****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 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 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 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.
  - 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.
  - **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: 873 2872 3666
Passcode: 660641
Or join by phone: US: +1-253-215-8782

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.

CITY OF Billings

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

REVISED 1A1 to indicate proposed appointments, and 1K added

CITY COUNCIL
REGULAR BUSINESS MEETING

AGENDA

COUNCIL CHAMBERS **JUNE 27, 2022** **5:30 P.M.**

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Mayor Cole

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

MINUTES:

- May 23, 2022
- June 13, 2022

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

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

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Amanda Tiernan	Animal Control Board	06/27/22	12/31/25
2	No Applications	Animal Control Board	06/27/22	12/31/25
3	No Applications	Board of Appeals - Electrician	06/27/22	12/31/25
4	Applications pending	Citizen Police Advisory Board*	06/27/22	12/31/25
5	Frank Ewalt	County Water District of Billings Heights*	06/27/22	12/31/24
6	Simon Harris	Human Relations Commission	06/27/22	12/31/23
7	Jennifer Webber	Parking Board	06/27/22	12/31/25
8	No Applications	Yellowstone Planning Board - Ward 4*	06/27/22	12/31/22

9	Lucy Aspinwall	Revolving Loan Committee	06/27/22	12/31/25

*4 Unexpired term of Chris Simpson
*5 Unexpired term of Jeff Engel
*6 Unexpired term of Katherine Cerda
*7 Unexpired term of Darell Tunnicliff

B. Bid Awards:

1. **W.O. 22-14: Water Reclamation Facility Administration Building Air Handling Unit.** (Opened 6/7/22) Recommend rejecting all bids.
2. **W.O. 22-15: Water Reclamation Facility Roof Replacement.** (Opened 6/7/22) Recommend rejecting all bids.
3. **W.O. 22-29: 24th Street West Signal Conduit Upgrades.** (Opened 6/7/22) Recommend Montana Lines, Inc.; $446,606.10.
4. **W.O. 22-38: Pioneer Park Trail Rehabilitation.** (Opened 6/7/22) Recommend Wharton Asphalt; $121,721.70.

C. **One-year Landfill Use Agreement** with Yellowstone County; $305,090.

D. **Revised Annexation Agreement** with Billings South Shiloh, LLC.

E. **Purchase** of commercial and residential dumpsters from WasteQuip; $285,206.92.

F. **Recommendation of approval** to the Policy Coordinating Committee (PCC) for Amendment 3 of the 2020-2024 Transportation Improvement Program (TIP).

G. **Cancellation** of Checks and Warrants.

H. **Subdivision Improvement Agreement** (SIA) amendment request, The Timbers Subdivision, 1st Filing.

I. **Preliminary Subsequent Minor Plat** for Eldorado Subdivision, generally located North of Eldorado Drive between S. 24th St. W. and Lexington Drive; conditional approval and adoption of the findings of fact. **Quasi-Judicial*

J. **Final Plat** for Grand Peaks Subdivision, 6th Filing. **Quasi-Judicial*

K. **Confirmation and Approval** of Resolution Declaring Emergency Disaster due to the Yellowstone River flooding.

L. **Resolution** closing Special Improvement District (SID) and Sidewalk Bond Debt Funds to the SID Revolving Fund; $216,395.93.

M. **Bond Resolution** for Pooled Series 2022 Sidewalk Bonds for W.O. 20-02, W.O. 20-15, W.O. 20-28, W.O. 21-12, and W.O. 21-25.

N. **Second/Final Reading Ordinance** amending Billings, Montana City Code, Article 21-200, Solid Waste Collection and Disposal.

O. **Second/Final Reading Ordinance** expanding Ward V (Annexation 22-04): a parcel located west of Harnish Boulevard and north of Trade Center Avenue.

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

1. May 23, 2022
2. May 31, 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. **PUBLIC HEARING AND RESOLUTION** adopting and approving the FY23 budget. Staff recommends approval. (Action: approval or disapproval of staff recommendation.

   - *Presented by:* Andy Zoeller, Finance Director

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution adopting and approving the FY23 Budget, as recommended by staff.

3. **PUBLIC HEARING AND RESOLUTION** establishing and revising Planning and Engineering Divisions' fees for FY23-FY24. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution establishing and revising Planning and Engineering Divisions' fees for FY23-24, as recommended by staff.

4. **PUBLIC HEARING AND RESOLUTION** approving and adopting Public Works right-of-way fees for FY23-FY24. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

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

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolution approving and adopting Public Works right-of-way fees for FY23-FY24, as recommended by staff.

5. **PUBLIC HEARING AND RESOLUTIONS** setting FY23 annual assessments on the following:

   a. Business Improvement District, Tourism Business Improvement District, Mill Levy Rates for General Fund, Transit, Library and Public Safety I, II, and III.

      - *Presented by:* Andy Zoeller, Finance Director

   b. Road Maintenance District 6

      - *Presented by:* Andy Zoeller, Finance Director

   c. Storm Sewer

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

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

   Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the Resolutions setting assessments on 5a) BID, TBID, Mill Levy Rates for General Fund, Transit, Library and Public Safety; 5b) Road Maintenance District 6; and 5c) Storm Sewer; as recommended by staff.

6. **TAX INCREMENT FINANCING ASSISTANCE** from SBBURD for reimbursement for qualified improvements to sidewalks, curbs and landscaping at 4610 King Avenue East to Wendbill, LLC (Wendy's Restaurant); for a maximum of $154,801. SBURA Board recommends approval. (Action: approval or disapproval of SBURA Board recommendation.)

