Initial Award</li> <li><input type="checkbox"/> c. Post-award</li> </ul>                                                                                                                                                          | <p>3. Report Type:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Initial filing</li> <li><input type="checkbox"/> b. Material change</li> </ul> <p>For Material Change Only:<br/>Year ____ Quarter ____<br/>Date of last report</p> |
| <p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime      <input type="checkbox"/> Subawardee<br/>Tier ____, if known:</p> <p>Congressional District, if known:</p>                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                              |
| <p>6. Federal Department/Agency:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable:</p>                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                              |
| <p>8. Federal Action Number, if known:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>9. Award Amount, if known:</p> <p>\$</p>                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                              |
| <p>10. a. Name and Address of Lobbying Entity<br/>(if individual, last name, first name, MI):</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>b. Individuals Performing Services (including address if different from No. 10a)<br/>(last name, first name, MI):</p> <p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |
| <p>11. Amount of Payment (check all that apply):</p> <p>\$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>13. Type of Payment (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Retainer</li> <li><input type="checkbox"/> b. One-time fee</li> <li><input type="checkbox"/> c. Commission</li> <li><input type="checkbox"/> d. Contingent fee</li> <li><input type="checkbox"/> e. Deferred</li> <li><input type="checkbox"/> f. Other; specify:</li> </ul> |                                                                                                                                                                                                                                                              |
| <p>12. Form of Payment (check all that apply):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Cash</li> <li><input type="checkbox"/> b. In-kind; specify: nature _____ value _____</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                 | <p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11:</p> <p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>                                                                                                                                            |                                                                                                                                                                                                                                                              |
| <p>15. Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                              |
| <p>Information requested through this form is authorized by title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p> | <p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No: _____ Date: _____</p>                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                              |
| <p>Federal Use Only:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Authorized for Local<br/>Reproduction<br/>Standard Form - LLL</p>                                                                                                                                                                                         |

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Reporting Entity: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

**Attachment "C"**  
**ACKNOWLEDGEMENT OF LIQUIDATED DAMAGES**

This acknowledgment dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by wherein Knife River - Billings acknowledges and agrees that the public improvement contract contains a liquidated damages clause. Knife River - Billings acknowledges and agrees that because the project involves the construction of public improvements said liquidated damages clause is necessary. Knife River - Billings acknowledges and agrees that the City of Billings is damaged in the amount of \$ 300.00 (Three Hundred and no/100 Dollars) for each day past the contract's completion date that this project is not completed.

Knife River - Billings acknowledges and agrees that because this is a public improvement project, it is extremely difficult to calculate the City of Billings' actual damages for delay in completing the project but that this mutually agreed upon figure for liquidated damages of \$ 300.00 (Three Hundred and no/100 Dollars) is the best approximation possible, is reasonable and is not a penalty. This mutually agreed upon liquidated damages amount has been specifically taken into account in arriving at the dollar amount of Knife River – Billings's submitted bid. This liquidated damages amount shall be included in the public improvement project contract and Knife River - Billings acknowledges and agrees to be bound by this amount should Knife River – Billings be awarded the public improvement contract.

This mutually agreed upon amount may be deducted from money due or to become due Knife River - Billings should Knife River - Billings be awarded the public improvement contract and should Knife River - Billings fail to complete the work within the time specified in the contract.

By: \_\_\_\_\_  
(Contractor)

Its: \_\_\_\_\_  
(Title)

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**City Council Regular**

**Date:** 05/23/2022  
**Title:** Bid to Sell, Exchange or Donate City Real Property - Terrace Estates Sub., 3rd Filing  
**Presented by:** Mark Jarvis  
**Department:** Parks/Rec/Public Lands  
**Presentation:** Yes  
**Legal Review** Yes

**RECOMMENDATION**

Staff is neutral for a recommendation on this issue. The Parks, Recreation and Cemetery Board Met on May 11, 2022, and discussed this issue. There were 2 motions made but both failed to receive a majority vote. Therefore the Board does not have a recommendation regarding this issue.

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

The property owner of the de-annexed Terrace Estates Subdivision, 3rd Filing, as part of their plan to reconfigure their lots prior to selling the land, desired to acquire nine parcels of City owned parkland, see Attachment A. In exchange, they propose to providing four parcels of equal acreage and greater value, See Attachment B. At the April 11, 2022, Council Meeting, a public hearing was held followed by Council passing a resolution authorizing staff to proceed with the disposal of these parcels through the bidding process by the sale, exchange or donation of City owned land as permitted in the Billings, Montana City Code, Article 22-902, see Attachment C. On April 15, 2022, the City published a Public Notice titled Disposition of City Property and Call for Sealed Bids wherein offers to purchase, exchange or donate these nine parcels would be received by the City Clerk on May 3, 2022, by 2:00 pm. At the bid opening on May 3rd, the City received one bid, see Attachment D. This bid was from James and JoAnn Boyer, owners of the de-annexed Terrace Estates Subdivision, 3rd Filing. This bidder is proposing to exchange four parcels of land they own for the nine parcels the City owns.

According to the Council approved Billings Urban Area Bikeway and Trails Master Plan Update for 2017, a proposed future trail is identified along Alkali Creek on City owned land through the De-annexed Terrace Estates 3rd Filing property, see Attachment E.

If Council approves the exchange of the 4 parcels offered by the Boyers, see Attachment F, it would provide additional parkland on the east end of the Terrace Estates land. This would improve access to an existing City utility easement in the northeast corner, Parcel B-P 1, for Public Works to more conveniently access a sewer line for maintenance. On the southeast corner, Parcels B-P 2 and B-P 3, would provide additional road frontage along Alkali Creek Road for any future parkland access to the Alkali Creek corridor and for future possible development. If the 9 parcels of parkland on the western half of the Terrace Estates land is exchanged, it would narrow the corridor running along Alkali Creek and would decrease the possibility of public access along that portion for future improvements such as a trail. It will also reduce the access to the remaining parkland to perform maintenance operations. Also, this proposed exchange has one parcel that if not exchanged would prevent continuous public access along the full length of the Alkali Creek Corridor within the Terrace Estates land. This parcel owned by the Boyers is Parcel B-P 4. A composite aerial map illustrates the proposed land exchange see Attachment G.

**ALTERNATIVES**

City Council may:

- Approve the bid by James and JoAnn Boyer to acquire the nine parcels of parkland within the de-annexed Terrace Estates Subdivision for the four parcels they propose to exchange;
- Approve the bid by James and JoAnn Boyer subject to certain conditions of the sale, exchange, or donation of any or all of the nine parcels of parkland as Council may determine, including placing deed restrictions relating to the use or subsequent sale of the property; or
- Reject the bid and retain the property.

**FISCAL EFFECTS**

There will be no significant fiscal effects by taking this action.

Attachment A 9 Parcels  
Attachment B 4 Parcels  
Attachment C Sec.-22-902  
Attachment D Bid Submittal  
Attachment E Billings Base Map  
Attachment F Parcel Map  
Attachment G Aerial Map

## Attachment A

The property to be considered for sale, exchange or donation is described as nine parcels of parkland:

**Parcel P-B1**, .184 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the north most corner of Lot 25, Block 2 of said subdivision;  
THENCE South 77°23'54" West, along the northwesterly line of said Lot 25, a distance of 138.00 feet to the north right of way line of an unnamed cul-de-sac and the beginning of a curve concave to the southwest having a radius point which bears South 62°42'22" West, 55.00 feet distant;  
THENCE northwesterly 35.76 feet along said curve through a central angle of 37°15'13" to the east most corner of Lot 24, Block 2 of said subdivision;  
THENCE North 06°16'51" West, along the easterly line of said Lot 24, a distance of 75.82 feet to the northeast corner of said Lot 24;  
THENCE South 67°29'36" East, 182.08 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.184 acres, more or less.

**Parcel P-B2**, .807 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

COMMENCING at the northwest corner of Lot 1, Block 2 of said subdivision;  
THENCE North 81°34'48" West, along the south right of way line of Jack and Jill Avenue, 151.74 feet to the TRUE POINT OF BEGINNING;  
THENCE South 26°59'31" West, 133.35 feet;  
THENCE North 63°55'29" West, 40.04 feet;  
THENCE South 51°33'25" West, 115.33 feet;  
THENCE North 24°10'17" West, 203.55 feet;  
THENCE North 51°11'47" West, 19.67 feet to the east right of way line of Valley Heights Road being a point on a curve concave to the east having a radius point which bears South 61°05'39" East, 415.36 feet distant;  
THENCE northerly 66.54 feet along said curve through a central angle of 09°10'45"

to the south right of way line of Jack and Jill Avenue being a point on a curve concave to the north having a radius point which bears North  $36^{\circ}47'23''$  East, 360.00 feet distant;

THENCE easterly 178.27 feet along said curve through a central angle of  $28^{\circ}22'23''$ ;

THENCE South  $81^{\circ}34'48''$  East, continuing along said south right of way line, 86.84 feet to the TRUE POINT OF BEGINNING;

ENCOMPASSING an area of 0.807 acres, more or less.

**Parcel P-B3**, .154 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the northeast corner of Lot 17, Block 2 of said subdivision;

THENCE North  $56^{\circ}35'01''$  West, along the north line of said Lot 17, a distance of 141.08 feet to the east right of way line of Valley Heights Road;

THENCE North  $23^{\circ}54'35''$  East, along said east right of way line, 96.45 feet;

THENCE South  $25^{\circ}22'25''$  East, 183.58 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.154 acres, more or less.

**Parcel P-B4**, .033 acres. Legal Description: A tract of land in Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the intersection of the west right of way line of Valley Heights Road and the south right of way line of Jack and Jill Avenue being a point on a curve concave to the east having a radius point which bears South  $51^{\circ}28'26''$  East, 475.36 feet distant;

THENCE southerly 69.37 feet along said curve through a central angle of  $08^{\circ}21'39''$ ; THENCE leaving said right of way line, North  $51^{\circ}11'47''$  West, 14.77 feet;

THENCE North  $24^{\circ}48'34''$  East, 76.16 feet to the south right of way line of Jack and Jill Avenue being a point on a curve having a radius point which bears North  $50^{\circ}51'27''$  East, 360.00 feet distant;

THENCE southeasterly 28.22 feet along said curve through a central angle of  $04^{\circ}29'31''$  to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.033 acres, more or less.

**Parcel P-B5**, .351 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, YellowstoneCounty, Montana, being more particularly described as follows:

BEGINNING at the east most corner of Lot 25, Block 1 of said subdivision;  
THENCE North 65°56'11" West, along the northeasterly line of said Lot 25, a distance of 44.92 feet;  
THENCE continuing along the northeasterly line of said Lot 25, North 23°08'42" West, 88.29 feet to the north most corner of said Lot 25;  
THENCE North 01°15'47" East, along the northeasterly line of Lot 21, Block 1 of said subdivision, 52.78feet to the southeast corner of Lot 20, Block 1 of said subdivision;  
THENCE North 01°25'36" East, along the east line of said Lot 20, a distance of 39.83 feet;  
THENCE North 14°07'03" East, continuing along the east line of said Lot 20, a distance of 99.87 feet tothe northeast corner of said Lot 20;  
THENCE South 06°59'51" East, 123.40 feet;  
THENCE South 48°08'11" East, 103.86 feet to the west right of way line of Valley Heights Road being apoint on a curve concave to the southeast having a radius point which bears South 64°56'32" East, 475.36 feet distant;  
THENCE southwesterly 9.53 feet along said curve through a central angle of 01°08'53";  
THENCE continuing along said westerly right of way line, South 23°54'35" West, 96.79 feet to the POINTOF BEGINNING;

ENCOMPASSING an area of 0.351acres, more or less.

**Parcel P-B6**, .084 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, YellowstoneCounty, Montana, being more particularly described as follows:

BEGINNING at the east most corner of Lot 18, Block 1 of said subdivision;  
THENCE North 65°31'15" West, along the northerly line of said Lot 18, 38.63 feet to the north most corner of said Lot 18;  
THENCE North 14°23'23" East, 91.58 feet to the west most corner of Lot 19, Block 1 of said subdivision;

THENCE South 35°20'22" East, along the southwesterly line of said Lot 19, a distance of 77.32 feet to the south most corner of said Lot 19 being a point on the curved westerly right of way line of Woodland Trail having a radius point which bears South 47°35'31" East, 330.00 feet distant;

THENCE southwesterly 52.77 feet along said curve through a central angle of 09°09'43" to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.084 acres, more or less.

**Parcel P-B7**, .953 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the east most corner of Lot 9, Block 1 of said subdivision; THENCE

South 65°53'04" East, 236.26 feet;

THENCE South 22°09'59" East, 270.87 feet to a point on the north line of Lot 16, Block 1 of said subdivision;

THENCE South 86°08'29" West, along said north line, 50.14 feet to the east most corner of Lot 15, Block 1 of said subdivision;

THENCE North 36°28'31" West, along the northeasterly boundary of said Lot 15, a distance of 62.19 feet to the north most corner of said Lot 15;

THENCE South 77°37'51" West, along the northwesterly line of said Lot 15, a distance of 101.58 feet to the west most corner of said lot 15;

THENCE South 78°08'19" West, along the northerly boundary of Lot 14, Block 1 of said subdivision, 18.53 feet to an angle point in said northerly lot line;

THENCE North 22°33'31" West, along said northerly lot line, 44.95 feet to the southeast corner of Lot 12, Block 1 of said subdivision;

THENCE North 36°52'04" East, along the east line of Lots 12 and 11, a distance of 94.88 feet to an angle point on the east line of lot 11, Block 1 of said subdivision;

THENCE North 06°53'22" West, along the east line of said Lot 11, a distance of 53.93 feet to an angle point on said east line of Lot 11;

THENCE North 40°33'05" West, along the northeasterly boundary of Lots 11 and 10, Block 1 of said subdivision, 155.93 feet to the north most corner of said Lot 10;

THENCE South 49°21'48" West, along the northwesterly line of said lot 10, a distance of 81.11 feet to an angle point on said northwesterly line;

THENCE South 73°03'24" West, along said northwesterly line, 29.93 feet to a point

on the curved easterly right of way line of Sage Drive having a radius point which bears South 77°58'49" West, 200 feet distant;  
THENCE northerly 49.51 feet along said curve through a central angle of 14°10'57" to the southeast  
corner of Lot 9, Block 1 of said subdivision;  
THENCE North 49°41'22" East, along the southeasterly line of said Lot 9, a distance of 80.02 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.953 acres, more or less.

**Parcel P-B8**, 1.173 acres. Legal Description: Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the south most corner of Lot 2, Block 1 of said subdivision;  
THENCE North 21°49'47" East, along the southeasterly boundary of said Lot 2, a distance of 107.97 feet to the south most corner of Lot 3, Block 1 of said subdivision;  
THENCE North 21°47'44" East, along the southeasterly boundary of said Lot 3, a distance of 80.11 feet to an angle point on said southeasterly boundary;  
THENCE North 82°32'22" East, along said southeasterly boundary, 121.99 feet to an angle point on said southeasterly boundary;  
THENCE North 21°45'11" East, along said southeasterly boundary, 39.00 feet to the northeast corner of said Lot 3, being a point on the curved south right of way line of Jack and Jill Avenue having a radius point which bears South 04°40'10" West, 300.00 feet distant;  
THENCE easterly 73.76 feet along said curve through a central angle of 14°05'11";  
THENCE South 71°22'36" East, continuing along said south right of way line, 272.24 feet to the north most corner of Lot 4, Block 1 of said subdivision;  
THENCE South 18°34'50" West, along the westerly boundary of said Lot 4, a distance of 30.02 feet to an angle point on said westerly boundary;  
THENCE North 74°18'20" West, 269.13 feet;  
THENCE South 62°05'07" West, 169.90 feet;  
THENCE South 23°08'14" East, 142.80 feet;  
THENCE South 60°42'31" West, 107.91 feet;  
THENCE South 47°04'57" West, 59.55 feet;  
THENCE North 50°57'52" West, 36.45 feet;  
THENCE North 21°48'05" East, 49.44 feet;

THENCE North 20°40'16" West, 70.74 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 1.173 acres, more or less.

**Parcel P-B9**, .186 acres. Legal Description: A tract of land in the existing park as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the southwest corner of Lot 9, Block 1 of said subdivision, said point being a point on the curved cul-de-sac of Sage Drive having a radius point which bears South 42°42'58" East, 55.00 distant;

THENCE southerly 46.34 feet along said curve through a central angle of 48°16'28" to the north most corner of Lot 8, Block 1 of said subdivision;

THENCE South 89°07'38" West, along the northwesterly boundary of said Lot 8, a distance of 23.12 feet to an angle point on said northwesterly boundary;

THENCE South 42°25'57" West, along said northwesterly boundary, 111.91 feet to an angle point on the northerly boundary of Lot 7, Block 1 of said subdivision;

THENCE South 89°57'43" West, along said northerly boundary, 71.84 feet to a point on a curve being offset 10.00 feet northerly from the southerly boundary of said Lot 7, having a radius point which bears North 39°50'11" East, 990.00 feet distant;

THENCE northwesterly 9.47 feet along said curve through a central angle of 00°32'54";

THENCE North 53°26'28" East, 224.99 feet to an angle point in the westerly boundary of said Lot 9; THENCE South 42°56'24" East, along said westerly boundary of Lot 9, a distance of 21.53 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 0.186 acres, more or less.

## Attachment B

The property to be given by the developer in exchange for the nine parcels of land currently owned by the City is described as four parcels of parkland below:

**Parcel B-P1**, Legal Description: A tract of land in Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

BEGINNING at the northwest corner of Lot 53, Block 3 of said Terrace Estates Subdivision 3<sup>rd</sup> Filing;  
THENCE South 81°32'18" East, along the north line of said Lot 53, a distance of 200.60 feet to the northeast corner of said Lot 53;  
THENCE South 23°22'15" West, along the east line of said Lot 53, a distance of 177.76 feet to the northright of way line of Jack and Jill Avenue and the beginning of a curve concave to the southwest having a radius point which bears South 23°21'41" West, 365.00 feet distant;  
THENCE southeasterly 99.43 feet along said curve through a central angle of 15°36'28";  
THENCE South 51°01'51" East, continuing along said north right of way line, 180.00 feet to the west most corner of Lot 60, Block 3 of said subdivision;  
THENCE North 38°37'45" East, along the northwesterly line of said Lot 60, a distance of 159.17 feet to the north most corner of said Lot 60;  
THENCE South 39°10'16" East, along the northwesterly line of said Lot 60, a distance of 210.07 feet to the east most corner of said Lot 60;  
THENCE South 40°18'42" West, along the southwesterly line of said Lot 60, a distance of 158.44 feet to the northerly line of the existing park boundary,  
THENCE North 60°14'26" West, along said park boundary, 67.06 feet;  
THENCE North 76°01'35" West, continuing along said park boundary, 57.63 feet to the beginning of a curve concave to the north having a radius point which bears North 26°28'14" West, 55.00 feet distant;  
THENCE westerly 31.05 feet along said curve through a central angle of 32°20'48"; THENCE South 05°12'36" West, continuing along said park boundary, 24.01 feet; THENCE South 63°52'29" West, continuing along said park boundary, 65.04 feet; THENCE North 86°12'13" West, continuing along said park boundary, 44.97 feet; THENCE North 34°18'50" West, continuing along said park boundary, 67.40 feet; THENCE North 34°21'03" West, continuing along said park boundary, 36.69 feet; THENCE North 74°13'48"

West, continuing along said park boundary, 65.90 feet; THENCE North  $37^{\circ}17'59''$  West, continuing along said park boundary, 49.98 feet; THENCE South  $73^{\circ}26'01''$  West, continuing along said park boundary, 82.09 feet;

THENCE leaving said park boundary North  $10^{\circ}03'39''$  West, 190.01 feet to the northwest corner of Lot 13, Block 2 of Terrace Estates Subdivision 3<sup>rd</sup> Filing; THENCE North  $08^{\circ}20'09''$  East, 219.38 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 3.450 acres, more or less.

**Parcel B-P2**, Legal Description: A tract of land in Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

Lot 76, Block 3 of Terrace Estates Subdivision 3<sup>rd</sup> Filing, EXCEPT the southwesterly 10 feet thereof;

ENCOMPASSING an area of 0.194 acres, more or less.

**Parcel B-P3**, Legal Description: A tract of land in Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

Lot 26 and Lot 27, Block 2 of Terrace Estates Subdivision 3<sup>rd</sup> Filing, EXCEPT the southwesterly 10 feet thereof;

ENCOMPASSING an area of 0.455 acres, more or less.

**Parcel B-P4**, Legal Description: A tract of land being a portion of Valley Heights Road as depicted on Terrace Estates Subdivision 3<sup>rd</sup> Filing, Yellowstone County, Montana, being more particularly described as follows:

COMMENCING at the east most corner of Lot 25, Block 1 of said Terrace Estates Subdivision 3<sup>rd</sup> Filing;

THENCE North  $23^{\circ}54'35''$  East, along the westerly right of way line of said Valley Heights Road, 96.79 feet to the beginning of a tangent curve concave to the southeast having a radius of 475.36 feet;

THENCE northeasterly 9.53 feet along said curve through a central angle of  $01^{\circ}08'53''$  to the TRUE POINT OF BEGINNING;

THENCE continuing northeasterly 42.37 feet along said curve through a central angle of  $05^{\circ}06'27''$ ;

THENCE leaving said westerly right of way line South 51°11'47" East, 60.79 feet to the easterly right of way line of said Valley Heights Road and the beginning of a curve concave to the southeast having a radius which bears South 61°05'39" East, 415.36 feet distant;

THENCE southwesterly 36.22 feet along said curve through a central angle of 04°59'46";

THENCE South 23°54'35" West, along said easterly right of way line, 30.44 feet;

THENCE leaving said right of way line North 25°22'25" West, 50.53 feet; THENCE North 48°08'11" West, 22.71 feet to the TRUE POINT OF BEGINNING;

ENCOMPASSING an area of 0.070 acres, more or less.

## **Sec. 22-902. - Sale, exchange or donation of city real property.**

- (1) Subject to the provisions of subsections (a) and (b) below, the city council may sell, exchange or donate any real property belonging to the city, including property held in trust for a specific purpose, by a resolution passed by six (6) of the city council members present. The city council shall advertise for competitive bids on any real property prior to sale, exchange or donation. The city council shall have the authority and discretion to select the bid that is in the best interest of the city, conditionally accept a bid or it may reject any and all bids. **Other local, state or federal governmental entities expressing interest shall be exempt from competitive bidding, and the city council may sell, exchange or donate specific real property to such governmental entities without a competitive bidding process. However, the council shall proceed as provided in subsections (a) and (b) and approve the Resolution described above when considering the sale, exchange or donation to another governmental entity.**

In its discretion, the city council may consider and impose deed restrictions relating to the use or subsequent sale of the property as a condition of the sale, exchange or donation of land.

Prior to selling exchanging or donating said real property, the city administrator or his/her designee shall:

- (a) Publish notice in the legal newspaper of the city of the intention to sell, exchange or donate such property and requesting competitive bids prior to the sale, exchange or donation of such lands, giving the public the opportunity to be heard regarding such action. Said notice shall be published no less than fifteen (15) days in advance of the date of the public hearing.
  - (b) Notify by mail all property owners within three hundred (300) feet of the exterior boundaries of the real property subject to sale, exchange or donation fifteen (15) calendar days in advance of the time, date, place of the public hearing and the existing and proposed use.
- (2) Leases of city-owned real property shall be excluded from this section and will be approved in the same manner as all other contracts submitted to the city for approval.
  - (3) The city administrator is hereby authorized to establish procedures to implement this section including establishment of sale criteria or conditions, a minimum sale price or exchange value and shall have discretion to develop individualized marketing plans to maximize land value and promote city land use policies. The city administrator is authorized to the prepare all appropriate documents for signature by the mayor.

(Ord. No. 12-5578, § 1, 9-10-12)

**Bidder Information:**

Name: James & JoAnn Boyer

Address: 2810 Central Ave Unit C

City, State, Zip: Billings, MT 59102

Phone: 406-698-5455 (Laura)

Email: laura@boyerproperties.com

We acknowledge #1 Addendums.  
#

**Bid Price:**

Parcel P-B1: seven thousand nine hundred sixty nine dollars (\$ 7,969.00 )  
Total written in words

Parcel P-B2: thirtyfour thousand nine hundred fifty two dollars (\$ 34,952.00 )  
Total written in words

Parcel P-B3: six thousand six hundred seventy dollars (\$ 6,670.00 )  
Total written in words

Parcel P-B4: one thousand four hundred twenty nine dollars (\$ 1,429.00 )  
Total written in words

Parcel P-B5: fifteen thousand two hundred two dollars (\$ 15,202.00 )  
Total written in words

Parcel P-B6: three thousand six hundred thirty eight dollars (\$ 3,638.00 )  
Total written in words

Parcel P-B7: forty one thousand two hundred seventy six dollars (\$ 41,276.00 )  
Total written in words

Parcel P-B8: fifty thousand eight hundred four dollars (\$ 50,804.00 )  
Total written in words

Parcel P-B9: eight thousand fifty six dollars (\$ 8,056.00 )  
Total written in words

**Exchange Proposal:**

Type text here

The total above is, 3.925 acres, at \$169,996.00. we are proposing exchanging the parcels above for the four parcels B-P1-4 for a total of 4.169 acres. The value of the land we are exchanging is \$177,117.00

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Attach additional pages as necessary.

**Donation Proposal:**

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Attach additional pages as necessary.

Signature: \_\_\_\_\_



James Boyer

Print Name

Organization: \_\_\_\_\_

Date: 4-26-22 \_\_\_\_\_

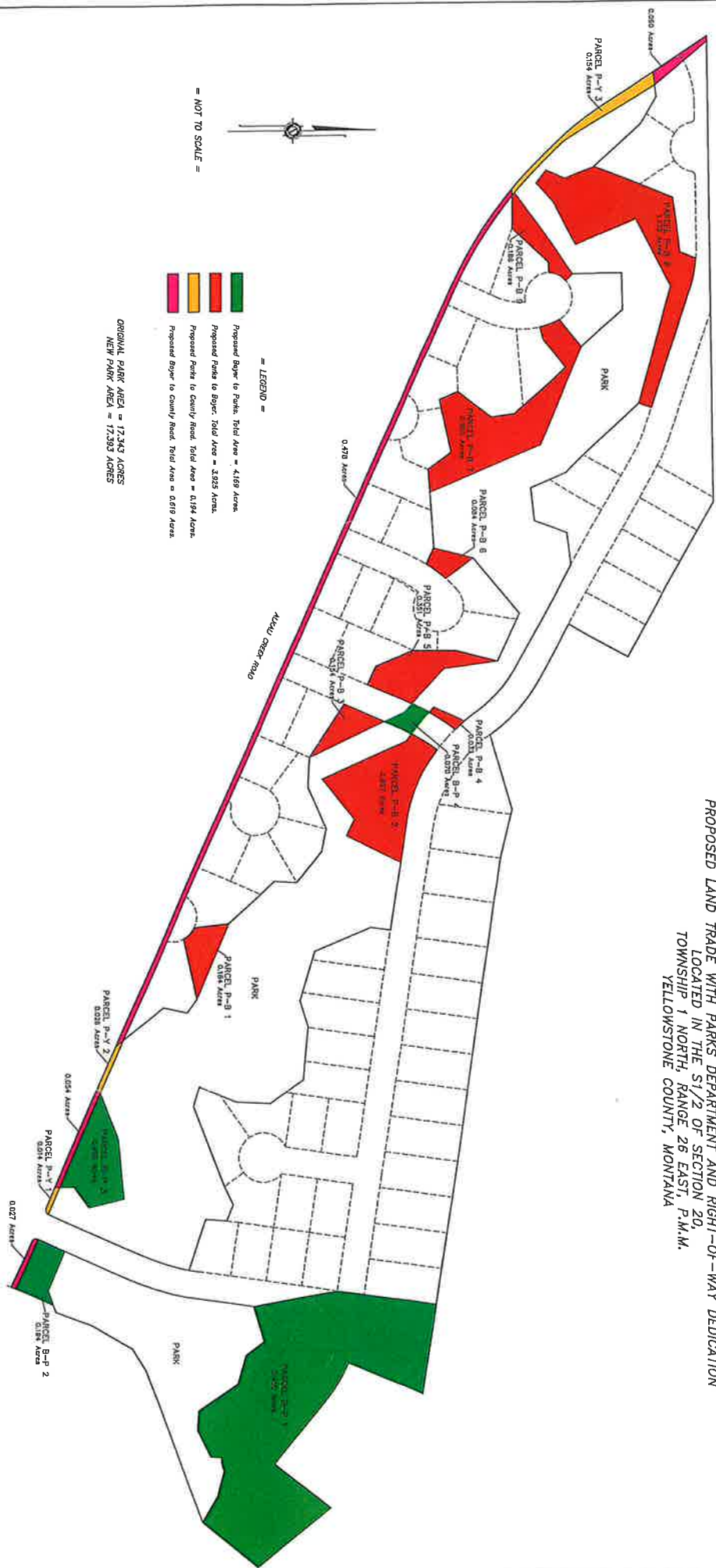
*Bids to acquire the property noted above must include the following in a sealed envelope marked  
**Terrace Estates Properties***

*Offers to purchase, exchange or donate these nine properties described above will be received by the Billings City Clerk, via email at [bids@billingsmt.gov](mailto:bids@billingsmt.gov) or via mail or delivery at 210 N. 27th Street, Billings, MT 59101 (P. O. Box 1178, Billings, MT 59103), until 2:00 PM (MST) on Tuesday, May 3, 2022. and then publicly opened and read aloud via Facebook Live on the City's Facebook page: <https://www.facebook.com/Billings-MT-City-Government-74352842013/>. Bid tabulations will be posted for public viewing after the bids have been opened. Late bids may not be accepted or reviewed.*



= PROPOSED LAND EXCHANGE WITH PARK =

= PORTION OF TERRACE ESTATES SUBDIVISION, 3RD FILING =  
 PROPOSED LAND TRADE WITH PARKS DEPARTMENT AND RIGHT-OF-WAY DEDICATION  
 LOCATED IN THE S1/2 OF SECTION 20  
 TOWNSHIP 1 NORTH, RANGE 28 EAST, P.M.M.  
 YELLOWSTONE COUNTY, MONTANA



- = LEGEND =
- █ Proposed Buyer to Parks, Total Area = 4,169 Acres.
  - █ Proposed Parks to Buyer, Total Area = 3,325 Acres.
  - █ Proposed Parks to County Road, Total Area = 0,194 Acres.
  - █ Proposed Buyer to County Road, Total Area = 0,616 Acres.

ORIGINAL PARK AREA = 12,343 ACRES  
 NEW PARK AREA = 17,393 ACRES

| 1/4 SEC. | SECTION | TOWNSHIP | RANGE   | SHEET NO. |
|----------|---------|----------|---------|-----------|
| 20       | 20      | 1 NORTH  | 28 EAST | 1 of 1    |

Prepared by: J. L. ...  
 Date: ...  
**PANPOINT LAND SERVICES, PLLC**  
 1918 FORDMAN AVE  
 HUNTERLY, MONTANA 59037  
 (406) 379-0856

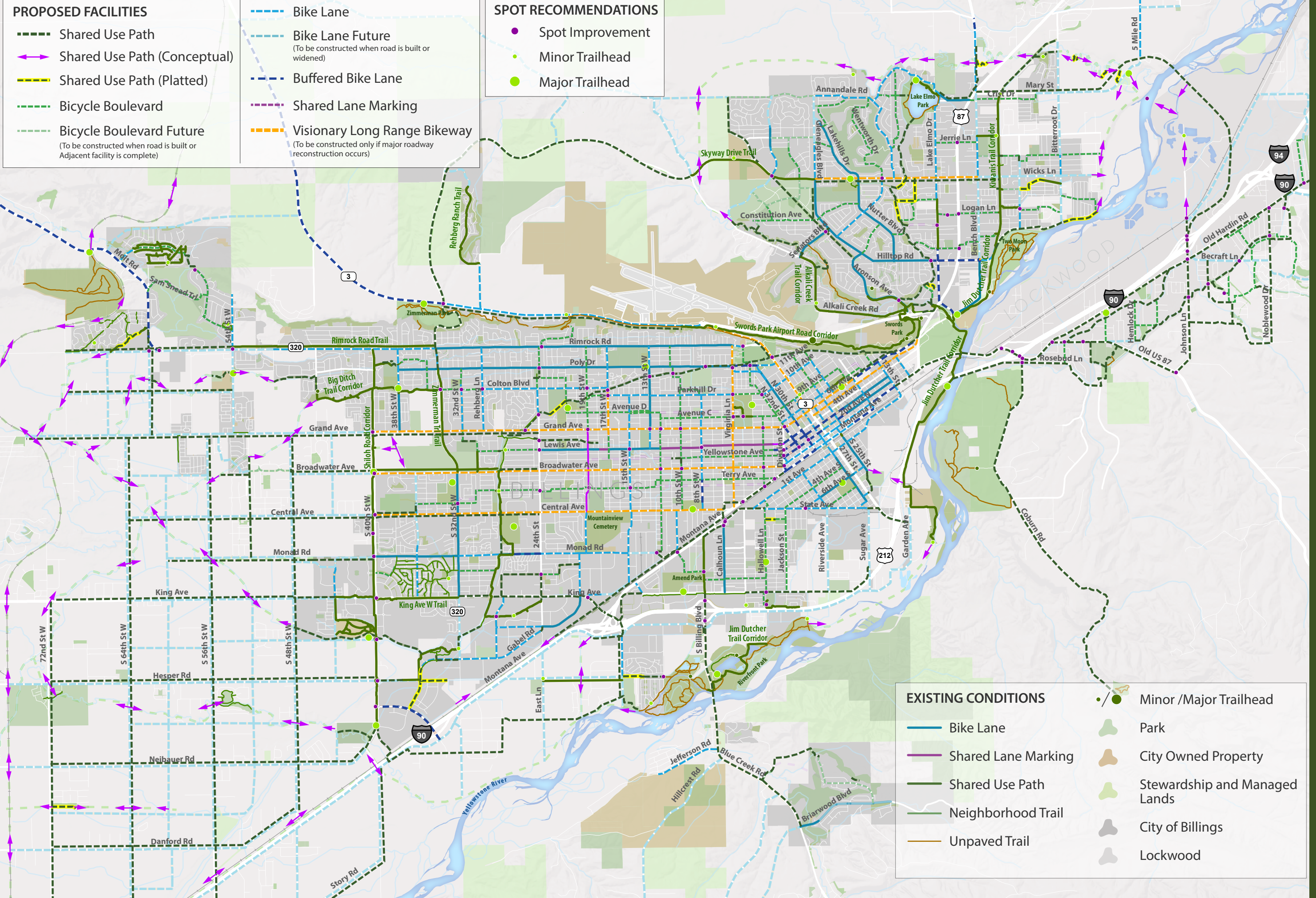


Terrace Estates Properties



# RECOMMENDATIONS MAP

## BIKEWAY + TRAILS MASTER PLAN UPDATE



### PROPOSED FACILITIES

- Shared Use Path
- Shared Use Path (Conceptual)
- Shared Use Path (Platted)
- Bicycle Boulevard
- Bicycle Boulevard Future (To be constructed when road is built or Adjacent facility is complete)

### SPOT RECOMMENDATIONS

- Bike Lane
- Bike Lane Future (To be constructed when road is built or widened)
- Buffered Bike Lane
- Shared Lane Marking
- Visionary Long Range Bikeway (To be constructed only if major roadway reconstruction occurs)

### EXISTING CONDITIONS

- Bike Lane
- Shared Lane Marking
- Shared Use Path
- Neighborhood Trail
- Unpaved Trail

### SPOT RECOMMENDATIONS

- Spot Improvement
- Minor Trailhead
- Major Trailhead

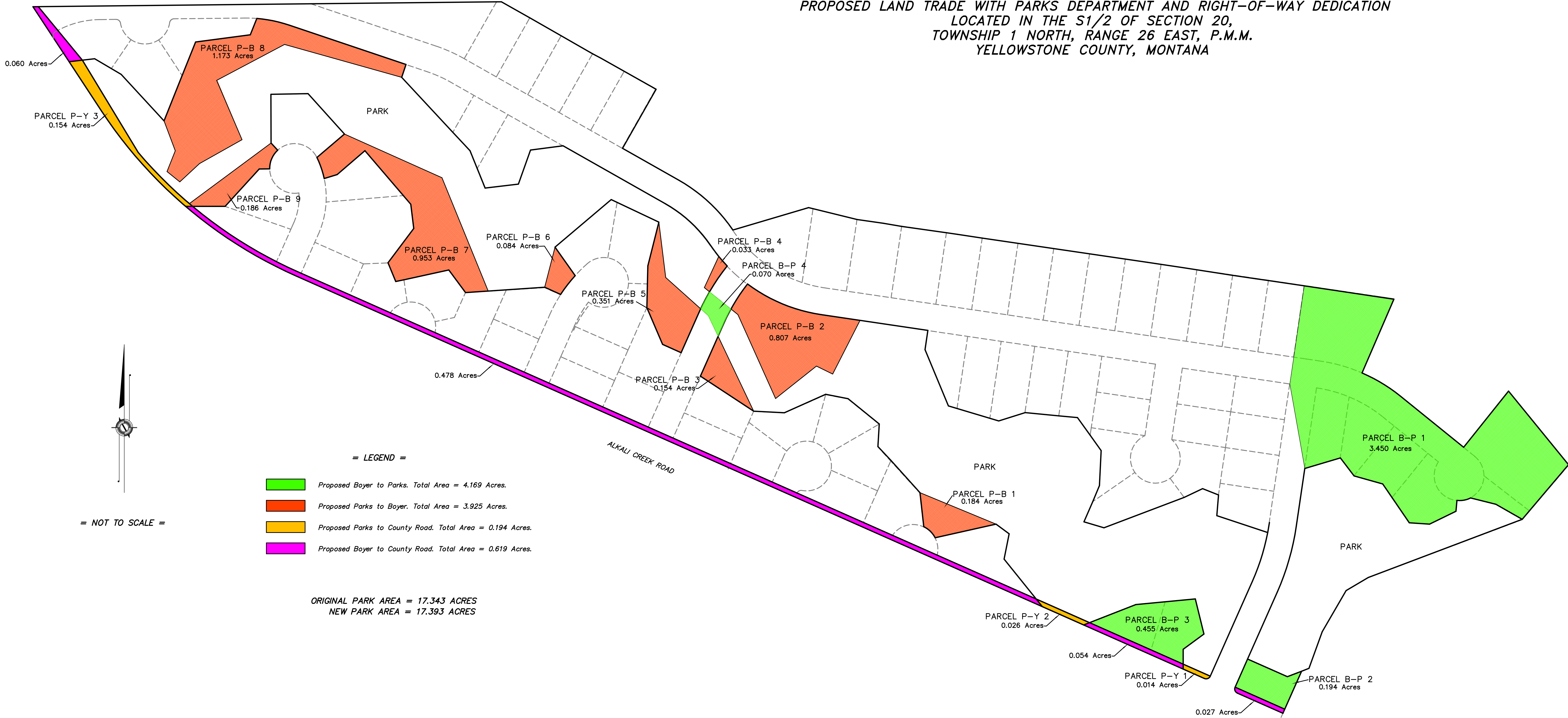
### EXISTING CONDITIONS

- Minor /Major Trailhead
- Park
- City Owned Property
- Stewardship and Managed Lands
- City of Billings
- Lockwood

# = PROPOSED LAND EXCHANGE WITH PARK =

## = PORTION OF TERRACE ESTATES SUBDIVISION, 3RD FILING =

PROPOSED LAND TRADE WITH PARKS DEPARTMENT AND RIGHT-OF-WAY DEDICATION  
 LOCATED IN THE S1/2 OF SECTION 20,  
 TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M.  
 YELLOWSTONE COUNTY, MONTANA



= LEGEND =


- Proposed Boyer to Parks. Total Area = 4.169 Acres.
- Proposed Parks to Boyer. Total Area = 3.925 Acres.
- Proposed Parks to County Road. Total Area = 0.194 Acres.
- Proposed Boyer to County Road. Total Area = 0.619 Acres.