   - *Presented by:* Wyeth Friday, Planning Director and Jim Tevlin, SBBURD Consultant

Recommended Motion: I move to approve the Tax Increment Financing Assistance from the SBBURD for qualified improvements to sidewalks, curbs and landscaping at 4610 King Avenue East to Wendbill (Wendy's Restaurant); for a maximum of $154,801, as recommended by the SBURA Board.

7. **TAX INCREMENT FINANCING ASSISTANCE** from SBBURD for reimbursement for qualified infrastructure improvements to Billings School District #2 (Riverside Middle School grounds) at 3700 Madison Avenue; up to a maximum of $100,000. SBURA Board recommends approval. (Action: approval or disapproval of SBURA Board recommendation.)

   - *Presented by:* Wyeth Friday, Planning Director and Jim Tevlin, SBBURD Consultant

   Recommended Motion: I move to approve the Tax Increment Financing Assistance from SBBURD to Billings School District #2 (Riverside Middle School grounds); up to a maximum of $100,000, as recommended by the SBURA Board.

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

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

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

~ ~ ~

City Council Regular
Date: 06/27/2022
Title: Boards & Commissions Appointments
Presented by: Chris Kukulski, City Administrator
Department: City Hall Administration
Presentation: No
Legal Review Not Applicable

RECOMMENDATION

Mayor Cole recommends that the City Council confirm the appointments to the following boards and commissions.

	Name	Board/Commission	Term	
			Begins	Ends
1	Amanda Tiernan	Animal Control Board	06/27/22	12/31/25
2	No Applications	Animal Control Board	06/27/22	12/31/25
3	No Applications	Board of Appeals - Electrician	06/27/22	12/31/25
4	Applications pending	Citizen Police Advisory Board*	06/27/22	12/31/25
5	Frank Ewalt	County Water District of Billings Heights*	06/27/22	12/31/24
6	Simon Harris	Human Relations Commission	06/27/22	12/31/23
7	Jennifer Webber	Parking Board	06/27/22	12/31/25
8	No Applications	Yellowstone Planning Board - Ward 4*	06/27/22	12/31/22
9	Lucy Aspinwall	Revolving Loan Committee	06/27/22	12/31/25

*4 Unexpired term of Chris Simpson
*5 Unexpired term of Jeff Engel
*6 Unexpired term of Katherine Cerda
*7 Unexpired term of Darell Tunnicliff

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

The Mayor is requesting that the City Council confirm appointments for Board and Commission positions that are vacant due to term limits, resignations and unfilled vacancies.

ALTERNATIVES

Council may:

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

FISCAL EFFECTS

The proposed action has no financial impact.

City Council Regular
Date: 06/27/2022
Title: W.O. 22-14: WRF Administration Building AHU, Bid Award
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review Not Applicable

RECOMMENDATION
Staff recommends the City Council reject all bids for W.O. 22-14: Water Reclamation Facility Administration Building Air Handling Unit.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)
W.O. 22-14, WRF Administration Building AHU, is intended to replace the air handling unit (AHU) at the Water Reclamation Facility Administration building, along with new duct work and associated appurtenances, and a new access door on the exterior wall of the building to allow for equipment removal and installation. In addition, cleaning of the remaining interior ducts throughout the administration building is included as a bid alternate in order to protect the new equipment on startup. The current AHU is the original 1974 unit and is energy inefficient and at the end of its useful life.

The project was advertised on April 22, April 29, May 6, May 13, May 20, May 27, and June 3, 2022, in the Yellowstone County News and on the City's website. Bids were opened on June 7th and two bids were received. CEI Electrical Contractors submitted the lowest, responsible bid. Bids significantly exceeded the budget amount. Staff will review the project and determine if the scope can be reduced to meet the budgeted price, or if additional funding sources are required in order to rebid this project.

ALTERNATIVES
The Council may:

- Reject all bids. This will allow staff re-evaluate the project and determine if the scope can be reduced.

FISCAL EFFECTS
The following bids were received:

Contractor	Base Bid:	Alternative A: Cleaning ducts	Alternative B: Cleaning Ducts/replacing flex duct & diffusers	Alternative C: Allen Bradley based control system
CEI Electrical Contractors	$710,000.00	$45,000.00	$67,000.00	$352,000.00
Ace Electric	$1,065,565.00	$19,690.00	$61,230.00	$210,530.00

The project was budgeted in FY22 using Wastewater funds. The amount budgeted for construction is $300,000. This bid is higher due in part to inflation and added project scope. Staff will review the project to determine if the scope can be reduced to meet the budged price or if additional funding sources are required in order to rebid this project.

City Council Regular
Date: 06/27/2022
Title: W.O. 22-15: WRF Roof Replacement, Bid Award
Presented by: Debi Meling
Department: Public Works
Presentation: No
Legal Review Not Applicable

RECOMMENDATION
Staff recommends the City Council reject all bids for W.O. 22-15: Water Reclamation Facility Roof Replacement.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)
W.O. 22-15: WRF Roof Replacement, is intended to replace various flat membrane roofs at the Water Reclamation Facility. Thirteen buildings need new membrane roofs based on age and condition. These roofs were last replaced in the 1990s.

The project was advertised on May 13, May 20, May 27, and June 3, 2022, in the *Yellowstone County News* and on the City's website. Bids were opened on June 7, 2022, and two bids were received. Empire Roofing, Inc. submitted the lowest, responsible bid. Bids were intended to be awarded on an individual roof basis based on available budget with the remaining roofs to be bid in the following 1-2 years, however, bids were significantly higher than the budget amount. Staff will review project scope and bidding cycles, and will rebid with a smaller project in a more favorable bidding climate in an attempt to get more local contractor interest.

ALTERNATIVES
The Council may:

- Reject all bids. Staff will investigate short-term repairs to roof leaks and strategically rebid roof projects with a smaller scope of work.

FISCAL EFFECTS
The following bids were received:

Contractor	Bid Total for all 13 schedules	
Empire Roofing	$1,469,148	
CentiMark	$1,622,646	

The project was budgeted at $450,000 in FY22 using Wastewater O&M funds. Staff will rebid with a smaller project with strategic bid letting timelines in order to generate more local contractor interest and match the construction community capacity.

City Council Regular

Date:	06/27/2022
Title:	W.O. 22-29: 24th Street West Signal Conduit Upgrades, Bid Award
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends the City Council award a contract for W.O. 22-29: 24th Street West Signal Conduit Upgrades to Montana Lines, Inc. in the amount of $446,606.10.

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

W.O. 22-29: 24th Street West Signal Conduit Upgrades is part of the ongoing traffic signal replacement project. The City has been upgrading the existing traffic signal controllers, communication equipment, and detection to allow staff to immediately respond to traffic demands and adjust signal timing. Four intersections with collapsed conduit require the conduit to be replaced in order to perform the necessary upgrades. The project also upgrades the signal controllers, cabinets, and pull boxes. The end result of the project will allow monitoring and adjustment of traffic operations in real time. Three of the intersections are located along 24th Street West (at Monad Road, Mall Drive, and Lewis Avenue), and one intersection is at Grand Avenue and Rehberg Lane. Staff opened bids on June 7, 2022. The contract was advertised on May 20, May 27, and June 3, 2022, in the *Yellowstone County News* and on the City's Website. Two bids were received, and Montana Lines, Inc. submitted the lowest, responsible bid.

ALTERNATIVES

City Council may:

- Approve W.O. 22-29: 24th Street West Signal Conduit Upgrades to Montana Lines, Inc. in the amount of $446,606.10; or,
- Not Approve a contract and reject all bids. If the project is not approved, the traffic signals at these intersections will not be upgraded.

FISCAL EFFECTS

The following bids were received:

Contractor	Bid Amount
Montana Lines, Inc.	$446,606.10
Elcon Corporation	$494,544.00

The project was budgeted in FY22 using arterial funds and the recommended bid is within the budgeted amount.

City Council Regular

Date:	06/27/2022
Title:	W.O. 22-38: Pioneer Park Trail Rehabilitation, Bid Award
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends the City Council award a contract for W.O. 22-38: Pioneer Park Trail Rehabilitation to Wharton Asphalt in the amount of $121,721.70.

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

W.O. 22-38: Pioneer Park Trail Rehabilitation is a project to remove and replace the deteriorated asphalt pavement on the multi-use trail in Pioneer Park. The multi-use trail runs through Pioneer Park from Virginia Lane to 3rd Street West. The rehabilitation will correct the poor asphalt condition, remove tripping hazards, and widen approximately 600 feet of narrow trail to standard multi-use trail widths. The project is funded through a Community Block Development Grant - Coronavirus Funds (CDBG-CV) and is a joint effort between the Planning, Parks, and Public Works Departments. The contract was advertised on May 20, May 27, and June 3, 2022, in *The Yellowstone County News* and on the City's website. Staff opened bids on June 7, 2022. Five bids were received, and Wharton Asphalt submitted the lowest responsible bid.

ALTERNATIVES

City Council may:

- Award W.O. 22-38: Pioneer Park Trail Rehabilitation, to Wharton Asphalt in the amount of $121,721.70; or,
- Do not award a contract and reject all bids. If the contract is not awarded, the multi-use trail will not be rehabilitated and continue to degrade.

FISCAL EFFECTS

The following bids were received:

Contractor	Total Bid
Wharton Asphalt	$121,721.70
Weave Construction	$130,830.00
Asphalt Plus	$134,358.94
Askin Construction	$142,810.00
Knife River-Billings	$222,060.00

The project was budgeted in the amount of $159,600 in FY22 using Community Development Block Grant Funds. The remaining budget will be used for engineering, construction contract administration, and any change orders.

City Council Regular

Date:	06/27/2022
Title:	Landfill Use Agreement with Yellowstone County
Presented by:	Jennifer Duray
Department:	Public Works
Presentation:	No
Legal Review	Yes

RECOMMENDATION

Staff recommends that City Council approve the one-year landfill use agreement with Yellowstone County.

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

The Billings Regional Landfill currently accepts waste from Yellowstone County. Disposal of waste picked up and hauled by private haulers is charged directly to those haulers. Yellowstone County is only charged for the estimated tonnage and landfill trips of self-haul residential waste. The agreement with Yellowstone County is a 7.6% increase for FY23 and is based on a rate increase of 6.8% in landfill fees in the Solid Waste fee resolution passed by Council on June 13, 2022 and landfill use growth of 0.8%. The landfill growth rate is based on the average county growth for the last three years.

ALTERNATIVES

City Council may:

- Approve the landfill agreement with Yellowstone County; or,
- Not Approve the agreement. If Council does not approve the agreement, there would be a loss of revenue for the Solid Waste Fund and Yellowstone County residents would need to find an alternative to disposal at the landfill.