ORIGINAL PARK AREA = 17.343 ACRES  
 NEW PARK AREA = 17.393 ACRES

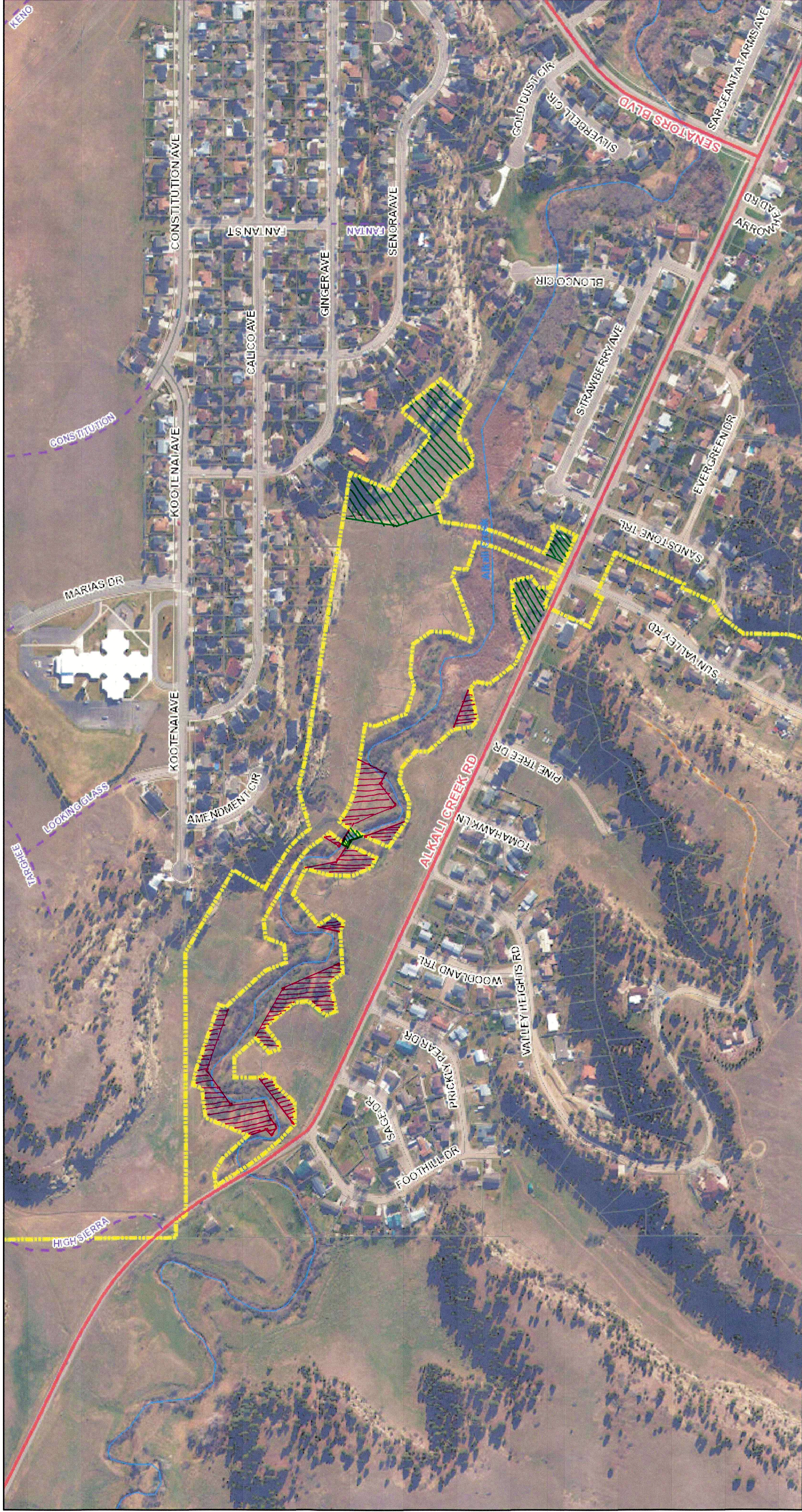
= NOT TO SCALE =

| 1/4 SEC. | SECTION | TOWNSHIP | RANGE   | SHEET NO. |
|----------|---------|----------|---------|-----------|
| SE       | 20      | 1 NORTH  | 26 EAST | 1 of 1    |
| SW       | 20      | 1 NORTH  | 26 EAST |           |

DRAWING PATH: C:\... \20027-Boyer\Miscad\Park\_Swap.dwg  
 DATE DRAWN: 02/11/21 REVISED: 11/09/21, 02/22/22

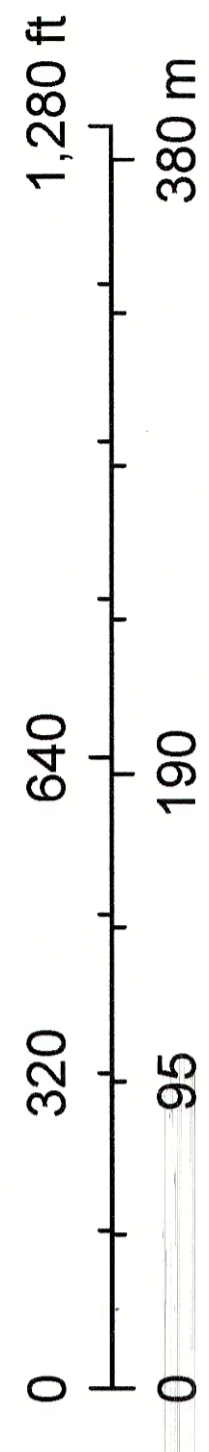
 **PINPOINT LAND SURVEYS, PLLC**  
 1318 FLORIAN AVE  
 HUNTLEY, MONTANA 59037  
 (406) 373-9856

# ArcGIS Web Map



9/15/2020, 2:08:36 PM

1:6,763



**Date:** 05/23/2022  
**Title:** 2019 Hail Claim - Stewart Park Buildings Change Order #1  
**Presented by:** John Caterino, Facilities Superintendent  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends that City Council approve change order #1 for 2019 hail damage repairs at Stewart Park for Finishing Touch Exteriors, Inc.

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

On 08/09/2021 City Council approved and awarded a contract to Finishing Touch Exteriors, Inc. in the amount of \$106,300.20 for repair of various building elements at Stewart Park which were damaged in the August 2019 hail storm. Upon further inspection Finishing Touch Exteriors believed that the concessions and maintenance building at Stewart Park sustained significant damage to warrant a full exterior replacement as opposed to the insurance defined scope of replacing roof, gutters, and exhaust hood. On 12/15/2021 a supplemental report with photos was submitted to Crawford Global Technical Services, the adjustor for the City insurer, Affiliated FM Insurance Company. The insurance adjuster is in agreement that the initial inspection by Madsen, Kneppers & Associates, Inc., was not thorough enough and has approved full exterior replacement of concessions and maintenance building at Stewart Park based on the subsequent information provided.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

The change order amount will be funded by insurance claim funds paid out for the August 2019 hail event. Original contract price was \$106,300.20. Net increase on change order #1 is \$110,637.16. New contract price with change order #1 is \$216,937.36.

---

**Attachments**

2019 Hail Claim - Stewart Park - Finishing Touch - CO1  
Crawford Supplemental Letter Approval

# CHANGE ORDER

No. 001

**PROJECT:** Stewart Park Hail Repairs  
**CONTRACT DATE:** 8/20/2021  
**CO DATE OF ISSUANCE:** 4/19/2022

**OWNER:** City of Billings  
PO Box 1178  
Billings, MT 59103

**CONTRACTOR:** Finishing Touch Exteriors, Inc  
2912 Hanon Rd  
Billings, MT 59101

**FACILITIES REP:** JOHN CATERINO

**CONTRACT FOR:** Building hail repairs at Stewart Park

You are directed to make the following increased scope of work changes in the Contract Documents.

**Description:**

- Remove and Replace Metal Siding & Accessories at Concession / Maintenance Building on four damaged walls.
- To include additional Dumpsters for debris.
- Remove and reset non-damaged electrical outlets, hose bibs, hose reels, vents, decorations, lights, water meters, phone boxes, cable boxes.
- Remove existing siding, trim, "J" channel, "Z" flashing, Base Flashing and Head Flashing.
- Furnish & Install Window Tape and Foam Closer.
- Furnish & Install 26-gauge Steel Wall Panels, Wainscot trim, "J" Channel, "Z" Channel, base flashing, head flashing, miscellaneous fasteners, and sealant.
- Final Cleaning and removal of all fasteners and debris.
- All quantities to include a complete and total installation.

**Purpose of Change Order:** Insurance approved supplemental increased scope of work above and beyond the initial MKA inspections.

**CHANGE IN CONTRACT PRICE:**

Original Contract Price

\$ 106,300.20

Previous Change Orders No.

\$ -----

Contract Price prior to this Change Order

\$ 106,300.20

Net Increase (decrease) of this Change

\$ 110,637.16

Contract Price with approved Change Order

\$ 216,937.36

**CHANGE IN CONTRACT TIME:**

Original Contract Time

164  
days or date

Net Change from previous Change Orders

-----  
days

Contract Time prior to this Change Order

164  
days or date

Net Increase (decrease) of this Change

212  
days

Contract Time with approved Change Order

August 31, 2022  
days or date

**APPROVED:**  
**CITY OF BILLINGS, MONTANA**

**APPROVED:**  
**FINISHING TOUCH EXTERIORS, INC.**

By \_\_\_\_\_  
Owner Signature

By \_\_\_\_\_  
Contractor Signature

Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_



April 29, 2022

City of Billings  
PO Box 1178  
Billings, MT 59104

Attention: John Caterino, Facilities Superintendent  
Via Email: [caterinoj@billingsmt.gov](mailto:caterinoj@billingsmt.gov)

**MEMO REGARDING STEWART PARK CONCESSIONS**

**Insured** : **City of Billings**  
**Date of Loss** : **August 11, 2019**  
**Location of Loss** : **Multiple Locations**  
**Billings, MT**  
**Type of Loss** : **Hail (CAT 1949)**  
**Policy Number** : **TO200**  
**Policy Term** : **July 1, 2019, to July 1, 2020**  
**Insurer Reference** : **498207; Loss ID 412920**  
**Crawford GTS Reference** : **3702464**

Dear Mr. Caterino,

As you are aware, Crawford Global Technical Services is an independent adjusting firm retained by your insurer, Affiliated FM Insurance Company, to investigate the above captioned hail loss, which occurred on or about August 11, 2019. This letter follows previous discussions had over telephone and email correspondence relative to the bid received from Finishing Touch Exteriors to repair hail damage at the Stewart Park Concessions Building.

Further to our prior exchanges, we are validating the replacement cost bid provided by Finishing Touch Exteriors totaling \$110,637.16. To the extent the City proceeds to execute these repairs and incurs these costs, the same will be contemplated in the City's replacement cost claim.

As always, Affiliated FM Insurance Company continues respectfully to request your complete compliance with all terms and conditions of the policy of insurance and the laws of the state in which the property is located. All rights and defenses, which may

Insured: City of Billings  
Crawford GTS Reference: 3702464  
Date: April 29, 2022

now exist or which may arise in the future, are reserved. No waiver or estoppel of any of these terms and conditions is intended.

Should you have any questions, please do not hesitate to contact us.

Best Regards,

*Joel Booth*

Managing Executive General Adjuster  
Crawford Global Technical Services

Direct: 206-276-1748

Email: [Joel.Booth@us.crawco.com](mailto:Joel.Booth@us.crawco.com)

JB/mem

c. PayneWest Insurance

**City Council Regular**

**Date:** 05/23/2022  
**Title:** 2019 Hail Repair - Fire Station 7 and West Side Maintenance Building (Miscellaneous City Buildings), Change Order #1  
**Presented by:** John Caterino, Facilities Superintendent  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Yes

**RECOMMENDATION**

Staff recommends that City Council approve and award a change order for Hail Repairs at Miscellaneous City Buildings to Finishing Touch Exteriors, Inc. for \$876,628.53. Original contract price was \$499,999.90 and change order #1 is a net increase of \$376,628.63.

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

On 09/27/2021 City Council approved and awarded a contract to Finishing Touch Exteriors, Inc. in the amount of \$499,999.90 for repair of various city buildings which were damaged in the August 2019 hail storm. Upon further inspection Finishing Touch Exteriors believed that the roof at Fire Station #7 and the siding at West Side Maintenance Building sustained significant damage to warrant a full roof replacement at Fire Station #7 and full siding replacement at the West Side Maintenance building as opposed to the insurance defined scope. On 12/15/2021 a supplemental report with photos was submitted to Crawford Global Technical Services, the adjustor for the City insurer, Affiliated FM Insurance Company. The insurance adjuster is in agreement that the initial inspection by Madsen, Kneppers & Associates, Inc., was not thorough enough and has approved full roof replacement at Fire Station #7 and full exterior replacement of Westside Maintenance building, on Stillwater Ave., based on the subsequent information provided.

The insurance company is replacing like, kind, and quality for the roof system at Fire Station #7. Existing system is asphalt shingles and insurance agrees to pay \$125,607.40 to replace with asphalt shingles. Fire Department administration has made a decision to upgrade to a standing seam metal roof. The Fire Department will pay \$187,153.77 for material upgrades. A breakdown of costs is below in the Fiscal Effects section.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

Breakdown of funds is below.

Change Order #1 Total is \$876,628.53

The approved change order amount, exclusive of materials upgrades, will be funded by insurance claim funds paid out for the August 2019 hail event. City approved materials upgrades will be paid for by the Fire Department with deferred maintenance funds.

| Location                       | Total Price         | Insurance To Pay    | City Approved Material Upgrades |
|--------------------------------|---------------------|---------------------|---------------------------------|
| Miscellaneous Bid Package      | \$499,999.90        | \$499,999.90        |                                 |
| Fire Station #7                | \$312,761.17        | \$125,607.40        | \$187,153.77                    |
| West Side Maintenance Building | \$63,867.46         | \$63,867.46         | -----                           |
| <b>Total</b>                   | <b>\$876,628.53</b> | <b>\$689,474.76</b> | <b>\$187,153.77</b>             |

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## Attachments

Crawford Supplemental Letter Approval FS7  
Crawford Supplemental Letter Approval Westside Maintenance  
2019 Hail Claim - Misc Buildings - Finishing Touch - CO1



January 26, 2022

City of Billings  
PO Box 1178  
Billings, MT 59104

Attention: John Caterino, Facilities Superintendent  
Via Email: [caterinoj@billingsmt.gov](mailto:caterinoj@billingsmt.gov)

**MEMO REGARDING FIRE STATION NO. 7**

**Insured** : **City of Billings**  
**Date of Loss** : **August 11, 2019**  
**Location of Loss** : **Multiple Locations**  
**Billings, MT**  
**Type of Loss** : **Hail (CAT 1949)**  
**Policy Number** : **TO200**  
**Policy Term** : **July 1, 2019, to July 1, 2020**  
**Insurer Reference** : **498207; Loss ID 412920**  
**Crawford GTS Reference** : **3702464**

Dear Mr. Caterino,

As you are aware, Crawford Global Technical Services is an independent adjusting firm retained by your insurer, Affiliated FM Insurance Company, to investigate the above captioned hail loss, which occurred on or about August 11, 2019. This letter follows previous discussions had over telephone and email correspondence relative to the bid received from Finishing Touch Exteriors to repair hail damage at the Fire Station Number Seven (7) Building.

Further to our prior exchanges, we are validating the replacement cost bid provided by Finishing Touch Exteriors totaling \$125,607.40. To the extent the City proceeds to execute these repairs and incurs these costs, the same will be contemplated in the City's replacement cost claim.

As always, Affiliated FM Insurance Company continues respectfully to request your complete compliance with all terms and conditions of the policy of insurance and the laws of the state in which the property is located. All rights and defenses, which may

Insured: City of Billings  
Crawford GTS Reference: 3702451  
Date: January 26, 2022

now exist or which may arise in the future, are reserved. No waiver or estoppel of any of these terms and conditions is intended.

Should you have any questions, please do not hesitate to contact us.

Best Regards,

*Joel Booth*

Managing Executive General Adjuster  
Crawford Global Technical Services

Direct: 206-276-1748

Email: [Joel.Booth@us.crawco.com](mailto:Joel.Booth@us.crawco.com)

JB/mem

c. PayneWest Insurance



January 26, 2022

City of Billings  
PO Box 1178  
Billings, MT 59104

Attention: John Caterino, Facilities Superintendent  
Via Email: [caterinoj@billingsmt.gov](mailto:caterinoj@billingsmt.gov)

**MEMO REGARDING WEST SIDE MAINTENANCE BUILDING**

**Insured** : **City of Billings**  
**Date of Loss** : **August 11, 2019**  
**Location of Loss** : **Multiple Locations**  
**Billings, MT**  
**Type of Loss** : **Hail (CAT 1949)**  
**Policy Number** : **TO200**  
**Policy Term** : **July 1, 2019, to July 1, 2020**  
**Insurer Reference** : **498207; Loss ID 412920**  
**Crawford GTS Reference** : **3702464**

Dear Mr. Caterino,

As you are aware, Crawford Global Technical Services is an independent adjusting firm retained by your insurer, Affiliated FM Insurance Company, to investigate the above captioned hail loss, which occurred on or about August 11, 2019. This letter follows previous discussions had over telephone and email correspondence relative to the bid received from Finishing Touch Exteriors to repair hail damage at the West Side Maintenance Building.

Further to our prior exchanges, we are validating the replacement cost bid provided by Finishing Touch Exteriors totaling \$63,867.46. To the extent the City proceeds to execute these repairs and incurs these costs, the same will be contemplated in the City's replacement cost claim.

As always, Affiliated FM Insurance Company continues respectfully to request your complete compliance with all terms and conditions of the policy of insurance and the laws of the state in which the property is located. All rights and defenses, which may

Insured: City of Billings  
Crawford GTS Reference: 3702464  
Date: January 26, 2022

now exist or which may arise in the future, are reserved. No waiver or estoppel of any of these terms and conditions is intended.

Should you have any questions, please do not hesitate to contact us.

Best Regards,

*Joel Booth*

Managing Executive General Adjuster  
Crawford Global Technical Services

Direct: 206-276-1748

Email: [Joel.Booth@us.crawco.com](mailto:Joel.Booth@us.crawco.com)

JB/mem

c. PayneWest Insurance

# CHANGE ORDER

No. 001

**PROJECT:** Misc. City Buildings Hail Repairs  
**CONTRACT DATE:** 10/06/2021  
**CO DATE OF ISSUANCE:** 05/04/2022

**OWNER:** City of Billings  
PO Box 1178  
Billings, MT

**CONTRACTOR:** Finishing Touch Exteriors, Inc.  
2912 Hanon Rd  
Billings, MT 59101

**OWNERS REP:** John Caterino

**CONTRACT FOR:** Building hail repairs at Misc. locations

**You are directed to make the following increased scope of work changes in the Contract Documents.**

**Description:**

Billings Fire Station #7

Project total: \$312,761.17

Insurance to pay: \$125,607.40

Fire to pay: \$187,153.77

- Per scope of work on plans titled "Fire Station No. 7 Roof Replacement Project" drafted by Cushing Terrell and dated May 12, 2022, and Project Manual titled "City of Billings Fire Station #7 Roof Replacement Project" drafted by Cushing Terrell dated May 12, 2022.

West Side Maintenance Building

Project total: \$63,867.46

Insurance to pay: \$63,867.46

- Remove and replace composite siding and accessories to make a working system.
- To include permit, bond, dumpster
- Remove existing damaged siding.
- Furnish and install moisture-barrier building wrap and seam tape.
- Remove and replace 4" trim.
- Furnish and install 8 1/4" Diamond Kote rigid stack lap siding. Prefinished with Premium Color TBD.
- Furnish and install back flashing at siding seams. Seal siding at all openings with DAP DynaFlex color match caulking.
- Touch up siding.
- Final cleaning and removal of all fasteners and debris.

**Purpose of Change Order:** Affiliated FM Insurance Company has secured the services of Crawford Technical Services, an independent adjusting firm. Insurance and adjuster have approved supplemental increased scope of work above and beyond the initial Madsen, Kneppers & Associates, Inc. inspections dated 4/20/2020. Letters from Crawford Technical Services approving increased scope of work are attached.

**CHANGE IN CONTRACT PRICE:**

Original Contract Price

\$ 499,999.90

Previous Change Orders No.

\$ -----

Contract Price prior to this Change Order

\$ 499,999.90

Net Increase (decrease) of this Change

\$ 376,628.63

**CHANGE IN CONTRACT TIME:**

Original Contract Time

176  
days or date

Net Change from previous Change Orders

0  
days

Contract Time prior to this Change Order

176  
days or date

Net Increase (decrease) of this Change

183

Contract Price with approved Change Order

\$ 876,628.53

days

Contract Time with approved Change Order

September 30, 2022

days or date

**APPROVED:**

**CITY OF BILLINGS, MONTANA**

**APPROVED:**

**FINISHING TOUCH EXTERIORS, INC.**

By \_\_\_\_\_  
Owner Signature

By \_\_\_\_\_  
Contractor Signature

Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**City Council Regular**

**Date:** 05/23/2022  
**Title:** W.O. 22-20 Water Treatment Plant High Service Pump Station HVAC Upgrades, Professional Services Agreement  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the City Council award a contract for W.O. 22-20, Water Treatment Plant High Service Pump Station HVAC Upgrades, to Advanced Engineering and Environmental Services, LLC (AE2S) in the amount of \$111,500.

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

During the summer of 2021, the electrical room and pump room inside the High Service Pump Station (HSPS) at the Water Treatment Plant (WTP) experienced more than 60 consecutive days of temperatures inside the pump station exceeding 90 degrees, and a few days in excess of 100 degrees. Optimal operating temperature for the equipment in these rooms is 75 to 85 degrees, so continual long-term operation in these conditions could be very detrimental. The equipment life could be shortened, or worse, the equipment could potentially fail, resulting in the City having great difficulty meeting summer water demands.

Overly high outside temperatures contributed to these conditions, and the existing cooling units in the basement of the HSPS were not able to maintain sufficient cooling inside the electrical room or pump room. The existing cooling units are believed to be original to when the building was constructed in 1976, so they are near the end of their useful life. They are undersized to handle equipment expansions that have been constructed inside the HSPS over the past 45 years, and they are inefficient relative to current industry cooling standards. Approximately one-half of the coils in these units are damaged, and replacement parts are no longer available from the manufacturer, so they would have to be custom-made.

The procurement of new cooling units was approved previously by Council. The new units are physically smaller and have a higher cooling capacity and efficiency than the existing units. W.O. 22-20 WTP HSPS HVAC Upgrades will provide the design for the installation of the new units. This contract also includes associated bidding and construction contract administration services.

AE2S was selected for the project using the request for proposal process. The request soliciting proposals was advertised April 1, 8 and 15, 2022. Two other firms expressed interest in this project, but AE2S was the only proposal received. The selection was based on Firm Qualifications and Experience, Project Manager, Proposed Project Staff and Subconsultants, Available Resources and Firm Location, and Project Methodology and Approach.

**ALTERNATIVES**

The Council may:

- Award a Professional Services contract for W.O. 22-20, Water Treatment Plant High Service Pump Station HVAC Upgrades, to AE2S in the amount of \$111,500; or
- Not award a Professional Services contract. If a services contract is not awarded, the new chiller units cannot be installed and the City could risk the chance of not having adequate cooling available to the HSPS by the summer of 2023, which could lead to adverse operating conditions and negatively impact the ability to meet summer water demands.

**FISCAL EFFECTS**

This project was budgeted in FY22 using Water funds and there is sufficient budget to award the contract in the amount of \$111,500.

---

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Law and Justice Center/City Hall Design Contract - Amendment for Phases II & III  
**Presented by:** Iverson Jessica  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Yes

---

**RECOMMENDATION**

Staff recommends Council approve an amendment to a professional services design contract to JLG Architects for Phases II & III of the Law and Justice Center/City Hall design project for \$1,063,050.

Phase II - Design Development and Construction Documents: \$739,000  
Phase III - Bidding and Contract Administration: \$243,600  
Historic Preservation: \$37,700  
Reimbursable Expenses: Not to exceed \$42,700

Amendment #1 Total: \$1,063,050

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

The City of Billings purchased the former Federal Courthouse, also known as the Stillwater Building located at 316 N. 26th Street in October 2021 to meet the City's current and future facilities needs by remodeling the building for a Law and Justice Center and City Offices.

JLG Architects was selected by RFP based on the following criteria:

- Firm Experience
- Project Manager
- Key Project Staff and Consultants
- Available Resources and Consultant Location
- Project Methodology and Approach

The Phase I contract was approved by Council in December 2021 for \$195,000. This is an amendment to that contract for the next 2 phases of the project. The master planning and schematic design had to be completed to determine the full scope of work to be covered in the subsequent phases, which is why it was not all included in the initial contract.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

The costs for design services will be funded by the General Fund.

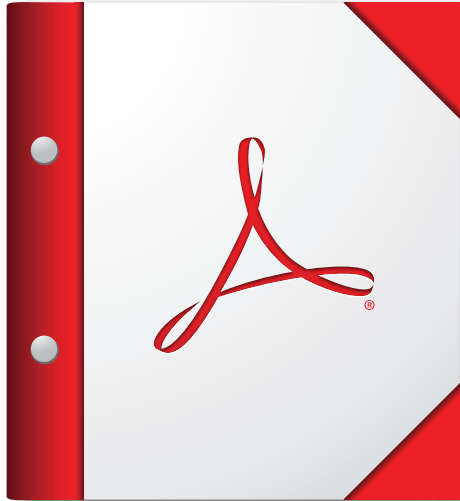
Phase I design service contract cost: \$195,000.00 plus \$7,300 for reimbursable expenses  
Phase II design service contract cost: \$739,000  
Phase III service contract cost: \$243,600  
Historic Preservation Administration: \$37,700  
Phase II & III \$42,700 allowance for reimbursable expenses

Total project design costs:  
\$1,215,350 plus \$50,000 reimbursable allowance for a total contract cost of \$1,265,350

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**Attachments**

JLG City Hall Contract Amendment01



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Acrobat X or Adobe Reader X, or later.**

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**City Council Regular**

**Date:** 05/23/2022  
**Title:** Acceptance and Approval of the 2022 HIDTA Award in the Amount of \$270,254  
**Presented by:** Rich St. John, Police Chief  
**Department:** Police  
**Presentation:** No  
**Legal Review** Not Applicable

**RECOMMENDATION**

Staff recommends that City Council approve and accept the 2022 HIDTA award from the Executive Office of the President, Office of National Drug Control Policy, in the amount of \$270,254, and authorize the Mayor to sign the necessary award documents when they are received.

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

In 2002, Montana was designated as a High Intensity Drug Traffic Area (HIDTA). The Office of National Drug Control Policy (ONDCP) has awarded grants to the Eastern Montana Drug Task Force for twenty years and the City of Billings is the recipient and administrative agency for the grants. The ONDCP has offered a \$270,254 grant for the calendar year 2022. The HIDTA Task Force consists of personnel from U.S. Marshals Service, FBI, Drug Enforcement Administration (DEA), Alcohol, Tobacco & Firearms (ATF), Immigration & Customs Enforcement (ICE), Department of Criminal Investigation (DCI), Yellowstone County Sheriff's Office, and the Billings Police Department. The Task Force is managed by a Sergeant from the Billings Police Department. The 2022 HIDTA Award will be used to pay for a Support Specialist position for the HIDTA Task Force, all task force overtime, administrative and investigative travel, cell phones, copier maintenance agreement, investigative/office supplies, and informant costs.

**ALTERNATIVES**

City Council may:

- Approve and accept the 2022 HIDTA Award in the amount of \$270,254; or,
- Not accept the 2022 HIDTA Award in the amount of \$270,254, thus costing the Public Safety Fund additional expenses for investigating and prosecuting drug related cases.

**FISCAL EFFECTS**

The 2022 HIDTA Award in the amount of \$270,254 will require no City match. The award has been budgeted in Fund 2550 for the balance of FY 21/22 and any remaining funds will be budgeted in FY23.

**Attachments**

2022 HIDTA Award



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF NATIONAL DRUG CONTROL POLICY**

Washington, D.C. 20503

May 2, 2022

Mayor William Cole  
City of Billings  
210 N 27TH ST  
Billings, MT 59101-1938

Dear Mayor Cole:

We are pleased to inform you that your request for funding from the High Intensity Drug Trafficking Areas (HIDTA) Program has been approved, and a grant (Grant Number G22RM0038A) has been awarded in the amount of \$270,254.00. This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the Rocky Mountain HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

The grant agreement and conditions are enclosed. By accepting this grant, you assume the administrative and financial responsibilities outlined in the grant conditions. Failure to adhere to the grant conditions may result in the termination of the grant or the initiation of administrative action. ONDCP also may terminate the award if it no longer effectuates program goals or agency priorities.

If you accept this award, please sign both the grant agreement and the conditions and return a copy via email to your respective NHAC accountant or to the following address:

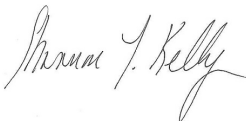
Finance Unit  
National HIDTA Assistance Center  
11200 NW 20th Street, Suite 100  
Miami, FL 33172  
(305) 715-7600

Please keep the original copy of the grant agreement and conditions for your file. If you have any questions pertaining to this grant award, please contact Jayme Delano at (202) 395 - 6794.

Sincerely,

A handwritten signature in cursive script that reads "Shannon J. Kelly".

Shannon Kelly  
National HIDTA Director

|                                                                                                                                      |  |                                                                                              |                       |
|--------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------|-----------------------|
| <b>Executive Office of the President<br/>Office of National Drug Control Policy</b>                                                  |  | <b>Grant Agreement</b>                                                                       |                       |
| 1. Recipient Name and Address<br>William Cole<br>Mayor<br>City of Billings<br>210 N 27TH ST<br>Billings, MT 59101-1938               |  | 4. Award Number (FAIN): G22RM0038A                                                           |                       |
|                                                                                                                                      |  | 5. Period of Performance:<br>From 01/01/2022 to 12/31/2023                                   |                       |
| 2. Total Amount of the Federal Funds Obligated:<br>\$270,254.00                                                                      |  | 6. Federal Award Date:<br>May 2, 2022                                                        | 7. Action:<br>Initial |
| 2A. Budget Approved by the Federal Awarding Agency \$270,254.00                                                                      |  | 8. Supplement Number                                                                         |                       |
| 3. CFDA Name and Number:<br><i>High Intensity Drug Trafficking Areas Program - 95.001</i>                                            |  | 9. Previous Award Amount:                                                                    |                       |
| 3A. Project Description<br><br><i>High Intensity Drug Trafficking Areas (HIDTA) Program</i>                                          |  | 10. Amount of Federal Funds Obligated by this Action:<br>\$270,254.00                        |                       |
|                                                                                                                                      |  | 11. Total Amount of Federal Award:<br>\$270,254.00                                           |                       |
| 12. This Grant is non-R&D and approved subject to such conditions or limitations as are set forth on the attached pages.             |  |                                                                                              |                       |
| 13. Statutory Authority for Grant:<br><i>Public Law 117-103 H.R. 2471-206</i>                                                        |  |                                                                                              |                       |
| <b>AGENCY APPROVAL</b>                                                                                                               |  | <b>RECIPIENT ACCEPTANCE</b>                                                                  |                       |
| 14. Typed Name and Title of Approving Official<br>Shannon Kelly<br>National HIDTA Director<br>Office of National Drug Control Policy |  | 15. Typed Name and Title of Authorized Official<br>William Cole<br>Mayor<br>City of Billings |                       |
| 16. Signature of Approving ONDCP Official<br>     |  | 17. Signature of Authorized Recipient/Date                                                   |                       |
| <b>AGENCY USE ONLY</b>                                                                                                               |  |                                                                                              |                       |
| 18. Accounting Classification Code<br>UEI: E2NLXLANJZN6<br>DUNS: 838638369<br>EIN: 1816001237A4                                      |  | 19. HIDTA AWARD<br><i>OND1070DB2223XX OND6113</i><br><i>OND2000000000 OC 410001</i>          |                       |

## GRANT CONDITIONS

### A. General Terms and Conditions

1. This award is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. § 200 (the “§ 200 Uniform Requirements”), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. §3603. For this award, the § 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. §§ 66 and 70, as well as those of 2 C.F.R. §§ 215, 220, 225, and 230. For more information on the § 200 Uniform Requirements, see <https://cfo.gov/cofar/>. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.
2. This award is subject to the following additional regulations and requirements:
  - 28 C.F.R. § 69 – “New Restrictions on Lobbying”
  - 2 C.F.R. § 25 – “Universal Identifier and System of Award Management”
  - Non-profit Certifications (when applicable)
3. Audits conducted pursuant to 2 C.F.R. § 200, Subpart F, “Audit Requirements” must be submitted no later than 9 months after the close of the grantee’s audited fiscal year to the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb>
4. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). The Federal Financial Report is required to be submitted quarterly and within 90 days after the grant is closed out.
5. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.
6. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent(s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.
7. These general terms and conditions, as well as archives of previous versions of these general terms and conditions, are available online at [www.whitehouse.gov/ondcp/](http://www.whitehouse.gov/ondcp/).

8. Mandatory Disclosure Requirement

As a non-federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Non-federal entities that have received a federal award including the terms and conditions outlined in appendix XII of this part are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM), currently the Federal Awardee Performance and Integrity Information System. Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 C.F.R. §180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

None of the funds appropriated or otherwise made available by this grant or any other Act may be used to fund a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. This limitation shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

9. Federal Funding Accountability and Transparency (FFATA) / Digital Accountability and Transparency Act (DATA Act). Each applicant is required to (i) be registered in SAM before submitting its application; (ii) provide a valid UEI number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.
10. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 C.F.R. § 200.331.
11. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 C.F.R. §180, dealing with all sub-awards and contracts issued under the grant.
12. Recipients are prohibited from using federal grant funds to purchase certain telecommunication and video surveillance services or equipment in alignment with § 889 of the National Defense Authorization Act of 2019, Pub. L. No. 115-232. See 2 C.F.R. § 200.216. See also, HIDTA PPBG, § 7.20, Prohibited Uses of HIDTA Funds.

13. Grantees should provide a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States. See 2 C.F.R. § 200.322.
14. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, shall clearly state—
  - (1) the percentage of the total costs of the program
  - (2) the dollar amount of Federal funds for the project or program; and
  - (3) the Office of National Drug Control Policy is the source of funding for the projects, programs and activities.
15. Failure to adhere to the General Terms and Conditions as well as the Program Specific Terms and Conditions may result in the termination of the grant or the initiation of administrative action. ONDCP may also terminate the award if it no longer effectuates program goals or agency priorities. See 2 C.F.R. § 200.340.

## B. Recipient Integrity and Performance Matters

### Reporting of Matters Related to Recipient Integrity and Performance

#### 1. *General Reporting Requirement*

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then you as the recipient during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under § 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by § 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available. See 41 U.S.C. § 417b(e)(1).

#### 2. *Proceedings About Which You Must Report*

Submit the information required about each proceeding that:

Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

- a. Contract from the federal government;
- b. Reached its final disposition during the most recent 5-year period; and
- c. Is one of the following:
  - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
  - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  - (4) Any other criminal, civil, or administrative proceeding if:
    - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

- (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
- (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

### 3. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under federal procurement contracts that you were awarded.

### 4. *Reporting Frequency*

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

### 5. *Definitions*

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and state level, but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

- (1) Only the federal share of the funding under any federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a federal award and options, even if not yet exercised.

## C. Program Specific Terms and Conditions

The grant condition is as follows:

1. This award is subject to the requirements in the SUPPORT for Patients and Communities Act, 21 U.S.C. §§ 1701 *et seq.* and in the ONDCP National HIDTA Program Office HIDTA *Program Policy and Budget Guidance* (September 9, 2021) (PPBG). The HIDTA PPBG is issued pursuant to authority granted the Director of ONDCP by the SUPPORT for Patients and Communities Act (21 U.S.C. § 1706) and the Uniform Administration Requirements (2 C.F.R. § 200) which provide the Director of ONDCP authority to coordinate funds and implement oversight and management function with respect to the HIDTA Program. The HIDTA PPBG can be accessed at the following website:  
[https://www.nhac.org/hidta\\_guidance/Program\\_Policy\\_and\\_Budget\\_Guidance2021.pdf](https://www.nhac.org/hidta_guidance/Program_Policy_and_Budget_Guidance2021.pdf)

## D. Federal Award Performance Goals

HIDTA award recipients must adhere to the performance measures, goals and requirements set forth in the PPBG Performance Management chapter (§ 10.0) and the HIDTA Performance Management Process (PMP) database.

## E. Payment Basis

1. A request for advance or reimbursement shall be made using the HHS/DPM system (<https://pms.psc.gov/>).
2. The grantee, must utilize the object classes specified within the initial grant application each time they submit a disbursement request to ONDCP. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered using the corresponding object class designations. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be Federal Deposit Insurance Corporation (FDIC) insured. The account must be interest bearing.
3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. § 6501 *et seq.*) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450), awardees and sub-awardees shall promptly, but at least annually, remit interest earned on advances to HHS/DPM using the remittance instructions provided below.

*Remittance Instructions* – Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as “addenda records” by Financial Institutions) as that will assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN), reason for check (remittance of interest earned on advance payments), check number (if applicable), awardee name, award number, interest period covered, and contact name and number. The remittance must be submitted as follows:

Through an electronic medium using either Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

(i) For ACH Returns:

Routing Number: 051036706

Account number: 303000

Bank Name and Location: Credit Gateway—ACH Receiver St. Paul, MN

(ii) For Fedwire Returns\*:

Routing Number: 021030004

Account number: 75010501

Bank Name and Location: Federal Reserve Bank Treas NYC/Funds Transfer Division New York, NY

(\* Please note organization initiating payment is likely to incur a charge from your Financial Institution for this type of payment)

For recipients that do not have electronic remittance capability, please make check\*\* payable to: “The Department of Health and Human Services.”

Mail Check to Treasury approved lockbox:

HHS Program Support Center, P.O. Box 979132, St. Louis, MO 63197

(\*\* Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

Any additional information/instructions may be found on the PMS Web site at

<http://pms.psc.gov/>.

4. The grantee or subgrantee may keep interest amounts up to \$500 per year for administrative purposes.

**RECIPIENT ACCEPTANCE OF GRANT CONDITIONS**

\_\_\_\_\_

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

William Cole  
City of Billings

# Initiative Cash by HIDTA

FY 2022

Awarded Budget (as approved by ONDCP)

| HIDTA          | Agency Name                            | Initiative                            | Cash              | Type          | Grant      |
|----------------|----------------------------------------|---------------------------------------|-------------------|---------------|------------|
| Rocky Mountain | City of Billings                       | Eastern Montana HIDTA Drug Task Force | 270,254.00        | Investigation | G22RM0038A |
|                | <b>Agency Total : City of Billings</b> |                                       | <b>270,254.00</b> |               |            |
| <b>Total</b>   |                                        |                                       | <b>270,254.00</b> |               |            |

# Budget Detail

## 2022 - Rocky Mountain

Initiative - Eastern Montana HIDTA Drug Task Force

Investigation

Award Recipient - City of Billings (G22RM0038A)

Resource Recipient - Billings Police Department

Indirect Cost: 0.0%

**Awarded Budget (as approved by ONDCP)**

**\$270,254.00**

| <b>Personnel</b>                        | <b>Quantity</b> | <b>Amount</b>       |
|-----------------------------------------|-----------------|---------------------|
| Administrative Staff                    | 1               | \$52,936.00         |
| <b>Total Personnel</b>                  |                 | <b>\$52,936.00</b>  |
| <b>Fringe</b>                           | <b>Quantity</b> | <b>Amount</b>       |
| Administrative staff                    | 1               | \$22,563.00         |
| <b>Total Fringe</b>                     |                 | <b>\$22,563.00</b>  |
| <b>Overtime</b>                         | <b>Quantity</b> | <b>Amount</b>       |
| Investigative - Law Enforcement Officer | 6               | \$59,000.00         |
| Support                                 | 1               | \$1,000.00          |
| <b>Total Overtime</b>                   |                 | <b>\$60,000.00</b>  |
| <b>Travel</b>                           | <b>Quantity</b> | <b>Amount</b>       |
| Administrative                          | 3               | \$4,500.00          |
| Investigative/Operational               | 6               | \$6,000.00          |
| <b>Total Travel</b>                     |                 | <b>\$10,500.00</b>  |
| <b>Services</b>                         | <b>Quantity</b> | <b>Amount</b>       |
| Communications - mobile phones & pagers |                 | \$7,200.00          |
| Service contracts                       |                 | \$2,080.00          |
| Software - maintenance                  |                 | \$9,100.00          |
| <b>Total Services</b>                   |                 | <b>\$18,380.00</b>  |
| <b>Equipment</b>                        | <b>Quantity</b> | <b>Amount</b>       |
| Technical investigative equipment       |                 | \$37,000.00         |
| <b>Total Equipment</b>                  |                 | <b>\$37,000.00</b>  |
| <b>Supplies</b>                         | <b>Quantity</b> | <b>Amount</b>       |
| Investigative/Operational               |                 | \$2,375.00          |
| Office                                  |                 | \$1,500.00          |
| <b>Total Supplies</b>                   |                 | <b>\$3,875.00</b>   |
| <b>Other</b>                            | <b>Quantity</b> | <b>Amount</b>       |
| PE/PI/PS                                |                 | \$65,000.00         |
| <b>Total Other</b>                      |                 | <b>\$65,000.00</b>  |
| <b>Total Budget</b>                     |                 | <b>\$270,254.00</b> |

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Donation: Carbon Monoxide Detectors - Alpha Omega Disaster Restoration  
**Presented by:** Pepper Valdez, Fire Chief  
**Department:** Fire  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommendation is to accept the donation from Alpha Omega Disaster Restoration of 48 carbon monoxide detectors / alarms.

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

As part of our risk reduction and community safety plan we want to have working smoke and CO alarms in every home within our service area.

**ALTERNATIVES**

City Council may Approve; or, not Approve this donation.

**FISCAL EFFECTS**

The Fire Department relies on donations in order to provide smoke alarms and carbon monoxide detectors free to whoever needs one.

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**City Council Regular**

**Date:** 05/23/2022  
**Title:** Acceptance of Perpetual Right-of-Way Easement from Development 55, LLC  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Yes

---

**RECOMMENDATION**

Staff recommends that City Council accept the Perpetual Right-of-Way Easement from Development 55 LLC.

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

As part of the development of the recently annexed area south of I-90, proposed to be developed as the Coca-Cola bottling facility, water and sewer mains will be extended by the Developer to serve the facility. A water main and sanitary sewer main will be constructed, generally to the west from East Lane to Parcel 11A of Certificate Survey 1391, located along Harnish Boulevard (the proposed Coca-Cola bottling site). A portion of the water main is proposed to be located along the easterly side of Certificate of Survey 3535 Tract 2. The parcel is owned by Development 55, LLC. City staff has reviewed this portion of the route for the water main. The property owner has agreed to grant to the City a 30-foot-wide perpetual right-of-way easement through their property for the installation and maintenance of the water main.

**ALTERNATIVES**

The City Council may:

- Approve the easement; or
- Not approve the easement. If not approved, the Developer will be required to propose a different route for the water main which would increase the cost of construction.

**FISCAL EFFECTS**

There is no cost to the City for acceptance of the easement. However, because the City is paying for the cost of material oversizing of the water main in accordance with City compensation policy, the cost to the City for an alternate route would increase if the easement is not accepted.

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**Attachments**

Easement

## PERPETUAL RIGHT-OF-WAY EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this 13th day of April, 2022, the undersigned, Development 55, LLC of the address of 2150 Coca-Cola Lane, Rapid City, SD 57702, hereinafter called "Grantor", hereby grant and convey unto THE CITY OF BILLINGS, a municipal corporation and political subdivision of the State of Montana, of the address of City Hall, Billings, Montana 59101, hereinafter called "Grantee", a perpetual easement and right-of-way over, across, under and through the following described tracts of real property in Yellowstone County Montana PMM (drawing of property describing easement attached)

A 30 FOOT WIDE STRIP OF LAND, BEING A PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 3535, FILED UNDER DOCUMENT NUMBER 3680206, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE 1/4 OF SEC. 24, T.01S., R.25E, P.M.M., YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 1A OF AMENDED CERTIFICATE OF SURVEY 832; SAID POINT BEARING S88°49'16"W, 813.07 FEET DISTANT FROM THE NORTHEAST CORNER OF SAID SECTION 24, THENCE ALONG THE WEST BOUNDARY OF SAID TRACT 1A, S0°57'05"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION POINT OF THE SOUTH LINE OF ELYSIAN ROAD RIGHT-OF-WAY AND THE WEST BOUNDARY LINE OF SAID TRACT 1A, THENCE ALONG THE WEST BOUNDARY OF SAID TRACT 1A, S0°57'05"E, 969.90 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 1A, THENCE DEPARTING SAID WEST LINE OF SAID TRACT 1A, S0°57'05"E, 323.49 FEET, MORE OR LESS, TO A POINT ON THE SOUTH BOUNDARY LINE OF TRACT 2 OF COS 3535, THENCE ALONG SAID SOUTH BOUNDARY, S88°53'23"W, 30.00 FEET, THENCE DEPARTING SAID SOUTH BOUNDARY, N0°57'05"W, 1293.35 FEET TO A POINT ON THE SOUTH LINE OF ELYSIAN ROAD RIGHT-OF-WAY, THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, N88°49'16"E, 30.00 FEET TO THE TERMINUS OF SAID STRIP OF LAND, AND THE TRUE POINT OF BEGINNING, CONTAINING 0.89 ACRES, MORE OR LESS.

This Perpetual easement to Grantee is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing sanitary sewers and/or water lines over, across, under and through the said real property, together with the right of free ingress and egress at all times for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing said sanitary sewers and/or water lines and appurtenances, and adding additional sanitary sewer and/or water lines.

Grantor shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. Grantor and their successors agree not to construct, nor cause to be constructed, within the easement right-of-way, any type of building or structure, such as, but not limited to,

houses, garages, sheds, kennels, fences, nor any other fixed objects of any kind, shape or form, except as may be licensed by Grantee.

2. Grantor agrees not to plant, nor cause to be planted within the easement right-of-way, any trees, bushes, shrubs, hedges nor any other plantings of a similar nature, except as may be licensed by Grantee. Grantor agrees that authorized representatives of the City of Billings can freely travel within the easement right-of-way with their equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions.
3. Grantor agrees to obtain the permission of the Public Works Department or Grantee prior to placing or removing any fill dirt within the easement right-of-way and, in addition, in the event such permission is granted, the Grantor agree to perform any work necessary to modify the existing sanitary sewers and/or water lines and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way and all such work shall be done at the Grantor's expense and without expense to the City.
4. Grantor agrees that the sole responsibility of the City of Billings for any surface restoration due to any construction, replacement, repair or service work to the sanitary sewer and/or water lines by the City of Billings, shall be limited to trench backfill compaction and placement of backfill material to existing grade by the City of Billings.
5. HOLD HARMLESS AGREEMENT:
  - Grantor agrees that the owner or owners of the above described property shall at all times fully relieve and save harmless the City of Billings and its authorized representatives for any and all damages of property that may be caused within said easement right-of-way, such as, but not limited to, ruts or deep tracks in lawns, gardens, or flower beds, broken or crushed shrubs, bushes, hedges, trees or any other type of plantings; crushed, cracked split or otherwise damaged, irrigation piping and appurtenances; and, any other damage to any other type of object, material or equipment located within the easement right-of-way which cannot, with a minimum of human effort and within a few minutes time period, be removed from easement right-of-way by authorized representatives of the City of Billings in exercise of any of their rights under this easement right-of-way.
  - Grantor agrees the owners of the above-described real property shall reimburse the City of Billings for any and all damage claims paid by the City for damages of any type or nature to any and all persons and entities in the event such damage results from or was caused to happen by such owner's failure to comply with any portion of the rights, restrictions, obligations or responsibilities contained in this agreement.

6. The restrictions, Covenants and Hold Harmless Agreements herein contained shall attach to and run with the land and shall bind the parties hereto and all persons claiming thereunder.

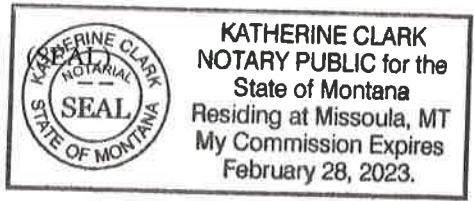
Grantors warrant and covenant that there are no liens or other encumbrances on the described tract or tracts.

[Signature]  
Dir. of Property Development; Development 55, LLC

STATE OF MONTANA )  
 ) ss.  
County of Missoula )  
County of Yellowstone )

On this 14th day of April, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Joe Easton to me known to be the Director of Property Dev. of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Katherine Clark  
Signature of Notary  
Katherine Clark  
Printed name of Notary

NOTARIAL SEAL \* STATE OF MONTANA  
RESIDING AT BILLINGS, MONTANA Missoula, Montana  
MY COMMISSION EXPIRES 02/28/2023

STATE OF MONTANA )  
 ) ss.  
County of Yellowstone )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_ to me known to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
Signature of Notary  
\_\_\_\_\_  
Printed name of Notary

NOTARIAL SEAL \* STATE OF MONTANA  
RESIDING AT BILLINGS, MONTANA  
MY COMMISSION EXPIRES \_\_\_\_\_

**ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE**

The Mayor and City Council of the City of Billings acknowledges receipt and hereby accepts the property interest conveyed through this instrument.

\_\_\_\_\_  
Mayor, City of Billings

ATTEST: \_\_\_\_\_  
City Clerk

STATE OF MONTANA     )  
                                          :ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the State of Montana

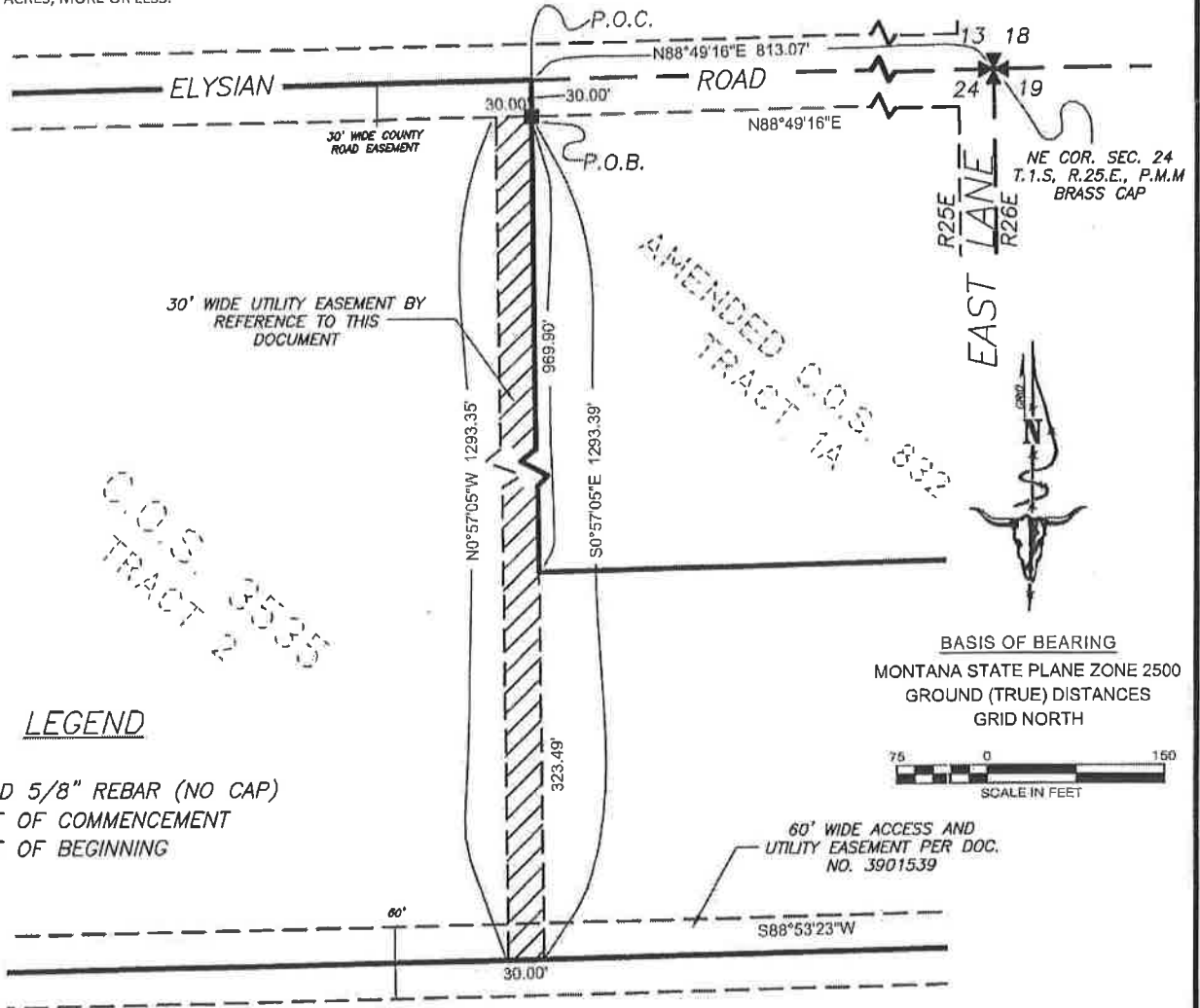
# EXHIBIT "A"

DEPICTING A 30' WIDE UTILITY EASEMENT ON AND ACROSS TRACT 2 OF CERTIFICATE OF SURVEY NO. 3535  
 LOCATED IN THE NE1/4 OF SEC. 24, T.01S., R.25.E, P.M.M., YELLOWSTONE COUNTY, MONTANA

LEGAL DESCRIPTION (30' WIDE UTILITY EASEMENT)

A 30 FOOT WIDE STRIP OF LAND, BEING A PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 3535, FILED UNDER DOCUMENT NUMBER 3680206, RECORDS OF YELLOWSTONE COUNTY, LOCATED IN THE NE 1/4 OF SEC. 24, T.01S., R.25.E, P.M.M., YELLOWSTONE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 1A OF AMENDED CERTIFICATE OF SURVEY 832; SAID POINT BEARING N88°49'16"E, 813.07 FEET DISTANT, TO THE NORTHEAST CORNER OF SAID SECTION 24; THENCE ALONG THE WEST BOUNDARY OF SAID TRACT 1A, 50°57'05"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION POINT OF THE SOUTH LINE OF ELYSIAN ROAD RIGHT-OF-WAY AND THE WEST BOUNDARY LINE OF SAID TRACT 1A; THENCE ALONG THE WEST BOUNDARY OF SAID TRACT 1A, 50°57'05"E, 969.90 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 1A; THENCE DEPARTING SAID WEST LINE OF SAID TRACT 1A, 50°57'05"E, 323.49 FEET, MORE OR LESS, TO A POINT ON THE THE SOUTH BOUNDARY LINE OF TRACT 2 OF COS 3535; THENCE ALONG SAID SOUTH BOUNDARY, S88°53'23"W, 30.00 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, N0°57'05"W", 1293.35 FEET TO A POINT ON THE SOUTH LINE OF ELYSIAN ROAD RIGHT-OF-WAY; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, N88°49'16"E, 30.00 FEET TO THE TERMINUS OF SAID STRIP OF LAND, AND THE TRUE POINT OF BEGINNING, CONTAINING 0.89 ACRES, MORE OR LESS.



C.O.S.  
TRACT 2 3535

LEGEND

- = FOUND 5/8" REBAR (NO CAP)
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

BASIS OF BEARING  
 MONTANA STATE PLANE ZONE 2500  
 GROUND (TRUE) DISTANCES  
 GRID NORTH



60' WIDE ACCESS AND  
 UTILITY EASEMENT PER DOC.  
 NO. 3901539

N1/2 S1/2 NE1/4  
 S24, T.1 S., R.25 E



1817 SOUTH AVE. W. STE A PH: 406 721 0142  
 MISSOULA, MT FAX: 406 721 5224  
 59801 www.imegcorp.com

30 FOOT WIDE UTILITY EASEMENT  
 DEVELOPMENT 55  
 TRACT 2 OF COS 3535  
 BILLINGS, MONTANA  
 YELLOWSTONE COUNTY

PROJECT#: 21005389  
 TAB:  
 DRAFTER: LK  
 DATE: 4/22/2022  
 SHEET 1 OF 1

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Annexation Agreement with Shiloh Farm, LLC  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Yes

**RECOMMENDATION**

Staff recommends that the City Council approve the Annexation Agreement with Shiloh Farm, LLC.

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

At the April 25, 2022, Council meeting, City Council approved of the annexation of Certificate of Survey 1100 Amended, Tract C and delayed the approval of the annexation agreement. Council requested additional park access points from the development and language regarding development adjacent to the BBWA Canal be added to the Annexation Agreement. Those items have been incorporated into the Annexation Agreement. The property to be annexed is located along the west side of Shiloh Road north of Zoo Drive. Shiloh Farm, LLC. desires to develop the property as a residential development. Typically, as a condition of approval of the annexation, the property owner enters into an Annexation Agreement with the City of Billings outlining necessary public improvements. The Annexation Agreement outlines the off-site improvements necessary for development including access to the site, construction of water and sanitary sewer, and storm drain. The Annexation Agreement provides for City required off-site improvements should the property be annexed and developed without a subdivision plat. The Annexation Agreement for this Council action generally includes the following conditions or improvements:

- Requirement for access to Shiloh Road and connectivity to the property to the south;
- Requirement for extension of water and sanitary sewer mains along Shiloh Road;
- Requirement for an easement or right-of-way dedication for water and sanitary sewer mains if necessary;
- Requirement for an easement for public water and sanitary sewer extension to the property located northwest of this property;
- Outlines requirements for traffic impact study;
- Requirement for multiple trail connections to the north;
- Requirement that construction adjacent to the BBWA Canal shall not damage the BBWA Canal; and
- Notice of certain risks to Developer of developing property below the BBWA Canal.

**ALTERNATIVES**

City Council may:

- Approve the Annexation Agreement with the property owner; or
- Not approve the Annexation Agreement. If the agreement is not approved, the responsibility for infrastructure improvements would be in accordance with policies in place at the time of development.

**FISCAL EFFECTS**

There are several requirements of the Annexation Agreement that would not be required upon site development. Sections 2 and 3 require an easement to the City property to the northwest. Section 5 requires the dedication of public right-of-way, if needed. Section 7 requires construction near the BBWA Canal not to disturb the BBWA Canal, restricts planting trees on the canal bank, and requires certain building setbacks from the canal. Section 12 contains warning and indemnity language on behalf of the City regarding liability of building near and below the BBWA Canal.

The financial impact of the remainder of the agreement is dependent on policy changes that may occur before development. If development occurs before any changes to the City's development policies, there would be no financial impact. If development occurs after City development policies change, the financial impact would be dependent on the changes.

**Attachments**

Annexation Agreement

Return to:  
Performance Engineering, LLC  
608 N. 29<sup>th</sup> Street  
Billings, MT 59101

## ANNEXATION AGREEMENT

**THIS ANNEXATION AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between *Shiloh Farm, LLC, 730 Bluegrass Place, MT 59102*, hereinafter referred to as “DEVELOPER,” and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the “CITY.” DEVELOPER and CITY are sometimes referred to in this Agreement individually as “Party” and collectively as the “Parties.”

**WHEREAS**, DEVELOPER is the owner of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

*Tract C, Certificate of Survey No. 1100 Amended*, according to the official plat of file and of record in the office of the Clerk and Recorder of said County, under Document No. 1327683 hereinafter referred to as “DEVELOPER TRACT”.

**WHEREAS**, DEVELOPER has submitted to the City a Petition for Annexation to the City for Developer Tract; and

**WHEREAS**, DEVELOPER desires to annex Developer Tract to the City; and

**WHEREAS**, CITY has approved the Petition for Annexation by Resolution No. \_\_\_\_\_ for the Developer Tract contingent upon an Annexation Agreement being executed between CITY and DEVELOPER to identify required off-site infrastructure improvements and guarantees of those improvements.

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the Parties do hereby agree as follows:

1. *Roads and Access.* The Developer Tract will be accessed from two proposed right-in, right-out only approaches from Shiloh Road and two future accesses through the property to the south property line. The approaches from Shiloh

Road must be reviewed and approved by the City and the Montana Department of Transportation. If only one approach is approved to access Shiloh Road, the development will be required to construct an emergency access approach from Shiloh Road, (as determined by City Engineering and the City Fire Department), that can be eliminated once access to the south connected to the westerly extension of Zoo Drive is approved and constructed. Only 100 units can be constructed with one access and an emergency access.

2. Sanitary Sewer. The DEVELOPER is required to extend an 8-inch diameter sanitary sewer from the existing manhole located at the intersection of Zoo Drive and Shiloh Road to at least the intersection of the most southerly access from Developer Tract to Shiloh Road. In addition, if not constructed by other developments by the time this development has commenced, DEVELOPER will be required to extend 8-inch sanitary sewer from Summer Lane to Zoo Drive along Shiloh Road. If sanitary sewer cannot be located within the public right-of-way, DEVELOPER shall provide a public utility easement or dedicate additional right-of-way along Shiloh Road. DEVELOPER shall provide a 30-foot wide easement to the City in order to provide water and sanitary sewer to the City property, Certificate of Survey 3733 located on the northeast corner of Developer Tract. DEVELOPER can submit a reimbursement agreement in accordance with the City's Rules and Regulations Governing Water and Wastewater Service.
3. Water. The DEVELOPER is required to extend a 12-inch or 16-inch diameter water main from the existing water main located at the intersection of Zoo Drive and Shiloh Road along the entire Shiloh Road frontage of the Developer Tract. In addition, if not constructed by other developments by the time this development commences, DEVELOPER will be required to extend the 12-inch or 16-inch diameter water main from Summer Lane to Zoo Drive along Shiloh Road. DEVELOPER can submit a reimbursement agreement in accordance with the City's Rules and Regulations Governing Water and Wastewater Service. If a 16-inch diameter water main is required by the City, City staff will forward a Compensation Agreement to City Council for approval of oversizing of the water main at the DEVELOPER's request. If water cannot be located within the public right-of-way, DEVELOPER shall provide a public utility easement or dedicate additional right-of-way along Shiloh Road. DEVELOPER shall provide a 30-foot wide easement to the City in order to provide water and sanitary sewer to the City property, Certificate of Survey 3733 located on the northeast corner of Developer Tract. DEVELOPER can submit a reimbursement agreement in accordance with the City's Rules and Regulations Governing Water and Wastewater Service.

4. Storm Drain. The DEVELOPER will manage storm drainage within the Developer Tract in accordance with the City of Billings Stormwater Management Manual (2018).
5. Right-of-Way. Public right-of-way will be dedicated to the City of Billings in accordance with the 2018 Billings Urban Area Long Range Transportation Plan and in accordance with the City of Billings Subdivision Regulations. If the Developer Tract does not develop through subdivision, a Master Site Plan approval will be required; the City may require the Developer to dedicate adequate right-of-way as part of the City's approval of such Master Site Plan.
6. Street Construction, Widening and Sidewalks. Shiloh Road has been previously constructed out by MDT. Unless identified within the Traffic Impact Study, no additional street improvements will be required along Shiloh Road. Any improvements identified within the Traffic Impact Study would be required to be constructed at the DEVELOPER's expense.
7. Construction near BBWA. DEVELOPER shall not disturb and must maintain ditch at the toe of the BBWA Canal. DEVELOPER shall not plant trees or bushes along the BBWA Canal. DEVELOPER shall maintain a safe setback from the BBWA Canal for buildings and roads. The setback be determined at the time of site development. DEVELOPER shall work with the Building Department to ensure properties are not constructed in such a manner to undermine the BBWA Canal.
8. Multi-use Trail. There is an existing 10-foot wide asphalt multi-use trail along Shiloh Road and the frontage of the Developer Tract.

DEVELOPER shall be responsible for the maintenance and replacement of this 10-wide asphalt multi-use trail located along the frontage of the Developer Tract.

Developer shall provide pedestrian accesses to the park and open space adjacent to the BBWA canal every 400 to 600 feet.

9. Future Intersection Contributions. A traffic impact study will be performed at the time of future subdivision and/or development to determine DEVELOPER contributions to future intersection improvements. The preparation of the traffic impact study and any fees to mitigate impacts to future intersection improvements will be at the expense of the DEVELOPER.

10. Other Public Improvements. For any other improvements not specifically listed in this Agreement, the CITY shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, multi-use trails, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, parks and park maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof. All of the Developer properties can be included in a Special Improvements District for improvements identified in Annexation Agreement regardless of location of individual properties in relation to the improvements.
  
11. Compliance with Land Use and Development Ordinances and Regulations. Nothing herein shall be deemed to exempt the Developer Tract from compliance with any current or future City laws, rules, regulations, policies, and fees that are applicable to the development, redevelopment, or use of the subject property. Final plats or other dedications of the Developer Tract will be transmitted to the City for City Council acceptance of dedication of right-of-way and public easements. Dedications, deeds or conveyances will be in the name of the City after the effective date of the annexation and will be forwarded to the City Council for acceptance.
  
12. Warning and Indemnification Concerning BBWA Canal. DEVELOPER, its successors and assigns, hereby acknowledge that the Developer Tract is located adjacent to and downhill from the BBWA Canal, creating an inherent risk of injury and property damage. DEVELOPER, its successors and assigns, hereby knowingly, voluntarily, and fully waive and release the CITY from any future right, privilege or claim for compensation, specific performance, injunction, or other remedy of any kind, including those unknown and unanticipated, arising from or in any way related to flood, breach, collapse, leakage, subsidence, earth movement, property damage, personal injury, or any other damage or injury of any kind caused by, emanating from, or in any way related to the BBWA Canal or its construction, maintenance, or operation. DEVELOPER and such parties specifically acknowledge that claims waived and released hereby include, but are not limited to, claims arising from or related to the inherent risks

related to the BBWA Canal, as well as claims arising from or related to CITY's approval of plans or permits. DEVELOPER, its successors and assigns, are expressly advised to retain qualified professionals to assess and advise them on dangers posed by the subject canal, soil conditions, or any other hazards associated with Developer Tract. DEVELOPER, its successors and assigns, further acknowledge that Montana statutes and common law may impose duties requiring that they avoid damaging or impairing the operation of the BBWA Canal. If any action of DEVELOPER or any of its successors and assigns (herein referred to as a "Responsible Party") causes damage or impairment to the BBWA Canal which results in a claim against the CITY for compensation, specific performance, injunction, or other remedy, the Responsible Party shall fully defend, indemnify, and hold the CITY harmless from and against any such claim to the extent of the cause apportioned to the Responsible Party.

13. Runs with Land. The covenants, agreements, and all statements in this Agreement and in the incorporated and attached Waiver shall run with the land and shall be binding on the heirs, personal representatives, successors, and assigns of the respective parties.
14. Attorney's Fees. In the event it becomes necessary for either Party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney fees and costs, including those fees and costs of in-house counsel.
15. Amendments and Modifications. Any amendments or modifications of this Agreement shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement as of the day and year first above written.

“DEVELOPER”

*Shiloh Farm, LLC*

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

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

STATE OF MONTANA     )

:ss

County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who signed the foregoing instrument as the Shiloh Farm, LLC representative of DEVELOPER, and who acknowledged to me that said DEVELOPER executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

This Agreement is hereby approved and accepted by City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

“CITY”

CITY OF BILLINGS, MONTANA

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

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA     )  
                                          :ss  
County of Yellowstone     )

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney

**WAIVER OF RIGHT TO PROTEST**

**FOR VALUABLE CONSIDERATION**, the undersigned, Owner of the hereinafter described real property, does hereby waive the right to protest the formation of one or more Special Improvement Districts (SID) for the construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, multi-use trails, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, parks and park maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require.

The Waiver and Agreement shall run with the land and shall be binding upon the undersigned, its successors and assigns, and shall be recorded in the office of County Clerk and Recorder of Yellowstone County, Montana.

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

*Tract C, Certificate of Survey No. 1100 Amended*, of which plat is on file and recorded at the Yellowstone County Clerk and Recorder’s Office.

“DEVELOPER”

*Shiloh Farm, LLC*

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

STATE OF MONTANA            )  
                                          :ss.  
County of Yellowstone        )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who signed the foregoing instrument as the Shiloh Farm, LLC representative of DEVELOPER and who acknowledged to me that said DEVELOPER executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Harmony Meadows Subdivision, 3rd Filing - Preliminary City Subsequent Minor  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends to City Council that the preliminary plat of Harmony Meadows Subdivision, 3rd Filing be conditionally approved and the Council adopt the Findings of Fact as presented in the staff report.

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

On April 1, 2021, Performance Engineering, LLC, on behalf of Harmony Meadows, LLC, applied for preliminary minor plat approval for Harmony Meadows Subdivision, 3rd Filing. The proposed subdivision creates one lot for development by combining lots 1-8 of Harmony Meadows Subdivision, 2nd Filing. Anytime a lot aggregation impacts more than 5 lots, an amended plat is required. The subject property is generally located on Elysian Road between Interstate Avenue and Dodger Lane. The property is zoned N2 (Mid-Century Neighborhood) and NO (Neighborhood Office). The land is currently vacant.

**VARIANCES**

There are no variances associated with this application.

**PROPOSED CONDITIONS OF APPROVAL**

1. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

**PROCEDURAL HISTORY**

- Pre-application meeting October 28, 2021
- Preliminary plat application submitted to Planning Division April 1, 2022
- Preliminary plat to City Council May 23, 2022
- 35 working-day preliminary plat review period ends May 19, 2022. The applicant provided an extension for 30 days.

**PLAT INFORMATION**

General Location: South side of Elysian Road between Interstate Avenue and Dodger Lane  
Legal Description: Lots 1-8, Harmony Meadows Subdivision, 2nd Filing, NE1/4 Section 19, Township 01 South, Range 26 East  
Owner/Subdivider: Harmony Meadows, LLC  
Engineer/Surveyor: Performance Engineering, LLC  
Existing Zoning: N2 (Mid-Century Neighborhood) and NO (Neighborhood Office)  
Existing Land Use: Vacant Land  
Proposed Land Use: Residential  
Gross & Net Area: 17.386 ac / 17.386 ac  
Lot Size:

- Minimum: 17.386 ac
- Maximum: 17.386 ac

Parkland Requirements: A total of 2.185 acres of parkland/open space was provided with the original subdivision. This aggregation is not affecting that dedication nor does it trigger additional parkland be dedicated since the lot is

over 5 acres.

## **STAKEHOLDERS**

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

## **ALTERNATIVES**

In accordance with state law, the City Council has 35 working days to act upon this major preliminary plat. The 35 working day review period for the proposed plat ends on May 19, 2022. An extension to the review deadline was granted by the applicant extending the review time for an additional 30 days. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 working day review period, the City Council is required to:

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

## **FISCAL EFFECTS**

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

## **SUMMARY**

One of the purposes of the City's subdivision review process is to identify potential negative effects of property being subdivided. Negative effects that are identified become the subdivider's responsibility to mitigate. Various City departments, private service/utility providers and the affected school district/s, have reviewed this application and provided input on effects and mitigation. The Findings of Fact, which are presented as an attachment, discuss potential negative impacts of the subdivision and conditions of approval are recommended as measures to further mitigate any impacts. In this case, there were found to be minimal impacts from this proposed subdivision.

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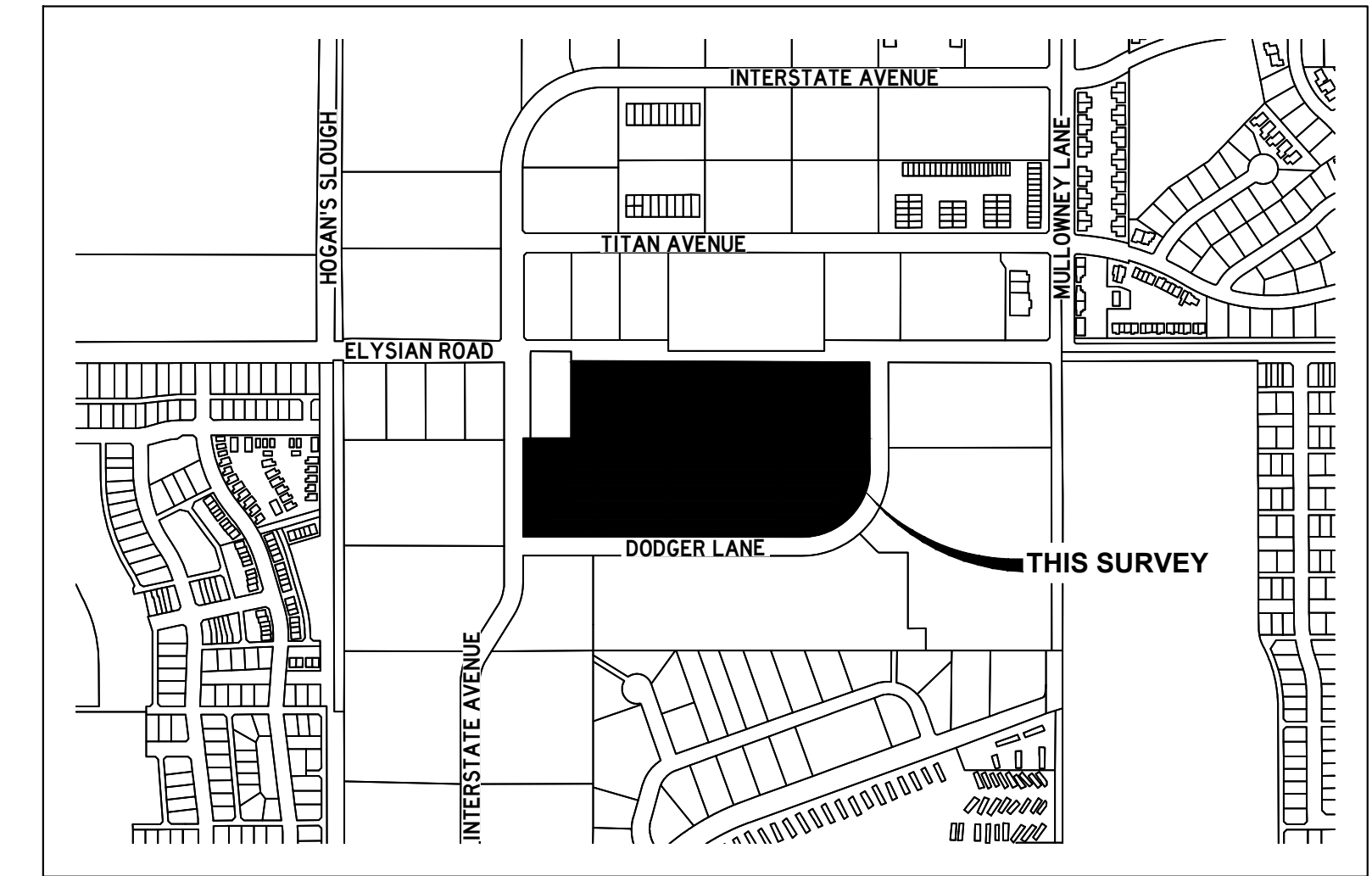
### **Attachments**

Preliminary Plat  
Subdivision Improvement Agreement  
Findings of Fact

PLAT OF  
**HARMONY MEADOWS SUBDIVISION, 3RD FILING**  
 BEING LOTS 1 THRU 8 OF HARMONY MEADOWS SUBDIVISION, 2ND FILING  
 LOCATED IN THE NE 1/4 OF SECTION 19, TOWNSHIP 01 SOUTH, RANGE 26 EAST, P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA



PREPARED FOR : HARMONY MEADOWS, LLC  
 PREPARED BY : PERFORMANCE ENGINEERING, LLC  
 DATE : MARCH 2022



VICINITY MAP

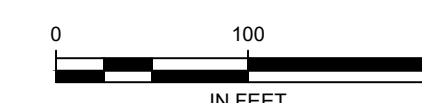
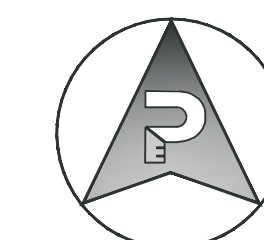
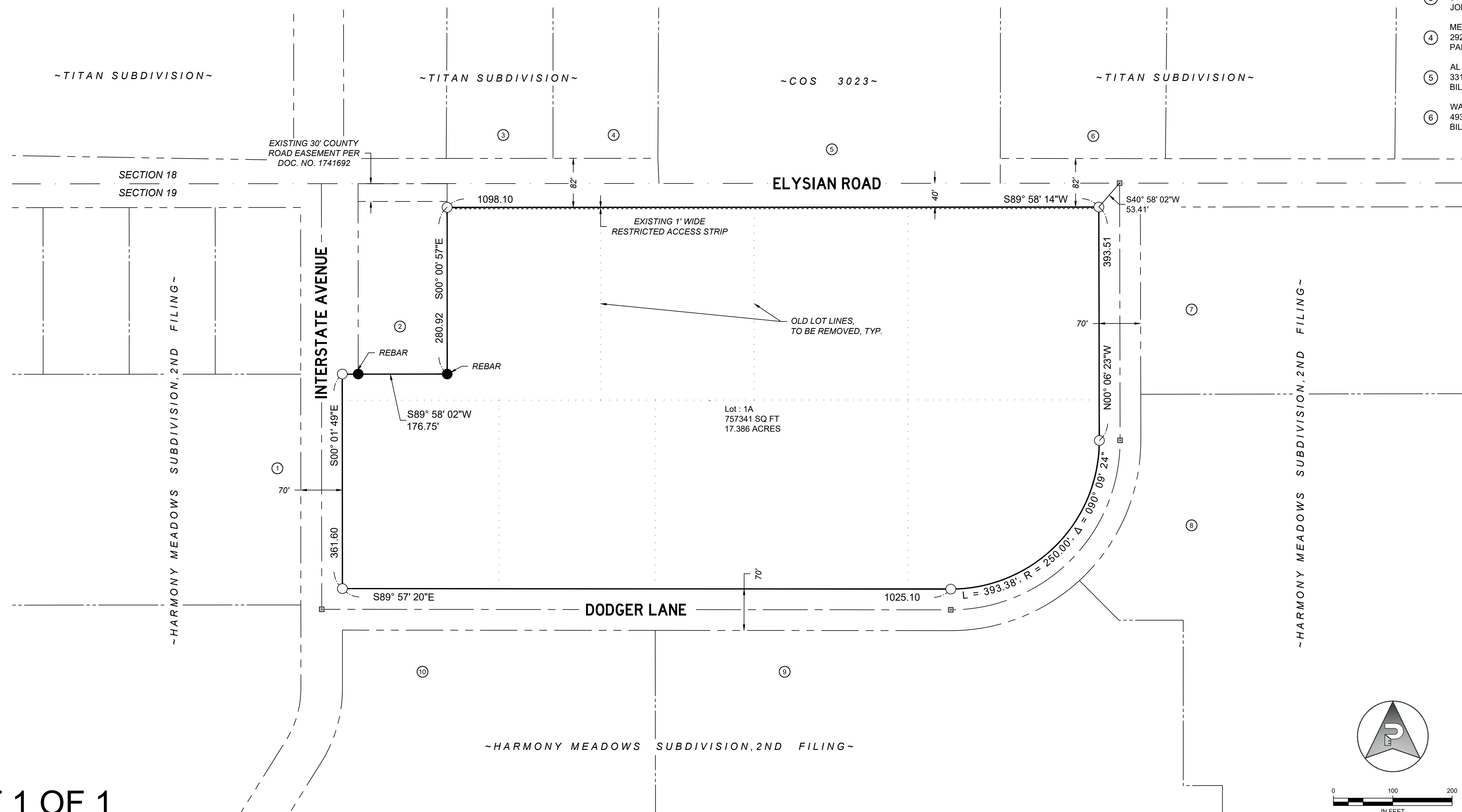
| LEGEND |                                     |
|--------|-------------------------------------|
|        | PROPERTY BOUNDARY                   |
|        | SECTION LINE                        |
|        | FOUND PROPERTY CORNER, AS DESCRIBED |
|        | SET PROPERTY CORNER                 |
|        | FOUND CENTERLINE MONUMENT           |

SITE DATA

EXISTING LAND USE : VACANT  
 EXISTING ZONING : NEIGHBORHOOD OFFICE - RESIDENTIAL  
 MID-CENTURY NEIGHBORHOOD RESIDENTIAL  
 PROPOSED LAND USE : RESIDENTIAL  
 PROPOSED ZONING : NEIGHBORHOOD OFFICE - RESIDENTIAL  
 MID-CENTURY NEIGHBORHOOD RESIDENTIAL  
 TOTAL LOTS IN SUBDIVISION : 1  
 GROSS AREA : 17.386 AC  
 NET AREA : 17.386 AC  
 PARKLAND REQUIRED : NONE

ADJOINING LANDOWNER INFORMATION

- |                                                                              |                                                                       |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| ① HARMONY MEADOWS, LLC<br>2729 ASPEN WAY<br>BILLINGS, MT 59106               | ⑦ HARMONY MEADOWS, LLC<br>2729 ASPEN WAY<br>BILLINGS, MT 59106        |
| ② DONALD J WEBER<br>5900 ELYSIAN ROAD<br>BILLINGS, MT 59101                  | ⑧ GRAND SLAM PATIO HOMES, LLC<br>2729 ASPEN WAY<br>BILLINGS, MT 59106 |
| ③ RIVER RENTAL PROPERTIES, LLC<br>64 EVERGREEN DRIVE<br>JOLIET, MT 59041     | ⑨ TRIPLE PLAY APARTMENTS, LLC<br>2729 ASPEN WAY<br>BILLINGS, MT 59106 |
| ④ MELVILLE PROPERTIES, LLC<br>292 BENEDICT GULCH ROAD<br>PARK CITY, MT 59063 | ⑩ HARMONY MEADOWS, LLC<br>2729 ASPEN WAY<br>BILLINGS, MT 59106        |
| ⑤ AL KOELZER<br>3312 4TH AVENUE NORTH<br>BILLINGS, MT 59101                  |                                                                       |
| ⑥ WADE E & AUTUMN K KIERNAN<br>4932 DOVETAIL AVENUE<br>BILLINGS, MT 59106    |                                                                       |



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

***Harmony Meadows Subdivision, 3<sup>rd</sup> Filing***

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(City of Billings)**

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

***Harmony Meadows Subdivision, 3<sup>rd</sup> Filing***

**This agreement** is made and entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **Harmony Meadows, LLC**, whose address for the purpose of this agreement is **2729 Aspen Way, Billings, MT 59106**, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, the plat of **Harmony Meadows Subdivision, 3<sup>rd</sup> Filing**, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the City Council conditionally approved a preliminary plat of **Harmony Meadows Subdivision, 3<sup>rd</sup> Filing** and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to **Harmony Meadows Subdivision, 3<sup>rd</sup> Filing** upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

**I. VARIANCES**

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

1. No variances have been requested at this time.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners. Sidewalks shall be 5-foot boulevard style walk.
- B.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- C.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- D.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- G.** Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined with Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

### **III. TRANSPORTATION**

#### **A. Streets**

All internal access roads and site improvements within the subdivision shall be installed in accordance with the City of Billings' street standards. Subdivider will execute a private contract to construct public streets, and curb and gutter within the Subdivision.

Subdivider and City agree that the required street improvements are as follows:

1. All private interior streets will be paved with a standard width of 34-feet from back of curb to back of curb as per the City of Billings Standard Modification Drawings.
2. All streets will be provided with an asphalt concrete driving surface.
3. The Developer agrees to contribute up to fifty percent (50%) cost share for the design, permitting, and construction of the Story Road crossing at Hogan's Slough. The crossing will be installed as part of the Phase IV improvements for the development or when interconnection is required as determined by the City of Billings. At the time of Phase IV construction, if interconnection is not required for the for the adjacent development. When constructed by the City, if the 50% contribution is not sufficient to cover any overages incurred the City retains the right to create an SID to recover the construction overages.
4. Upon construction of Phase IV, if Story Road/Sterns Circle is not paved, the developer is required to contribute his proportionate share to paving of Story Road/Sterns Circle to the standards that are in place at the time of Phase IV construction as determined by the Traffic Impact Study.

#### **B. Sidewalks And Trails**

1. Individual lot owners will be responsible for the construction of the sidewalks within public right-of-way or easements adjacent to or through their lot at the time of lot construction and shall be included in each building permit.
2. Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb at corner intersection handicap ramps and aprons.
3. Subdivider to install sidewalks and trails fronting parkland/open space areas.

### **C. Street Lighting**

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

### **D. Traffic Control Devices**

1. Street name signs for streets within the Subdivision, or located immediately adjacent thereto, shall be furnished and installed by the subdivider in accordance with the specifications of the City of Billings standards.
2. Stop signs shall be placed at each intersection between a private and public roadway.
3. The Developer shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

### **E. Access**

The development includes four primary access locations on Dodger Lane and Interstate Avenue. All approaches will meet design standards outlined in the City of Billings Modification Drawings. No access will be allowed onto Elysian Road.

### **F. Billings Area Bikeways and Trail Master Plan**

The proposed subdivision is within the planning area for the Billings Area Bikeway & Trail Master Plan. The Trail Plan indicates a multi-use path along the south side of Elysian Road, which has already been constructed.

### **G. Public Transit**

No location for public transit connection will be provided within the development.

## **IV. EMERGENCY SERVICE**

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

At the time of development, construction of buildings made of combustible materials shall have adequate fire apparatus access roads and fire hydrant(s) in place to allow for fire suppression requirements. Prior to issuance of a building permit for construction using combustible materials (i.e., lumber, plywood, wood

trusses, etc.), fire apparatus access roads, and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the Billings Fire Department.

At a minimum, the following is required:

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

## **V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

Stormwater will be managed through the use of on-site detention facilities.

## **VI. UTILITIES**

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

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

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

**A. Water**

The Subdivision will be served by connecting to the existing 12-inch water main located within Dodger Lane, a public road. The installed water line will meet all requirements of the City of Billings Engineering Department upon development of future lots.

**B. Sanitary Sewer**

The Subdivision will be served by connecting to the existing 12-inch sanitary sewer main located within Dodger Lane, a public road. The installed sanitary sewer will meet all requirements of the City of Billings Engineering Department upon development of future lots.

**C. Power, Telephone, Gas, and Cable Television**

All telephone, gas, electrical power, and cable television lines within the public right-of-way shall be installed prior to surface improvements.

**VII. PARKS/OPEN SPACE**

Parkland/open space requirements will be met via private parkland/open space areas. The subdivision regulations require 11% of the net residential lot area be provided as parkland/open space area which equates to 1.91 acres. A total of 2.185 acres of parkland/open space is provided.

All parkland spaces within the subdivision will be private. Private parkland areas will be constructed by the Subdivider and maintained by the Home Owners Association(s).

**VIII. IRRIGATION**

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

**IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical investigation was performed for the area and can be obtained from the City Engineering Department office.

**X. PHASING OF IMPROVEMENTS**

The Subdivision is proposed to be constructed as a single phase. This project is part of the original Phase I of Harmony Meadows Subdivision, 2<sup>nd</sup> Filing (Lots 7 & 8) and the original Phase II of Harmony Meadows Subdivision, 2<sup>nd</sup> Filing (Lots 1-6).

**XI. FINANCIAL GUARANTEES**

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

**XII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of two years from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

*Harmony Meadows, LLC*

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

Its: \_\_\_\_\_

STATE OF MONTANA     )  
                                          : ss  
County of                    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of *Harmony Meadows, LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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





## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Harmony Meadows Subdivision, 3rd Filing. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

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

**1. Effect on agriculture and agricultural water user facilities**

The subject property is currently vacant. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The Subdivision will be served by connecting to the existing 12-inch water main located within Dodger Lane, a public road. The installed water line will meet all requirements of the City of Billings Engineering Department upon development of future lots.

Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. existing 12-inch sanitary sewer main located within Dodger Lane, a public road. At the time of development, the lot owner shall install a sanitary sewer service connection to the line in Dodger Lane. All new services shall be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, B, Sanitary Sewer.