FISCAL EFFECTS

The landfill agreement will generate $305,090 in revenue for the Solid Waste Fund in FY23.

Attachments

Agreement

LANDFILL USE AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____ 2022, by and between the CITY OF BILLINGS, MONTANA, a municipal corporation, hereinafter referred to as "CITY" and the YELLOWSTONE COUNTY SOLID WASTE DISPOSAL DISTRICT, hereinafter referred to as "DISTRICT".

WITNESSETH:

WHEREAS, the DISTRICT and its residents are desirous of using the landfill facilities of the CITY for the disposal of solid waste; and

WHEREAS, the CITY is willing to allow the DISTRICT and its residents use of its landfill facilities during normal public operating times.

NOW THEREFORE, in consideration of the mutual covenants and agreements between the parties hereto, it is mutually agreed as follows:

1. **DEFINITIONS**
    a. Landfill – The term "Landfill" shall mean the Billings Regional Landfill situated in Yellowstone County, owned and operated by the City of Billings.
    b. Other Waste – The term "other waste" shall mean construction and demolition refuse, dead animals, non-processed tires, asbestos, and special waste such as contaminated soil, sludges, and treated timbers.
    c. Refuse – The term "refuse" shall mean all approved and permitted wastes that lawfully may be disposed of in the Landfill.
    d. Residential Municipal Solid Waste – The term "residential municipal solid waste" shall mean any refuse not falling under the definition of "other waste" and generated from or at a property used as a residential dwelling.

2. **TERM.** The term of this AGREEMENT shall be from July 1, 2022 through June 30, 2023. Either party may terminate this AGREEMENT at any time with or without cause, upon six months written notice to the other party. In the event of such termination, a pro rata payment shall be paid or refunded, depending on the termination date.

3. **USE OF FACILITIES.** The City will permit the DISTRICT and its residents to use its landfill facility for disposal of refuse generated within the area of the DISTRICT at such times as said landfill shall be open for disposal of refuse. The DISTRICT agrees to use facilities in accordance with all applicable federal and state legislation, all applicable local ordinances including, but not limited to Billings Municipal Code, Chapter 21, and all applicable federal, state, and local administrative rules in order to promote the health, safety, and welfare of the citizens of Billings, Montana.

4. **PAYMENT FOR RESIDENTIAL MUNICPAL SOLID WASTE.** For the period from July 1, 2022 through June 30, 2023, the DISTRICT agrees to pay the CITY the sum of three hundred five thousand ninety ($305,090.00) for residential municipal solid waste hauled by District residents from their primary residence. One half of this amount shall be paid semi-annually on or before July 1, 2022 and January 1, 2023.

DISTRICT residents will not be charged at the Landfill for residential municipal solid waste hauled by residential users for loads less than 1.5 yards or 700 pounds, but will be charged for other waste of any volume or weight.

5. **IDEMNITY.** Each of the parties hereto shall indemnify, hold harmless, and defend the other party, its agents, employees or officials, against any and all claims, demands, causes of action, damages, costs, expenses, liability, or judgments against the other party for personal injury, death, or property damage caused by the negligence of the other party, its agents, employees or contractors arising from, growing out of, or in any way connected with or incidental to performance of this agreement.

   Indemnity under this agreement shall commence on the date of execution hereof and shall continue for the entire term this agreement is in effect and for any applicable period of limitations thereafter. Either party shall notify the other party, in writing, within ten (10) days of any claim made on the obligations indemnified against hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF BILLINGS, MONTANA

By _____

WILLIAM A. COLE, MAYOR

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

_____

DONALD W. JONES, Chairman

_____

JOHN OSTLUND, Member

_____

DENIS PITMAN, Member

APPROVED AS TO FORM:

By _____

GINA DAHL, CITY Attorney

City Council Regular

Date:	06/27/2022
Title:	Revised Annexation Agreement with Billings South Shiloh, LLC
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review	Yes

RECOMMENDATION

Staff recommends that the City Council approve the corrected Annexation Agreement with Billings South Shiloh, LLC.

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

At the April 25, 2022, Council meeting, City Council approved the annexation of Certificate of Survey 1100 Amended, Tract C. Subsequently, at the May 23, 2022, Council meeting, City Council approved the Annexation Agreement with Shiloh Farm, LLC. for this same parcel of land. Prior to executing the Annexation Agreement, Shiloh Farm, LLC., sold the property to Billings South Shiloh, LLC, and is requesting the new owner execute the Annexation Agreement. In order for the Annexation Agreement to be changed to reflect the new ownership, it is necessary for City Council to approve the change. Except for the ownership, nothing in the Annexation Agreement has changed from the agreement approved by Council at the May 23, 2022, meeting. Attached is the original agreement approved on May 23, 2022 and the corrected agreement reflecting the new ownership name.

ALTERNATIVES

City Council may:

- Approve the corrected Annexation Agreement with the property owner; or
- Not approve the corrected Annexation Agreement. If the agreement is not approved, the applicant will not meet the conditions of annexation, which requires an Annexation Agreement be approved within 45 working days of annexation.

FISCAL EFFECTS

There is no significant financial impact associated with the approval of the corrected Annexation Agreement.

Attachments

Previously approved Shiloh Farm Annexation Agreement
Corrected Annexation Agreement with Billings South Shiloh LLC

Return to:
Performance Engineering, LLC
608 N. 29th 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.

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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.