Private Utilities will be provided from existing facilities to the subdivision. No additional easements on the lot frontage have been requested.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. These and all other drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Department.

- b. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.
- c. **Streets** – The subdivision is adjacent to Elysian Road, Dodger Lane, and Interstate Avenue. All three of these roads are developed rights of way and no

additional street improvements are anticipated at this time. All internal access roads and site improvements within the subdivision shall be installed in accordance with the City of Billings' street standards. Subdivider will execute a private contract to construct public streets, and curb and gutter within the Subdivision. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

The sidewalks will be installed by the respective lot owner on a lot-by-lot basis, as lots develop. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. The developer will also install all ADA required ramps at the intersections within the proposed subdivision. This information is all in the SIA under the heading Transportation.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 24<sup>th</sup> St W and Stillwater Drive. (Station #5).
- e. **Schools** – School District #2 provides educational services to elementary through high school students. Schools serving these students are Elysian School and West High School. At the time of the writing of this staff report West High School was shown as being over capacity.
- f. **Parks and Recreation** – This subdivision does not have any parkland requirements.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service. (**Condition #1**)

### **3. Effect on the natural environment**

The subject property is currently vacant land with the proposed use of large housing developments being place on the parcels. The property is not located within any floodplain. During development, storm water pollution prevention best management practices are required to be used and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

### **5. Effect on the public health, safety and welfare**

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

**B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

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

**C. Does the subdivision conform to the City of Billings 2016 Growth Policy, the 2014 Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

**1. City of Billings 2016 Growth Policy**

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

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8). Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels. (p.8)

**Home Base (healthy, safe and diverse housing options)** A mix of housing types that meet the needs of a diverse population is important. (p.9) Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

**2. 2018 Billings Urban Area Long Range Transportation Plan**

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

**3. Billings Area Bikeway and Trail Master Plan (BABTMP)**

The proposed subdivision is within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. The Trail Plan indicates a multi-use path along the south side of Elysian Road, which has already been constructed. No additional improvements of this nature are anticipated.

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

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

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

The subject property is located within N2 (Mid-Century Neighborhood) and NO (Neighborhood Office) zoning. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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

The subdivider will provide utility easements as requested by private utility companies on the face of the plat.

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

Legal and physical access is provided via Elysian Road, Dodger Lane, and Interstate Avenue.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Harmony Meadows, 3<sup>rd</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2016 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**RECOMMENDATION**

Staff recommends to City Council that the preliminary plat of Harmony Meadows, 3<sup>rd</sup> Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, May 23, 2022

---

William A. Cole, Mayor

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Annafeld Subdivision, 4th Filing - Final plat  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

---

**RECOMMENDATION**

Staff recommends the City Council approve the final plat and SIA of Annafeld Subdivision, 4th Filing.

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

On May 6, 2022, Sanderson Stewart applied for final minor plat approval for Annafeld Subdivision, 4th Filing. The proposed subdivision creates 127 lots for development. The subject property is generally located south of Elysian Rand and west of Annafld Subdivision 3rd Filing. The property is zoned Planned Unit Development (PUD). Staff finds the final plat meets the criteria outlined in 76-3-611.

**ALTERNATIVES**

The City Council may approve, conditionally approve or disapprove the final plat of Annafeld Subdivision, 4th Filing. If the City Council chooses to deny the final plat, the denial must be because the criteria in Section 76-3-611, MCA are not met. The criteria are as follows:

76-3-611. Review of final plat.

(1) The governing body or the agent or agency designated by the governing body shall examine each final plat, and the governing body shall approve the plat only if:

- (a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and (local) regulations adopted pursuant to this chapter; and
- (b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

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

**FISCAL EFFECTS**

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

---

**Attachments**

Final Plat  
Final SIA  
Conditions of Approval

**PLAT OF  
ANNAFELD SUBDIVISION, FOURTH FILING**  
BEING LOT 2A, BLOCK 1, ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND  
LOT 3, BLOCK 10 & LOT 1A, BLOCK 17, ANNAFELD SUBDIVISION, 3RD FILING  
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

NOVEMBER, 2021

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA

**NOTICE OF APPROVAL**

STATE OF MONTANA )  
County of Yellowstone ) :ss

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

Date \_\_\_\_\_ President \_\_\_\_\_

Executive Secretary \_\_\_\_\_

**CERTIFICATE OF CITY ENGINEER'S OFFICE**

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

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Engineer's Office \_\_\_\_\_

**ERRORS AND OMISSIONS REVIEW**

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

Examining Land Surveyor \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF CITY COUNCIL APPROVAL**

STATE OF MONTANA )  
County of Yellowstone ) :ss

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

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

CITY OF BILLINGS, MONTANA

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

Attest: \_\_\_\_\_ City Clerk

**CERTIFICATE OF CITY ATTORNEY**

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

DATED: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

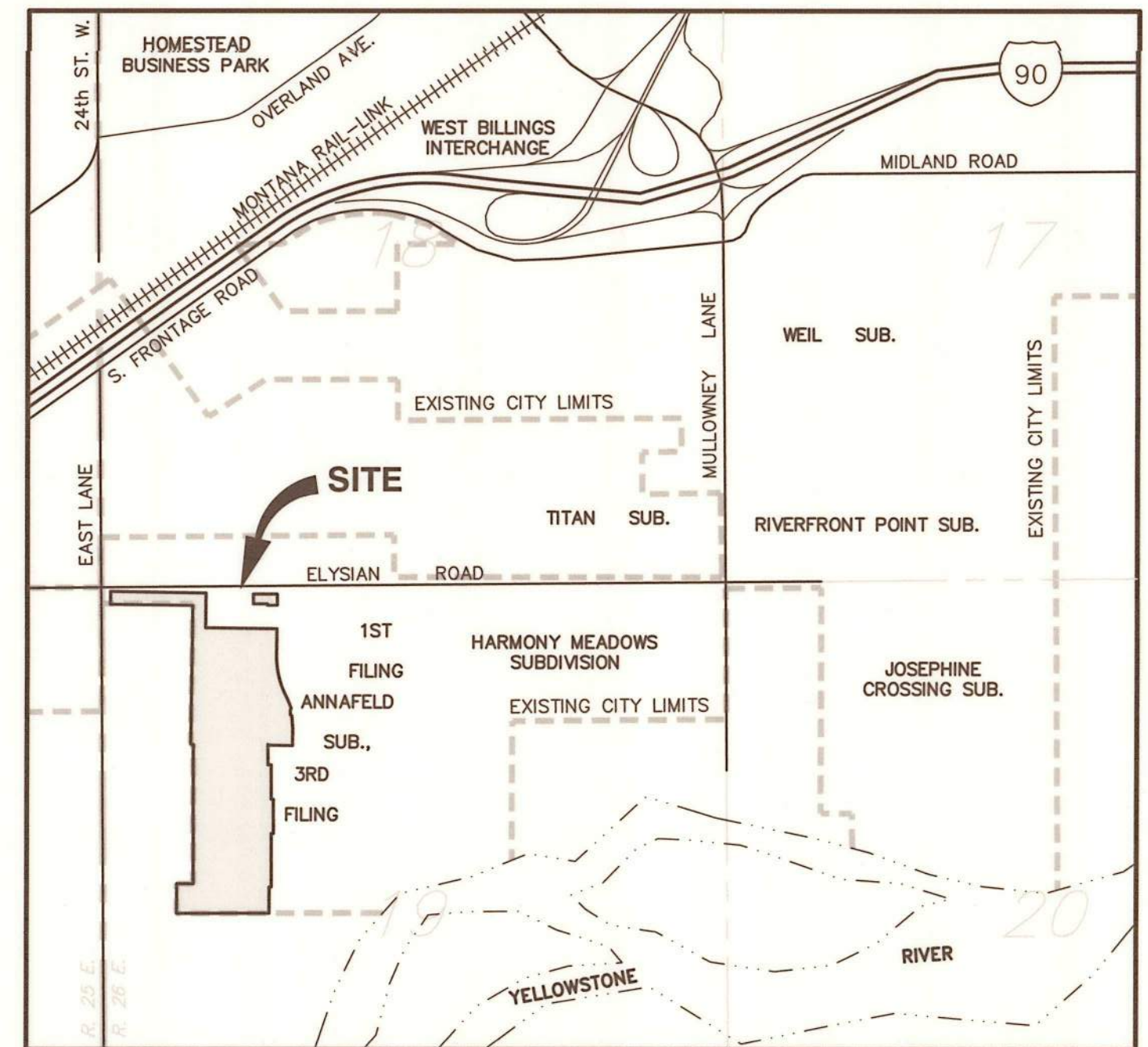
**CERTIFICATE OF COUNTY TREASURER**

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

Date \_\_\_\_\_

Yellowstone County Treasurer

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



**VICINITY MAP**  
NOT TO SCALE

**CERTIFICATE OF DEDICATION**

STATE OF MONTANA )  
County of Yellowstone ) :ss

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

Lot 2A of the Amended Plat of Lot 2, Block 1, Adam & Mollie Walter Subdivision, First Filing, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 3880645; Lot 3, Block 10 of Annafeld Subdivision, Third Filing, Document No. 3961163; and Lot 1A of the Amended Plat of Lot 1, Block 17 of Annafeld Subdivision Third Filing, Document No. 4009589.

The park requirement for this subdivision is being met by the creation of Lot 17 of Block 15, Lot 16 of Block 18, and Lot 1 of Block 25 as PRIVATE PARK and previous land dedication by the Plats of Annafeld Subdivision, First, Second, & Third Filings.

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

McCALL DEVELOPMENT, INC.

By: Bradley McCall Title: Vice-President

STATE OF MONTANA )  
County of Yellowstone ) :ss

On this 29 day of April, 2022, before me, the undersigned Notary Public for the State of Montana, personally appeared Bradley McCall, known to me to be the persons who signed the foregoing instrument as Vice-President of McCALL DEVELOPMENT, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.



Heather Lewis  
Notary Public in and for the State of Montana

**CERTIFICATE OF SURVEYOR**

STATE OF MONTANA )  
County of Yellowstone ) :ss

The undersigned, a Montana Registered Land Surveyor declares that during the month of November, 2021, a survey was performed under his supervision of a tract of land to be known as ANNAFELD SUBDIVISION, FOURTH FILING, in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that the monuments found and set are of the character and occupy the positions shown hereon and that the gross area is 36.690 acres and the net area is 28.460 acres, more or less.

SANDERSON STEWART

By: Michael Dean Bertram

Montana Registration No. 18972LS

Date: April 29, 2022



**SUBDIVISION IMPROVEMENTS AGREEMENT**

Document No. \_\_\_\_\_

**CONSENT TO PLATTING**

Document No. \_\_\_\_\_

**PRIVATE WATER & SEWER SERVICE EASEMENT**

Document No. \_\_\_\_\_

RESERVED FOR CLERK AND RECORDER

# PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

BEING LOT 2A, BLOCK 1, ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND  
LOT 3, BLOCK 10 & LOT 1A, BLOCK 17, ANNAFELD SUBDIVISION, 3RD FILING  
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

**AREA DATA**

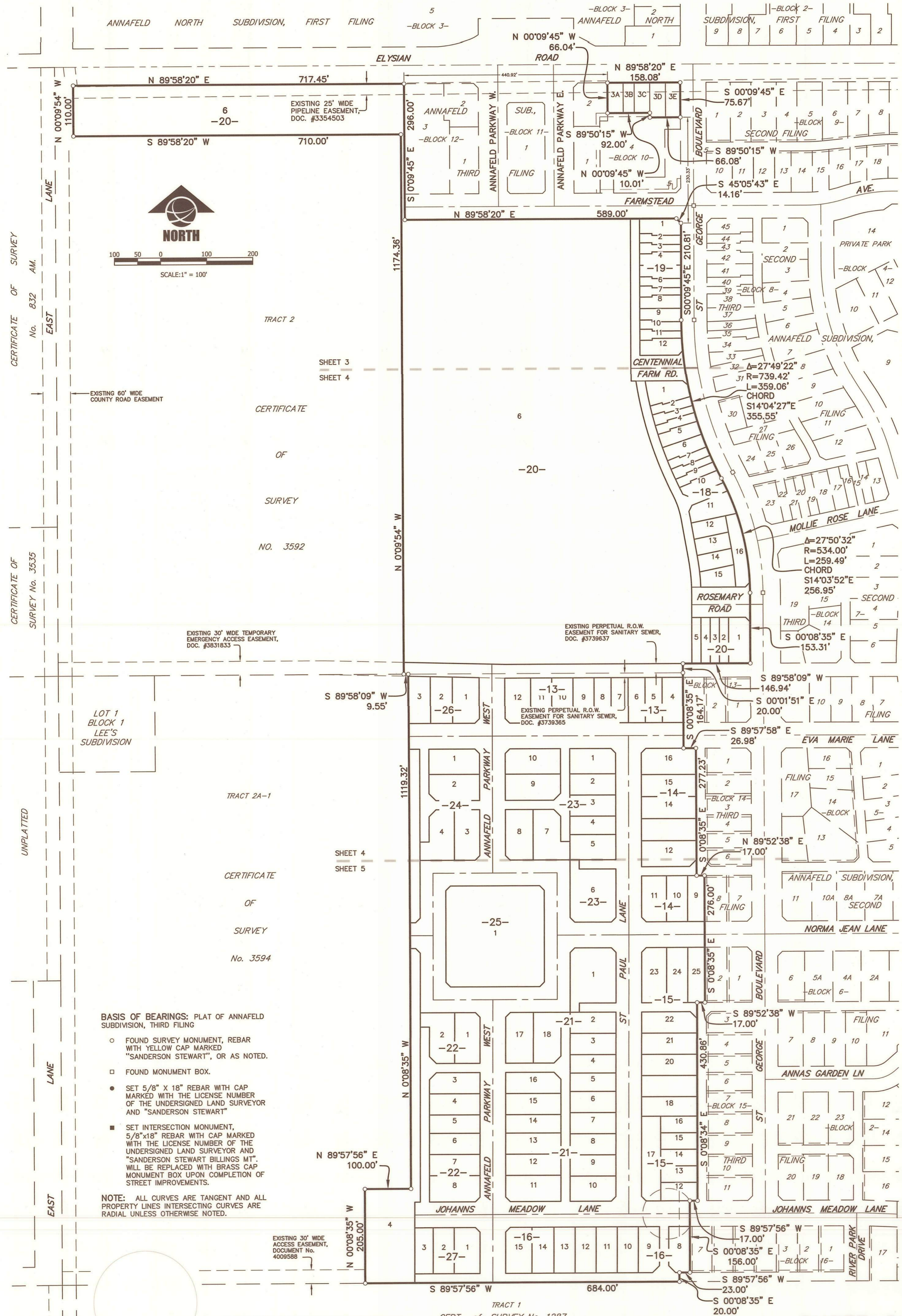
|                 |           |
|-----------------|-----------|
| 124 LOTS        | 27.102 AC |
| 3 PRIVATE PARKS | 1.358 AC  |
| NET AREA        | 28.460 AC |
| ROAD DEDICATION | 8.230 AC  |
| GROSS AREA      | 36.690 AC |

PREPARED FOR : McCALL DEVELOPMENT, INC.

NOVEMBER, 2021

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



**BASIS OF BEARINGS:** PLAT OF ANNAFELD SUBDIVISION, THIRD FILING

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

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

# PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

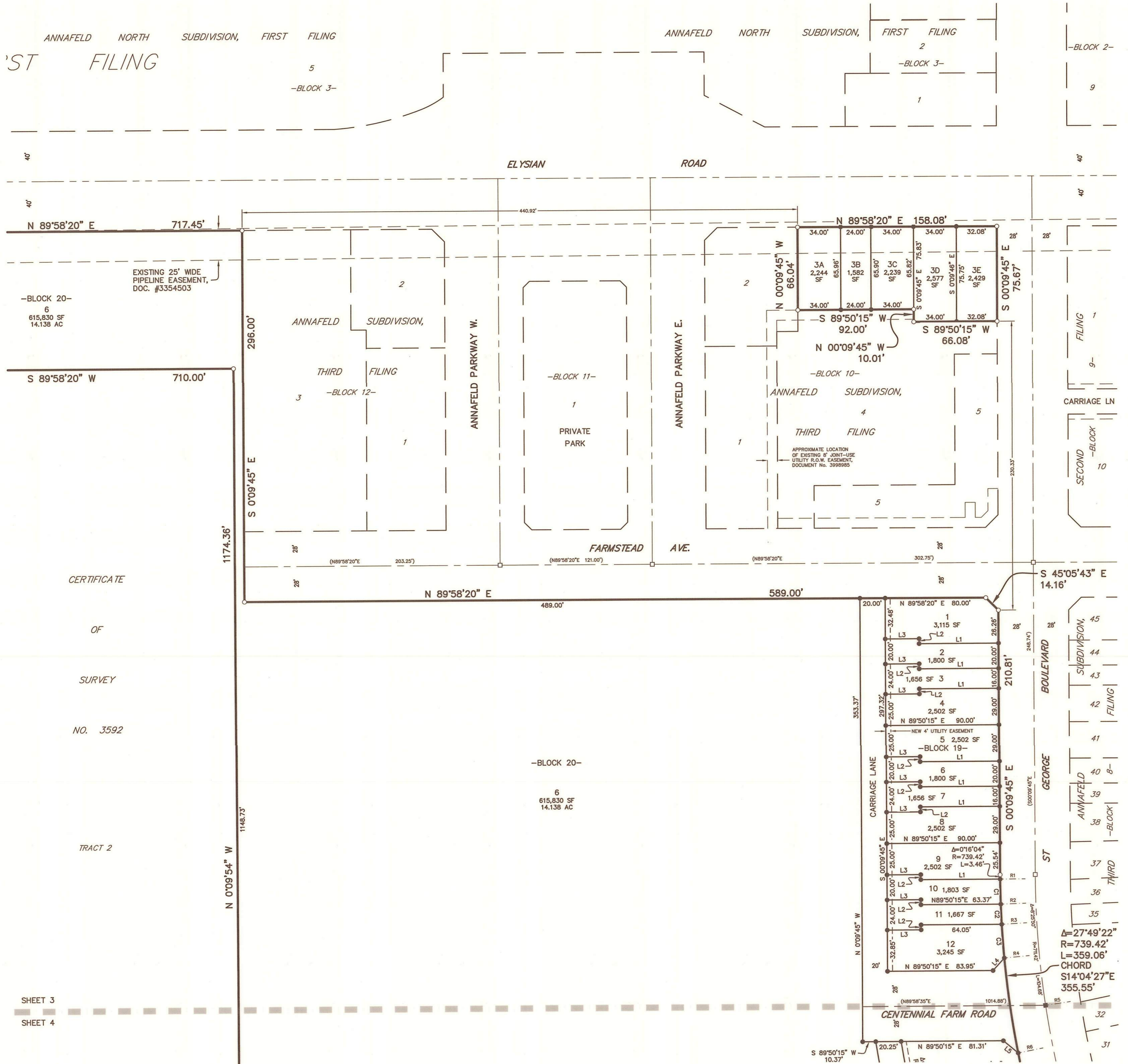
BEING LOT 2A, BLOCK 1, ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND  
LOT 3, BLOCK 10 & LOT 1A, BLOCK 17, ANNAFELD SUBDIVISION, 3RD FILING  
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

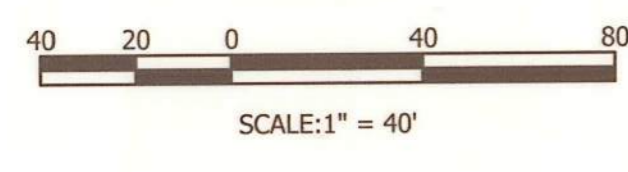
NOVEMBER, 2021

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



CERTIFICATE  
OF  
SURVEY  
NO. 3592



| LOT LINE TABLE |               |          |
|----------------|---------------|----------|
| Line #         | Bearing       | Distance |
| L1             | S 89°50'15" W | 63.00'   |
| L2             | N 00°09'45" W | 4.00'    |
| L3             | S 89°50'15" W | 27.00'   |
| L4             | S 42°04'11" W | 13.44'   |
| L5             | S 50°30'36" E | 15.40'   |

| LOT CURVE TABLE |          |         |        |
|-----------------|----------|---------|--------|
| Curve #         | Delta    | Radius  | Length |
| C1              | 1°33'00" | 739.42' | 20.00' |
| C2              | 1°14'27" | 739.42' | 16.01' |
| C3              | 2°05'21" | 739.42' | 26.96' |

| RADIAL LINE TABLE |               |
|-------------------|---------------|
| Line #            | Bearing       |
| R1                | N 89°34'10" E |
| R2                | N 88°01'10" E |
| R3                | N 86°46'43" E |
| R4                | N 84°41'21" E |
| R5                | N 81°24'25" E |
| R6                | N 78°45'19" E |

- BASIS OF BEARINGS:** PLAT OF ANNAFELD SUBDIVISION, THIRD FILING
- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART", OR AS NOTED.
  - EXISTING BRASS CAP IN CAST IRON MONUMENT BOX.
  - SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
  - SET INTERSECTION MONUMENT, 5/8"x18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART BILLINGS MT". WILL BE REPLACED WITH BRASS CAP MONUMENT BOX UPON COMPLETION OF STREET IMPROVEMENTS.

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

RESERVED FOR CLERK AND RECORDER

# PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

BEING LOT 2A, BLOCK 1, ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND LOT 3, BLOCK 10 & LOT 1A, BLOCK 17, ANNAFELD SUBDIVISION, 3RD FILING, SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

NOVEMBER, 2021

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

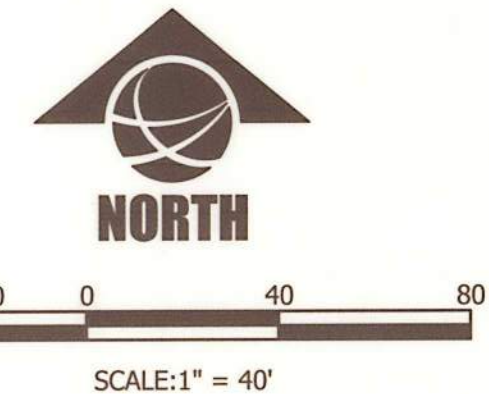
SHEET 3  
SHEET 4

| Line # | Bearing       | Distance |
|--------|---------------|----------|
| L5     | S 50°30'36" E | 15.40'   |
| L6     | S 74°16'39" W | 27.00'   |
| L7     | N 15°43'21" W | 4.00'    |
| L8     | S 74°16'39" W | 27.01'   |
| L9     | S 74°16'39" W | 28.00'   |
| L10    | S 74°16'39" W | 28.02'   |
| L11    | S 68°00'45" W | 27.00'   |
| L12    | N 21°59'15" W | 4.00'    |
| L13    | S 68°00'45" W | 27.01'   |
| L14    | S 68°00'45" W | 27.04'   |
| L15    | S 68°00'45" W | 27.08'   |
| L16    | N 67°52'43" W | 14.36'   |
| L17    | N 26°25'22" E | 14.96'   |
| L18    | S 43°57'50" W | 13.89'   |
| L20    | S 45°05'13" E | 14.16'   |
| L21    | N 44°57'58" W | 14.14'   |
| L22    | S 45°02'02" W | 14.14'   |
| L23    | S 89°58'04" E | 23.21'   |
| L24    | S 44°57'58" E | 14.14'   |
| L25    | N 45°02'02" E | 14.14'   |
| L26    | S 44°57'58" E | 14.14'   |
| L27    | N 45°02'02" E | 14.14'   |
| L28    | S 44°52'01" W | 21.21'   |
| L29    | S 89°57'58" E | 20.00'   |
| L30    | S 44°57'58" E | 21.21'   |
| L31    | S 45°02'02" W | 21.21'   |
| L32    | N 44°57'58" W | 14.14'   |
| L33    | N 44°57'58" W | 21.21'   |
| L34    | N 45°02'02" E | 21.21'   |
| L35    | S 89°57'58" E | 20.00'   |
| L36    | S 45°02'02" W | 20.00'   |
| L45    | S 00°02'02" W | 20.00'   |

| Curve # | Delta    | Radius  | Length |
|---------|----------|---------|--------|
| C4      | 1°32'59" | 739.42' | 20.00' |
| C5      | 1°22'54" | 829.42' | 20.00' |
| C6      | 1°14'23" | 739.42' | 16.00' |
| C7      | 1°39'29" | 829.42' | 24.00' |
| C8      | 1°33'00" | 739.42' | 20.00' |
| C9      | 1°22'55" | 829.42' | 20.00' |
| C10     | 2°17'36" | 739.42' | 29.60' |
| C11     | 2°06'29" | 829.42' | 30.52' |
| C12     | 1°33'00" | 739.42' | 20.00' |
| C13     | 1°22'54" | 829.42' | 20.00' |
| C14     | 1°14'23" | 739.42' | 16.00' |
| C15     | 1°39'29" | 829.42' | 24.00' |
| C16     | 1°32'59" | 739.42' | 20.00' |
| C17     | 1°22'53" | 829.42' | 20.00' |
| C18     | 1°31'32" | 739.42' | 19.69' |
| C19     | 1°07'25" | 534.00' | 10.47' |
| C20     | 0°41'30" | 829.42' | 10.01' |
| C21     | 1°44'25" | 200.00' | 6.07'  |
| C22     | 2°09'03" | 534.00' | 20.05' |
| C23     | 3°23'43" | 200.00' | 11.85' |
| C24     | 5°40'48" | 534.00' | 52.94' |

6  
615,830 SF  
14.138 AC

-BLOCK 20-

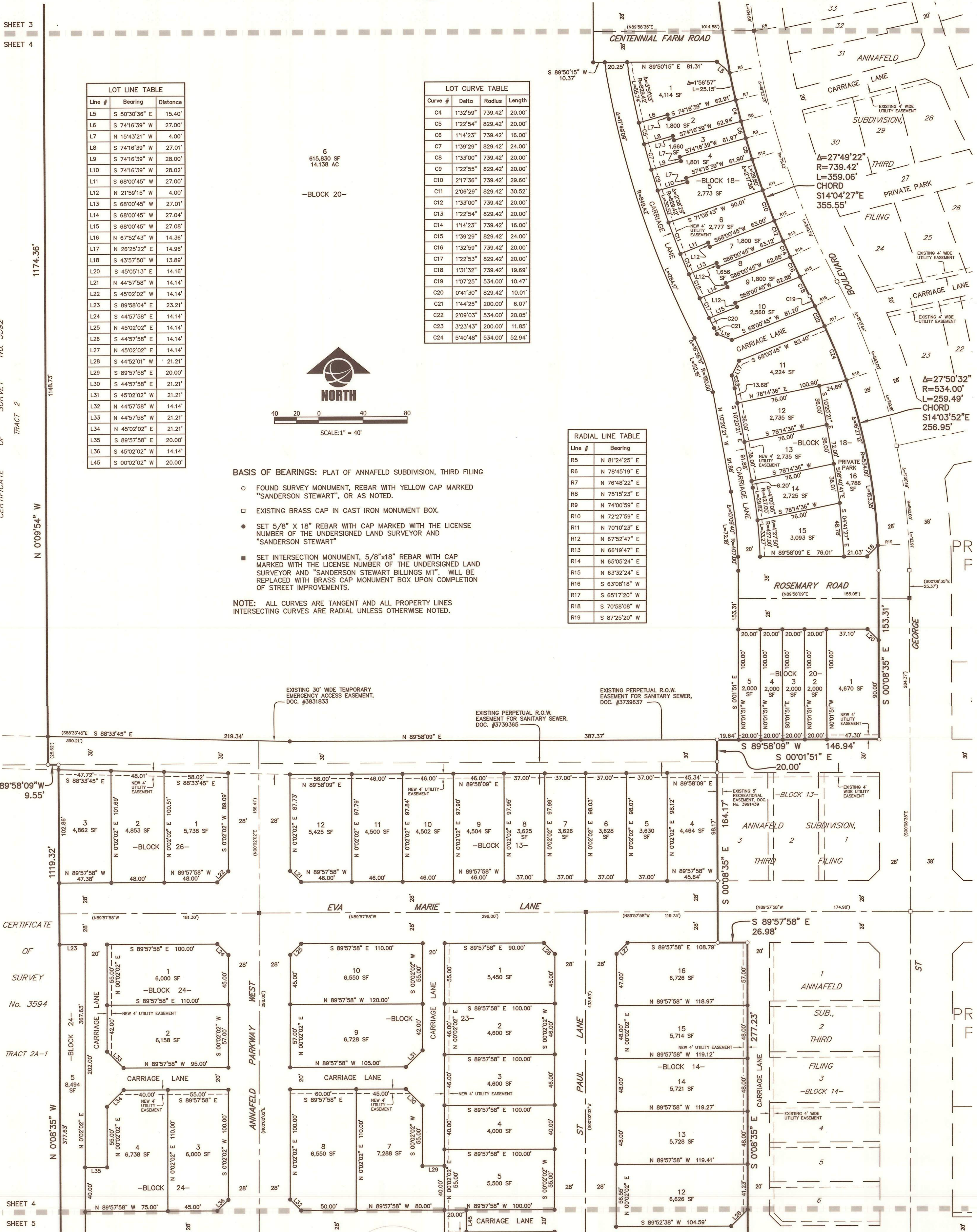


**BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, THIRD FILING**

- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART", OR AS NOTED.
- EXISTING BRASS CAP IN CAST IRON MONUMENT BOX.
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NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

| Line # | Bearing       |
|--------|---------------|
| R5     | N 81°24'25" E |
| R6     | N 78°45'19" E |
| R7     | N 76°48'22" E |
| R8     | N 75°15'23" E |
| R9     | N 74°00'59" E |
| R10    | N 72°27'59" E |
| R11    | N 70°10'23" E |
| R12    | N 67°52'47" E |
| R13    | N 66°19'47" E |
| R14    | N 65°05'24" E |
| R15    | N 63°32'24" E |
| R16    | S 63°08'18" W |
| R17    | S 65°17'20" W |
| R18    | S 70°58'08" W |
| R19    | S 87°25'20" W |



CERTIFICATE OF SURVEY No. 3592

CERTIFICATE OF SURVEY No. 3594

SHEET 4  
SHEET 5

RESERVED FOR CLERK AND RECORDER

# PLAT OF ANNAFELD SUBDIVISION, FOURTH FILING

BEING LOT 2A, BLOCK 1, ADAM & MOLLIE WALTER SUBDIVISION, FIRST FILING AND  
LOT 3, BLOCK 10 & LOT 1A, BLOCK 17, ANNAFELD SUBDIVISION, 3RD FILING  
SITUATED IN THE NW1/4 OF SECTION 19, T. 1 S., R. 26 E., P.M.M.  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT, INC.

NOVEMBER, 2021

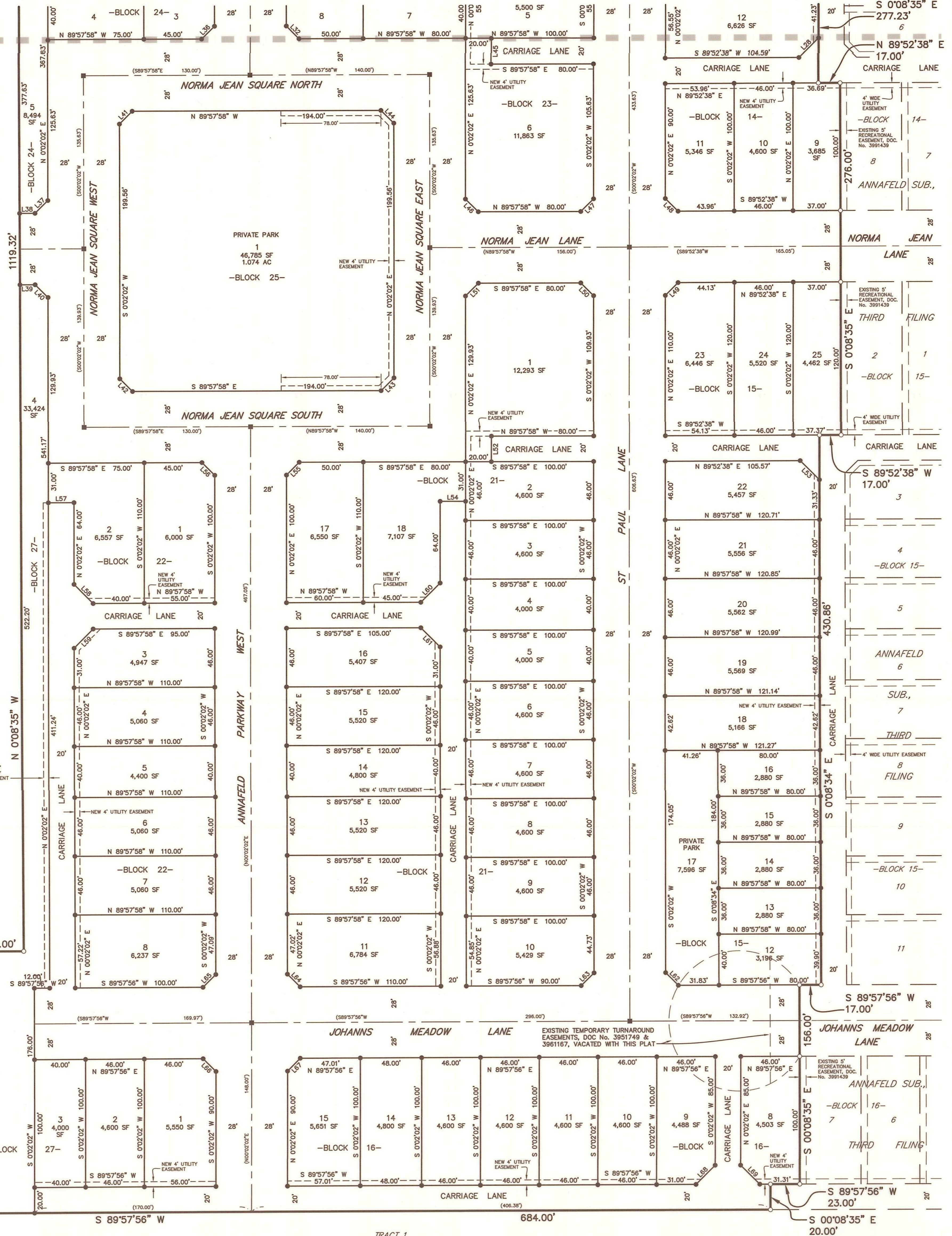
PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

SHEET 4  
SHEET 5

CERTIFICATE  
OF  
SURVEY  
No. 3594  
TRACT 2A-1

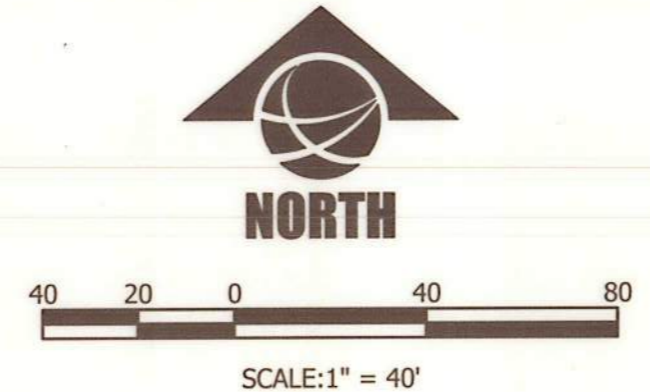
| Line # | Bearing       | Distance |
|--------|---------------|----------|
| L28    | S 44°52'01" W | 21.21'   |
| L32    | N 44°57'58" W | 14.14'   |
| L36    | S 45°02'02" W | 14.14'   |
| L37    | S 45°02'02" W | 14.14'   |
| L38    | N 89°57'58" W | 12.04'   |
| L39    | S 89°57'58" E | 11.87'   |
| L40    | S 44°57'58" E | 14.14'   |
| L41    | N 45°02'02" E | 14.14'   |
| L42    | N 44°57'58" W | 14.14'   |
| L43    | S 45°02'02" W | 14.14'   |
| L44    | S 44°57'58" E | 14.14'   |
| L45    | S 00°02'02" W | 20.00'   |
| L46    | N 44°57'58" W | 14.14'   |
| L47    | S 45°02'02" W | 14.14'   |
| L48    | N 45°02'40" W | 14.12'   |
| L49    | N 44°57'20" E | 14.16'   |
| L50    | S 44°57'58" E | 14.14'   |
| L51    | N 45°02'02" E | 14.14'   |
| L52    | S 00°02'02" W | 20.00'   |
| L53    | S 45°07'58" E | 21.22'   |
| L54    | N 89°57'58" W | 20.00'   |
| L55    | N 45°02'02" E | 14.14'   |
| L56    | S 44°57'58" E | 14.14'   |
| L57    | N 89°57'58" W | 20.00'   |
| L58    | N 44°57'58" W | 21.21'   |
| L59    | N 45°02'02" E | 21.21'   |
| L60    | S 45°02'02" W | 21.21'   |
| L61    | S 44°57'58" E | 21.21'   |
| L62    | N 45°00'01" W | 14.13'   |
| L63    | S 44°59'59" W | 14.15'   |
| L64    | N 45°00'01" W | 14.13'   |
| L65    | S 44°59'59" W | 14.15'   |
| L66    | S 45°00'01" W | 14.13'   |
| L67    | N 44°59'59" E | 14.15'   |
| L68    | S 44°59'59" W | 21.23'   |
| L69    | N 45°00'01" W | 21.20'   |



TRACT 1  
CERT. of SURVEY No. 1287

BASIS OF BEARINGS: PLAT OF ANNAFELD SUBDIVISION, THIRD FILING

- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART", OR AS NOTED.
- EXISTING BRASS CAP IN CAST IRON MONUMENT BOX.
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"
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NOTE: ALL CURVES ARE TANGENT AND ALL PROPERTY LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
ANNAFELD SUBDIVISION, FOURTH FILING  
CITY OF BILLINGS  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

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

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **MCCALL DEVELOPMENT, INC.**, whose address for the purpose of this agreement is 1536 Mallowney Lane, Suite 100; Billings, Montana 59101, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

**WITNESSETH:**

**WHEREAS**, the plat of Annafeld Subdivision, Fourth Filing located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on the 23rd day of November, 2021, the Board of Planning recommended conditional approval of a preliminary plat of Annafeld Subdivision, Fourth Filing; and

**WHEREAS**, at a regular meeting conducted on the 20th day of December, 2021, the City Council conditionally approved a preliminary plat of Annafeld Subdivision, Fourth Filing; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to Annafeld Subdivision, Fourth Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations,

policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

**I. VARIANCES**

None requested

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

- A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development. If sidewalk is not constructed within 5 years, the City has the right to construct the sidewalk and assess the property owners.
- B.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- C.** Lot owners should be aware that this subdivision is built with a “traditional neighborhood” design. The single-family dwellings will have the garage set in the rear of the lots. The access will be provided to the garages by means of a paved carriage lane.
- D.** Lot owners should be aware that this subdivision is zoned “Planned Development” (PD). Special zoning regulations regarding lot development will be enforced in accordance to the Amended Planned Development Agreement recorded at the Yellowstone County Clerk and Records Office under Document No. 3826023.
- E.** Lot owners should be aware that this subdivision is adjacent to wildlife habitat. Consequently, owners are advised that wildlife indigenous to the

area is found on the property, and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens. Any impacts associated with wildlife and any damage arising there from is the responsibility of the lot owners.

- F. No water rights have been transferred to the individual lot owners but may be held by the Subdivider and/or the homeowners association. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners without the permission of the controlling ditch company.
- G. Lot owners should be aware they may be required to participate in a park maintenance district administered by the homeowners association for Annafeld Subdivision, Fourth Filing.
- H. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28-201, BMCC and detailed in the City of Billings *Stormwater Management Manual*.
- I. Lot owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corp of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. Owners are encouraged to review the extent to which bank erosion may pose a threat to structures built in this subdivision.
- J. Lot owners should be aware that Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm. Higher house finished floor elevations may be required on a lot-by-lot basis.

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

### III. TRANSPORTATION

#### A. Streets

1. All internal access roads and site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, the *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.
2. All internal streets within the subdivision shall be built to grade with a satisfactory subbase, base course, curb and gutter, and asphalt surface. All public roads will be built to provide a 34-foot back-to-back curb street width. The design cross-sections of said streets shall be submitted to, and approved by, the City of Billings Public Works Department. The street improvements will be completed by private contract or SID.
3. At the time of this Filing, Phase IV of Harmony Meadows Subdivision, Second Filing has not been constructed. Therefore, a physical connection between Annafeld Subdivision and Harmony Meadows Subdivision cannot be made. Furthermore, even if the Story Road connection were constructed, the traffic generated from Annafeld Subdivision, Fourth Filing would be unlikely to utilize Story Road based on proximity to Elysian Road and the land uses that are currently in Harmony Meadows Subdivision. Therefore, a detailed traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is not required for this Filing of Annafeld Subdivision. A traffic impact analysis of the Story Road connection to Harmony Meadows Subdivision is required with future filings.

The Subdivider agrees to contribute up to 50 percent of the cost for design, permitting, and construction of the Hogan's Slough crossing on Story Road. If the cash contribution is not sufficient to cover 50

percent of the crossing costs at the time of construction, the City retains the right to create a SID to recover additional design and construction costs.

The timing of the contribution for the Hogan's Slough crossing on Story Road shall be made at the earlier of the following:

- I. At the time an Annafeld Subdivision Traffic Impact Study recommends the Story Road connection be completed.
  - II. At the commencement of construction of Phase IV improvements for Harmony Meadows Subdivision, 2nd Filing.
  - III. Prior to final plat approval of the final filing of Annafeld Subdivision.
4. A traffic accessibility study has been completed for the Annafeld Subdivision, Fourth Filing. All required intersection improvement contributions identified therein shall be completed by the Subdivider at the Subdivider's expense. Based on the additional lots created with Annafeld Subdivision, Fourth Filing, the percent of traffic contribution and associated costs to these intersections is as follows:

|                               |       |            |
|-------------------------------|-------|------------|
| S. Frontage Rd/Midland Road   |       |            |
| & Muldowney Ln                | 2.08% | \$5,200.00 |
| Muldowney Lane & Elysian Road | 3.33% | \$8,325.00 |
| Elysian Road & East Lane      | 0.83% | \$2,075.00 |

These cash contributions for the intersection improvements will be made prior to final plat approval. The percentage contributions and dollar amounts are as outlined within the Traffic Impacts Study for Annafeld Subdivision, Fourth Filing as submitted with the preliminary plat.

## **B. Carriage Lanes**

All carriage lanes within the subdivision shall be built to grade with a satisfactory subbase, base course, and asphalt surface or concrete surface. All carriage lane approaches constructed with asphalt shall be replaced with concrete by the Subdivider at the time when home construction is complete. In the event asphalt approaches within the subdivision are not replaced with concrete within three years of the date of recording of the final plat, the City may construct the concrete approaches and assess the Subdivider for the costs associated with the approach construction. Carriage lane pavement

widths shall be 12-feet. The design cross-sections of said carriage lanes shall be submitted to, and approved by, the City of Billings Public Works Department. No trees are allowed to be planted in the carriage lane. In addition, no shrubs taller than two feet are allowed to be planted in carriage lanes.

**C. Sidewalks**

Subdivider shall install handicap access ramps, where necessary. Construction of sidewalks along frontage of the lots shall be installed by the lot owner at the time of lot development. Sidewalks along the street frontage shall be minimum 5-foot-wide and separated with a boulevard width not less than five feet. Developer shall construct the 5-foot-wide boulevard sidewalk adjacent to private parks (east side of Lot 16, Block 18; north/south/east/west sides of Lot 1, Block 25; north side of Lot 16, Block 16) at the time of private park development.

**D. Street Lighting**

Street lighting is not required for this subdivision; however, it is anticipated that street lighting will be installed for Fourth Filing by private contract or SID. A Street Light Maintenance District will be created for operation and maintenance of the lighting at a future date and is included in the waiver of right to protest.

**E. Traffic Control Devices**

1. Street name signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the City of Billings Public Works and Fire Departments.
2. No traffic signals are required within this subdivision.
3. The Subdivider shall furnish and install all necessary traffic control devices in accordance with the Manual of Uniform Traffic Control Devices and approved by the City of Billings Public Works Department.

**F. Access**

Access to the subdivision will be provided by St. George Boulevard, Farmstead Avenue, Eva Marie Lane, Norma Jean Lane, and Johanns

Meadow Lane. Carriage lane access is also provided to all residential lots within the subdivision.

**G. Billings Area Bikeway and Trail Master Plan**

A multi-use trail has been constructed along the south boundary of Elysian Road. Said multi-use trail shall extend from the east boundary of the subdivision to the easterly right-of-way line of East Lane.

In addition, a 10-foot-wide multi-use path will be provided on the north side of Rosemary Road. No additional trail improvement will be required as part of this subdivision.

**H. Public Transit**

There are no MET Transit routes that service this subdivision at this time. The nearest established route is at the intersection of Elysian Road and Mullowney Lane. No improvements with regard to MET Transit vehicles are anticipated at this time.

**IV. EMERGENCY SERVICE**

**A. Fire Hydrants**

Emergency service will be provided by the City. Placement of fire hydrants will be as required by the City of Billings Fire Department.

**B. Construction of Buildings**

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

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along the approved route.

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

**C. Building Location**

All buildings shall be located on each lot so that the furthest portion of each building is within 150-feet from an approved fire department access road over an approved route excluding all carriage lanes.

**V. STORM DRAINAGE**

- A.** A stormwater management plan shall be submitted to the Engineering Division prior to final plat approval. The storm drainage system for Annafeld Subdivision, Fourth Filing will consist of a curb and gutter surface collection and curb inlets that drain into storm drainage piping, as well as surface conveyance. The storm drain piping will discharge into existing storm drain piping and to an existing mechanical stormwater filtration manhole, then into Hogan's Slough. All drainage improvements shall comply with the provisions of the City of Billings *Stormwater Management Manual* and Chapter 28, BMCC.
- B.** The mechanical stormwater filtration manholes are existing, and associated improvements are privately owned and maintained by the HOA. Annafeld Subdivision, Fourth Filing will be included in the HOA that is responsible to maintain these facilities. O&M requirements and HOA maintenance and fiscal responsibilities have been outlined within the Annafeld Subdivision, First Filing I O&M Manual.
- C.** Hogan's Slough adjacent to the subdivision is a major stormwater outfall for Billings west end. There is a possibility that the slough could overtop during a major storm event. Based upon the existing topography near Hogan's Slough and the Elysian Road Bridge, it is anticipated that the channel would overtop northeast of Elysian Road and flow east prior to overtopping Elysian Road. There is the possibility however that Elysian Road could be overtopped during a major storm event. If that occurs, flows not carried within the Hogan's Slough channel would be carried within the

subdivision streets. The elevation of residential dwellings and commercial structures must be established in recognition of the City's policy that storm runoff flows are allowed to a depth of 18-inches in the gutter flowline of adjacent streets during the major storm.

- D. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for any construction on lots. Best Management Practices are defined within Chapter 28, BMCC and detailed in the City of Billings *Stormwater Management Manual*.
- E. The Subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution Prevention Plan (SWPPP) filed with the City and the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater discharges Associated with Construction Activity, Chapter 28, BMCC and the City of Billings *Stormwater Management Manual*.

## **VI. UTILITIES**

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

The Subdivider/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and/or sanitary sewer service connections are made.

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

### **A. Water**

The Annafeld Subdivision water system consists of a series of looped water mains located in each of the local streets. The subdivision water system will

consist of new 12-inch water mains in Norma Jean, Norma Jean Square South and in a portion Norma Jean Square East and Norma Jean Square West. 8-inch water mains will be installed in the remaining streets in Annafeld Subdivision, Fourth Filing. Future filings of the Annafeld Planned Development will provide the opportunity to make additional connections to the trunk main in Elysian Road providing water main looping.

**B. Sanitary Sewer**

Sanitary sewer service to Annafeld Subdivision, Fourth Filing will be provided by connecting to the existing 8-inch gravity sewer main located in Rosemary Road, Eva Marie Lane, Norma Jean Lane, and Johannis Meadow Lane. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

**C. Power, Telephone, Gas, and Cable Television**

Private utility facilities currently exist to serve the subdivision. The private utility facilities will be installed within the Carriage Lane right-of-way and by easements included on the plat, as requested by the utility companies, to provide routes to the Carriage Lanes.

**VII. PARKS/OPEN SPACE**

The subdivision lies within a planned unit development that provides for land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development, per 76-3-621(6)(a) of the Montana Code Annotated. The park and open space within the Annafeld Planned Unit Development Master Plan meets or exceeds the 1.346 acres of dedication required under section 76-3-621(1), MCA. The Subdivider and City agree that the parkland dedication has been met through the dedication of private park area within Annafeld Subdivision, Fourth Filing and with additional public and private park dedication with Annafeld Subdivision, First, Second and Third Filings.

In addition, the lots within Annafeld Subdivision, Fourth Filing may provide additional funding to complete the park improvements for the previously created public parkland SID. The park improvements shall be in accordance with the City Council approved Annafeld Parks Master Plan. The Subdivider shall prepare all SID documents necessary for creation, and coordinate with the City of Billings

Parks and Recreation Department for review and approval. If all park improvements as defined in the Annafeld Parks Master Plan have been completed prior to the creation of this park SID, then this park SID will no longer be required.

The current park maintenance district (PMD 4041) for Annafeld Subdivision, First Filing shall be expanded to include lots with Annafeld Subdivision, Fourth Filing for the perpetual maintenance of the public parkland. The Subdivider shall prepare all park maintenance district documents necessary for its expansion and coordinate with the City of Billings Parks and Recreation Department for review and approval.

### **VIII. HOMEOWNER'S ASSOCIATIONS**

A homeowner's association (HOA) will be established for this subdivision. The HOA will have the following responsibilities:

#### **A. Contact Information**

HOA shall provide contact information of the senior board official to the City Engineering Department upon the establishment of the HOA and/or changing of board members.

#### **B. Stormwater Drainage Facilities**

The HOA shall be responsible for the maintenance of the mechanical filtration stormwater manholes. The HOA shall share the cost of maintenance of the community stormwater facilities.

### **IX. POSTAL DELIVERY**

The Subdivider shall provide centralized delivery boxes with sufficient pullout to accommodate a mail carrier vehicle. The location of the boxes shall be reviewed and approved by the United States Postal Service.

### **X. SOILS/GEOTECHNICAL STUDY**

A soils/geotechnical study has been performed for the subdivision. The report dated November 23, 2021, is available for review at the City of Billings Planning Department. Lot owners and contractors/builders are encouraged to review the report and its recommendations.

### **XI. PHASING OF IMPROVEMENTS**

Phasing is not being proposed with this subdivision.

## **XII. FINANCIAL GUARANTEES**

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

## **XIII. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of two years from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.
- D.** In the event it becomes necessary for either party to this agreement to retain an attorney to enforce any of the terms or conditions of this agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

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

“SUBDIVIDER”

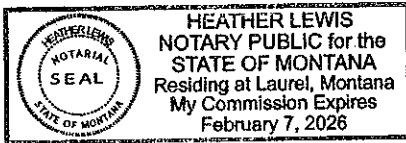
MCCALL DEVELOPMENT, INC.

By: *Bradley McCall*

Its: Vice-President

STATE OF MONTANA )  
 : ss  
County of Yellowstone )

On this 29 day of April, 2022, before me, a Notary Public in and for the State of Montana, personally appeared Bradley McCall, known to me to be the Vice-President of **MCCALL DEVELOPMENT, INC.** who executed the foregoing instrument and acknowledged to me that he/she executed the same.



*Heather Lewis*  
Notary Public in and for the State of Montana  
Printed Name: Heather Lewis  
Residing at: Laurel, MT  
My commission expires: February 7, 2026







Bill Cole, Mayor  
P.O. Box 1178  
Billings, MT 59103  
P 406.657.8296  
F 406.657.8390

December 20, 2021

McCall Development  
1536 Mallowney Ln, Suite 100  
Billings, MT 59101

Dear Applicant:

On December 20, 2021, the Billings City Council conditionally approved the preliminary plat of Annafeld Subdivision, 4<sup>th</sup> Filing, subject to the following conditions of approval:

1. To protect public health and safety, prior to final plat approval, the applicant will submit all drawings and specifications for water systems, sewer systems and stormwater systems to the City of Billings Engineering Department for review and approval prior to installation.
2. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

  
William A. Cole, Mayor

pc: Sanderson Stewart

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Second / Final Reading - Ordinance 21-5783 Correction of Legal Description  
**Presented by:** Karen Husman  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends approval of second / final reading to amend Ordinance 21-5783.

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

City Zone Change 1000 - City Council approved Zone Change 1000 on first reading on October 25, 2021, and on second reading on November 8, 2021, under City Ordinance 21-5783. Zone Change 1000 was a zone change request from Mid-Century Neighborhood (N-2) to Neighborhood Office (NO) and was approved with an incorrect legal description on the ordinance; Lot 10, Block 1 of Arrowhead Subdivision. This action is to amend the legal description cited in the ordinance to read as follows: "ARROWHEAD SUBDIVISION, SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, BLOCK 1, LOT 10, WEST 50' OF LOT 10 AND THE EAST 25' OF LOT 11 (LESS 750 SQ FT STREET)". The entire property was properly represented in the zone change process, but the legal description did not include the entire area of the property that was the subject of the zone change. The corrected description matches the entire location of the intended new zone district of Neighborhood Office (NO) at 436 Wicks Lane. The incorrect ordinance only identified the property as Lot 10 of Arrowhead Subdivision and omitted the East 25' of Lot 11 (Less 750 sq. ft. Street). The full legal description was inadvertently excluded from the ordinance.

**STAKEHOLDERS**

The City Council must hold a public hearing to amend the ordinance. The hearing is not on the zone change, but rather the amendment of the legal description. The Council held a public hearing and approved the ordinance on first reading at its meeting on May 9 and did not receive any public comment on this item. Two readings are required.

**ALTERNATIVES**

City Council should:

- Approve the corrected ordinance. The correction to the legal description needs to be approved to properly map and record the change in zoning for the property that was approved by the Council.

**FISCAL EFFECTS**

This item has no impact on the Planning Division budget.

**SUMMARY**

The original ordinance (copy) and the corrected ordinance are attached.

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**Attachments**

Corrected Ordinance  
Ordinance to be corrected

## Correcting ORDINANCE 21- 5783

### AN ORDINANCE TO CORRECT THE LEGAL DESCRIPTION FROM ORDINANCE 21-5783 ADOPTING A NEW ZONE CLASSIFICATION ON ARROWHEAD SUBDIVISION, SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, BLOCK 1, LOT 10, WEST 50' OF LOT 10 AND THE EAST 25' OF LOT 11 (LESS 750 SQ FT STREET)

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 Council adopted ordinance 21-5783 on October 25, 2021 and November 8<sup>th</sup>, 2021, intending to change the zoning for the above legally described parcel of land and as recommended by the City Zoning Commission. The original ordinance inadvertently excluded the full legal description of the parcel generally located at 436 Wicks Lane.

**Section 2. CORRECTED LEGAL DESCRIPTION.** ARROWHEAD SUBDIVISION, SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, BLOCK 1, LOT 10, WEST 50' OF LOT 10 AND THE EAST 25' OF LOT 11 (LESS 750 SQ FT STREET), was zoned Mid-Century Neighborhood (N-2) and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended the zoning for ARROWHEAD SUBDIVISION, SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, BLOCK 1, LOT 10, WEST 50' OF LOT 10 AND THE EAST 25' OF LOT 11 (LESS 750 SQ FT STREET), is hereby changed from Mid-Century Neighborhood (N-2) to Neighborhood Office (NO), and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Neighborhood Office (NO), 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 9<sup>th</sup> day of May, 2022.

PASSED, ADOPTED and APPROVED on second reading this 23<sup>rd</sup> day of May, 2022.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1000, 436 Wicks Lane

Correcting Ordinance 21-5783



**ORDINANCE 21-5783**

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON LOT 10,  
BLOCK 1 OF ARROWHEAD SUBDIVISION, 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.** Lot 10, Block 1 of Arrowhead Subdivision is presently zoned **Mid-Century Neighborhood (N-2)** and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended the zoning for **Lot 10, Block 1 of Arrowhead Subdivision**, is hereby changed from **Mid-Century Neighborhood (N-2)** to **Neighborhood Office (NO)** 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)**, 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 25<sup>th</sup> day of October, 2021.

PASSED, ADOPTED and APPROVED on second reading this 8<sup>th</sup> day of November, 2021.



CITY OF BILLINGS

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

Attest:

BY: Denise R. Bohman  
Denise R. Bohman, City Clerk

Zone Change 1000, 436 Wicks Lane



**City Council Regular**

**Date:** 05/23/2022  
**Title:** Payment of Claims for week of April 18, 2022  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review** Not Applicable

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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 \$1,944,292.64 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 04182022

| Check Date | Check# | Name                        | Fund Name        | Amount       | Item Desc                                                 |
|------------|--------|-----------------------------|------------------|--------------|-----------------------------------------------------------|
| 04/18/2022 | 851366 | Apple Creek Propagators     | Park Dist 1      | \$ 5,410.45  | tree order                                                |
| 04/18/2022 | 851369 | Asphalt Surface Tech        | Gas Tax          | \$ 10,804.86 | Contract No. 2 City Crack Seal/Mastic                     |
| 04/18/2022 | 851369 | Asphalt Surface Tech        | Gas Tax          | \$ 9,900.00  | Contract No. 2 City Crack Seal/Mastic                     |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Engineering      | \$ 543.67    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | P.W. Admin       | \$ 543.67    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Solid Waste      | \$ 543.67    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Street/Traffic   | \$ 543.67    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Wastewater       | \$ 217.46    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Wastewater       | \$ 543.67    | Leadership and Management Development Training            |
| 04/18/2022 | 851371 | Assoc Employers of MT       | Water            | \$ 326.19    | Leadership and Management Development Training            |
| 04/18/2022 | 851378 | Billings Tourism            | Tourism BID #2   | \$ 58,278.00 | Paid March Distributed April 2022                         |
| 04/18/2022 | 851380 | Burns & McDonnell Eng       | Water            | \$ 8,595.17  | WO 19-42 West End Water Treatment Plant Project           |
| 04/18/2022 | 851381 | Business Tax Section        | Park Dist 1      | \$ 365.00    | install playground equipment at Terry Park                |
| 04/18/2022 | 851381 | Business Tax Section        | PD Program       | \$ 501.93    | WO 21-23 Police Shooting Range Improvements               |
| 04/18/2022 | 851381 | Business Tax Section        | Sidewalk Const   | \$ 468.94    | WO 20-28 Songbird Drive Construction; 5 WO2028 KnifeRiver |
| 04/18/2022 | 851381 | Business Tax Section        | Wastewater       | \$ 5,706.45  | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement   |
| 04/18/2022 | 851381 | Business Tax Section        | Wastewater       | \$ 4,206.97  | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement   |
| 04/18/2022 | 851381 | Business Tax Section        | Wastewater       | \$ 101.00    | WRF Admin. Building Network Cabling Upgrades              |
| 04/18/2022 | 851388 | Clean Earth Enviro          | Solid Waste      | \$ 29,257.50 | Hazardous waste transportation and chemist                |
| 04/18/2022 | 851396 | Desert Mt Corp              | Street/Traffic   | \$ 4,802.90  | ice slicer                                                |
| 04/18/2022 | 851397 | DOWL                        | Planning         | \$ 10,240.00 | Billings ByPass Corridor Study                            |
| 04/18/2022 | 851397 | DOWL                        | Storm Sewer      | \$ 3,830.00  | WO 20-24 West End Storm System Improvements               |
| 04/18/2022 | 851399 | Downtown Billings BID       | Downtown BID     | \$ 1,988.84  | BID Assessment; Paid March Distributed April 2022         |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID Jan-Mar 2022 6807                                     |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID Jan-Mar 2022 6807                                     |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID july-sept 2021 6805                                   |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID july-sept 2021 6805                                   |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID oct-dec 2021 6806                                     |
| 04/18/2022 | 851399 | Downtown Billings BID       | Parks Maint      | \$ 2,500.00  | BID oct-dec 2021 6806                                     |
| 04/18/2022 | 851403 | EPACT Newtwork              | General          | \$ 3,650.00  | auto archiving epact enterprise package for rec.          |
| 04/18/2022 | 851404 | Financial Consult Solutions | Storm Sewer      | \$ 24,803.31 | WO 20-37 Stormwater Utility Development                   |
| 04/18/2022 | ACH    | HDR                         | Arterial Streets | \$ 35,573.18 | WO 22-07 Mullowney Lane, Consultant Agreement             |
| 04/18/2022 | ACH    | HDR                         | Arterial Streets | \$ 42,495.37 | WO 22-07 Mullowney Lane, Consultant Agreement             |
| 04/18/2022 | ACH    | HDR                         | Wastewater       | \$ 2,265.98  | WO 20-11 Lloyd Mangrum & Lake Hills Lift Station Rehab    |

| Check Date | Check#  | Name               | Fund Name       | Amount       | Item Desc                                                          |
|------------|---------|--------------------|-----------------|--------------|--------------------------------------------------------------------|
| 04/18/2022 | ACH HDR |                    | Wastewater      | \$ 291.48    | WO 22-14 WRF Administration Building AHU Replacement               |
| 04/18/2022 | 851416  | High Point Network | Transit         | \$ 5,764.00  | Firewall units, 3 year Wildfire subscription, a network rack mount |
| 04/18/2022 | 851419  | InfoSend           | P.W. Admin      | \$ 3,083.30  | Monthly services                                                   |
| 04/18/2022 | 851419  | InfoSend           | P.W. Admin      | \$ 13,326.58 | Monthly services                                                   |
| 04/18/2022 | 851421  | Inland Truck Parts | Solid Waste     | \$ 502.40    | 1105265                                                            |
| 04/18/2022 | 851421  | Inland Truck Parts | Street/Traffic  | \$ 2,294.84  | 1108519                                                            |
| 04/18/2022 | 851423  | Invoice Cloud      | Building        | \$ 73.10     | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851423  | Invoice Cloud      | City Ins Fund   | \$ 89.29     | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851423  | Invoice Cloud      | Parking         | \$ 292.70    | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851423  | Invoice Cloud      | Solid Waste     | \$ 8,172.56  | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851423  | Invoice Cloud      | Wastewater      | \$ 10,825.36 | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851423  | Invoice Cloud      | Water           | \$ 16,074.02 | For Service Period of 03/01/2022 through 3/31/2022                 |
| 04/18/2022 | 851427  | Knife River        | Street/Traffic  | \$ 5,906.07  | sand/salt material                                                 |
| 04/18/2022 | 851429  | Kois Brothers      | Library         | \$ 751.17    | 125745                                                             |
| 04/18/2022 | 851429  | Kois Brothers      | Solid Waste     | \$ 3,991.17  | 125602                                                             |
| 04/18/2022 | 851429  | Kois Brothers      | Street/Traffic  | \$ 969.23    | 125708                                                             |
| 04/18/2022 | 851429  | Kois Brothers      | Street/Traffic  | \$ 79.03     | 125768                                                             |
| 04/18/2022 | 851429  | Kois Brothers      | Water           | \$ 732.91    | 125533                                                             |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 857.50    | DR0159-25, EPINEPHRINE 1:1000 1MG, 1ML VIAL (BX 25)                |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 140.00    | DR0854-04 ADENOSINE, 12MG / 4ML SDPF BOX/10                        |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 330.00    | DR8031-01, GLUCAGON, 1MG, 1ML EMERGENCY KIT                        |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 1,744.00  | GLOVES, NITRILE, SUPERNO, SIZES M, 4-CS; L 6-CS; XL 6CS            |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 28.00     | PO2510 MASIMO M-LNCS PDTX DISPOSABLE SENSOR, PEDI, 18"             |
| 04/18/2022 | 851435  | Life-Assist        | Public Safety   | \$ 80.00     | PO7088, DYNAREX FINGER PULSE OXIMETER                              |
| 04/18/2022 | 851436  | Mail Tech Service  | Central Service | \$ 5,018.70  | March 2022                                                         |
| 04/18/2022 | 851436  | Mail Tech Service  | General         | \$ 1,099.38  | March 2022                                                         |
| 04/18/2022 | 851436  | Mail Tech Service  | Parking         | \$ 95.70     | March 2022                                                         |
| 04/18/2022 | 851442  | Modern Machinery   | Street/Traffic  | \$ 4,620.00  | teeth for mill machine unit 1234                                   |
| 04/18/2022 | 851445  | Montana Peterbilt  | Fleet           | \$ 1,819.82  | 42890B PO NUM 314249                                               |
| 04/18/2022 | 851445  | Montana Peterbilt  | Solid Waste     | \$ 210.98    | 42820B                                                             |
| 04/18/2022 | 851445  | Montana Peterbilt  | Solid Waste     | \$ 474.37    | 42919B                                                             |
| 04/18/2022 | 851445  | Montana Peterbilt  | Solid Waste     | \$ 266.09    | 43148B                                                             |
| 04/18/2022 | 851449  | Morrison Maierle   | Airport         | \$ 5,647.20  | Amendment #12 Wi-Fi RFP                                            |
| 04/18/2022 | 851449  | Morrison Maierle   | Airport         | \$ 385.08    | Terminal Expansion Project-Terminal Security-CA-Federal Share      |

| Check Date | Check# | Name                 | Fund Name      | Amount       | Item Desc                                                       |
|------------|--------|----------------------|----------------|--------------|-----------------------------------------------------------------|
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 32.58     | Terminal Expansion Project-Terminal Security-CA-Local Share     |
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 126.21    | FY 22 Amendment 28. On call Engineering Services                |
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 1,739.40  | RFP TSA Relocation FY2022 Design - Federal Share (92.2%)        |
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 28,395.20 | Water Tower Painting Design and Construction                    |
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 923.26    | Westend Utilities & Road Project Construction                   |
| 04/18/2022 | 851449 | Morrison Maierle     | Airport        | \$ 6,615.15  | Westend Utilities & Road Project Design                         |
| 04/18/2022 | 851449 | Morrison Maierle     | Wastewater     | \$ 23,805.50 | WO 20-01 Water/Sewer Replacement Project                        |
| 04/18/2022 | 851451 | MT DEQ               | Wastewater     | \$ 57,500.00 | MT00-Outfall Charge                                             |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 1,797.34  | 12" HYDRANT EXTENSION - WATEROUS                                |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 1,172.30  | 3/4" METER LOOPS AKA YOKE                                       |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 7,785.60  | 6' 6" FIRE HYDRANT - PUSH ON                                    |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 149.30    | 6 X 1 TAPPING SADDLE - FOR C900 PLASTIC PIPE                    |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 815.28    | 6" X 15" X CC3 REPAIR CLAMP - F1-724 X 15 X CC3                 |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 1,703.96  | 6" X 30" CI-FC REPAIR CLAMP - F1-724 X 30 -SH                   |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 923.76    | 8" X 15" X CC3 REPAIR CLAMP - F1-939 X 15 X CC3                 |
| 04/18/2022 | 851452 | MT Waterworks        | Water          | \$ 210.00    | BLACK COUPLING 1-1/4"                                           |
| 04/18/2022 | 851457 | Northwest Industrial | Engineering    | \$ 426.24    | Upside down marking paint                                       |
| 04/18/2022 | 851457 | Northwest Industrial | Solid Waste    | \$ 94.22     | Fiberglass sledge hammer. Cross pein hammer. glove. Collections |
| 04/18/2022 | 851457 | Northwest Industrial | Solid Waste    | \$ 91.10     | Fiberglass sledge hammer. Cross pein hammer. glove. Collections |
| 04/18/2022 | 851457 | Northwest Industrial | Solid Waste    | \$ 82.80     | Gloves. Collections.                                            |
| 04/18/2022 | 851457 | Northwest Industrial | Solid Waste    | \$ 26.92     | Hammer. Collections.                                            |
| 04/18/2022 | 851457 | Northwest Industrial | Street/Traffic | \$ 32.78     | paving shovels                                                  |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 103.38    | Harness                                                         |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 21.62     | Joint                                                           |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 4.00      | Socket                                                          |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 25.13     | Tool box                                                        |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 125.50    | Tools                                                           |
| 04/18/2022 | 851457 | Northwest Industrial | Wastewater     | \$ 259.87    | Wrench                                                          |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 202.92    | 10# SLEDGE HAMMER MD10HC                                        |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 62.28     | 7/16" HS DRILL BIT                                              |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 110.47    | Chisel                                                          |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 155.06    | Harness                                                         |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 160.12    | Hinge                                                           |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 14.40     | Joint                                                           |

| Check Date | Check# | Name                 | Fund Name      | Amount       | Item Desc                                         |
|------------|--------|----------------------|----------------|--------------|---------------------------------------------------|
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 64.81     | Outlet, hardhat                                   |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 10.05     | PAILS 12 QT SIZE METAL                            |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 39.07     | Rake and Wrench                                   |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 26.13     | Screwdriver                                       |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 6.00      | Socket                                            |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 37.70     | Tool box                                          |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 380.10    | Tools                                             |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 188.28    | Tools                                             |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 156.85    | Tools                                             |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 389.80    | Wrench                                            |
| 04/18/2022 | 851457 | Northwest Industrial | Water          | \$ 873.82    | wrench and tool oil                               |
| 04/18/2022 | 851458 | Northwest Playground | Park Prgrms    | \$ 20,861.00 | purchase and delivery of a shelter for Terry Park |
| 04/18/2022 | 851459 | NorthWestern Energy  | Facilities     | \$ 38.48     | 3866815-8                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Facilities     | \$ 398.84    | 3922089-2                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | General        | \$ 35.92     | 0712387-0                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | General        | \$ 106.39    | 0712536-2                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | General        | \$ 46.17     | 0720818-4                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | General        | \$ 171.90    | 0720821-8                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Park Dist 1    | \$ 18.31     | 0813489-2                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Park Dist 1    | \$ 6.00      | 1588262-4                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Park Dist 1    | \$ 20.93     | 1904944-4                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parking        | \$ 11.74     | 3835890-9                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ 1.13      | 1265177-4                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ 7.21      | 1514388-6                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ 0.92      | 1948667-9                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ 5.10      | 2055817-7                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ -         | 3707234-5                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ -         | 3707235-2                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Parks Maint    | \$ 0.57      | 3707236-0                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Street/Traffic | \$ 0.92      | 3590004-2                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Transit        | \$ 2,386.83  | 01004736-8. Monad Road. April 2022                |
| 04/18/2022 | 851459 | NorthWestern Energy  | Transit        | \$ 385.32    | 0719225-5                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Wastewater     | \$ 61,780.49 | 0100591-7                                         |
| 04/18/2022 | 851459 | NorthWestern Energy  | Wastewater     | \$ 179.86    | 389 62nd St Lift                                  |

| Check Date | Check# | Name                     | Fund Name     | Amount       | Item Desc                                            |
|------------|--------|--------------------------|---------------|--------------|------------------------------------------------------|
| 04/18/2022 | 851459 | NorthWestern Energy      | Water         | \$ 129.71    | 1142253-2                                            |
| 04/18/2022 | 851459 | NorthWestern Energy      | Water         | \$ 6.61      | 1867265-9                                            |
| 04/18/2022 | 851466 | Public Utilities         | Airport       | \$ 5,578.90  | 136516                                               |
| 04/18/2022 | 851466 | Public Utilities         | Facilities    | \$ 510.31    | 158260                                               |
| 04/18/2022 | 851466 | Public Utilities         | Park Dist 1   | \$ 99.41     | 255552                                               |
| 04/18/2022 | 851466 | Public Utilities         | Wastewater    | \$ 9.60      | 180645                                               |
| 04/18/2022 | 851467 | PW-Administration        | Wastewater    | \$ 1,335.00  | PWU Engineering Permits - SWR                        |
| 04/18/2022 | 851467 | PW-Administration        | Water         | \$ 3,125.00  | PWU Engineering Permits - WSRP                       |
| 04/18/2022 | 851467 | PW-Administration        | Water         | \$ 2,745.00  | PWU Nov Engineering Permits - Watermain Repair       |
| 04/18/2022 | 851468 | Remix Technologies       | Transit       | \$ 35,000.00 | Special Planning Study. Scheduling/Planning Software |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 301.91    | fittings                                             |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 254.08    | GFI and covers                                       |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 2,292.02  | hole seals and plugs                                 |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 5.67      | outlet cover                                         |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 16.52     | Switch                                               |
| 04/18/2022 | 851469 | Rexel USA                | Wastewater    | \$ 19.78     | Term fork                                            |
| 04/18/2022 | 851471 | Rocky Mt Compost         | Park Dist 1   | \$ 9,660.00  | playground chips for terry park playground-21158     |
| 04/18/2022 | 851471 | Rocky Mt Compost         | Park Dist 1   | \$ 2,020.00  | playground chips for terry park-21186                |
| 04/18/2022 | 851472 | Routeware                | Solid Waste   | \$ 17,853.18 | Routeware Support                                    |
| 04/18/2022 | 851479 | Steves Install           | Park Dist 1   | \$ 36,135.00 | install playground equipment at Terry Park           |
| 04/18/2022 | 851480 | Stewart Title            | CDBG          | \$ 15,000.00 | FTHB Heather Miller 627 N. 14th St                   |
| 04/18/2022 | 851484 | Team Industrial Services | Wastewater    | \$ 3,879.41  | WO 22-13 Heights Trunk Sewer Repair                  |
| 04/18/2022 | 851485 | Toole Design Group       | Planning      | \$ 8,877.00  | SAFE ROUTES TO SCHOOL UPDATE                         |
| 04/18/2022 | 851486 | Town & Country Supply    | Fleet         | \$ 30,195.99 | 424971 PO NUM 314236                                 |
| 04/18/2022 | 851486 | Town & Country Supply    | Public Safety | \$ 1,232.94  | 426019 FIRE 5: DIESEL                                |
| 04/18/2022 | 851486 | Town & Country Supply    | Public Safety | \$ 924.71    | 426020 FIRE 3 DIESEL                                 |
| 04/18/2022 | 851486 | Town & Country Supply    | Public Safety | \$ 2,054.90  | 426021 FIRE 1 - DIESEL                               |
| 04/18/2022 | 851486 | Town & Country Supply    | Public Safety | \$ 1,456.90  | 426021 FIRE 1 - UNLEADED                             |
| 04/18/2022 | 851486 | Town & Country Supply    | Public Safety | \$ 1,019.23  | 426022 FIRE 6 DIESEL                                 |
| 04/18/2022 | 851487 | Tractor & Equipment      | Solid Waste   | \$ 36.96     | BLCS0777876                                          |
| 04/18/2022 | 851487 | Tractor & Equipment      | Solid Waste   | \$ 425.00    | BLWO0215064                                          |
| 04/18/2022 | 851487 | Tractor & Equipment      | Solid Waste   | \$ 20,008.21 | BLWO0215064                                          |
| 04/18/2022 | 851487 | Tractor & Equipment      | Solid Waste   | \$ 4,162.00  | BLWO0215064                                          |
| 04/18/2022 | 851487 | Tractor & Equipment      | Water         | \$ 170.71    | BLCS0777814                                          |

| <b>Check Date</b> | <b>Check#</b> | <b>Name</b>             | <b>Fund Name</b> | <b>Amount</b> | <b>Item Desc</b>                                        |
|-------------------|---------------|-------------------------|------------------|---------------|---------------------------------------------------------|
| 04/18/2022        | 851490        | Valmont Industries      | Street/Traffic   | \$ 2,877.00   | CD2202101 PO NUM 314155                                 |
| 04/18/2022        | 851492        | Warren Transport        | PD Program       | \$ 49,691.07  | WO 21-23 Police Shooting Range Improvements             |
| 04/18/2022        | 851495        | Western Municipal Const | Wastewater       | \$416,489.99  | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement |
| 04/18/2022        | 851495        | Western Municipal Const | Wastewater       | \$564,938.55  | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement |
| 04/18/2022        | 851495        | Western Municipal Const | Water            | \$101,679.68  | WO 18-22 Leavens Reservoir Waterline and Improvements   |

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Payment of Claims for week of April 25, 2022  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review** Not Applicable

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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 \$2,553,082.57 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 04252022

| Check Date | Check# | Name                | Fund Name      | Amount       | Item Desc                                          |
|------------|--------|---------------------|----------------|--------------|----------------------------------------------------|
| 04/26/2022 | 851499 | A & E Architect     | Tax Incrmnt S  | \$ 28,959.78 | Generational Community Recreation Center design    |
| 04/26/2022 | ACH    | A & I Distributors  | Airport        | \$ 2,479.82  | Oil & DEF                                          |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 3,912.84  | 3761591 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 647.26    | 3764233 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 1,413.16  | 3764233 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 1,157.06  | 3765710 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 131.64    | 3768834 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ (131.64)  | 3770935 PO NUM 314192                              |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 1,652.06  | 377332 PO NUM 313677                               |
| 04/26/2022 | ACH    | A & I Distributors  | Fleet          | \$ 1,696.50  | 3773331 PO NUM 313677                              |
| 04/26/2022 | ACH    | A & I Distributors  | Public Safety  | \$ 53.25     | 3764233                                            |
| 04/26/2022 | ACH    | A & I Distributors  | Solid Waste    | \$ 52.53     | 3764233                                            |
| 04/26/2022 | ACH    | A & I Distributors  | Solid Waste    | \$ 825.00    | 330GAL DEF Tote. Landfill.                         |
| 04/26/2022 | ACH    | A & I Distributors  | Solid Waste    | \$ 538.58    | DEF                                                |
| 04/26/2022 | ACH    | A & I Distributors  | Solid Waste    | \$ 825.00    | DEF                                                |
| 04/26/2022 | ACH    | A & I Distributors  | Street/Traffic | \$ 52.53     | 3764233                                            |
| 04/26/2022 | ACH    | A & I Distributors  | Water          | \$ 423.13    | WATER PARTS AND SUPPLIES PO NUM 313921             |
| 04/26/2022 | 851503 | Action Electric     | Facilities     | \$ 6,662.70  | install new LED fixtures in the BOC Admin Building |
| 04/26/2022 | 851503 | Action Electric     | Facilities     | \$ 3,840.00  | Police Building Lighting                           |
| 04/26/2022 | 851504 | Advanced Employment | Solid Waste    | \$ 1,465.59  | Contract labor.                                    |
| 04/26/2022 | 851504 | Advanced Employment | Solid Waste    | \$ 1,102.73  | Contract labor.                                    |
| 04/26/2022 | 851504 | Advanced Employment | Solid Waste    | \$ 1,357.20  | Contract labor.                                    |
| 04/26/2022 | 851505 | Advantage Co        | Library        | \$ 8,750.00  | 34032 Annual microfilm subscription                |
| 04/26/2022 | 851513 | Archie Cochrane     | Fleet          | \$ 26,200.00 | 2019 Ford Fusion Energi                            |
| 04/26/2022 | 851515 | AT & T Corp         | Airport        | \$ 755.61    | Airport -                                          |
| 04/26/2022 | 851515 | AT & T Corp         | Airport        | \$ 25.05     | MET Transit Tablets                                |
| 04/26/2022 | 851515 | AT & T Corp         | Building       | \$ (0.65)    | Building Inspector                                 |
| 04/26/2022 | 851515 | AT & T Corp         | Building       | \$ 597.32    | PW-Building Cell Phones                            |
| 04/26/2022 | 851515 | AT & T Corp         | Building       | \$ 361.26    | PW-Building Surfaces                               |
| 04/26/2022 | 851515 | AT & T Corp         | CDBG           | \$ 145.16    | Comm Dev                                           |
| 04/26/2022 | 851515 | AT & T Corp         | Court Grants   | \$ 210.31    | Muni Court DC                                      |
| 04/26/2022 | 851515 | AT & T Corp         | Engineering    | \$ 109.36    | Engineering Tablets                                |
| 04/26/2022 | 851515 | AT & T Corp         | Engineering    | \$ 34.84     | Engineering Tablets                                |
| 04/26/2022 | 851515 | AT & T Corp         | Engineering    | \$ 118.23    | PW-Engineering Cell Phones and MiFi                |

| Check Date | Check# | Name        | Fund Name     | Amount    | Item Desc                                      |
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| 04/26/2022 | 851515 | AT & T Corp | Engineering   | \$ 98.76  | PW-Engineering Cell Phones and MiFi            |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 90.04  | Facilities BOC                                 |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 4.50   | Facilities BOC                                 |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 31.24  | Facilities BOC                                 |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 93.64  | Facilities BOC                                 |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 85.54  | Facilities City Hall                           |
| 04/26/2022 | 851515 | AT & T Corp | Facilities    | \$ 159.90 | Facilities Managers                            |
| 04/26/2022 | 851515 | AT & T Corp | General       | \$ 95.34  | City Attorney -Legal                           |
| 04/26/2022 | 851515 | AT & T Corp | General       | \$ 360.59 | Code Enforcement                               |
| 04/26/2022 | 851515 | AT & T Corp | General       | \$ 135.31 | Legal Dept -Domestic Violence -Added two lines |
| 04/26/2022 | 851515 | AT & T Corp | General       | \$ 45.27  | Municipal Court                                |
| 04/26/2022 | 851515 | AT & T Corp | General       | \$ 279.69 | PRPL - Recreation Division                     |
| 04/26/2022 | 851515 | AT & T Corp | IT Resources  | \$ 48.87  | IT Department -On call Phone                   |
| 04/26/2022 | 851515 | AT & T Corp | Library       | \$ 220.55 | Library                                        |
| 04/26/2022 | 851515 | AT & T Corp | Library       | \$ 106.88 | Library Out Reach                              |
| 04/26/2022 | 851515 | AT & T Corp | P.W. Admin    | \$ 27.12  | PWBLKNP OFFICE -60/40                          |
| 04/26/2022 | 851515 | AT & T Corp | P.W. Admin    | \$ 40.68  | PWBLKNP OFFICE -60/40                          |
| 04/26/2022 | 851515 | AT & T Corp | Park Dist 1   | \$ 498.83 | Parks Dept.                                    |
| 04/26/2022 | 851515 | AT & T Corp | Park Dist 1   | \$ 35.62  | Parks Dept.                                    |
| 04/26/2022 | 851515 | AT & T Corp | Park Dist 1   | \$ 38.68  | Parks Seasonal                                 |
| 04/26/2022 | 851515 | AT & T Corp | Park Dist 1   | \$ 477.76 | PRPL Parks Tablets                             |
| 04/26/2022 | 851515 | AT & T Corp | Parking       | \$ 77.63  | Parking Division Meter Maintenance             |
| 04/26/2022 | 851515 | AT & T Corp | Parking       | \$ 45.02  | Parking Phones and scanner                     |
| 04/26/2022 | 851515 | AT & T Corp | Parking       | \$ 180.08 | Parking Phones and scanner                     |
| 04/26/2022 | 851515 | AT & T Corp | Parking       | \$ 225.10 | Parking Phones and scanner                     |
| 04/26/2022 | 851515 | AT & T Corp | PD Program    | \$ 160.56 | CCSIU Toughbook                                |
| 04/26/2022 | 851515 | AT & T Corp | PD Program    | \$ 45.27  | Domestic Violence                              |
| 04/26/2022 | 851515 | AT & T Corp | Phone System  | \$ 49.68  | IT iPads                                       |
| 04/26/2022 | 851515 | AT & T Corp | Phone System  | \$ 3.46   | Metro Cell                                     |
| 04/26/2022 | 851515 | AT & T Corp | Phone System  | \$ 67.13  | TeleComm Managers                              |
| 04/26/2022 | 851515 | AT & T Corp | Planning      | \$ 62.08  | PLANNING                                       |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety | \$ 271.37 | Animal Control Cell Phones                     |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety | \$ 240.84 | Animal Control -MDT                            |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety | \$ 254.36 | Comm. Center 9-1-1                             |

| Check Date | Check# | Name        | Fund Name      | Amount      | Item Desc                                                |
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| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 40.14    | Detective Chartier -Toughbook                            |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 1,291.51 | Fire Department Cell Phones                              |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 617.78   | Fire iPads -Assistant chiefs new iPads                   |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 85.41    | ICAC                                                     |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 1,375.54 | MDT Fire                                                 |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 3,382.02 | Police Department Cell Phone                             |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 3,692.88 | Police MDT Toughbooks and Loaner MDT's                   |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 401.40   | Police MDT Toughbooks and Loaner MDT's                   |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 271.40   | Police -Resource Officers                                |
| 04/26/2022 | 851515 | AT & T Corp | Public Safety  | \$ 233.98   | Yellowstone County Cellular Charges -Fire Dept. bills YC |
| 04/26/2022 | 851515 | AT & T Corp | Solid Waste    | \$ 90.04    | SOLID WASTE SUPERINTENDANT                               |
| 04/26/2022 | 851515 | AT & T Corp | Street/Traffic | \$ 372.55   | School Flashers                                          |
| 04/26/2022 | 851515 | AT & T Corp | Street/Traffic | \$ 34.84    | Street Traffic iPads                                     |
| 04/26/2022 | 851515 | AT & T Corp | Street/Traffic | \$ 273.24   | Street Traffic iPads                                     |
| 04/26/2022 | 851515 | AT & T Corp | Street/Traffic | \$ 43.34    | Street Traffic iPads                                     |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 40.07    | MET Supervisor Cell Phones                               |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 100.08   | MET Supervisor Cell Phones                               |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 50.07    | MET Supervisor Cell Phones                               |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 100.10   | MET Supervisor Cell Phones                               |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 10.10    | MET Supervisor Cell Phones                               |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 1,121.39 | MET Transit Max Transit                                  |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 444.63   | MET Transit Tablets                                      |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 645.32   | MET Transit Tablets                                      |
| 04/26/2022 | 851515 | AT & T Corp | Transit        | \$ 25.05    | MET Transit Tablets                                      |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 180.28   | PW Environmental                                         |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 295.26   | PWBELKNAP-DIST COLL CELL PHONES 60/40                    |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 472.60   | PWBLKNP Electricians -Phones                             |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 27.43    | PWBLKNP STORES -75/25                                    |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 871.07   | PWBLNP-WWTRMNT1 Wastewater Treatment Plant               |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 299.32   | PW-Distribution Collection Tablets 60/40                 |
| 04/26/2022 | 851515 | AT & T Corp | Wastewater     | \$ 69.68    | PW-Environmental                                         |
| 04/26/2022 | 851515 | AT & T Corp | Water          | \$ 442.89   | PWBELKNAP-DIST COLL CELL PHONES 60/40                    |
| 04/26/2022 | 851515 | AT & T Corp | Water          | \$ 1,038.72 | PWBELKNAP-WT Water Treatment                             |
| 04/26/2022 | 851515 | AT & T Corp | Water          | \$ 609.89   | PWBLKNP COMM-METER CityWorks/Neptune                     |