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

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

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made this _____ day of _____, 20 _____, by and between *Billings South Shiloh, LLC, 2729 Aspen Way, MT 59106,* 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.

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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.

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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" *Billings South Shiloh, 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 Billings South Shiloh, 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.

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

City Council Regular

Date:	06/27/2022
Title:	Commercial and Roll-off Dumpster Purchase
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends the City Council approve the purchase of commercial and residential dumpsters from WasteQuip in accordance with Sourcewell Contract #040621-WQI, in the amount of $327,487.32.

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

This purchase is needed to refill Solid Waste's inventory of commercial and roll-off containers. With the growth the city is experiencing, the demand for both commercial dumpsters and roll-off dumpsters have increased. Demand for smaller commercial dumpsters has increased due to the 300-gallon transition. The following are the quantities that will be ordered:

Commercial Front-Load
4-yard: 15
6-yard: 10
8-yard: 30

Roll-off
20-yard: 10
30-yard: 10

Staff looked at bidding the containers competitively or using a cooperative purchasing agreement and estimated that the bid price we would receive would be similar or more than the price under a cooperative purchasing agreement. Additionally, in FY21 Solid Waste purchased dumpsters from WasteQuip and has an inventory of lids, rods, lock bars etc., that are designed for WasteQuip containers. Using a different vendor would require Solid Waste to purchase more of these items it already has on hand.Thus, staff is recommending that the City procure the containers using the purchasing agreement.

Sourcewell is a relatively new tool to the City for use in procurement. Historically, the City has been allowed to use State contracts to procure items if it was beneficial to the City. The purchasing policy has been updated to allow cooperative agreements beyond just the State contracts. Staff will evaluate the procurement options for each purchase to determine which option is the most beneficial to the City.

ALTERNATIVES

City Council may:

- Approve purchasing the containers through Sourcewell; or,
- Not approve the purchase. If the purchase is not approved, Solid Waste will run out of commercial and roll-off dumpsters and not be able to respond to customers' needs.

FISCAL EFFECTS

This purchase is using FY22 Solid Waste collection funds and there is adequate budget for this purchase. Total cost of this purchase is $327,487.32.

Attachments

Quote
Sourcewell Contract
Sourcewell Contract

33710 Oakville Road, Albany, OR, 97321
PHONE: 800-645-7106 FAX: 541-926-7558
WQ-10237009

Sourcewell Awarded Contract
Contract # 040621-WQI

Sell To:

Contact Name	Kyle Foreman
Bill To Name	City of Billings
Bill To	PO Box 1178 Billings, MT 59103-1178 USA
Email	foremank@billingsmt.gov
Phone	(406) 247-8620
Ship To Name	City of Billings
Ship To	4848 Midland Rd Billings, MT 59101-6337 USA

Quote Information

Salesperson	Tina Rainwater
Salesperson Email	trainwater@wastequip.com
Created Date	6/14/2022
Expiration Date	7/14/2022
Quote Number	WQ-10237009 Please Reference Quote Number on all Purchase Orders

Product	Product Description	Description	Quantity	Sales Price	Total Price
Container - OR - 125544	4 Cubic Yard Standard Duty Slant Front Load Container - Floor: 10 gauge, Walls: 12 gauge , Pockets: Heavy Duty with Three Way Fork Entry Guide, Top Channels: Interlocking, Bottom Runners: 2 1/2" Tall Formed, Primed and Painted Any Standard Color		15.00	$905.00	$13,575.00
Container - OR - 125534	6 Cubic Yard Standard Duty Slant Front Load Container - Floor: 10 gauge, Walls: 12 gauge, Pockets: Heavy Duty with Three Way Fork Entry Guide, Interlocking Top Channels with formed 10 gauge Bottom Runners, Primed and Painted Any Standard Color		10.00	$1,162.00	$11,620.00
Container - OR - 125535	8 Cubic Yard Standard Duty Slant Front Load Container - Floor: 10 gauge, Walls: 12 gauge, Pockets: Heavy Duty with Three Way Fork Entry Guide, Interlocking Top Channels with formed 10 gauge Bottom Runners, Primed and Painted Any Standard Color		30.00	$1,389.00	$41,670.00
Container - TX - 154159	20 Cubic Yard Extra Heavy Duty Rectangular Roll Off Container 22' Long - Floor: 1/4" plate with 3" structural channels on 18" centers and 6" x 2" x 1/4" Structural Tubing Main Rails, Walls: 7 gauge with side columns on 24" centers and 3" x 4" x 3/16 gauge Top Rails, Primed and Painted any Standard Color	20' long	10.00	$7,920.00	$79,200.00
Container - TX - ROC307	Understructures - Special Requirement	Superior Chain Under Structure	10.00	$850.00	$8,500.00
Container - TX - 154241	30 Cubic Yard Extra Heavy Duty Rectangular Roll Off Container 22' Long - Floor: 1/4" with 3" structural channels on 18" centers and 6" x 2" x 1/4" Structural Tubing Main Rails, Walls: 7 gauge with side columns on 24" centers and 3" x 4" x 3/16" gauge Top Rails, Primed and Painted any Standard Color	20' long	10.00	$8,877.00	$88,770.00
Container - TX -		Superior Chain			

33710 Oakville Road, Albany, OR, 97321
PHONE: 800-645-7106 FAX: 541-926-7558
WQ-10237009

Sourcewell Awarded Contract
Contract # 040621-WQI

ROC307	Understructures - Special Requirement	Under Structure	10.00	$850.00	$8,500.00

Payment Terms	Net 30 Days if credit has been established
Shipping Terms	FOB Origin

Subtotal	$251,835.00
Shipping	$75,652.32
Tax	$0.00
Grand Total	$327,487.32

Additional Information

Additional Terms

Our Quote is a good faith estimate, based on our understanding of your needs. Subject to our acceptance, your Order is an offer to purchase our Products and services in accordance with the Wastequip Terms & Conditions of Sale ("WQ T&C") located at: https://www.wastequip.com/terms-conditions-of-sale, as of the date set forth in Section 1(b) of the WQ T&C, which are made a part of this Quote. These WQ T&Cs may be updated from time to time and are available by hard copy upon request.