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|------------|--------|------------------------|----------------|--------------|------------------------------------------------------------|
| 04/26/2022 | 851515 | AT & T Corp            | Water          | \$ 194.67    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                       |
| 04/26/2022 | 851515 | AT & T Corp            | Water          | \$ 201.83    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                       |
| 04/26/2022 | 851515 | AT & T Corp            | Water          | \$ 82.28     | PWBLKNP STORES -75/25                                      |
| 04/26/2022 | 851515 | AT & T Corp            | Water          | \$ 448.98    | PW-Distribution Collection Tablets 60/40                   |
| 04/26/2022 | 851516 | Automatic Transmission | General        | \$ 1,042.28  | 80470                                                      |
| 04/26/2022 | 851516 | Automatic Transmission | Public Safety  | \$ 4,579.75  | 80401                                                      |
| 04/26/2022 | 851519 | Blgs Carpet Cleaning   | Property Ins   | \$ 18,002.57 | Remediation of water/wastewater damages at Fire Station #4 |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 176.00    | 5487726584, legal blood draw DUI 22-008326                 |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022006                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022020                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022021                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022022                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022025                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022026                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022028                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE 2022029                                               |
| 04/26/2022 | 851520 | Blgs Clinic            | Public Safety  | \$ 600.00    | SANE2022017                                                |
| 04/26/2022 | 851521 | Blgs Community Cable   | General        | \$ 49,172.50 | March Quarterly 2022                                       |
| 04/26/2022 | 851522 | Blgs Depot             | Engineering    | \$ 14,789.43 | Billings Depot May Rent                                    |
| 04/28/2022 | 851719 | Border States Electric | Street/Traffic | \$ 109.34    | 923864337                                                  |
| 04/28/2022 | 851719 | Border States Electric | Street/Traffic | \$ 17.06     | 923864337 PO NUM 314154                                    |
| 04/28/2022 | 851719 | Border States Electric | Street/Traffic | \$ 203.54    | Relays                                                     |
| 04/28/2022 | 851719 | Border States Electric | Wastewater     | \$ 14.97     | cable cutter                                               |
| 04/28/2022 | 851719 | Border States Electric | Wastewater     | \$ 57.09     | Hole cutter                                                |
| 04/28/2022 | 851719 | Border States Electric | Wastewater     | \$ 1,270.92  | Power strips and mounts                                    |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 552.22    | Breakers                                                   |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 14.96     | cable cutter                                               |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 56.67     | Clamp                                                      |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 186.88    | Connectors                                                 |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 264.94    | Gutter                                                     |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 57.10     | Hole cutter                                                |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 30.74     | Outlet                                                     |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 325.53    | PLC Chassis Slot Covers                                    |
| 04/28/2022 | 851719 | Border States Electric | Water          | \$ 6,011.60  | PLC Upgrade for WTP Communication process                  |

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| 04/28/2022 | 851719 | Border States Electric | Water       | \$ 7.68       | Reducing washer                                                        |
| 04/28/2022 | 851719 | Border States Electric | Water       | \$ 3,680.14   | Replacement thin client thermal                                        |
| 04/26/2022 | 851526 | Border States Electric | Water       | \$ 1,524.52   | Shipping-Willet Pump Station #1 VFD Replacement                        |
| 04/28/2022 | 851719 | Border States Electric | Water       | \$ 3,390.75   | Thin manager software support annual agreement                         |
| 04/26/2022 | 851526 | Border States Electric | Water       | \$ 36,763.01  | Willet Pump Station #1 VFD Replacement                                 |
| 04/28/2022 | 851719 | Border States Electric | Water       | \$ 670.29     | Wire stock                                                             |
| 04/26/2022 | 851527 | Brenntag Pacific       | Wastewater  | \$ 12,571.50  | Chemical supplies                                                      |
| 04/26/2022 | 851530 | Business Tax Section   | Facilities  | \$ 700.80     | Hail Damage Repair at North Park - Rec Center                          |
| 04/26/2022 | 851530 | Business Tax Section   | Facilities  | \$ 67.30      | install new LED fixtures in BOC Admin building                         |
| 04/26/2022 | 851530 | Business Tax Section   | Facilities  | \$ 97.00      | Rose Park Hail Damage #2                                               |
| 04/26/2022 | 851530 | Business Tax Section   | Park Dist 1 | \$ 721.75     | Poly vista improvement-Weave Construction (1% tax)                     |
| 04/26/2022 | 851530 | Business Tax Section   | Wastewater  | \$ 5,774.00   | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement                |
| 04/26/2022 | 851530 | Business Tax Section   | Water       | \$ 807.00     | WO2226 WTP Sediment Hauling                                            |
| 04/26/2022 | 851534 | Centerspace LP         | Park Dist 1 | \$ 64.00      | late fees for garage rental in heights from jan-april 2022             |
| 04/26/2022 | 851534 | Centerspace LP         | Park Dist 1 | \$ 1,920.00   | rental fee for garage 47                                               |
| 04/26/2022 | 851534 | Centerspace LP         | Park Dist 1 | \$ 1,920.00   | rental fee for garage 48-used for park supplies in the heights         |
| 04/26/2022 | 851541 | Clean Earth Enviro     | Solid Waste | \$ 7,040.00   | Order 4700921. 2/16/2022. Chemist and transportation charges for HHW.  |
| 04/26/2022 | 851547 | David Turch & Assoc    | P.W. Admin  | \$ 4,000.00   | Consulting for Infrastructure Consulting                               |
| 04/26/2022 | 851548 | Dell Computer          | General     | \$ (1,319.55) | Dell dock, sound bar, 2 24" monitors & wireless keyboard               |
| 04/26/2022 | 851548 | Dell Computer          | General     | \$ 1,319.55   | Dell dock, sound bar, 2 24" monitors & wireless keyboard               |
| 04/26/2022 | 851548 | Dell Computer          | General     | \$ 808.36     | Dell dock, sound bar, 2 24" monitors & wireless keyboard               |
| 04/26/2022 | 851548 | Dell Computer          | General     | \$ 2,073.79   | Dell Latitude 5520, Dock, 1-24" Monitor, Sound bar & Wireless keyboard |
| 04/26/2022 | 851548 | Dell Computer          | General     | \$ 278.37     | Docking station                                                        |
| 04/26/2022 | 851548 | Dell Computer          | Planning    | \$ 3,812.90   | 2-Dell Latitude 5320, docking station and 4-24" monitors               |
| 04/26/2022 | 851550 | DOWL                   | Planning    | \$ 4,525.08   | BILLINGS CTSP UPDATE-LMO4102021                                        |
| 04/26/2022 | 851550 | DOWL                   | Wastewater  | \$ 32,026.66  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851550 | DOWL                   | Wastewater  | \$ 42,727.19  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851550 | DOWL                   | Wastewater  | \$ 15,195.52  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851550 | DOWL                   | Water       | \$ 27,737.34  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851550 | DOWL                   | Water       | \$ 37,004.76  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851550 | DOWL                   | Water       | \$ 13,160.38  | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements              |
| 04/26/2022 | 851552 | Eastern OR Communicate | Water       | \$ 177.00     | Jumper                                                                 |
| 04/26/2022 | 851552 | Eastern OR Communicate | Water       | \$ 3,705.00   | Radios                                                                 |
| 04/26/2022 | 851553 | EBSCO Industries       | Library     | \$ 3,923.28   | 0471344                                                                |

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| 04/26/2022 | 851557 | Elkins Earthworks      | Solid Waste    | \$ 15,479.25 | Portable gas meter for landfill emissions     |
| 04/26/2022 | 851561 | Ferguson Enterprises   | Water          | \$ 2,523.36  | 5-1/4" MAIN VALVE RUBBER                      |
| 04/26/2022 | 851564 | Four Seasons Landscape | Facilities     | \$ 600.00    | Snow Removal at Stillwater Building 4/14/2022 |
| 04/26/2022 | 851564 | Four Seasons Landscape | Facilities     | \$ 3,140.00  | Snow Removal for BOC 4/13-4/14, 2022          |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 330.48    | 01494 PO NUM 313680                           |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 6.08      | 01625 PO NUM 313680                           |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 243.28    | 1273 PO NUM 313680                            |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 41.88     | 12837.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 77.07     | 1284 PO NUM 313680                            |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 100.62    | 13082.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 314.20    | 13160.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 135.52    | 13161.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 348.41    | 13236.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 140.16    | 13274.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 137.85    | 13346.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 39.60     | 13347.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 24.26     | 13427.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 100.86    | 13544.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 50.04     | 13631.01 PO NUM 313680                        |
| 04/26/2022 | 851567 | Galles Filter Service  | Fleet          | \$ 6.42      | P1.13769.01 PO NUM 313680                     |
| 04/26/2022 | 851567 | Galles Filter Service  | Solid Waste    | \$ 39.64     | 1252                                          |
| 04/26/2022 | 851567 | Galles Filter Service  | Solid Waste    | \$ 214.02    | Cab Air Element                               |
| 04/26/2022 | 851567 | Galles Filter Service  | Solid Waste    | \$ 2,610.65  | Inner, outer, and cab elements                |
| 04/26/2022 | 851567 | Galles Filter Service  | Solid Waste    | \$ 383.28    | Outer Air Element & Inner Air Element         |
| 04/26/2022 | 851567 | Galles Filter Service  | Solid Waste    | \$ 420.62    | Outer Air Element & Inner Air Element         |
| 04/26/2022 | 851567 | Galles Filter Service  | Street/Traffic | \$ 42.39     | 01371                                         |
| 04/26/2022 | 851567 | Galles Filter Service  | Transit        | \$ (114.48)  | U-01590 PO NUM 314195. Filters Returned       |
| 04/26/2022 | 851567 | Galles Filter Service  | Transit        | \$ (9.30)    | U-01590. Filters                              |
| 04/26/2022 | 851567 | Galles Filter Service  | Wastewater     | \$ 24.67     | NONSTOCKING ITEMS-P.U.D.                      |
| 04/26/2022 | 851567 | Galles Filter Service  | Wastewater     | \$ 12.54     | U.01493                                       |
| 04/26/2022 | 851567 | Galles Filter Service  | Water          | \$ 59.04     | LS PS2 BLOWER FILTERS                         |
| 04/26/2022 | 851567 | Galles Filter Service  | Water          | \$ 7.81      | NONSTOCKING ITEMS-P.U.D.                      |
| 04/26/2022 | 851567 | Galles Filter Service  | Water          | \$ 184.41    | NONSTOCKING ITEMS-P.U.D.                      |
| 04/26/2022 | 851568 | Galls Inc              | Public Safety  | \$ 525.00    | 020033256                                     |

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| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 289.41    | 019477165, cargo pants, flashlights                  |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 65.00     | 019489738, womens shoes                              |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 81.51     | 019742197, pants                                     |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 167.08    | 019874119,cargo pants                                |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 528.00    | 019877074, handcuff pouches, flashlight case         |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 29.00     | 020287197, radio case                                |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 75.00     | 020720122, duty belt                                 |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 2,760.00  | 3736826, gun mount                                   |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 687.17    | 3736826, pants, shirts gloves, flashlights           |
| 04/26/2022 | 851568 | Galls Inc             | Public Safety    | \$ 36.00     | Galls 3736826, handcuff pouches                      |
| 04/26/2022 | ACH    | HDR                   | Arterial Streets | \$ 35,954.79 | WO 22-07 Mullowney Lane, Consultant Agreement        |
| 04/26/2022 | ACH    | HDR                   | Gas Tax          | \$ 352.64    | WO2224 Park PI Retaining Wall                        |
| 04/26/2022 | ACH    | HDR                   | Wastewater       | \$ 13,005.82 | WO 20-44 WRF Nutrient Recovery Improvements Project  |
| 04/26/2022 | ACH    | HDR                   | Wastewater       | \$ 15,284.23 | WO 22-14 WRF Administration Building AHU Replacement |
| 04/26/2022 | ACH    | HDR                   | Water            | \$ 1,824.89  | WO 18-23 Water Master Plan Update                    |
| 04/26/2022 | ACH    | HDR                   | Water            | \$ 2,920.19  | WO 18-23 Water Master Plan Update                    |
| 04/26/2022 | ACH    | HDR                   | Water            | \$ 59,037.31 | WO 19-12 West End Reservoir                          |
| 04/26/2022 | 851577 | Heiman Fire Equip     | Public Safety    | \$ 203.60    | 0907764-IN SHIPPING/HANDLING                         |
| 04/26/2022 | 851577 | Heiman Fire Equip     | Public Safety    | \$ 947.85    | 1240-DECONCL CS, BULLARD DECON WIPES CASE            |
| 04/26/2022 | 851577 | Heiman Fire Equip     | Public Safety    | \$ 1,138.50  | 1248-1004-Y, PAC TOOL MOUNT                          |
| 04/26/2022 | 851577 | Heiman Fire Equip     | Public Safety    | \$ 615.00    | 3702-SL010L, 10L BULLEX LIQUID SMOKE                 |
| 04/26/2022 | 851585 | laff                  | Payroll Clearing | \$ 4,752.94  | Payroll Summary                                      |
| 04/26/2022 | 851589 | Insight Public Sector | Building         | \$ 716.33    | Building                                             |
| 04/26/2022 | 851589 | Insight Public Sector | General          | \$ 79.59     | Finance                                              |
| 04/26/2022 | 851589 | Insight Public Sector | General          | \$ 1,114.29  | Parks                                                |
| 04/26/2022 | 851589 | Insight Public Sector | Public Safety    | \$ 557.14    | Animal Control                                       |
| 04/26/2022 | 851589 | Insight Public Sector | Public Safety    | \$ 2,148.98  | Fire                                                 |
| 04/26/2022 | 851589 | Insight Public Sector | Public Safety    | \$ 9,551.04  | Police                                               |
| 04/26/2022 | 851589 | Insight Public Sector | Street/Traffic   | \$ 1,353.06  | PW Streets                                           |
| 04/26/2022 | 851589 | Insight Public Sector | Wastewater       | \$ 79.59     | PW Belknap-D&C WWTP                                  |
| 04/26/2022 | 851589 | Insight Public Sector | Wastewater       | \$ 159.18    | PW Fiscal -Environmental                             |
| 04/26/2022 | 851589 | Insight Public Sector | Water            | \$ 1,910.21  | PW Belknap-D&C Water                                 |
| 04/26/2022 | 851589 | Insight Public Sector | Water            | \$ 716.34    | PW Belknap-Meter Shop                                |
| 04/26/2022 | 851591 | JC Billion            | Public Safety    | \$ 63,346.00 | (2) 2022 Nissan Sedans for Detectives Division.      |

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| 04/26/2022 | 851597 | Johnson Laffen Galloway | GO Const         | \$ 69,951.94 | Phase 1 Stillwater Bldg - develop comprehensive master plan          |
| 04/26/2022 | 851604 | L N Curtis & Sons       | Public Safety    | \$ 4,375.80  | 1044 CAIRNS, MSA/CARINS TRADITIONAL HELMET                           |
| 04/26/2022 | 851604 | L N Curtis & Sons       | Public Safety    | \$ 340.00    | 68244, 4AA YELLOW LUXEON FLASHLIGHT W/BATTERIES, STREAMLIGHT         |
| 04/26/2022 | 851625 | MDEQ                    | Storm Sewer      | \$ 9,000.00  | MT DEQ Stormwater Discharge with MS4 - see page 5 for Invoice amount |
| 04/26/2022 | 851617 | Mead & Hunt             | Airport          | \$ 4,570.00  | Consultant Services For Air Service and/or With Air Carrier Proposal |
| 04/26/2022 | 851627 | MFPE                    | Payroll Clearing | \$ 2,783.75  | Payroll Summary                                                      |
| 04/26/2022 | 851621 | Millipore Corporation   | Water            | \$ 1,385.00  | UV housing and lamp                                                  |
| 04/26/2022 | 851621 | Millipore Corporation   | Water            | \$ 2,524.00  | WTP Lab Repair                                                       |
| 04/26/2022 | 851623 | Montana CSED            | Payroll Clearing | \$ 4,180.27  | Payroll Summary                                                      |
| 04/26/2022 | 851632 | Morrison Maierle        | Wastewater       | \$ 8,173.74  | Alkali Creek Water and Sewer Extension, Consultant Agreement         |
| 04/26/2022 | 851632 | Morrison Maierle        | Wastewater       | \$ 58,355.14 | Water/Sewer Replacement Project                                      |
| 04/26/2022 | 851632 | Morrison Maierle        | Water            | \$ 9,990.12  | Alkali Creek Water and Sewer Extension, Consultant Agreement         |
| 04/26/2022 | 851632 | Morrison Maierle        | Water            | \$ 3,590.75  | Water/Sewer Replacement Project Pioneer Park                         |
| 04/26/2022 | 851634 | MPPA                    | Payroll Clearing | \$ 3,957.66  | Payroll Summary                                                      |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Airport          | \$ 1,110.61  | 285 580 1000 6                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Airport          | \$ 7,047.96  | 595 580 1000 1                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Airport          | \$ 1,160.82  | 706 580 1000 7                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Engineering      | \$ 207.36    | 595 373 1000 1                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Facilities       | \$ 9,177.37  | 375 963 4481 4                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Facilities       | \$ 2,995.80  | 929 780 1000 4                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | General          | \$ 400.61    | 437 780 1000 9                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Library          | \$ 3,529.86  | 219 924 4851 0                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | P.W. Admin       | \$ 51.85     | 595 373 1000 1                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Park Dist 1      | \$ 104.31    | 501 473 1000 2                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Parking          | \$ 222.00    | 303 725 2591 2                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Parking          | \$ 22.96     | 717 353 1000 6                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Parking          | \$ 102.89    | 799 152 1209 0                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 47.62     | 062 907 9494 7                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 1,014.10  | 169 233 1000 3                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 43.34     | 514 117 0478 9                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 426.31    | 533 653 1000 1                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 66.94     | 602 589 7178 1                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 325.79    | 668 670 1000 2                                                       |
| 04/26/2022 | 851624 | MT Dakota Utilities     | Public Safety    | \$ 675.72    | 885 880 1000 4                                                       |

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| 04/26/2022 | 851624 | MT Dakota Utilities    | Transit          | \$ 1,585.93  | 962 880 1000 0                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 5,740.52  | 293 780 1000 2                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 5,740.52  | 293 780 1000 2                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 11,481.04 | 293 780 1000 2                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 71.67     | 596 733 1000 5                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 65.24     | 713 064 3190 0                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 66.09     | 735 453 1000 2                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Wastewater       | \$ 70.83     | 843 879 2205 1                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Water            | \$ 73.65     | 076 225 9180 3                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Water            | \$ 81.42     | 373 580 1000 9                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Water            | \$ 81.42     | 373 580 1000 9                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Water            | \$ 82.29     | 541 380 1000 1                                     |
| 04/26/2022 | 851624 | MT Dakota Utilities    | Water            | \$ 64.41     | 921 580 1000 6                                     |
| 04/26/2022 | 851628 | MT Law Enforce Academy | Public Safety    | \$ 1,200.00  | First Line Supervisor training                     |
| 04/26/2022 | 851628 | MT Law Enforce Academy | Public Safety    | \$ 1,852.00  | LEQ training, room and board                       |
| 04/26/2022 | 851628 | MT Law Enforce Academy | Public Safety    | \$ 2,312.00  | SFST training                                      |
| 04/26/2022 | 851631 | MT State Firemen       | Payroll Clearing | \$ 4,421.21  | Payroll Summary                                    |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 340.52    | 6" CLAY X PVC BANDED COUPLING                      |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 249.20    | 6" PVC X PVC BANDED COUPLING 56-66ARC 6" FLEX SEAL |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 24.00     | 6" TYTON PUSH-ON GASKET                            |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 537.24    | 8" MJ 45 DEGREE BEND                               |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 1,459.80  | 8" MJ ONE-LOK SLCP ACC REST F/PVC                  |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 444.75    | PIPE BURSTING - 3/4" COMPRESSION COUPLING          |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 1,257.12  | PIPE BURSTING - 3/4" CORP                          |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 1,701.58  | PIPE BURSTING - 6" PUSH-ON VALVE                   |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 1,362.00  | PIPE BURSTING - 8" PV LOK CLAMP                    |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 208.98    | PIPE BURSTING - 8" X 1" TAPPING SADDLE             |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 321.66    | PIPE BURSTING - 8" X 2" HINGED SADDLE              |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 2,298.78  | PIPE BURSTING - 8" X 3/4" TAPPING SADDLE           |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 1,136.04  | PIPE BURSTING - 8" X 8" PUSH-ON TEE                |
| 04/26/2022 | 851636 | MT Waterworks          | Water            | \$ 187.98    | PIPE BURSTING - COUPLING 1-1/4" CTS X 1-1/2" CTS   |
| 04/26/2022 | 851643 | Northwest Pipe         | Solid Waste      | \$ 233.15    | 7698426                                            |
| 04/26/2022 | 851643 | Northwest Pipe         | Wastewater       | \$ 384.97    | Cylinder and valves                                |
| 04/26/2022 | 851643 | Northwest Pipe         | Wastewater       | \$ 136.71    | lead and brush                                     |

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| 04/26/2022 | 851643 | Northwest Pipe      | Wastewater  | \$ 134.40    | Pipe                                          |
| 04/26/2022 | 851643 | Northwest Pipe      | Wastewater  | \$ 147.50    | Pipe clamp                                    |
| 04/26/2022 | 851643 | Northwest Pipe      | Wastewater  | \$ 317.84    | PVC                                           |
| 04/26/2022 | 851643 | Northwest Pipe      | Wastewater  | \$ 825.64    | PVC                                           |
| 04/26/2022 | 851643 | Northwest Pipe      | Wastewater  | \$ 169.65    | sewer PVC, cement, primer. job #ss-2-009      |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 5,268.32  | 1-1/2" FLG ECODER WALL METER CUFT             |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 25.80     | 2" TD TRU-FLO STRAINER GASKET                 |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 858.48    | 3" BRONZE METER STRAINER                      |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 2,771.08  | 3" TRU FLO COMPOUND R900I CU/FT               |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 23,552.82 | 3/4" E-CODER WALL CU/FT METER W/RECPT         |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 16,118.00 | 5/8" E-CODER WALL CU.FT. - METER W/RECPT      |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 16,118.00 | 5/8" X 3/4" ECODER WALL METER                 |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 3,142.70  | 8" PRO IIIUME WITH HPP - TURBINE 9719-510     |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 186.44    | Adaptor, valve and tool                       |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 344.28    | HS heater replacement                         |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 390.60    | K1137 BOTTOM PLATE 5 1/4                      |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 1,555.38  | K81 UPPER STEM WITH FERRULE - FOR K81 HYDRANT |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 4,428.95  | METER SHOP TESTING SUPPLIES                   |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 1,623.60  | METER WIRE - 1000 FT ROLLS                    |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 176.56    | PVC                                           |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 12,561.00 | R-900 ENHANCED WALL RR - MIU 13341-200        |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 23,800.00 | R-900 ENHANCED WALL RR - MIU 13341-200        |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 12,561.00 | R-900 ENHANCED WALL RR - MIU 13341-200        |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 502.20    | STEM COUPLINGS K8116 FOR K-81 HYDRANT         |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 250.97    | Tape, sling, Pipe                             |
| 04/26/2022 | 851643 | Northwest Pipe      | Water       | \$ 3,928.40  | UME 3" CU FT FIRE HYDRANT METER - 9600-101    |
| 04/26/2022 | 851644 | NorthWestern Energy | Facilities  | \$ 1,609.43  | 0975808-7                                     |
| 04/26/2022 | 851644 | NorthWestern Energy | Facilities  | \$ 581.20    | 1160802-3                                     |
| 04/26/2022 | 851644 | NorthWestern Energy | Facilities  | \$ 1,992.94  | 1160804-9                                     |
| 04/26/2022 | 851644 | NorthWestern Energy | Facilities  | \$ 2,428.39  | 1269391-7                                     |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,035.47  | SILMD 10 Acct# 0712546-1                      |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,930.07  | SILMD 100 Acct# 0712559-4                     |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,643.60  | SILMD 107 Acct# 0712560-2                     |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 4,122.07  | SILMD 109 Acct# 0712561-0                     |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 188.95   | SILMD 113 Acct# 0712562-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 887.04   | SILMD 114 Acct# 0712563-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 208.72   | SILMD 115 Acct# 0712564-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 547.86   | SILMD 116 Acct# 0712565-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,979.20 | SILMD 117 Acct# 0712566-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 190.53   | SILMD 118 Acct# 0712567-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 115.82   | SILMD 119 Acct# 0712568-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,348.01 | SILMD 121 Acct# 0712570-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 176.00   | SILMD 122 Acct# 0712571-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 313.06   | SILMD 123 Acct# 0712572-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 913.13   | SILMD 124 Acct# 0712573-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 365.22   | SILMD 125 Acct# 0712574-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 182.62   | SILMD 126 Acct# 0712575-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 659.97   | SILMD 127 Acct# 0712576-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 461.97   | SILMD 128 Acct# 0712577-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 313.06   | SILMD 129 Acct# 0712578-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 4,259.94 | SILMD 13 Acct# 0721276-4  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 111.71   | SILMD 130 Acct# 0712579-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 808.76   | SILMD 131 Acct# 0712580-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 207.46   | SILMD 133 Acct# 0712581-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 478.75   | SILMD 134 Acct# 0712582-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 483.97   | SILMD 135 Acct# 0712583-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 443.50   | SILMD 136 Acct# 0712584-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 346.10   | SILMD 137 Acct# 0712585-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 704.41   | SILMD 138 Acct# 0712586-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 234.81   | SILMD 139 Acct# 0712587-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,107.19 | SILMD 14 Acct# 0721277-2  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 547.86   | SILMD 143 Acct# 0712588-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 26.05    | SILMD 144 Acct# 0712589-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 439.98   | SILMD 145 Acct# 0712590-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 339.15   | SILMD 146 Acct# 0712591-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 411.07   | SILMD 147 Acct# 0712592-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,452.29 | SILMD 149 Acct# 0712593-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 703.97   | SILMD 150 Acct# 0712594-1 |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 600.04   | SILMD 151 Acct# 0712595-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 4,049.25 | SILMD 152 Acct# 0712596-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 505.97   | SILMD 153 Acct# 0712597-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,143.96 | SILMD 154 Acct# 0712598-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 469.60   | SILMD 155 Acct# 0712599-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 857.96   | SILMD 157 Acct# 0712600-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 756.58   | SILMD 158 Acct# 0712601-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 905.35   | SILMD 159 Acct# 0712602-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 678.31   | SILMD 160 Acct# 0712603-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 989.97   | SILMD 161 Acct# 0712604-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 44.16    | SILMD 162 Acct# 0712605-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 694.77   | SILMD 163 Acct# 0712606-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 351.99   | SILMD 164 Acct# 0712607-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 834.85   | SILMD 165 Acct# 0712608-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 219.99   | SILMD 167 Acct# 0712609-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,080.67 | SILMD 17 Acct# 0712553-7  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 527.98   | SILMD 171 Acct# 0712610-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 478.77   | SILMD 172 Acct# 0712611-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,099.95 | SILMD 173 Acct# 0712612-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 923.95   | SILMD 174 Acct# 0712613-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 307.96   | SILMD 175 Acct# 0712614-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 31.56    | SILMD 176 Acct# 0712615-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 242.00   | SILMD 178 Acct# 0712616-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 483.97   | SILMD 179 Acct# 0712617-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 92.19    | SILMD 18 Acct# 0712554-5  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 329.99   | SILMD 180 Acct# 0712618-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,591.42 | SILMD 181 Acct# 0712619-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 549.99   | SILMD 182 Acct# 0712620-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,099.93 | SILMD 183 Acct# 0712621-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 351.99   | SILMD 184 Acct# 0712622-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 132.00   | SILMD 185 Acct# 0712623-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 637.25   | SILMD 186 Acct# 0712624-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 219.99   | SILMD 187 Acct# 0712625-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 263.98   | SILMD 188 Acct# 0712626-1 |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 219.99   | SILMD 189 Acct# 0712627-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,143.96 | SILMD 190 Acct# 0712628-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 392.60   | SILMD 191 Acct# 0712629-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 285.98   | SILMD 192 Acct# 0712630-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 703.97   | SILMD 193 Acct# 0712631-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 279.51   | SILMD 194 Acct# 0712632-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 223.60   | SILMD 195 Acct# 0712633-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 71.46    | SILMD 196 Acct# 0712634-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 71.46    | SILMD 197 Acct# 0712635-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 110.01   | SILMD 198 Acct# 0712636-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 93.46    | SILMD 200 Acct# 0712637-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 461.97   | SILMD 201 Acct# 0712638-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 593.53   | SILMD 202 Acct# 0712639-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 19.06    | SILMD 203 Acct# 0712640-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 403.27   | SILMD 204 Acct# 0712641-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 25.24    | SILMD 205 Acct# 0712642-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 307.96   | SILMD 206 Acct# 0712643-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 351.99   | SILMD 207 Acct# 0712644-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 245.02   | SILMD 208 Acct# 0712645-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 505.97   | SILMD 209 Acct# 0712646-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 85.76    | SILMD 210 Acct# 0712647-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 47.66    | SILMD 211 Acct# 0712648-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 47.66    | SILMD 212 Acct# 0712649-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 28.58    | SILMD 213 Acct# 0712650-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 354.39   | SILMD 214 Acct# 0712651-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 132.00   | SILMD 216 Acct# 0712652-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 362.98   | SILMD 217 Acct# 0712653-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 261.43   | SILMD 220 Acct# 0712654-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 6.29     | SILMD 221 Acct# 0712655-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 75.52    | SILMD 222 Acct# 0712656-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 114.35   | SILMD 223 Acct# 0712657-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,335.39 | SILMD 224 Acct# 0712658-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 391.91   | SILMD 225 Acct# 0712659-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 217.78   | SILMD 226 Acct# 0712660-0 |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 618.38   | SILMD 227 Acct# 0712661-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 756.58   | SILMD 228 Acct# 0712662-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 391.34   | SILMD 229 Acct# 0712663-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 913.11   | SILMD 230 Acct# 0712664-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 547.86   | SILMD 231 Acct# 0712665-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,374.11 | SILMD 232 Acct# 0712666-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 834.46   | SILMD 233 Acct# 0712667-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 471.84   | SILMD 234 Acct# 0712668-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 527.76   | SILMD 235 Acct# 0712669-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 167.69   | SILMD 236 Acct# 0712670-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 373.98   | SILMD 237 Acct# 0712671-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 12.63    | SILMD 238 Acct# 0712672-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 88.00    | SILMD 239 Acct# 0712673-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 402.47   | SILMD 240 Acct# 0712674-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 547.70   | SILMD 241 Acct# 0712675-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 78.26    | SILMD 242 Acct# 0712676-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 104.36   | SILMD 244 Acct# 0712677-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 69.30    | SILMD 245 Acct# 0712678-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 313.06   | SILMD 246 Acct# 0712679-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 919.04   | SILMD 247 Acct# 0712680-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,582.81 | SILMD 249 Acct# 0718734-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 201.25   | SILMD 250 Acct# 0719001-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 3,656.04 | SILMD 251 Acct# 0718801-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 521.78   | SILMD 252 Acct# 0719162-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,712.87 | SILMD 253 Acct# 0719644-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 151.06   | SILMD 254 Acct# 0719763-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 163.80   | SILMD 255 Acct# 0720813-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 897.79   | SILMD 257 Acct# 0720360-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,459.25 | SILMD 258 Acct# 0720606-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,399.93 | SILMD 259 Acct# 0720810-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 469.60   | SILMD 261 Acct# 0720705-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,917.58 | SILMD 262 Acct# 0720937-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 969.73   | SILMD 263 Acct# 0720716-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 164.79   | SILMD 264 Acct# 0721427-3 |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 342.80   | SILMD 265 Acct# 0721556-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 48.18    | SILMD 266 Acct# 0721684-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 439.62   | SILMD 270 Acct# 0906944-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 899.69   | SILMD 271 Acct# 0995095-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,673.76 | SILMD 272 Acct# 0905005-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 194.02   | SILMD 273 Acct# 0926386-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 478.97   | SILMD 276 Acct# 0961926-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 805.58   | SILMD 277 Acct# 1058710-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 212.41   | SILMD 278 Acct# 1087619-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 55.91    | SILMD 279 Acct# 1124127-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 581.35   | SILMD 280 Acct# 1045653-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 458.95   | SILMD 283 Acct# 1172743-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 307.62   | SILMD 285 Acct# 1206985-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 230.83   | SILMD 286 Acct# 1296582-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,753.99 | SILMD 288 Acct# 1303978-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 224.35   | SILMD 289 Acct# 1685375-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 136.42   | SILMD 290 Acct# 1433921-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 573.95   | SILMD 292 Acct# 1481532-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 219.99   | SILMD 293 Acct# 1481534-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 439.98   | SILMD 294 Acct# 1481535-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 104.36   | SILMD 295 Acct# 1481536-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,165.96 | SILMD 296 Acct# 1481537-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 198.00   | SILMD 297 Acct# 1481539-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 176.00   | SILMD 298 Acct# 1481540-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 386.26   | SILMD 300 Acct# 1662840-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 5,178.59 | SILMD 301 Acct# 1687005-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 277.53   | SILMD 302 Acct# 1607534-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 936.31   | SILMD 305 Acct# 1695873-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 197.79   | SILMD 306 Acct# 1740353-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 2,919.31 | SILMD 307 Acct# 2049005-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 256.43   | SILMD 308 Acct# 2072459-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 334.08   | SILMD 309 Acct# 2001311-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 245.42   | SILMD 310 Acct# 2060519-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 263.59   | SILMD 311 Acct# 3014475-2 |

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| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 253.17   | SILMD 312 Acct# 3146127-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 365.38   | SILMD 315 Acct# 3305804-1 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,145.85 | SILMD 316 Acct# 3291842-7 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 95.56    | SILMD 317 Acct# 3253826-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 769.36   | SILMD 318 Acct# 3372018-6 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 55.00    | SILMD 320 Acct# 0712569-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 440.46   | SILMD 321 Acct# 3338917-2 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 88.88    | SILMD 322 Acct# 3402033-9 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 785.12   | SILMD 323 Acct# 3597170-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 333.96   | SILMD 324 Acct# 1246537-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 243.25   | SILMD 325 Acct# 3587598-8 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 111.73   | SILMD 326 Acct# 3840455-4 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 175.98   | SILMD 327 Acct# 3810801-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 683.69   | SILMD 328 Acct# 3894879-0 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 83.24    | SILMD 329 Acct# 3939032-3 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 165.23   | SILMD 330 Acct# 3951594-5 |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 360.53   | SILMD 8 Acct# 0712544-6   |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 335.32   | SILMD 9 Acct# 0712545-3   |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 485.41   | SILMD 95 Acct# 0712556-0  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 9,144.90 | SILMD 97 Acct# 0712557-8  |
| 04/26/2022 | 851645 | NorthWestern Energy | Light Maint | \$ 1,025.72 | SILMD 99 Acct# 0712558-6  |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 0722237-5                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 0722247-4                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 0.10     | 0722254-0                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 84.30    | 0722255-7                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ -        | 0722263-1                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 108.21   | 0722266-4                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 13.54    | 0722269-8                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ -        | 0722287-0                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 10.03    | 0722292-0                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 19.43    | 0722293-8                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 0722905-7                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 10.26    | 0722933-9                 |
| 04/26/2022 | 851644 | NorthWestern Energy | Park Dist 1 | \$ 76.84    | 0723035-2                 |

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| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 7.46      | 0723036-0                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 157.79    | 0723037-8                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 45.56     | 0723042-8                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ -         | 0723045-1                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 7.82      | 0723055-0                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 31.06     | 0723056-8                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 11.47     | 0723057-6                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 21.93     | 0723058-4                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 6.00      | 0723162-4                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 11.84     | 0789437-1                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Park Dist 1    | \$ 10.76     | 1836666-6                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Public Safety  | \$ 621.19    | 0871546-8                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Solid Waste    | \$ 2,242.22  | 3252194-0                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Street/Traffic | \$ 6.00      | 0723645-8                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Street/Traffic | \$ 0.23      | 1740357-7                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Street/Traffic | \$ 0.70      | 1748896-6                                    |
| 04/26/2022 | 851645 | NorthWestern Energy       | Street/Traffic | \$ 11,990.11 | Signal Bills 4.19.2022                       |
| 04/26/2022 | 851644 | NorthWestern Energy       | Wastewater     | \$ 819.46    | 0100606-3                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Wastewater     | \$ 115.45    | 822 Shiloh Crossing Lift Station April usage |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 588.77    | 0100485-2                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 4,909.89  | 0100540-4                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 62,278.95 | 0100606-3                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 2,458.38  | 0100606-3                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 2,021.84  | 0722264-9                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 2,449.04  | 0723040-2                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 24.62     | 0723059-2                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 766.85    | 1116452-2                                    |
| 04/26/2022 | 851644 | NorthWestern Energy       | Water          | \$ 2,516.90  | 5809 Canyon Woods Dr - Zone 4                |
| 04/26/2022 | 851647 | Performance Eng & Consult | Park Dist 1    | \$ 7,112.00  | WO 22-12 Optimist Park Parking Lots          |
| 04/26/2022 | 851649 | Power Motorsports         | Fire Grants    | \$ 32,574.00 | KAWASAKI JET SKI ULTRA LX & ULTRA LX COVERS  |
| 04/26/2022 | 851654 | Rexel USA                 | Wastewater     | \$ 178.18    | Fittings                                     |
| 04/26/2022 | 851654 | Rexel USA                 | Wastewater     | \$ 546.05    | Wire                                         |
| 04/26/2022 | 851654 | Rexel USA                 | Water          | \$ 3,072.42  | Circuit                                      |
| 04/26/2022 | 851654 | Rexel USA                 | Water          | \$ 26.00     | Connectors                                   |