Additional Information

Pricing is based on your anticipated Order prior to the expiration of this Quote, including product specifications, quantities and timing. Any differences to your Order may result in different pricing, freight or other costs. Due to volatility in petrochemical, steel and related Product material markets, actual prices and freight, are subject to change. We reserve the right, by providing notice to you at any time before beginning Product manufacturing, to increase the price of the Product(s) to reflect any increase in the cost to us which is due to any factor beyond our control (such as, without limitation, any increase in the costs of labor, materials, or other costs of manufacture or supply). Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations – actual volume, Products and materials are subject to manufacturing and commercial variation and Wastequip's practices, and may vary from nominal sizes and materials. All prices are in US dollars; this Quote may not include all applicable taxes, brokerage fees or duties. If customer is not tax exempt, final tax calculations are subject to change.

Special Contract Information

Sourcewell-Pricing & Product offerings are based on the Sourcewell Co-Operative Contract with Wastequip, LLC (#040621-WQI, eff. 06/02/2021) and such Contract terms & conditions are incorporated herein by reference. Pricing & Product (& related) changes may occur at any time with proper documentation, & subject to Sourcewell approval; therefore, offerings may change without written prior notice. Wastequip Product Limited Warranties, Disclaimers, Limitation of Liability & Remedies, & Limited Warranty Provisions apply to all purchases thereunder.

Signatures

Accepted By: _____

Company Name: _____

Date: _____

Purchase Order: _____

Please Reference Quote Number on all Purchase Orders

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Sourcewell

Solicitation Number: RFP #040621

CONTRACT

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and Wastequip Manufacturing Company LLC, 6525 Morrison Blvd., Suite 300, Charlotte, NC 28211 (Vendor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to federal, state/province, and municipal governmental entities, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada. Sourcewell issued a public solicitation for Bulk Solid Waste and Recycling Equipment from which Vendor was awarded a contract.

Vendor desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and the entities that access Sourcewell's cooperative purchasing contracts (Participating Entities).

1. TERM OF CONTRACT

A. EFFECTIVE DATE. This Contract is effective upon the date of the final signature below.

B. EXPIRATION DATE AND EXTENSION. This Contract expires June 2, 2025, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by Vendor.

C. SURVIVAL OF TERMS. Articles 11 through 14 survive the expiration or cancellation of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

A. EQUIPMENT, PRODUCTS, OR SERVICES. Vendor will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above. Vendor's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

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All Equipment and Products provided under this Contract must be new/current model. Vendor may offer close-out or refurbished Equipment or Products if they are clearly indicated in Vendor's product and pricing list. Unless agreed to by the Participating Entities in advance, Equipment or Products must be delivered as operational to the Participating Entity's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. WARRANTY. Vendor warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Vendor warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Vendor's dealers and distributors must agree to assist the Participating Entity in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that is effective past the expiration of the Vendor's warranty will be passed on to the Participating Entity.

C. DEALERS, DISTRIBUTORS, AND/OR RESELLERS. Upon Contract execution, Vendor will make available to Sourcewell a means to validate or authenticate Vendor's affiliates, authorized dealers, distributors, and/or resellers relative to the Equipment, Products, and Services related to this Contract. This list may be updated from time-to-time and is incorporated into this Contract by reference. It is the Vendor's responsibility to ensure Sourcewell receives the most current version of this list.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced as stated in Vendor's Proposal.

When providing pricing quotes to Participating Entities, all pricing quoted must reflect a Participating Entity's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Participating Entity's requested delivery location.

Regardless of the payment method chosen by the Participating Entity, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Participating Entity at the time of purchase.

A. SHIPPING AND SHIPPING COSTS. All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Vendor must permit the Equipment and Products to be returned within a reasonable time at no cost to Sourcewell or its Participating Entities. Participating Entities reserve the right to inspect the Equipment and Products at a reasonable

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time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery.

Vendor must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcewell may declare the Vendor in breach of this Contract if the Vendor intentionally delivers substandard or inferior Equipment or Products. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Vendor as soon as possible and the Vendor will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity.

B. SALES TAX. Each Participating Entity is responsible for supplying the Vendor with valid tax-exemption certification(s). When ordering, a Participating Entity must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Vendor may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Vendor determines it will offer Hot List Pricing, it must be submitted electronically to Sourcewell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcewell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

4. PRODUCT AND PRICING CHANGE REQUESTS

Vendor may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcewell Price and Product Change Request Form to the assigned Sourcewell Contract Administrator. This form is available from the assigned Sourcewell Contract Administrator. At a minimum, the request must:

- Identify the applicable Sourcewell contract number;
- Clearly specify the requested change;
- Provide sufficient detail to justify the requested change;
- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change); and
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing

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restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcewell Price and Product Request Form will become an amendment to this Contract and be incorporated by reference.

5. PARTICIPATION, CONTRACT ACCESS, AND PARTICIPATING ENTITY REQUIREMENTS

A. PARTICIPATION. Sourcewell's cooperative contracts are available and open to public and nonprofit entities across the United States and Canada; such as federal, state/province, municipal, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Participating Entities that can legally access the Equipment, Products, or Services under this Contract. A Participating Entity's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Vendor understands that a Participating Entity's use of this Contract is at the Participating Entity's sole convenience and Participating Entities reserve the right to obtain like Equipment, Products, or Services from any other source.

Vendor is responsible for familiarizing its sales and service forces with Sourcewell contract use eligibility requirements and documentation and will encourage potential participating entities to join Sourcewell. Sourcewell reserves the right to add and remove Participating Entities to its roster during the term of this Contract.

B. PUBLIC FACILITIES. Vendor's employees may be required to perform work at government-owned facilities, including schools. Vendor's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Participating Entity policies and procedures, and all applicable laws.

6. PARTICIPATING ENTITY USE AND PURCHASING

A. ORDERS AND PAYMENT. To access the contracted Equipment, Products, or Services under this Contract, a Participating Entity must clearly indicate to Vendor that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Vendor. Typically, a Participating Entity will issue an order directly to Vendor. If a Participating Entity issues a purchase order, it may use its own forms, but the purchase order should clearly note the applicable Sourcewell contract number. All Participating Entity orders under this Contract must be issued prior to expiration of this Contract; however, Vendor performance, Participating Entity payment, and any applicable warranty periods or other Vendor or Participating Entity obligations may extend beyond the term of this Contract.

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Vendor's acceptable forms of payment are included in Attachment A. Participating Entities will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Participating Entity.

B. ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM. Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Vendor, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entitles may require the use of a Participating Addendum; the terms of which will be worked out directly between the Participating Entity and the Vendor. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

C. SPECIALIZED SERVICE REQUIREMENTS. In the event that the Participating Entity requires service or specialized performance requirements (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements) not addressed in this Contract, the Participating Entity and the Vendor may enter into a separate, standalone agreement, apart from this Contract. Sourcewell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

D. TERMINATION OF ORDERS. Participating Entities may terminate an order, in whole or in part, immediately upon notice to Vendor in the event of any of the following events:

1. The Participating Entity fails to receive funding or appropriation from its governing body at levels sufficient to pay for the goods to be purchased;
2. Federal, state, or provincial laws or regulations prohibit the purchase or change the Participating Entity's requirements; or
3. Vendor commits any material breach of this Contract or the additional terms agreed to between the Vendor and a Participating Entity.

E. GOVERNING LAW AND VENUE. The governing law and venue for any action related to a Participating Entity's order will be determined by the Participating Entity making the purchase.

7. CUSTOMER SERVICE

A. PRIMARY ACCOUNT REPRESENTATIVE. Vendor will assign an Account Representative to Sourcewell for this Contract and must provide prompt notice to Sourcewell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcewell and Participating Entity inquiries; and
- Business reviews to Sourcewell and Participating Entities, if applicable.

B. BUSINESS REVIEWS. Vendor must perform a minimum of one business review with Sourcewell per contract year. The business review will cover sales to Participating Entities, pricing and contract terms, administrative fees, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. CONTRACT SALES ACTIVITY REPORT. Each calendar quarter, Vendor must provide a contract sales activity report (Report) to the Sourcewell Contract Administrator assigned to this Contract. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Vendor must submit a report indicating no sales were made).

The Report must contain the following fields:

- Customer Name (e.g., City of Staples Highway Department);
- Customer Physical Street Address;
- Customer City;
- Customer State/Province;
- Customer Zip Code;
- Customer Contact Name;
- Customer Contact Email Address;
- Customer Contact Telephone Number;
- Sourcewell Assigned Entity/Participating Entity Number;
- Item Purchased Description;
- Item Purchased Price;
- Sourcewell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Vendor.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcewell, the Vendor will pay an administrative fee to Sourcewell on all Equipment, Products, and Services provided to Participating Entities. The Administrative Fee must be included in, and not added to, the pricing. Vendor may not charge Participating Entities more than the contracted price to offset the Administrative Fee.

The Vendor will submit payment to Sourcewell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased by Participating Entities under this Contract during each calendar quarter. Payments should note the Vendor's name and Sourcewell-assigned contract number in the memo; and must be mailed to the address above "Attn: Accounts Receivable" or remitted electronically to Sourcewell's banking institution per Sourcewell's Finance department instructions. Payments must be received no later than 45 calendar days after the end of each calendar quarter.

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Vendor agrees to cooperate with Sourcewell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Vendor is delinquent in any undisputed administrative fees, Sourcewell reserves the right to cancel this Contract and reject any proposal submitted by the Vendor in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than 30 days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcewell's Authorized Representative is its Chief Procurement Officer.

Vendor's Authorized Representative is the person named in the Vendor's Proposal. If Vendor's Authorized Representative changes at any time during this Contract, Vendor must promptly notify Sourcewell in writing.

10. AUDIT, ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. AUDIT. Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices relevant this Agreement are subject to examination by Sourcewell or the Minnesota State Auditor for a minimum of six years from the end of this Contract. This clause extends to Participating Entities as it relates to business conducted by that Participating Entity under this Contract.

B. ASSIGNMENT. Neither the Vendor nor Sourcewell may assign or transfer any rights or obligations under this Contract without the prior consent of the parties and a fully executed assignment agreement. Such consent will not be unreasonably withheld.