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| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 76.10     | Fittings                                                 |
| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 240.51    | Fittings                                                 |
| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 8,350.21  | Hvac mobile unit                                         |
| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 1,545.50  | HVAC Unit supplies                                       |
| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 67.50     | Locknut, cutters                                         |
| 04/26/2022 | 851654 | Rexel USA              | Water            | \$ 349.43    | RTD's                                                    |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 3,570.14  | 22MarchRimrockNoInsur                                    |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 720.00    | 22MarRimrockAncillaryGroups                              |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 1,230.00  | 22MarRimrockAncillaryGroups                              |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 1,400.00  | 22MarRimrockNoInsur                                      |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 157.34    | 22MarRimrockOfficeVisitBrun                              |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 93.63     | 22MarRimrockPsychotherapyBrun                            |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 187.26    | 22MarRimrockPsychotherapyPeterson                        |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 190.26    | 22MarRimrockPsychotherapyPitman                          |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 187.26    | 22MarRimrockPsychotherapyStuart                          |
| 04/26/2022 | 851655 | Rimrock Foundation     | Court Grants     | \$ 100.00    | 22MarRimrockScreening                                    |
| 04/26/2022 | 851658 | S & S Machine          | Water            | \$ 9,240.00  | WILLETT PUMP MOTOR #1 REBUILD                            |
| 04/26/2022 | 851661 | Sanderson Stewart      | Arterial Streets | \$ 2,569.00  | Grand Ave & 32nd Street West Traffic Signal Improvements |
| 04/26/2022 | 851661 | Sanderson Stewart      | Park Dist 1      | \$ 4,565.90  | WO 22-32 Riverfront Park Trail                           |
| 04/26/2022 | 851664 | Security Management    | Wastewater       | \$ 9,999.00  | WRF Admin. Building Network Cabling Upgrades             |
| 04/26/2022 | 851667 | Simply Family Magazine | General          | \$ 14,093.56 | printing costs for the 2022 summer brochure              |
| 04/26/2022 | 851672 | SP Services            | Facilities       | \$ 9,603.00  | Hail Damage at Rose Park                                 |
| 04/26/2022 | 851672 | SP Services            | Facilities       | \$ 69,379.20 | Hail Damage Repair at North Park to Rec Center           |
| 04/26/2022 | 851675 | St V's Occupational    | Airport          | \$ 95.00     | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | City Ins Fund    | \$ 870.75    | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Fleet            | \$ 95.00     | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | General          | \$ 1,325.00  | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Public Safety    | \$ 140.00    | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Public Safety    | \$ 20.00     | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Public Safety    | \$ 50.00     | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Solid Waste      | \$ 95.00     | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Solid Waste      | \$ 240.00    | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Street/Traffic   | \$ 740.00    | Drug Testing, On-site Nursing                            |
| 04/26/2022 | 851675 | St V's Occupational    | Wastewater       | \$ 50.00     | Drug Testing, On-site Nursing                            |

| Check Date | Check# | Name                      | Fund Name        | Amount       | Item Desc                                   |
|------------|--------|---------------------------|------------------|--------------|---------------------------------------------|
| 04/26/2022 | 851675 | St V's Occupational       | Wastewater       | \$ 190.00    | Drug Testing, On-site Nursing               |
| 04/26/2022 | 851675 | St V's Occupational       | Water            | \$ 75.00     | Drug Testing, On-site Nursing               |
| 04/26/2022 | 851680 | Stevens Brothers          | Public Safety    | \$ 360.00    | FIRE 6: REPL'D SERVICE SINK FAUCET          |
| 04/26/2022 | 851680 | Stevens Brothers          | Wastewater       | \$ 3,635.00  | Comm Boards and Limit switches              |
| 04/26/2022 | 851688 | TESSCO                    | Water            | \$ 1,613.23  | Antennas                                    |
| 04/26/2022 | 851688 | TESSCO                    | Water            | \$ 2,941.29  | cable/wire                                  |
| 04/26/2022 | 851688 | TESSCO                    | Water            | \$ 194.99    | Shelf                                       |
| 04/26/2022 | 851690 | Tire-Rama                 | Public Safety    | \$ 1,173.84  | 105 0030056                                 |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 231.54    | Tire repair and purchase. Landfill.         |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 50.00     | Tire Repair. Collections.                   |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 440.00    | Tire Repair. Collections.                   |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 240.06    | Tire Repair. Collections.                   |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 840.00    | Tire Repair. Collections.                   |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 424.00    | Tire Repair. Collections.                   |
| 04/26/2022 | 851690 | Tire-Rama                 | Solid Waste      | \$ 4,686.95  | Tire retread, repair and purchase           |
| 04/26/2022 | 851691 | TMG Services              | Water            | \$ 554.90    | Housing                                     |
| 04/26/2022 | 851691 | TMG Services              | Water            | \$ 3,498.47  | Replacement parts                           |
| 04/26/2022 | 851685 | T-Mobile USA              | Library          | \$ 501.84    | 972246182 Hot spots April 2022              |
| 04/26/2022 | 851685 | T-Mobile USA              | Public Safety    | \$ 500.00    | 9403178273, 20-54988                        |
| 04/26/2022 | 851685 | T-Mobile USA              | Public Safety    | \$ 680.00    | 9413562008, 20-57465                        |
| 04/26/2022 | 851685 | T-Mobile USA              | Public Safety    | \$ 890.00    | 9481559761, phone 21-87783                  |
| 04/26/2022 | 851685 | T-Mobile USA              | Public Safety    | \$ 980.00    | 9481962369 phone surveillance 21-87783      |
| 04/26/2022 | 851693 | Town & Country Supply     | Fleet            | \$ 30,857.52 | 424576FL PO NUM 314263                      |
| 04/26/2022 | 851693 | Town & Country Supply     | Wastewater       | \$ 6,328.35  | STANDBY GENERATOR FUEL                      |
| 04/26/2022 | 851695 | Unemploy Ins Contribution | Payroll Clearing | \$ 42,899.84 | Unemployment Insurance March 31, 2022       |
| 04/26/2022 | 851696 | Uniforms2gear             | Public Safety    | \$ 316.50    | 2022-03-0746, citation holders              |
| 04/26/2022 | 851696 | Uniforms2gear             | Public Safety    | \$ 1,819.60  | U2G 2022-02-0372, outer carriers and plates |
| 04/26/2022 | 851696 | Uniforms2gear             | Public Safety    | \$ 586.98    | U2G 2022-02-0372, outer carriers and plates |
| 04/26/2022 | 851703 | Verizon Wireless          | Airport          | \$ 51.64     | Airport                                     |
| 04/26/2022 | 851703 | Verizon Wireless          | Engineering      | \$ 136.60    | PW-Engineering                              |
| 04/26/2022 | 851703 | Verizon Wireless          | Fleet            | \$ 106.07    | Motor Pool                                  |
| 04/26/2022 | 851703 | Verizon Wireless          | General          | \$ 167.60    | City Administrator                          |
| 04/26/2022 | 851703 | Verizon Wireless          | General          | \$ 40.01     | Tina Hoeger Laptop                          |
| 04/26/2022 | 851703 | Verizon Wireless          | General          | \$ 27.32     | Victoria Hill -Laptop                       |

| Check Date | Check# | Name                    | Fund Name      | Amount        | Item Desc                                               |
|------------|--------|-------------------------|----------------|---------------|---------------------------------------------------------|
| 04/26/2022 | 851703 | Verizon Wireless        | Park Dist 1    | \$ 52.36      | PRPL-PARKS                                              |
| 04/26/2022 | 851703 | Verizon Wireless        | Parking        | \$ 27.32      | Parking                                                 |
| 04/26/2022 | 851703 | Verizon Wireless        | Parking        | \$ 52.05      | PRKING Enforcement                                      |
| 04/26/2022 | 851703 | Verizon Wireless        | PD Program     | \$ 405.70     | CCSIU Cell/PTT                                          |
| 04/26/2022 | 851703 | Verizon Wireless        | PD Program     | \$ 27.32      | CCSIU MDT                                               |
| 04/26/2022 | 851703 | Verizon Wireless        | PD Program     | \$ 80.02      | CCSIU RAVEN                                             |
| 04/26/2022 | 851703 | Verizon Wireless        | Phone System   | \$ 1,540.62   | MET Max Transit                                         |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 268.32     | Fire MDT                                                |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 521.66     | MDT Toughbooks                                          |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 54.56      | Police                                                  |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 41.57      | Police                                                  |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 80.02      | Police iPads                                            |
| 04/26/2022 | 851703 | Verizon Wireless        | Public Safety  | \$ 40.01      | Police MiFi                                             |
| 04/26/2022 | 851703 | Verizon Wireless        | Solid Waste    | \$ 27.32      | PW Dozer Trimble Dozer                                  |
| 04/26/2022 | 851703 | Verizon Wireless        | Solid Waste    | \$ 109.28     | PW-Solid Waste                                          |
| 04/26/2022 | 851703 | Verizon Wireless        | Solid Waste    | \$ 207.28     | PW-SW-ON CALL Solid Waste On Call                       |
| 04/26/2022 | 851703 | Verizon Wireless        | Solid Waste    | \$ 75.85      | PW-SW-ON CALL Solid Waste On Call                       |
| 04/26/2022 | 851703 | Verizon Wireless        | Solid Waste    | \$ 507.22     | Solid Waste Tablets -Routware                           |
| 04/26/2022 | 851703 | Verizon Wireless        | Street/Traffic | \$ 118.76     | PW-Streets City Works                                   |
| 04/26/2022 | 851703 | Verizon Wireless        | Street/Traffic | \$ 163.92     | PW-Streets City Works                                   |
| 04/26/2022 | 851703 | Verizon Wireless        | Street/Traffic | \$ 81.96      | PW-Streets iPads                                        |
| 04/26/2022 | 851703 | Verizon Wireless        | Street/Traffic | \$ 198.11     | PW-STRT TRFC Streets                                    |
| 04/26/2022 | 851703 | Verizon Wireless        | Transit        | \$ 309.02     | MET AVL                                                 |
| 04/26/2022 | 851703 | Verizon Wireless        | Wastewater     | \$ 1,337.56   | MET Tablets                                             |
| 04/26/2022 | 851703 | Verizon Wireless        | Wastewater     | \$ -          | PW-DIS-COLL Cityworks 60/40                             |
| 04/26/2022 | 851703 | Verizon Wireless        | Water          | \$ 27.32      | PW Belknap Meter Shop                                   |
| 04/26/2022 | 851703 | Verizon Wireless        | Water          | \$ 27.32      | PWBLKNP Water Treatment                                 |
| 04/26/2022 | 851703 | Verizon Wireless        | Water          | \$ 54.64      | PWBLNP Comm-Meter CityWorks/Neptune                     |
| 04/26/2022 | 851704 | Voegele Acquisitions    | Street/Traffic | \$ 1,341.61   | spring tree fertilization                               |
| 04/26/2022 | 851704 | Voegele Acquisitions    | Street/Traffic | \$ 1,467.38   | weed spraying on city blvd                              |
| 04/26/2022 | 851706 | Warren Transport        | Park Dist 1    | \$ 71,453.35  | Poly Vista Park improvement (tax is taken out)          |
| 04/26/2022 | 851711 | Western Municipal Const | Wastewater     | \$ 571,626.32 | WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement |
| 04/26/2022 | 851714 | Winkler Excavating      | Water          | \$ 79,893.00  | WO2226 WTP Sediment Hauling                             |

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Utility Easement West side of 36th Street West Between Monad Road and Central Avenue  
**Presented by:** Mike Whitaker, Parks, Recreation & Public Lands Director  
**Department:** Parks/Rec/Public Lands  
**Presentation:** Yes  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends that Council approves the utility easement in parkland along the west side for 36th Street West from Monad Road to Central Avenue to allow Northwestern Energy to install new overhead electric cables to upgrade area services.

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

At the March 23rd meeting, this item was brought before Council but no action was taken. Northwestern Energy is requesting to present information to Council regarding this easement application.

Northwestern Energy is requesting a ten-foot easement within parkland along the West side of 36th Street West from Monad Road to Central Avenue. See Exhibit A. The purpose of the easement is to install an overhead electric distribution line to upgrade services in the surrounding area.

**ALTERNATIVES**

City Council may:

- Approve the requested utility easement in parkland along 36th Street West; or,
- Not Approve the easement in parkland in which case Northwestern Energy has indicated they will move the utility to the street Right - of - Way.

**FISCAL EFFECTS**

There will be no fiscal effects to the city.

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**Attachments**

36th Street West Easement  
36th St. W. Exhibit A

Return to:  
City Clerk  
City of Billings  
PO Box 1178  
Billings, MT 59103

CITY OF BILLINGS  
DEPARTMENT OF PARKS, RECREATION AND PUBLIC LANDS

**UTILITY RIGHT-OF-WAY EASEMENT**

The **City of Billings** for and in consideration of One Hundred Dollars \$100.00 in hand paid by **NorthWestern Corporation d/b/a NorthWestern Energy, Grantee**, the receipt whereof is hereby acknowledged, as agreed, hereby grants and conveys to **Grantee, a Utility Right-of Way Easement (“Easement”)** on the following described **City of Billings** property:

**TOWNSHIP 1 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MT**

Section 11: That portion of the N2 of Section 11, described as Block 2, PARK, of the Plat of Parkland West Subdivision, Second Filing, being Tracts 1-A and 2-B of the Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1413418, and that portion described as Block 21, Lot 1, PARK, of the Plat of Parkland West Subdivision, Second Filing, being Tracts 1-A and 2-B of the Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1413418, and Block 21, Lots 2 through 4, and Lot 35, and Block 24, Lot 19, PARK, of the Plat of Parkland West Subdivision, Fifth Filing, being a portion of Tract 1 of Certificate of Survey No. 2481 and a portion of Tracts 2A-1 and 2A-3 of Amended Tracts 1B and 2A of Amended Tracts 1 & 2 of Certificate of Survey No. 2185, on file in the Office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1914765, and Block 24, Lot 10 through 18, and Lot 1, and Block 25, Lot 16, PARK, of the Plat of Parkland West Subdivision, Fourth Filing, being Tracts 2 of Certificate of Survey No. 2481, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1738401, and Block 25, Lots 17 through 20, and Block 28, Lot 25, PARK, of the Plat of Parkland West Subdivision, Third Filing, being Tract 1B-2 of Amended Tracts 1B and 2A of Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1731937.

This Easement to **Grantee**, is for the purpose of constructing, operating, maintaining, replacing and removing utility systems as described in the attached Exhibit “A” concerning the above-described property, together with the right of free ingress and egress over and across said

property for the above stated purpose subject to the conditions provided below. However, the **City of Billings** reserves the right to occupy and/or use the property in question for all purposes not inconsistent with the rights herein granted.

**It is understood and agreed that the following conditions shall apply to this Easement:**

1. All utility installation located within this Easement shall be located as required by the **Policy on Utility Easements in City Parks, Section III, B** of the **City of Billings**.
2. **Grantee** shall install the overhead utility and restore the lot to its original condition as approved by the **City of Billings**. Installation and restoration shall be completed within 45 days after construction.
3. **Grantee** shall notify the Parks, Recreation and Public Lands (“PRPL”) offices 48 hours in advance of any construction, maintenance or repairs. In the event of an emergency **Grantee** shall provide notice within 24 hours after access.
4. During operations in the Easement, **Grantee** shall keep the site clear of any debris caused by **Grantee’s** operations. The Easement area shall be left in a condition equal to or better than the existing condition prior to access satisfactory to the PRPL. **Grantee** shall coordinate all access routes with the **City of Billings** Park Superintendent or designee.
5. **Grantee** shall take all necessary precautions to protect existing infrastructure including but not limited to structures, vegetation, utilities, irrigation, fencing, sidewalks and paths. Any and all damage caused by **Grantee** shall be repaired at **Grantee’s** expense to the satisfaction of PRPL. Damage not repaired in a reasonable time period shall be undertaken by PRPL and all expenses shall be billed to the **Grantee**.
6. To allow travel over and across the park by **Grantee**, linear portions of the utility installation shall be ten (10) feet in width (sufficient to allow access to necessary equipment for installation and repair purposes).
7. Protection of trees and facilities in the vicinity of the utility during installation and during any replacement, maintenance, or repairs shall comply with the **Policy on Utility Easements in City Parks, Section III, L**.
8. **Grantee** shall maintain any surface equipment in such a manner as to preserve or enhance the safety and aesthetics of the surrounding park area and private housing lots as approved by the **City of Billings**.
9. All overhead wire and cable installation shall be in conduit.
10. The Easement shall not be assignable by the **Grantee** to any other utility for any use other than that specifically described in the Easement.
11. Subject to the condition in # 10 above, this Easement shall run with the land and be binding upon successors in interest should ownership of said described tract change in the future.
12. **Indemnity and Insurance:** As partial consideration for the permission to obtain this Easement across **City of Billings** parkland, **Grantee** agrees to indemnify, defend and save the **City of Billings**, its officers, agents and employees harmless from any and all losses, damages, judgments, causes of action and liability, including reasonable attorney’s fees occasioned by, growing out of, or in any way arising or resulting from any intentionally wrongful or negligent act or omission on the part of **Grantee** or its contractors, subcontractors, agents or employees. For this purpose, **Grantee** has provided the **City of Billings** with proof of self-insurance attached as Exhibit “B” and shall maintain the liability limits listed thereon.

13. Noncompliance with any of the above terms and conditions, may result in the **City of Billings** exercising any or all available remedies up to and including termination of this Easement if **Grantee** fails to initiate action to remedy the non-compliance after fifteen (15) calendar days written notice from the City.

Dated this \_\_\_\_\_ day of February, 2022.

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

Attest:

By: \_\_\_\_\_  
City Clerk

State of Montana            )  
                                          )     ss.  
County of Yellowstone    )

On this \_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. 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

\_\_\_\_\_  
Printed Name

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

\_\_\_\_\_

## Exhibit "A"

The following is made a part of that certain Overhead Electric Powerline Easement dated \_\_\_\_\_ by and between City of Billings, a Montana municipal corporation of PO Box 1178, Billings, MT, 59103-1178, hereinafter known as "Grantor" and Northwestern Corporation, a Delaware corporation, D/B/A NorthWestern Energy, hereinafter known as "Grantee".

*All distances, areas and measurements shown below are approximate and not to scale.*



**Township 1 South, Range 25 East, M.P.M., Yellowstone County, MT**

Section 11: Section 11: That portion of the N2 of Section 11, described as Block 2, PARK, of the Plat of Parkland West Subdivision, Second Filing, being Tracts 1-A and 2-B of the Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1413418, and that portion described as Block 21, Lot 1, PARK, of the Plat of Parkland West Subdivision, Second Filing, being Tracts 1-A and 2-B of the Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1413418, and Block 21, Lots 2 through 4, and Lot 35, and Block 24, Lot 19, PARK, of the Plat of Parkland West Subdivision, Fifth Filing, being a portion of Tract 1 of Certificate of Survey No. 2481 and a portion of Tracts 2A-1 and 2A-3 of Amended Tracts 1B and 2A of Amended Tracts 1 & 2 of Certificate of Survey No. 2185, on file in the Office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1914765, and Block 24, Lot 10 through 18, and Lot 1, and Block 25, Lot 16, PARK, of the Plat of Parkland West Subdivision, Fourth Filing, being Tracts 2 of Certificate of Survey No. 2481, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1738401, and Block 25, Lots 17 through 20, and Block 28, Lot 25, PARK, of the Plat of Parkland West Subdivision, Third Filing, being Tract 1B-2 of Amended Tracts 1B and 2A of Amended Tracts 1 and 2 of Certificate of Survey No. 2185, on file in the office of the Clerk and Recorder of Yellowstone County, Montana under Document No. 1731937, and

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Zone Change 1013 - 527 Lake Elmo Drive - Public Hearing and First Reading  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review** Not Applicable

**RECOMMENDATION**

The Zoning Commission is recommending approval and adoption of the findings of the 10 review criteria for Zone Change 1013.

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

This is a zone change request for a parcel generally located at 527 Lake Elmo Drive and legally described as Parcel 2A of C/S 2637. The current zoning is Mid-Century Neighborhood Residential (N2) and the proposed zoning is Neighborhood Mixed Use (NMU). The intent of the zone change is to allow for therapists' office space within the existing dwelling. A remodel permit will be required to update the building interior, and additional parking will be added to the east of the building (rear yard). The lot is 25,918 square feet in area.

The proposed zone change will allow one of the remaining residential parcels on the east side of Lake Elmo Drive to convert to slightly more intense use for medical professional office space. The NMU zone allows professional offices, personal and business services, some small retail business. The NMU district is intended to fit within a neighborhood as well as on the edge of neighborhoods. The 2006 Billings Heights Neighborhood Plan envisioned the property east and west of Main Street to become an area of mixed use commercial and higher density multi-family dwellings. Some of these properties are already zoned and developed for these uses, but many are still zoned for lower intensity uses such as single or two-family dwellings. Over time, additional owners will seek to incrementally re-develop these properties. There are several parcels that re-developed in the last 10 years including a new Starbucks on the intersection of Lake Elmo Dr and Main Street, a new Town Pump just to the north and the Trilogy Townhomes to the north of the subject property.

In 2010, the city re-constructed most of Lake Elmo Drive to better function as a collector street from its intersection with Main Street north to the intersection with Wicks Lane. Collector roads are intended to handle moderate volumes of traffic and to gather traffic from local streets and neighborhoods and convey that traffic to arterial streets. Lake Elmo Drive intersects with several arterial streets including Main Street, Hilltop Rd and Wicks Lane. At the north end of Lake Elmo Drive is Lake Elmo State Park and a connection to the east on Pemberton Lane. Pemberton Lane connects with Main Street to the east. Lake Elmo Drive currently handles between 9,500 and 10,500 vehicle trips per day. This is an expected volume of traffic for a collector street. Main Street in contrast, handles more than 42,000 vehicle trips per day near the intersection with Lake Elmo Drive.

Directly to the east and north of the subject property is the Builders First Choice lumberyard and warehouse in a Heavy Commercial (CX) zone and to the south is another single family dwelling in an N2 zone district. This property shares a common driveway with the home at 523 Lake Elmo Drive. There is a 17-foot wide access easement on 527 Lake Elmo Drive for this shared driveway. There will be a slight increase in daytime traffic using this driveway, but it should not be a detriment to the owners at 523 Lake Elmo Drive.

Prior to the zoning code update in 2021, these two residential parcels along with the property to the north, east and south, were all zoned Highway Commercial (HC). This zoning was adopted by the County in 1978 through a zone change request from Residential 6,000 to Highway Commercial. During the zoning update, when updating the map and zoning, a concerted effort was made to not create non-conforming land use situations. The CX zoning for the lumberyard and warehouse as well as the Tractor Supply store was a replacement for the previous Highway Commercial zone and kept these businesses in conformity with the new code. Applying the CX zone to two single family dwellings would have made these two properties non-conforming to the new code. Instead of applying the CX zone, these parcels were updated to Mid-Century Neighborhood Residential (N2), which preserved the residential uses.

**STAKEHOLDERS**

The applicant held a pre-application neighborhood meeting on March 1, 2022, via virtual meeting. No one from the public attended the virtual meeting. Planning staff sent the required mailed notices, posted the property and published

the legal for the Zoning Commission hearing. No public comments were received by the Planning staff prior to this report.

Planning staff recommended approval based on the compatibility with the adjacent residential home to the south, the conformance with the 2016 Growth Policy guidelines, and the Billings Heights Neighborhood Plan. The Zoning Commission concurred with this recommendation. The proposed use and zoning will benefit the orderly transition of this property to the next increment of development intensity on Lake Elmo Drive.

The Zoning Commission conducted a public hearing on May 3, 2022, and received the Planning staff report and testimony from the applicant. No other testimony was received. The Zoning Commission asked questions of the applicant about the proposed use. Commission member Greg McCall made a motion to recommend approval and adoption of the findings of the 10 review criteria for this zone change. The motion was seconded by Dan Brooks and the Commission voted 4-0 to approve the motion.

## **ALTERNATIVES**

The City Council may:

- Approve the request and adopt the findings of the ten review criteria for Zone Change 1013 as recommended by the Zoning Commission; or,
- Deny the request and adopt different findings of the ten review criteria for Zone Change 1013; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

## **FISCAL EFFECTS**

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

## **SUMMARY**

Prior to any decision by the City Council, the following recommended findings from the Zoning Commission shall be considered.

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

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

- Prosperity (promoting equal opportunity and economic advancement)
- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing residential home to be converted to a medical office space to allow the owners to establish a professional office for their therapy practice. The proposed zone aligns with allowed continued light commercial development along Lake Elmo Drive, a busy collector street. The NMU district allows neighborhood services and the proposed project will bring new construction improving the aesthetic of the property and the east side Lake Elmo Drive.

The proposed zoning is also supported by the Billings Heights Neighborhood Plan that indicated the area between the parallel streets of Lake Elmo Drive, Main Street and Bench Boulevard would be areas where mixed uses and higher density housing might develop. A gradual and incremental change from residential uses to mixed uses is desirable.

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 proposed NMU zoning would allow the owner to ensure future development is not intrusive to neighboring property, and still allow compatible uses with the adjacent zoning. Upgrading an older residential structure (1972) for a modern professional office will be beneficial for general health and welfare of the district.

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

public requirement?

Transportation: The proposed zoning will decrease residential traffic, but may cause a slight increase to overall traffic volume during business hours. Lake Elmo Drive has the capacity for any minor increase in traffic volume.

Water and Sewer: The City provides water and sewer to the property. City Utilities Department voiced no concerns.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. The proposed development does not include residential uses.

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?

The existing property has a fully developed sidewalk on Lake Elmo Drive and appears to be in good condition. Traffic volume on Lake Elmo Drive is approximately 9,500 to 10,000 vehicle trips per day. The existing street can handle any small increase in traffic volume. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property east and north of the subject parcel is zoned CX - Heavy Commercial. The remaining residential home south of the subject property shares a driveway by a legal easement. This property will remain zoned N2 for the foreseeable future. West across Lake Elmo Drive is NX2 - Mixed Residential 2 and NMU. The zoning does promote compatible urban growth.

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 professional offices and neighborhood services on a collector street in a busy neighborhood.

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

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements for proportionate compliance with zoning standards, including landscaping, screening, building heights and setbacks.

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 the property in a mixed use area and will encourage the most appropriate use of land in the district. Supporting local business expansion is beneficial to the economic growth for the City of Billings.

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### Attachments

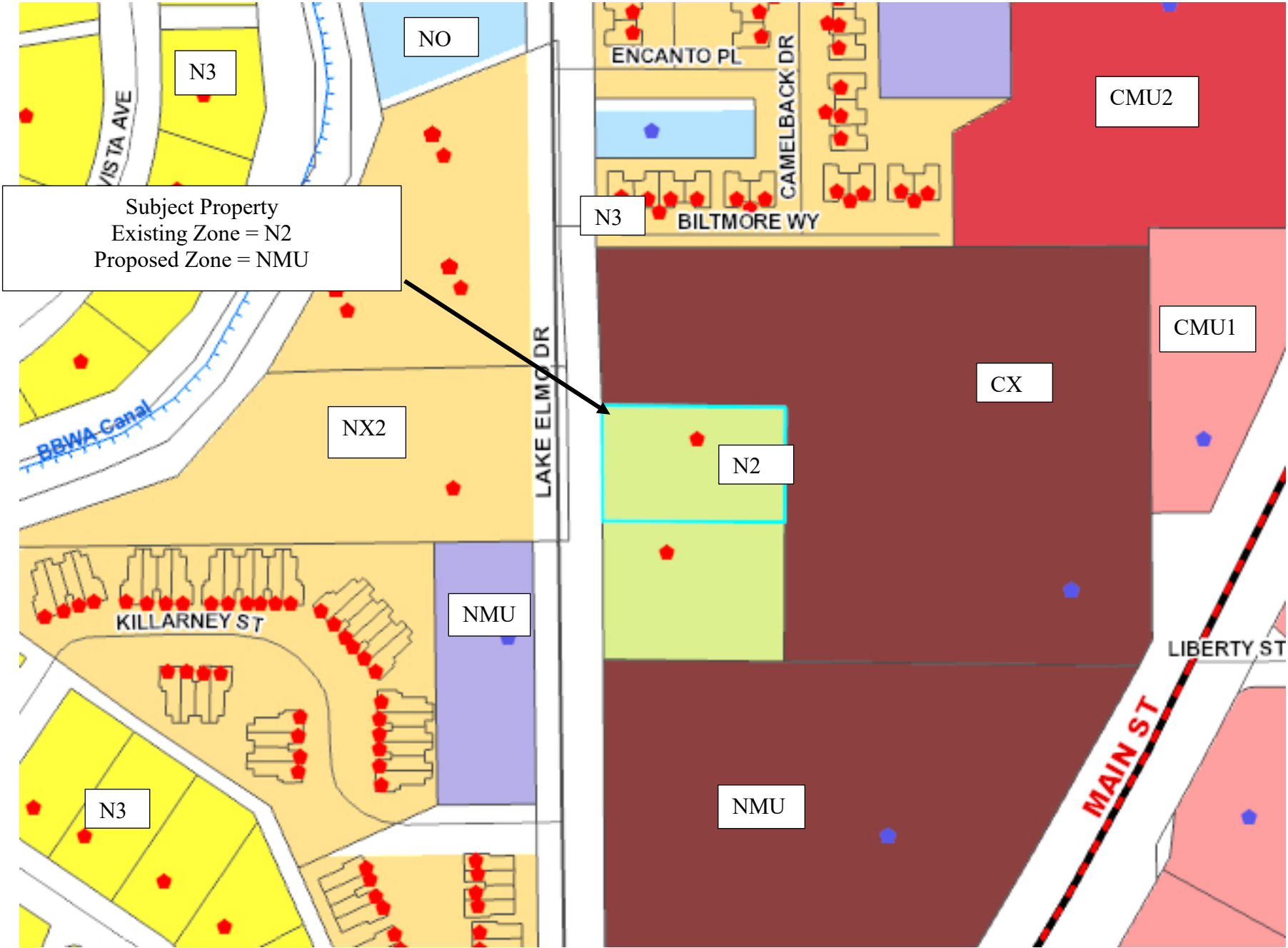
Zoning Map and Site Photos

Application and Letter

Zoning History

Ordinance

City Zone Change 1013 – 527 Lake Elmo Drive  
Zoning Map and Site Photos





Subject Property



Subject Property view east from Lake Elmo Dr



View north on Lake Elmo Dr



View north west across Lake Elmo Dr



View southwest across Lake Elmo Dr



View south on Lake Elmo Dr



View southeast at adjacent residential home at 523 Lake Elmo Dr – shared driveway access

# APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1013 - Project # PZX-22-00058

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning: Residential N2-Mid-Century Neighborhood

Proposed Zoning: Neighborhood Mixed Use NMU

TAX ID# D11725 CITY ELECTION WARD 1

Legal Description of Property: S27, T01 N, R26 E, C.O.S. 2637, Parcel 2A, AMO

Address or General Location (If unknown, contact City Engineering): 527 Lake Esmo Drive

Size of Parcel (Area & Dimensions): 0.59 acres

Present Land-Use: Residential - vacant

Proposed Land-Use: Office - clinical psychotherapy

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Steven R. & Kyle S. Biondich

(Recorded Owner)

1197 Cortez Avenue, Billings, MT. 59105

(Address)

(406) 860-3342, stevebiondich@gmail.com

(Phone Number)

(email)

Agent(s): \_\_\_\_\_

(Name)

(Address)

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Steven R. Biondich Date: 3/3/2022  
(Recorded Owner)



Date Stamp

**March 14th, 2022**

**RE: Zone Change Request for Residence at 527 Lake Elmo Drive:**  
**10 Zone Chane Critirea**

**Owner Contact: Steve Biondich, 1197 Cortez Ave, Blogs, MT. 59105 Cell Phone: (406) 860-3342, email: [stevebiondich@gmail.com](mailto:stevebiondich@gmail.com)**

### **10 Statutory Criteria for the Zane Change**

**We meet all 10 statutory criteria for the zone change for 527 Lake Elmo Drive.**

- 1.) Whether the new zoning is designed in accordance with the growth policy;**

**We would be in accordance with the growth policy by establishing office space for mental health professionals to operate in the Billings Heights area. This would give Billings Heights more access to services for the community.**

- 2.) Whether the new zoning is designed to secure from fire and other Dangers;**

**We worked with A & E Architects who designed the office remodel to Meet all fire codes and safety standards of a commercial property (see plans on request).**

- 3.) Whether the new zoning will promote public health, public safety and general welfare;**

**We can provide office space for mental health professionals and provide connections for individuals to access other general health services.**

**4.) Whether the new zoning will facilitate the adequate provision of Transportation, water, sewerage, schools, parks and other public Requirements;**

**We are not changing the exterior as we want this property to blend in with the immediate neighborhood. We believe clients respond to more of a home feel for therapy sessions than a traditional business style office space. The location of the property offers ease of access to Main Street. We Are changing the use of the property with no exterior changes. This would Leave water and sewerage the same, having the same access to schools, parks, and other public requirements.**

**5.) Whether the new zoning will provide adequate light and air;**

**Since we are not changing the exterior we would have adequate light and air.**

**6.) Whether the new zoning will effect motorized and non motorized transportation;**

**More parking would be added in the back of the property but the turn off to the property is a small private road. The main sidewalk on Lake Elmo Drive would not be changed. This would not have a big impact for motorized or non motorized transportation that uses Lake Elmo Drive.**

**7.) Whether the new zoning will promote compatible urban growth;**

**We do believe the new zoning will promote compatible urban growth since neighbors around this property are already zoned NMU and we would follow suit.**

**8.) Whether the new zoning considers the character of the district and the peculiar suitability for particular uses;**

**As Billings Heights grows certain properties that have ease of access to major streets like Maqin Street, become more of value. These type of properties offer the best location for new businesses and services. We hope to promote urban expansion but keep the exterior the same tying this property to the residential and commercial businesses by which it is Surrounded.**

**9.) Whether the new zoning will conserve the value of buildings;**

**Neighboring properties across the street are zone NMU and this zone change would allow us to do the same. We would not change the Exterior of the property and would conserve the value of the building.**

**10.) Whether the new zoning will encourage the most appropriate Use of land throughout the City of Billings.**

**As the City of Billings grows, properties that are on the edge of a Residential or business zone will have to adapt. We offer a blend of the two by using a residential structure that can provide office space for mental Health professionals. This keeps the exterior the same and blends a business with the residential neighbors.**

**Steve Biondich  
Owner  
Cell: (406) 860-3342**

**Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** residential N2

2. **Written description of the Zone Change Plan** including existing and proposed new zoning:

NMU

3. **Subject Property Map:** please attach to this form

4. **Legal Description of Property:**

2037 Cert. of Survey  
Parcel 2A, (size) 25918 sq. ft.

5. **Neighborhood Task Force Area:** Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

Heights Task Force

6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form (Zoom meeting (email mt -

7. **A copy of the meeting notice.** please attach to this form Saw you all

8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form

9. **The undersigned affirm the following:**

1) The pre-application neighborhood meeting was held on the 1st, day of March, 2022

2) The zone change application is based on materials presented at the meeting.

Owner (s): Steve & Kyle Biondini Telephone: (406) 860-3342

Address: 527 Lakeview Drive Email: stevebiondini@gmail.com  
1095

Agent (s): \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

## **Synopsis of Meeting**

On March 1st, 2022 at 4pm mountain time a zoom meeting was held to 4:30pm and no participants came.

The service growth gap is an issue as the population of Billings grows so must the services. By allowing the proposed zone change for 527 Lake Elmo Drive we could become an asset to the community. We can provide office space for Mental Health professionals to conduct therapeutic services and administrative services. Billings Heights has few professional office spaces that fulfill the needs of professional therapists. We can provide sound proof rooms for therapy sessions and more. The facade of the building would stay a ranch style home as we believe this comforts clients more than traditional office space.

We meet all 10 statutory criteria for the zone change. We would be in accordance with the growth policy by establishing office space for mental health professionals to operate in the Billings Heights area. We are not changing the exterior as we want this property to blend in with the immediate neighborhood. We believe clients respond to more of home feel for therapy sessions, then a traditional business style office space. The location of the property offers ease of access to main street. Neighboring properties across the street are zoned NMU and this zone change would allow us to do the same. We are changing the use of the property with no exterior changes.

Steve Biondich, Owner

| <b>SUBJECT PROPERTY</b>                     | <b>Zone Change</b>          | <b>DATE</b>                                        | <b>FOR</b>         | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                              |
|---------------------------------------------|-----------------------------|----------------------------------------------------|--------------------|-----------------------|-----------------------------------------------------|
|                                             | City ZC 209                 | 5/1/1978                                           | R60 to HC          | Withdrawn             |                                                     |
|                                             | City ZC 212                 | 6/26/1978                                          | R60 to HC          | Approved              | Zone Map update in 2021 zoned the residential as N2 |
| <b>SURROUNDING PROPERTY</b>                 | <b>Zone Change</b>          | <b>DATE</b>                                        | <b>FOR</b>         | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                              |
| 2347 Main St                                | 213                         | 6/26/1978                                          | R-60 to NC         | Y                     | Lake Elmo Dr – Current Zone NO                      |
| 514 Laurie Lane                             | 137 (County)                | 9/19/77                                            | R72-CC             | Y                     | CMU2                                                |
| 620 Lake Elmo Dr                            | 628                         | 12/8/1997                                          | R60 to CC          | Y                     | NX2                                                 |
| 630 Lake Elmo Dr                            | 657                         | 4/10/2000                                          | R60 to CC          | Y                     | NX2                                                 |
| 743 Lake Elmo Dr                            | 253                         | 6/5/1979                                           | R60/R70 to NC & CC | Y                     | CX                                                  |
| 713 Main St                                 | 88                          | 6/2/1975                                           | R70 to HC          | Y                     | CMU2                                                |
| 614 Conway St                               | 302,<br>328,<br>351,<br>976 | 1/20/1981;<br>7/29/1982;<br>1/3/1984;<br>7/27/2020 | R70 to HC          | N<br>N<br>N<br>Y      | CX                                                  |
| 415-445 Hasnon Lane<br>731/733 Lake Elmo Dr | 541                         | 9/24/1990                                          | R70 to CC          | Y                     | CX (Lake Elmo Dr)<br>NO (Hansen Lane)               |
| 528 Lincoln Lane                            | 234                         | 11/27/1978                                         | RMH to HC          | Y                     | CX                                                  |
| 760 Lake Elmo Dr                            | 189                         | 12/27/1977                                         | R60 to Public      | Y                     | NO & CMU1                                           |
| 760 Lake Elmo Dr                            | 520                         | 1/4/1988                                           | Public to CC       | Withdrawn             | NO & CMU1                                           |
| 760 Lake Elmo Dr                            | 526                         | 5/23/1988                                          | Public to NC       | Y                     | NO & CMU1                                           |
| 705 Lincoln Ln                              | County ZC 200               | 9/12/1978                                          | R70 to RP          | Y                     | NO                                                  |
| 705 Lincoln Ln                              | County ZC 357               | 6/5/1984                                           | RP to CC           | Y                     | NO                                                  |

ORDINANCE 22-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON COS 2637,  
Parcel 2A, 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.** Parcel 2A of C/S 2637, is presently zoned **Mid-Century Neighborhood Residential (N2)** 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 **Parcel 2A of C/S 2637**, is hereby changed from **Mid-Century Neighborhood Residential (N2)** to **Neighborhood Mixed Use (NMU)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Neighborhood Mixed Use (NMU)** 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 May, 2022.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of June, 2022.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1013 - 527 Lake Elmo Drive

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Zone Change 1014-3038 Central Ave - First Reading  
**Presented by:** Karen Husman  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review** Not Applicable

**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 1014 and adoption of the proposed findings of the ten review criteria.

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

This is a zone change request from Corridor Mixed Use 1 (CMU1) to Mixed Residential 3 (NX3), on the north 4.05 acres of COS 2991, Parcel 1C, an 8.868 acre parcel of land. A pre-application neighborhood meeting was held on March 16, 2022, via Zoom virtual meeting format.

**APPLICATION DATA**

**OWNER:** 3038 Central, LLC  
**AGENT:** Brian Carlisle  
**LEGAL DESCRIPTION:** COS 2991, Parcel 1C  
**ADDRESS:** 3038 Central Avenue  
**EXISTING ZONING:** CMU1 & NX3  
**EXISTING LAND USE:** Vacant land  
**PROPOSED USE:** Multi Family Residential  
**SIZE OF PARCEL:** 4.05 acres

**SURROUNDING LAND USE AND ZONING**

**NORTH:** Land Use - Duplex/Condo development  
Zoning - N2  
**SOUTH:** Land Use - Residential Single Family  
Zoning - N3  
**EAST:** Land Use - Commercial mixed use  
Zoning - CMU1  
**WEST:** Land Use - Multi Family Hunters Point Apartments  
Zoning - NX3

The subject property is currently a split zone with CMU1 to the North side of the property and NX3 to the south side, the proposed zoning of NX3 is intended to make the entire parcel the same zoning. Prior to project ReCode, the parcel was zoned Residential Professional (RP), Neighborhood Commercial (NC), and Residential Multi Family Restricted (RMF-R). The NX3 zone is intended to accommodate 5 to 8 dwelling units per structure. The minimum number of units allowed per building is 5 up to a maximum of 8 units. The setbacks in the NX3 zone district also have a requirement to have a wider separation when abutting an N1, N2, N3, or RMH zone district (increased from 5 feet to 15 feet on the side and 10 to 20 on the rear). The new zone will allow development of the property in continuity throughout the entire parcel. Adjacent development to the west is similar to the development design proposed under the new zone. This is an undeveloped parcel surrounded by multifamily, single family as well as light commercial development. This infill development is desirable to improve under utilized vacant property by creating desirable street scapes and adding pedestrian connections with sidewalks and bike paths.

**STAKEHOLDERS**

The applicant and agent conducted a pre-application neighborhood meeting in a virtual format on March 16, 2022, via Zoom meeting format. There were five members of the public in attendance and the synopsis of the discussion is included in the attachments. The primary concerns were the number of units proposed and how it would affect traffic generation and safety. At the time this staff report was generated, the Planning Division had received no public comments or questions regarding the application. Staff received an email (in attachments) prior to the Zoning Commission Hearing regarding opposition to the zone change. Robert Winchell is the owner of the property at 2972 and 2974 Millice Ave., (email attached). His concerns were primarily the density of an apartment complex developed on the property. His email explained how he perceived development of the property as an apartment complex would

have negative effects on the neighboring properties.

Zoning Commission has reviewed the request and finds 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 potentially less than under the current zoning of CMU1. The adjacent property and zoning districts will be compatible with the proposed zoning district.

The Zoning Commission held a public hearing on May 3, 2022, Staff gave a brief presentation to the Commission, and the applicant's agent, Brian Carlisle concurred with staff recommendation. Brian explained that development of the south half of the property would be phase two of Hunters Point Apartments and are already under construction. He explained the eight acre subject property was purchased with a plan to continue the development of multifamily apartments on the south four acres, and the original plan for the north four acres had been to create storage units and some office uses or to sell the north four acres, but after doing some preliminary designs and research they decided that the demand for multifamily apartments in Billings would be a more suitable option. He said if the zone change is approved the northern portion of the property would be developed as phase three of Hunters Point Apartments.

Commissioner David Goss asked if the phase two and three would have interconnectivity with phase one. Brian answered they would have vehicular connection from phase one to phase two and from phase two to phase three. Brian said they also plan to provide pedestrian and bike path connectivity throughout the development including phase one. He said the site plan for phase three is still preliminary so definite access and connectivity is still pending. Commissioner Greg McCall asked if there is a preliminary design for the project. Brian said they had not designed the buildings yet, but they plan to design phase three to look similar to phase two (he shared a rendition of the already approved phase two building elevation, a copy is in attachments).

There were two members of the public in attendance speaking on the application. Sharon Grubbs, owner of 2489 Millice, said after seeing the proposed elevation of the multifamily building, she had no opposition if it is developed similar to what was presented. She asked how definite the plans would be, and what if it were changed or purchased and developed by someone else. Nicole Cromwell, Zoning Coordinator, said the NX3 has very specific standards for development including the maximum of four story height, specific roof design, entryway design and required percentage of windows facing the right of way. Mark Noenig, owner of 2489 Millice said he was not in opposition, but wanted to be familiar with the zone change information to relay it back to his tenants who live in his townhome on Millice. He said that he was not opposed to the caliber of development they are representing. Brian Carlisle responded stating they plan to build a development that includes higher end apartments and would be comparable for the market rate rentals in Billings. There were no other public comments.

A motion was made by Commissioner David Gross to forward a recommendation of approval and adoption of the proposed findings of the review criteria to the City Council, the motion was seconded by Commissioner Brooks and approved on a 4-0 voice vote.

## **ALTERNATIVES**

The City Council may:

- Approve Zone Change 1014 and adopt the findings of the ten review criteria; or,
- Deny Zone Change 1014 and adopt different findings of the ten review criteria; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

## **FISCAL EFFECTS**

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

## **SUMMARY**

Prior to any approval of a 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 a diverse development. 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 housing choice in an area where the choices are limited to mostly multifamily apartments west, single family to the south and two family condos to the north.

### 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 when developed as multifamily housing. 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. The new zone will allow development of a residential facility that will include landscaped open space areas, designated pedestrian paths within the development, and new sidewalks adjacent to the right of way. In addition to landscaping that will promote beautification of the property, these additions to the undeveloped area will promote safe walking and biking areas for the public.

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

Transportation: The proposed zoning will 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 to develop multifamily versus the present zoning of mixed use will have a different impact on traffic it is not known without a traffic study the difference between the potential commercial or residential traffic.

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. There may be an increase in potential future students depending on the family dynamic that may inhabit the new 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 is estimated to 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 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, as well as compatible residential connection to the south portion of the property that is currently NX3 and under development.

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

The proposed zoning considers 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. The new proposed NX3 zone on the norther portion of the parcel will allow an additional housing choice that is similar to the adjacent Hunters Point apartment complex to the west, and the south half of the property currently under construction with the NX3 zone.

### 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. The new zone will allow development of the property in continuity with the southern half of the parcel already under construction with the NX3 zone restrictions.

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. There are similar developed property in the area including multifamily apartments and two unit condominiums, as well as other developed properties as single family and commercial offices. The proposed zoning and uses will allow the property owner to develop at it's highest and best use according to developed surrounding property uses. This is an appropriate infill for the property as multifamily development that is compatible to the developed parcels in the area.

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### **Attachments**

Zoning Map & Site Photos

Application & Applicant Letter

Neighborhood meeting information

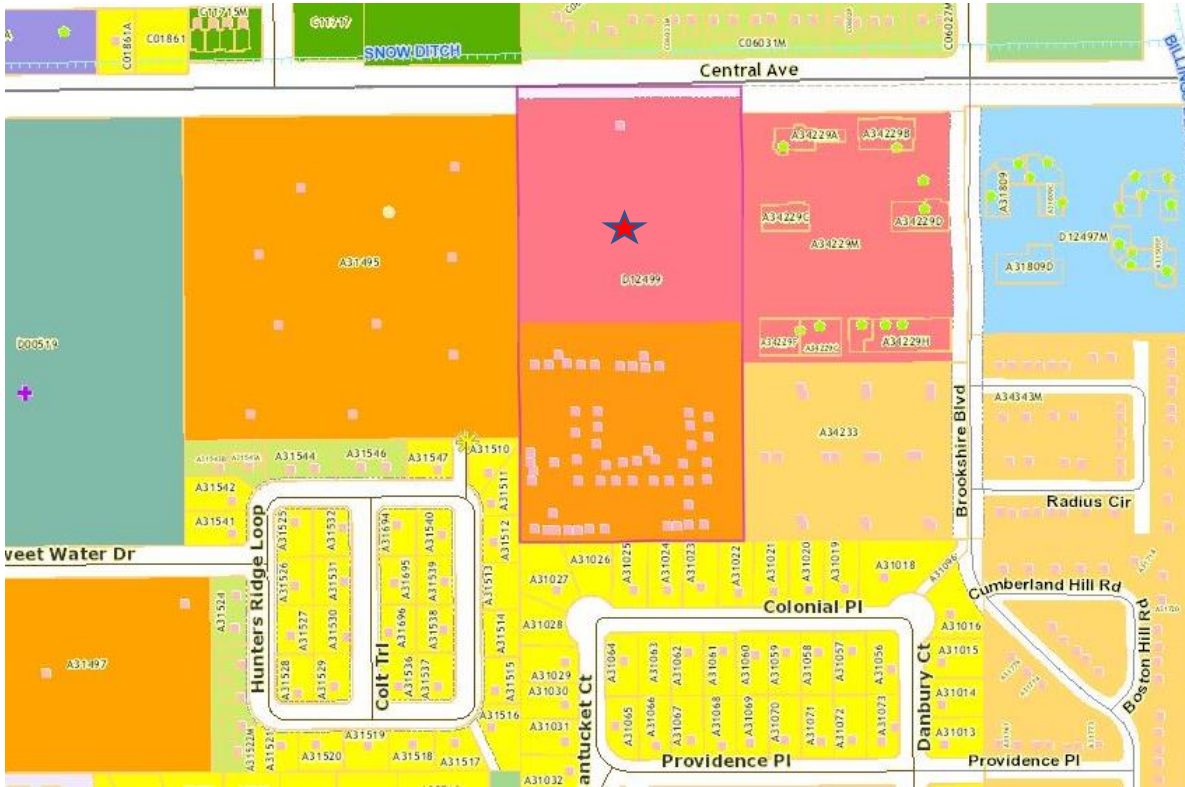
Phase 2 elevation rendition presented at ZC Hearing

History

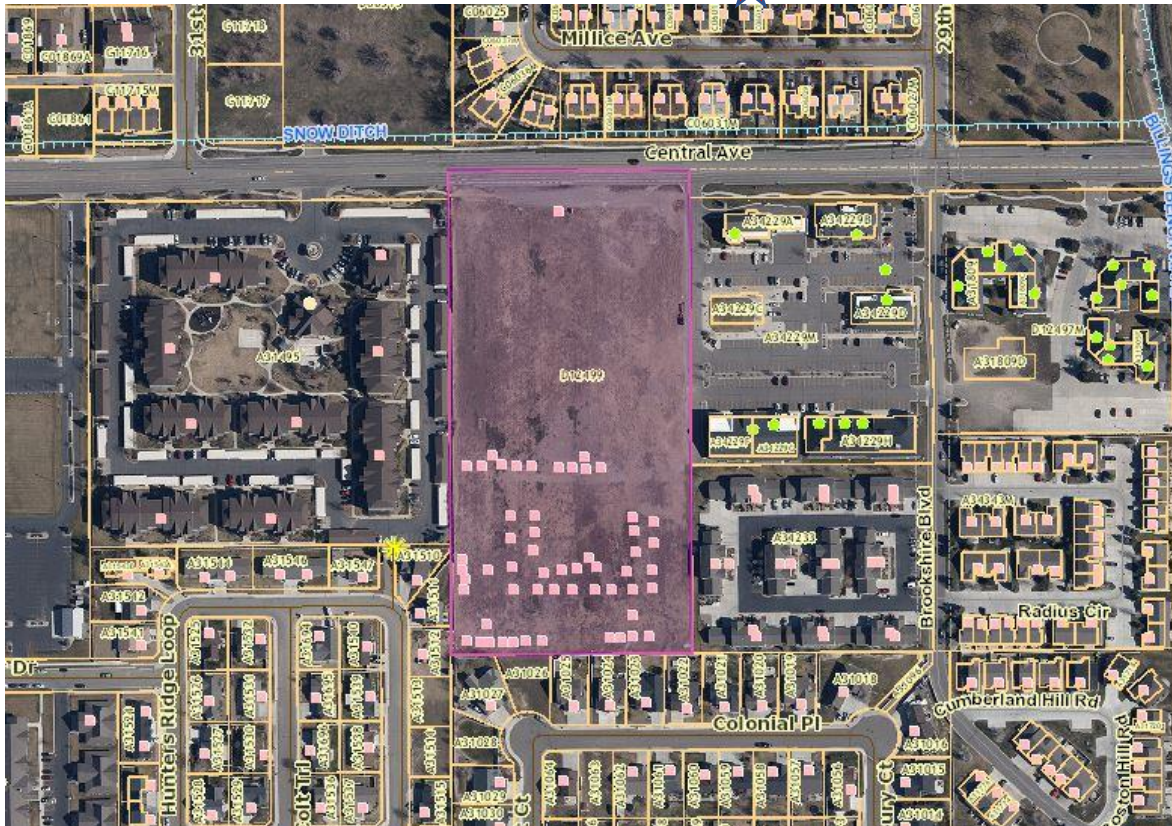
Letter in opposition

Ordinance

Zoning Map & Site Photo



Subject Property







West



Looking North Across Central





South



South East

**APPLICATION FORM**

**CITY ZONE CHANGE** Billings Zone Change # 1014 - Project # PZX-22-68

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning CMU1

Proposed Zoning: NX3

TAX ID# ~~03092612273010000~~ D12499 CITY ELECTION WARD V

Legal Description of Property: \_\_\_\_\_

Address or General Location (If unknown, contact City Engineering): ~ 3038 Central Avenue, Billings, MT 59102

Size of Parcel (Area & Dimensions): 4.05 AC

Present Land-Use: Raw land

Proposed Land-Use: Multi-family apartments

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): 3038 CENTRAL LLC

(Recorded Owner) 11650 S State St. #300, Draper, UT 84020

(Address) 801-727-9500 brian.c@bachhomes.com

(Phone Number) (email)

Agent(s): Brian Carlisle

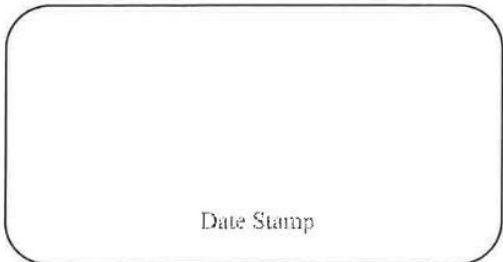
(Name) 11650 S State St. #300, Draper, UT 84020

(Address) 801-540-4808 brian.c@bachhomes.com

(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 3/28/22  
(Recorded Owner)



As it relates to the adopted Growth policy, our proposed zone change from CMU-1 to NX3 is intended to provide residential growth to Billings within the current city limits. This enables us to connect to existing city infrastructure and avoid large expenses incurred from extending utility lines and roads. This infill development also beautifies the city by improving underutilized vacant property as improving the streetscape along Central Avenue. This will also improve pedestrian and bike connections by adding sidewalks and landscaping.

We will be providing a mixture of housing types of studio units, one and two-bedroom apartments, and three-bedroom townhomes within our development. Bach Homes is a long term property owner who is interested in maintaining and holding our apartment communities for long periods of time into the future. We provide accessible energy efficient housing that helps build communities and will help fill job demand that continues to grow in the Billings area.

#### **Billings Zone Change Criteria**

**1 - Whether the new zoning is designed in accordance with the growth policy;**

See statement above.

**2 - Whether the new zoning is designed to secure from fire and other dangers;**

New apartments will be fire sprinklered and meet IFC and IBC requirements. Site design will comply with IFC / Billings City fire standards to accommodate fire truck requirements.

**3 – Whether the new zoning will promote public health, public safety and general welfare;**

New apartments will be an attractive, secure, and safe development. Bach Homes retains their apartment projects and is very concerned for long term maintenance and is regularly updating their communities.

**4 – Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements**

Site is an infill location and has existing infrastructure to connect to. Project will comply with all public requirements.

**5 – Whether the new zoning will provide adequate light and air;**

Apartments will provide large windows and modern HVAC systems for all units and amenities.

**6 – Whether the new zoning will effect motorized and nonmotorized transportation;**

Apartments will provide adequate parking for both cars and bicycles.

**7 – Whether the new zoning will promote compatible urban growth;**

Apartments provide compatible urban growth by being an infill development.

**8 – Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;**

Apartments will be designed to be incorporated into neighboring Hunters Pointe phases 1 and 2.

**9 – Whether the new zoning will conserve the value of buildings;**

Bach Homes intends on retaining long term ownership of buildings and had a track record of maintaining and regularly update their communities.

**10 - Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.**

With site being bordered by Hunter's Pointe phases 1 and 2, and with existing demand for apartment units very high, we feel this is the best use for the property to help alleviate housing demand and provide high quality housing and reasonable prices.



## Notice of Neighborhood Meeting for Proposed City Zone Change

**Meeting Date:**

March 16<sup>th</sup>, 2022

**Meeting Time:**

5:00 PM Mountain Standard Time

**Meeting Location: ZOOM**

<https://zoom.us/j/94742420617?pwd=ekVERk5VNIpkNDZYM3JzdlgxWUITQT09>

Meeting ID: 947 4242 0617

Passcode: **Bach**

**ZONING BOUNDARY:**

A tract of land situated in the NW1/4 of Section 12, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, being more particularly described as follows, to-wit: The north half ( $\pm$ 393 feet) of Tract 1C of Certificate of Survey No. 2991, as recorded in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 3033373; said north half also being identified as 'CMU1' according to the most current zoning assignments per the City of Billings Zoning Regulations.

**Subject Property (See attached map):**

**Address:** 3038 Central Ave., Billings, MT 59102

**Parcel:** 03092612273010000

**Owners of Subject Property:**

**Owner:**

Bach Land and Development  
11650 South State Street  
Draper, UT 84020

**Applicant:**

Brian Carlisle  
11650 S. State Street, Suite 300  
Draper, UT 84020  
(801) 727-9500

**Zone Change Plan (See attached drawing):**

Existing zoning:

Northern most portion of property is zoned CMU1 (Corridor Mixed Use) 4.33254 acres.

Southern most portion of property is zoned NX3 (Mixed Residential 3) 4.16550 acres

Proposed new zoning:

Northern most portion of property to be zoned NX3 (Neighborhood Commercial) 4.33254 acres.

Southern most portion of property is to remain zoned NX3 (Mixed Residential 3) 4.16550 acres

### **Neighborhood Meeting Minutes Rezone – Hunters Pointe 3**

**March 16<sup>th</sup>, 2022 @ 5:00pm**

**Synopsis:** The neighborhood meeting was held Via remote Zoom call on March 16 at 5:00 pm. There were three attendees not including Brian Carlisle and Derek Rindlisbacher of Bach Homes. Joan Nelson raised concerns about more new apartments increasing traffic along Central Avenue. Jared Hedgeguard raised concerns about a possible increase in vandalism from additional apartments. In general the tone was very amicable and residents were encouraged to voice opinions at future hearings.

#### **Minutes:**

**Brian Carlisle: Introduction:** We are the owners of this parcel (Showing Neighborhood Meeting Notice Including the Note). Brian is explaining the purpose of why we are rezoning. “We are wanting to rezone the CMU1 to NX3.

**Joan Nelson:** How many apartments are you building in the Southern Portion already being built?

**Brian Carlisle:** 122 total units are being constructed south of the portion we are trying to rezone.

**Joan Nelson:** How many apartments are you trying to build in this portion?

**Brian Carlisle:** We are very early on in this development. But I would estimate that it would be similar to the portion being built.

**Jared Hedgeguard:** What is the plan for traffic control for entering the apartment complex?

**Brian Carlisle:** He pulls up a map showing the property on google maps. He begins to explain that we have 2 accesses for the fire trucks. We will receive one access on Central Avenue.

**Joan Nelson:** Can you show us with your mouse where you will be placing the town homes?

**Brian Carlisle:** The town homes will be located on the perimeter of the property.

**Joan Nelson:** That will cause an increase of traffic and congestion on Central Avenue. What do you think Jared?

**Jared Hedgeguard:** I have never considered traffic, but that might cause more traffic.

**Jared Hedgeguard:** Another concern that I have is an increase in vandalism. I am concerned with this with more apartments.

**Brian Carlisle:** One of the places that you can share your concerns and thoughts is also at the planning commission meeting when we present this to them and get it rezoned. If we see that Phase 2 gets filled up fast, we will most likely want to build the next phase to meet the demand of growth in Billings. We are seeing the demand for apartments is beginning to grow exponentially. We have seen this over the last two years not only in Billings but nation wide.

**Joan Nelson:** How many apartments are at the current Hunters Pointe?

**Brian Carlisle:** 206 Apartments are there.

**Joan Nelson:** Okay, thank you.

**Jared Hedge guard:** I have no other concerns. I am disappointed that there is no buffer between our neighborhood and the apartment community.

**Brian Carlisle:** We are building town homes on the perimeter to help create a buffer similar to what you want.

**Jared Hedgeguard:** I would like it to stay commercial, but I know it is ultimately up to you and the city. I do think the access will be fine and we will not have any problems with this.

**Brian Carlisle:** I think we will stay on a few minutes just incase some others join us as well.

**Joan Nelson:** Thank you.

**Jared Hedgeguard:** Thank you.

**Roster of Attendees:**

- Joan Nelson
- Jared Hedgeguard
- Gordon
- Brian Carlisle
- Derek Rindlisbacher



| <b>SUBJECT PROPERTY</b>     | <b>Application</b> | <b>DATE</b> | <b>FOR</b>         | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                                   |
|-----------------------------|--------------------|-------------|--------------------|-----------------------|----------------------------------------------------------|
|                             | <b>None</b>        |             |                    |                       | Previous zone = NC, RP, RMFR<br>Updated zone = CMU1, NX3 |
| <b>SURROUNDING PROPERTY</b> | <b>Application</b> | <b>DATE</b> | <b>FOR</b>         | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                                   |
| CS 2991 TR 1A               | ZC 681             | 6/11/01     | R96 to RP          | Y                     |                                                          |
| CS 2991 3A                  | 682                | 4/8/02      | R96 TO RMFR        | Y                     |                                                          |
| CS 2991 3B                  | 683                | 5/13/02     | R96 TO PD          | Y                     |                                                          |
| CS 2991 2A,2B,2C,3C         | 707                | 1/13/03     | R96 TO R70 & RMFR  | Y                     |                                                          |
| CS 2991 1A                  | 804                | 6/11/07     | RP TO RMFR         | Y                     |                                                          |
| SC2991 TrB (Brookshire Sub) | 823                | 10/9/07     | R96 TO NC,RP, RMFR | Y                     |                                                          |
| CS 2991 1C                  | 804                | 10/9/07     | R96 TO NC,RP,RMFR  | Y                     |                                                          |
| CS 2991 3B                  | 725                | 4/25/04     | AMEND PD           | Y                     | INCREASE ALLOWED DENSITY                                 |

## Husman, Karen

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**From:** ROBERT WINCHELL <rwink76941@msn.com>  
**Sent:** Monday, May 2, 2022 2:23 PM  
**To:** Husman, Karen; Keith, Erin; ROBERT WINCHELL  
**Subject:** [EXTERNAL] ZC 1014 Project Number PZX-22-00068 Change from CMU1 to NX3

Dear Ms. Husman,

My name is Robert A. Winchell. I am the owner of two townhouses 2972 and 2974 Millice Ave. Billings. My personal residence is 2972 Millice.

This is my formal protest AGAINST the requested zoning change from CMU1 Corridor Mixed Use 1(Ground Floor Commercial) to NX3 (Mixed Residential (High Density Apartments)).

1<sup>st</sup> of all it's my belief that the "Pre-application neighborhood meeting" held on March 16,2022 via Zoom Virtual meeting format should be viewed with little validity.

The format being Zoom automatically eliminates the majority of affected neighbors from comments either for or against.

2<sup>nd</sup> and very important: the information sheet announcing and explaining the change by the developer at the pre-application zoom meeting, I believe was misleading and not correct. The developers definition of the new zoning requested NX3 "neighborhood commercial" It is not neighborhood commercial. It is mixed residential (High Density apartments. See announcement.

The majority of affected neighbors along the north side of Central have for a long time assumed the new construction along Central Ave. would be Commercial like the businesses to the east, the bank, dental offices, etc. No problem with the commercial aspect.

There are many material concerns. Do we need more high density apartments facing Central Ave. which provide easy access for breaking into the homes on the north side of central. Theft and vandalism will become more of a concern. Extensive addition to traffic along Central and 29<sup>th</sup> street past park and grade school with many more apartments. All creating additional safety concerns.

More apartments will not promote public health, safety and general welfare.

More commercial development along Central in this area is needed and will improve livability for existing homeowners.

Property values will go down with more apartments.

Apartments facing along Central are not the most appropriate use of that land.

I strongly request that the planning commission refuse this zoning change.

Respectfully,  
Robert A. Winchell

Sent from [Mail](#) for Window

ORDINANCE 22-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON  
THE NORTH 4.05 ACRES OF COS 2991, PARCEL 1C,  
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.** **THE NORTH 4.05 ACRES OF COS 2991, PARCEL 1C,** is presently zoned **Corridor Mixed Use 1 (CMU1)** 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 **THE NORTH 4.05 ACRES OF COS 2991, PARCEL 1C,** is hereby changed from **Corridor Mixed Use 1 (CMU1)** to **Mixed Residential 3 (NX3)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Mixed Residential 3 (NX3)** 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 May, 2022.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of June,  
2022

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk  
Zone Change 1014, 3038 Central Ave.

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Zone Change 1015- 1411 Emma Avenue- Change from N2 to N3- First Reading  
**Presented by:** Karen Husman  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review** Not Applicable

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**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 1015 and adoption of the findings of the 10 review criteria.

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

City Zone Change 1015 -- Emma Jean Heights -- from N2 to N3 - A zone change request from N2 (Mid-century Neighborhood Residential) to N3 (Suburban Neighborhood Residential), on Block 11, Lot 2, Emma Jean Heights Subdivision, 1st Filing. A pre application neighborhood meeting was held on December 11, 2021.

**APPLICATION DATA**

**OWNER:** Penny Levy  
**LEGAL DESCRIPTION:** Emma Jean Heights Sub. 1st Filing,  
**ADDRESS:** 1411 Emma Ave  
**CURRENT ZONING:** N2  
**EXISTING LAND USE:** Residential single family and vacant lots  
**PROPOSED USE:** Residential single family  
**SIZE OF PARCEL:** 9,575 sf

**CONCURRENT APPLICATIONS**

None

**SURROUNDING LAND USE & ZONING**

**NORTH:** Zoning: N2/N3  
Land Use: Residential  
**SOUTH:** Zoning: N2/N3  
Land Use: Residential  
**EAST:** Zoning: N2/N3  
Land Use: Residential  
**WEST:** Zoning: N2/N3  
Land Use: Residential

**STAFF REVIEW**

This is a zone change request to change from N2 to N3. The proposed zoning would update this property within the Emma Jean Heights Subdivision from a mixture of N2 - a zone that allows one and two family dwellings - to N3 - a zone that only allows single family dwellings. Both zone districts allow single family dwellings on individual lots. The N2 zone district was included in Project Recode map update for this parcel as well as several other parcels within Emma Jean Heights Subdivision in an effort to keep the existing development moving forward with the same allowed uses as the previous Residential 7,000 (R-70) zone district. The previous R-70 zoning and the N2 zoning both allow single family dwellings as well as 2-unit dwellings. Planning Staff chose the N2 zone district as it closely resembled the previous zone (Residential-7000). The applicant is requesting the change to N3 district on this parcel that was unintentionally not included in the recent zone change for a portion of the larger subdivision approved under Zone

Change 1007 in March of this year.

The subject property was developed in 2017, prior to Project ReCode. The new code has made allowances for structures of all types that were built prior to the new code, in an effort to allow nonconforming structures to be reconstructed as the original building was approved. Section 27-1505 - Nonconforming site characteristics; 1411 Emma sits slightly off-square with Emma Avenue -- but it appears at least some of the front and side adjacent facades are within the build-to areas required for both streets at least within the 5-ft tolerances for Administrative Relief allowed under the new code, and it appears the home is wide enough to accommodate the existing garage openings of 25 feet total. The only possible non-conforming site characteristic is the additional setback for the front façade that is not garage. Code Section 27-1505 above allows re-building with the "nonconforming site characteristics" intact. The code specifically exempts these characteristics from conformance at re-development/renovation or re-build. Someone could voluntarily want to meet the site characteristics, but nothing in this code requires it. In this case, the property owner would prefer to have the zoning on the property changed to N3, as some of the surrounding properties have done with the approval of Zone Change 1007.

## **STAKEHOLDERS**

The Zoning Commission has reviewed the request and held a public hearing and is recommending approval based on the findings of the 10 review criteria. The adjacent zoning and development is similar and will provide continuity within the subdivision and between adjacent subdivisions. The adopted Growth Policy of Billings does support compatibility of development.

The Zoning Commission held a public hearing on May 3, 2022, Staff gave a brief presentation to the Commission. The applicant, Penny Levy, concurred with staff recommendation. Commissioner Greg McCall asked the applicant why she wanted to change the zoning if her home was built prior to Recode and the code makes allowances for nonconforming property. Penny said she had spoken to different appraisers, and they told her that her property would be valued less in the N2 zone district than it would be in the N3 district on an appraisal. Nicole Cromwell, Zoning Coordinator, said staff has no evidence to support that an appraisal value is based on a zone district, but staff has been investigating the allegation. Commissioner Dan Brooks said he was not present when the Zone Change 1007 was on the agenda, so he did not have the opportunity to vote on it. He said that he would have voted against Zone Change 1007 because he did not believe there was a material reason for the zone change to be approved. Dan continued saying in this case, the property was constructed prior to Recode and there are exemptions written in the code to allow the existing residence to be reconstructed as it currently is, as explained in staffs report to the Commission. Dan said that he felt generally, with the major need for housing, that to go from a denser allowed zone to as less dense zone is not in the best interest of anybody in the City of Billings. He concluded that he would not vote against the zone change only because the previous zone change was approved, and it would not be fair to single out this homeowner.

A motion was made by Commissioner Greg McCall to forward a recommendation of approval and adoption of the proposed findings of the review criteria to the City Council. The motion was seconded by Commissioner Dan Brooks and approved on a 4-0 voice vote.

## **ALTERNATIVES**

The City Council may:

- Approve the request and adopt the findings of the ten review criteria for Zone Change 1015 as recommended by the Zoning Commission; or,
- Deny the request and adopt different findings of the ten review criteria for Zone Change 1015; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

## **FISCAL EFFECTS**

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

## **SUMMARY**

Prior to any approval of a zone change 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 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.

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 not be affected by the proposed zoning. The new zone would not change the public health, safety and general welfare status from the existing zoning.

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.

Water and Sewer: The City provides water and sewer to the property.

Schools and Parks: Schools and parks should not be negatively affected by the proposed zoning. School population may increase depending on the demographic of the new residents as homes are built.

Fire and Police: The subject property is served by city public safety services as this is an existing house within an existing city neighborhood. 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?

The new zoning designation itself should not have any increase effect on the transportation system. The N2 zoning may have brought in more dwelling units under the allowed density, therefore the proposed N3 may actually have less of an impact 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 lot continue as it is now in being compatible with most of 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. Previous filings of Emma Jean Heights are built out in accordance with the N3 district. Therefore, allowing an additional lot constructed in the same pattern expands the already existing character. Further, the proposed zoning will continue to allow a housing choice that is in demand in the area and could be built in N2 or N3 zoning districts.

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

Both the N3 (new zone) and N2 (old zone) conserve the value of buildings and allow for single family dwellings. The existing homes in the neighborhoods are predominantly single-family homes and some homes that have already been constructed are built to the N3 standard. Therefore, the new zoning will not diminish the value of the existing neighborhood or the newly zoned property.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?  
The proposed zoning will allow the continuance of an existing housing choice in this area of Billings Heights. Residential uses are the most appropriate use of the land.

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### **Attachments**

Zoning Map & Site Photos  
Application & Applicant Letter  
Neighborhood meeting information  
History  
Ordinance

Zoning Map & Site Photo Zone Change 1015



Subject Property 





Looking North on Columbine



Properties East side of Columbine, North of Emma Ave



Looking West on Emma Ave



South East



South



East

Application & Applicant Letter

APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1015 - Project # P2x-22-00082

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N-2 - Mid-century Neighborhood

Proposed Zoning: N-3 - Suburban Neighborhood

TAX ID# A35411 CITY ELECTION WARD 2

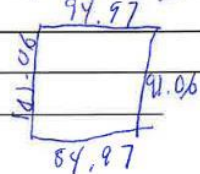
Legal Description of Property: Emma Jean Heights Subd 2nd Filing (15), S23, T01 N, R26 E, Block 11 Lot 2

Address or General Location (If unknown, contact City Engineering): 1411 Emma Ave.

Size of Parcel (Area & Dimensions): 9575 sq. FT 101.06 94.97 91.06

Present Land-Use: residential 84.97 94.97

Proposed Land-Use: Residential 84.97 91.06



Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Penny B Levy Revocable Trust
(Recorded Owner)
(Address) 1411 Emma Ave Blgs. Mt. 59105
(Phone Number) 406-860-8554 (email) levypeno@hotmail.com

Agent(s):
(Name)
(Address)
(Phone Number) (email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Penny B Levy (Recorded Owner) Date: March 30, 2022



**March 28, 2022**

**Re: zone change 1411 Emma Ave**

**The present zoning is N-2 Mid-Century Neighborhood. It was previously a N-3 Zone. My home is not built to the specifications of a mid-century home. There were I believe two homes in Emma Jean sub division that were changed from N-3 to N-2 along with several of Charlie Felton's lots. The lots and the one home that was changed from an N-3 to an N-2 have now been approved to change back to the N-3. I am requesting that my home also be changed back to the N-3 zone.**

**I also am requesting that I am not billed to have this process billed to me, as I am requesting it be put back into the original zone that my home was built and the construction of my home is also not that of a mid-century.**

**Thank you,**

**Penny R. Levy**

*Penny R. Levy*  
*406.860.8554*

**Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** N2 - Mid century neighborhood
2. **Written description of the Zone Change Plan** including existing and proposed new zoning:  
N3 - Suburban neighbor
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:**  
Emma Jean Sabin and filing (15) S 23 T 1 N, R 26 Block 1 Lot 2
5. **Neighborhood Task Force Area:** Yes  No . If Yes, Name of Task Force and mailing address of Chairperson:  
\_\_\_\_\_
6. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
7. **A copy of the meeting notice.** please attach to this form
8. **A brief synopsis of the meeting results including any written minutes or audio recording.** please attach to this form
9. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_.
  - 2) The zone change application is based on materials presented at the meeting.

**Owner (s):** Penny R. Levy Telephone: 406 - 860 855 4  
**Address:** 1411 Emma Ave Email: fullcircle Realty.penny@gmail.com

**Agent (s):** \_\_\_\_\_ Telephone: \_\_\_\_\_  
**Address:** \_\_\_\_\_ Email: \_\_\_\_\_

December 2, 2021

Dear Property Owner,

This letter is to inform you of an informational meeting regarding a zoning change for Emma Jean Heights Subdivision, 4<sup>th</sup> Filing, that is being made to the city of Billings. The meeting will be held at 1410 Jean Avenue in the Emma Jean Heights Subdivision on December 11, at 10:00 am.

As you may or may not know, the city recently adopted a new Zoning Code for the entire city. The 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Filings in the Emma Jean Heights Subdivision are now zoned N-3. This is labeled by the city as suburban residential zoning and homes that have been built in the subdivision meet this zoning guideline. The 4<sup>th</sup> Filing (new filing with vacant lots available) has been zoned N-2, which is labeled by the city as mid 20<sup>th</sup> century zoning and does not allow for many of the features found in the style of homes that have been and are currently being built in the subdivision. This issue came to the developer's attention when it was discovered that the homes currently being built (and approved by the city) were apparently approved in error after the new zoning took effect. Other than the public hearings regarding the new Zoning Code, there was no notice by the city and it is still not clear to the developer why the change was unilaterally made. There had been no notice by the city of the change that was made and it is still unclear as to why. The City of Billings is requiring the developer and land owners of 4<sup>th</sup> Filing lots formally apply to change the zoning district to N-3, a zoning designation that will match the rest of the subdivision. It is the city's position that it does not "zone downward", but it is the position of the developer that the 4<sup>th</sup> Filing has been zoned downward so that the zoning request change will be submitted to protect Subdivision property values.

Attached you will find the city supplied definitions of N-2 and N-3 zoning, the legal descriptions of the Emma Jean 4<sup>th</sup> Filing lots, map of Subdivision showing current zoning, as well as the contact information for the current owners of affected lots.

Developer, Charles Felton, believes this is in the best interest of all lot owners in the Subdivision to maintain the attractive look and desirability of the Subdivision. 100% of the builders currently building in the 4<sup>th</sup> Filing of the Subdivision have signed the application for the requested change as well. The developer will be present at the meeting to answer any questions you may have regarding the proposed change to N-3 zoning to conform with the rest of the Subdivision.

Sincerely,

 *Charles J Felton*

Charles Felton  
(406) 239-4964  
1616 Bitterroot Drive  
Billings, MT 59105

# EMMA JEAN HEIGHT REZONE MEETING

## DEC 11, 2021

### ATTENDEES

|   | FULL NAME *         | PHONE *                                                          | REASON  |
|---|---------------------|------------------------------------------------------------------|---------|
| 1 | William C. Urickson | 406 480-1462<br>EMAIL<br>Willcutband@yahoo.com                   |         |
|   | Phyllis A. Urickson | 406-480-2673<br>EMAIL                                            |         |
| 3 | ARDENE BIERWAGEN    | 406-598-8803<br>EMAIL                                            |         |
|   | Susan Schleining    | 406-208-5785<br>EMAIL<br>*Prefer Hockey 59102@hotmail.com        |         |
| 5 | Terry & Schlemmer   | 406-281-0524<br>EMAIL<br>WRongway 59105@hotmail.com Dec 11-10 AM | Meeting |
|   | Ross McCulloch      | 406 860 4586<br>EMAIL<br>bttrekker@bresnak.net                   |         |
| 7 | Stan Kondracki      | 406-698-7079<br>EMAIL<br>skondracki@bresnak.net                  |         |
|   | Scott Helmbrecht    | 406-672-5552<br>EMAIL<br>scottfeyel@hotmail.com                  |         |
| 9 | Brianna Monahan     | 760-914-1726<br>EMAIL<br>briemonahan91@gmail.com                 |         |
|   | William Thompson    | 406.850.9765<br>EMAIL                                            |         |

# EMMA JEAN HEIGHT REZONE MEETING

## DEC 11, 2021

### ATTENDEES

**11** FULL NAME \* PHONE \* REASON  
 Steven SPRAGUE SR 406 480 0863  
 EMAIL STEVENSPRAGUE-SR@Yahoo.com

FULL NAME \* PHONE \* REASON  
 GARY BECKER 406 696-9940 CONCERNS  
 EMAIL gbecker64@gmail.com ??

**13** FULL NAME \* PHONE \* REASON  
 Jerry Stoltenberg 406-698-8309 Lot Owner  
 EMAIL wrench2424@gmail.com

FULL NAME \* PHONE \* REASON  
 Jason Cummings 626 827 0478 Owner in the  
 EMAIL Cummingsjg@hotmail.com Neighborhood

**15** FULL NAME \* PHONE \* REASON  
 Vanessa Cummings  
 EMAIL Vanessa.ovando@gmail.com  
 "on REASON ↓

FULL NAME \* PHONE \* REASON  
 Lindsey wright (406) 671-0785  
 EMAIL Jacob wright

**17** FULL NAME \* PHONE \* REASON  
 EMAIL

FULL NAME \* PHONE \* REASON  
 EMAIL

**19** FULL NAME \* PHONE \* REASON  
 EMAIL

FULL NAME \* PHONE \* REASON  
 EMAIL

## **Synopsis of meeting for preapplication neighborhood meeting for request of rezone of Emma Jean Heights**

Meeting was held at 1410 Jean Avenue Billings, MT on December 11, 2021 at 10:00 am

Several people from the community attended the meeting and they are documented on the attached attendees list with contact information.

Charlie Felton and Kerry Martinson explained the chain of events in a chronological order, including summarizing e mail chain between city employees, Charlie Felton & Kerry Martinson that prompted the rezoning request after discovering that the 4<sup>th</sup> filing of the subdivision had been rezoned to an N-2 designation in late November.

Multiple attendees questioned why the change was made and voiced that they are unhappy with the change to N-2 zoning. All attendees were surprised and concerned that the city has the ability to rezone property without notifying property owners. City documents describing N-2 and N-3 zoning and a map of lots in subdivision were provided in all mailings with notice of meeting. The differences between homes and setbacks for the 2 zoning designations were discussed at length. Beau Thompson, owner of Thompson Homes and longtime builder in the subdivision shared how the changes have negatively impacted him.

100% of attendees agreed that they are unhappy with the city decision to change the 4<sup>th</sup> filing to an N-2 zoning designation, that homes built meeting N-2 zoning will damage the aesthetics of the subdivision, and fear that their property values will decline if N-2 zoning remains in place. 100% of attendees are supportive of change to N-3 Zoning. There was a large amount of frustration with the city voiced by attendees, as there is no understanding why this change was made. Charlie Felton then explained the city position that 2 family homes can be built on the lots and that he is only intending to have single family homes built in the future.

Discussion ensued between attendees and they agreed that they will be reaching out to city council members to encourage the zoning to be changed to N-3 as well as actively encouraging the city to make the zoning change to an N-3 designation. The meeting ended at 10:50 am.

Synopsis prepared by Kerry Martinson

| <b>SUBJECT PROPERTY</b>             | <b>Zone Change #</b> | <b>DATE</b>     | <b>FOR</b>                                 | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                               |
|-------------------------------------|----------------------|-----------------|--------------------------------------------|-----------------------|------------------------------------------------------|
|                                     |                      |                 |                                            |                       |                                                      |
| <b>SURROUNDING PROPERTY</b>         | <b>Zone Change #</b> | <b>DATE</b>     | <b>FOR</b>                                 | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                               |
| Emma Jean Heights                   | <b>City ZC 1007</b>  | <b>Mar 2022</b> | <b>N2 to N3</b>                            | <b>Y</b>              |                                                      |
| Lot 2, Block 1 Cherry Creek Estates | <b>County ZC 496</b> | Feb 1998        | A-1 to R-70 and RMH                        | Withdrawn             |                                                      |
|                                     | <b>City ZC 633</b>   | April 1998      | A-1 to R-70                                | Withdrawn             | Northern lot on Wicks Lane                           |
|                                     | <b>County ZC 506</b> | August 1998     | A-1 to R-96                                | Approved              | Riverview Estates east of Cherry Creek               |
|                                     | <b>County ZC 524</b> | Dec 1999        | A-1 to PD with RMH & Public zones          | Denied                | BOCC recommended annexation                          |
|                                     | <b>County ZC 541</b> | April 2001      | A-1 to R-96 & Public                       | Approved              | Subject Property                                     |
|                                     | <b>County ZC 543</b> | May 2001        | A-1 to RMH & Public                        | Approved              | Litigated & BOCC Decision Affirmed                   |
|                                     | <b>County ZC 551</b> | March 2002      | Clarifying Zone Boundaries R-96 & Public   | Approved              |                                                      |
|                                     | <b>City ZC 696</b>   | April 2002      | A-1 to RMH, RMH to Public & R-96 to Public | Withdrawn             | Mistaken submittal by agent                          |
|                                     | <b>City ZC 702</b>   | July 2002       | RMH & Public to R-96                       | Denied                | City Council initiated after annexation in June 2002 |
|                                     | <b>City ZC 703</b>   | 10/6/2020       | R96 to R80                                 | Denied                |                                                      |
|                                     | <b>City ZC 983</b>   | 7/27/2020       | P to R80                                   | Withdrawn             |                                                      |
|                                     | <b>County ZC 562</b> | July 2003       | A-1 to R-96                                | Approved              | Small area east of MHP                               |
|                                     | <b>County ZC 673</b> | March 2016      | R-96 to RMH                                | Withdrawn             | Subject Property                                     |
| Cherry Island Est                   | <b>City ZC 995</b>   | 9/13/2021       | RR1 to P1 & N3                             | y                     |                                                      |
| Bitterroot Sub, Lt 1-16, bk1        | <b>City ZC 673</b>   | 9/14/98         | R7 to R96                                  | Y                     |                                                      |
| Bitterroot Heights                  | <b>City ZC 751</b>   | 2/14/05         | R7 to R7R                                  | Y                     |                                                      |
| 1922 – 1950 Mary St                 | <b>County ZC 85</b>  | 4/27/1976       | R-70 to RMH                                | Y                     | Court reversed ZC                                    |
| 1415 Yellowstone River Rd           | <b>County ZC 312</b> | 1/22/1982       | R-70 to Public                             | Y                     | Eagle Cliff Nursing Home                             |
| 1817 Bitterroot Dr                  | <b>County ZC 371</b> | 11/84           | R-70 to R-60                               | Withdrawn             | Annexed                                              |
| Bitterroot Dr & Walter Rd           | <b>County ZC 505</b> | 9/28/1998       | R-70 to R-96                               | Y                     | Multiple owners adjacent to Cherry Creek             |
| 1601 – 1747 Wicks Ln                | <b>City ZC 637</b>   | 9/14/1998       | R-70 to R-96                               | Y                     | Multiple owners adjacent to Cherry Creek             |
| Caleb Park Hawthorne & Wicks Ln     | <b>City ZC 761</b>   | 9/20/2005       | R-70 to R-50                               | Y                     | Townhomes                                            |

ORDINANCE 22-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON  
BLOCK 11, LOT 2, EMMA JEAN HEIGHTS SUB., 1<sup>ST</sup> FILING  
BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** **Block 11, Lot 2, Emma Jean Heights Sub., 1<sup>ST</sup> FILING** is presently zoned **Mid-Century Neighborhood Residential (N2)** and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **Block 11, Lot 2, Emma Jean Heights Sub., 1<sup>ST</sup> FILING**, is hereby changed from **Mid-Century Neighborhood Residential (N2)** to **Suburban Neighborhood Residential (N3)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **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 May, 2022.

PASSED, ADOPTED and APPROVED on second reading this 13<sup>th</sup> day of June,  
2022

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1015, Emma Jean Heights

**City Council Regular**

**Date:** 05/23/2022  
**Title:** Parks and Recreation Funding Issues  
**Presented by:** Mike Whitaker, Parks, Recreation & Public Lands Director  
**Department:** Parks/Rec/Public Lands  
**Presentation:** Yes  
**Legal Review** Not Applicable

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**RECOMMENDATION**

No recommendation at this time.

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

As part of the 2022/2023 City Council Strategies and Priorities, the Parks and Recreation Department will present a series of 4 Work Sessions to address the Council Priority to Increase parks, trails, recreation, and cultural investments in Billings. The issues and recommendations will be presented as follows:

- Work Session #1: Update on the multi-generation recreation center programing, estimated project cost, and estimated cost recovery.
- Work Session #2: Issues will be defined and an overview of the department.
- Work Session #3: Park operations and development tools.
- Work Session #4: Park development and funding recommendations.

**ALTERNATIVES**

City Council may:

- Informational presentation only. No action necessary at this time.

**FISCAL EFFECTS**

None.

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**City Council Regular**

**Date:** 05/23/2022  
**Title:** Update on the Multi-Generational Community Recreation Center Project.  
**Presented by:** Mike Whitaker, Parks, Recreation & Public Lands Director  
**Department:** Parks/Rec/Public Lands  
**Presentation:** Yes  
**Legal Review** Not Applicable

**RECOMMENDATION**

No recommendation will be given at this time.

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

The Concept Design Phase for the Billings Multi-generational Community Recreation Center is well underway. The goal of the process is to create and define a multi-generational recreation facility that best reflects the needs of our community, best practices for programming a recreation center, site design, and a defined budget.

The consulting design team has been working in close collaboration with City Administration, Parks and Recreation and a Core Committee of community representatives for past several months on this design process. The process has been inclusive and collaborative to ensure that all ideas are explored and tested. The committee has defined the following primary objectives:

1. The facility must be visionary and make an impact on our community -- *if we're going to build it, let's build it right*
2. The facility needs to create a balance of meeting the needs of our local residents while also attracting sports tourism opportunities.
3. The program spaces within the facility need to reflect what the residents will support and what they have defined as the essential unmet needs in our community.
4. The facility should seek to maximize revenue generation.

In order to ensure the process is inclusive and genuinely reflective of our community, the team has reached out to the Billings residents through community engagement, meetings, and a statistically valid public survey. **The residents' input has defined the vision for this recreation center.** The statistically valid survey results indicate the most desired spaces with unmet needs in our community:

1. Indoor Family Leisure Activity Pool
2. Indoor Exercise / Lap Swimming Pool
3. Fitness Spaces (open fitness and group exercise studios)
4. Gymnasium -- Court Sports
5. Indoor Walk/Jog track
6. Indoor Ice Skating Rink

The feedback received has been incredibly positive and indicative of the strong desire for a recreation center in Billings. Using all these aspects of participation allowed the Design Team to glean the right combination of information in a creative fashion to identify the true needs of the future Multi-generational Community Recreation Center. The team is now in the process of consolidating the Core Team and community input to shape the design of the facility. The primary goals over the next 6 weeks are to focus further developing the following key items:

1. Facility design, architectural character, and site configuration
2. Capital construction budget
3. Operational Pro-Forma to define cost recovery

On May 23<sup>rd</sup> representatives for the Design Team and Core Team will present an update on the process to the Billings City Council.

**ALTERNATIVES**

N/A

**FISCAL EFFECTS**

Council will be updated on the preliminary estimate of the facility. Also, the Pro Forma for operations will be discussed.