C. AMENDMENTS. Any amendment to this Contract must be in writing and will not be effective until it has been fully executed by the parties.

D. WAIVER. If either party fails to enforce any provision of this Contract, that failure does not waive the provision or the right to enforce it.

E. CONTRACT COMPLETE. This Contract contains all negotiations and agreements between Sourcewell and Vendor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party. For any conflict between the attached Proposal and the terms set out in Articles 1-22, the terms of Articles 1-22 will govern.

F. RELATIONSHIP OF THE PARTIES. The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their

respective businesses. This Contract does not create a partnership, joint venture, or any other relationship such as master-servant, or principal-agent.

11. LIABILITY

Vendor must indemnify, save, and hold Sourcewell and its Participating Entities, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees, arising out of the performance of this Contract by the Vendor or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications. In no event will Vendor be liable for any loss of use, revenue, or profit, or for any consequential, incidental, indirect, or exemplary damages, whether arising out of breach of contract, tort (including negligence), or otherwise, regardless of whether such damage was foreseeable and whether or not the indemnitee was advised of the possibility of such damages.

12. GOVERNMENT DATA PRACTICES

Vendor and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Vendor under this Contract.

If the Vendor receives a request to release the data referred to in this article, the Vendor must immediately notify Sourcewell and Sourcewell will assist with how the Vendor should respond to the request.

13. INTELLECTUAL PROPERTY, PUBLICITY, MARKETING, AND ENDORSEMENT

A. INTELLECTUAL PROPERTY

1. *Grant of License.* During the term of this Contract:

   a. Sourcewell grants to Vendor a royalty-free, worldwide, non-exclusive right and license to use theTrademark(s) provided to Vendor by Sourcewell in advertising and promotional materials for the purpose of marketing Sourcewell's relationship with Vendor.

   b. Vendor grants to Sourcewell a royalty-free, worldwide, non-exclusive right and license to use Vendor's Trademarks in advertising and promotional materials for the purpose of marketing Vendor's relationship with Sourcewell.

2. *Limited Right of Sublicense*. The right and license granted herein includes a limited right of each party to grant sublicenses to its and their respective distributors, marketing representatives, and agents (collectively "Permitted Sublicensees") in advertising and promotional materials for the purpose of marketing the Parties' relationship to Participating Entities. Any sublicense granted will be subject to the terms and conditions of this Article.

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Each party will be responsible for any breach of this Article by any of their respective sublicensees.

3. *Use; Quality Control.*

a. Sourcewell must not alter Vendor's Trademarks from the form provided by Vendor and must comply with Vendor's removal requests as to specific uses of its trademarks or logos.

b. Vendor must not alter Sourcewell's Trademarks from the form provided by Sourcewell and must comply with Sourcewell's removal requests as to specific uses of its trademarks or logos.

c. Each party agrees to use, and to cause its Permitted Sublicensees to use, the other party's Trademarks only in good faith and in a dignified manner consistent with such party's use of the Trademarks. Upon written notice to the breaching party, the breaching party has 30 days of the date of the written notice to cure the breach or the license will be terminated.

4. As applicable, Vendor agrees to indemnify and hold harmless Sourcewell and its Participating Entities against any and all suits, claims, judgments, and costs instituted or recovered against Sourcewell or Participating Entities by any person on account of the use of any Equipment or Products by Sourcewell or its Participating Entities supplied by Vendor in violation of applicable patent or copyright laws.

5. Termination. Upon the termination of this Contract for any reason, each party, including Permitted Sublicensees, will have 30 days to remove all Trademarks from signage, websites, and the like bearing the other party's name or logo (excepting Sourcewell's pre-printed catalog of vendors which may be used until the next printing). Vendor must return all marketing and promotional materials, including signage, provided by Sourcewell, or dispose of it according to Sourcewell's written directions.

B. PUBLICITY. Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Vendor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

C. MARKETING. Any direct advertising, marketing, or offers with Participating Entities must be approved by Sourcewell. Materials should be sent to the Sourcewell Contract Administrator assigned to this Contract.

D. ENDORSEMENT. The Vendor must not claim that Sourcewell endorses its Equipment, Products, or Services.

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14. GOVERNING LAW, JURISDICTION, AND VENUE

Minnesota law governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state court in Todd County or federal court in Fergus Falls, Minnesota.

15. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

16. SEVERABILITY

If any provision of this Contract is found to be illegal, unenforceable, or void then both Sourcewell and Vendor will be relieved of all obligations arising under such provisions. If the remainder of this Contract is capable of performance, it will not be affected by such declaration or finding and must be fully performed.

17. PERFORMANCE, DEFAULT, AND REMEDIES

A. PERFORMANCE. During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Vendor will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Vendor may escalate the resolution of the issue to a higher level of management. The Vendor will have 30 calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending*. Notwithstanding the existence of a dispute, the Vendor must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Vendor fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, any additional costs incurred by Sourcewell and/or its Participating Entities as a result of such failure to proceed will be borne by the Vendor.

B. DEFAULT AND REMEDIES. Either of the following constitutes cause to declare this Contract, or any Participating Entity order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

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Written notice of default and a reasonable opportunity to cure must be issued by the party claiming default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

18. INSURANCE

A. REQUIREMENTS. At its own expense, Vendor must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*
Workers' Compensation: As required by any applicable law or regulation.
Employer's Liability Insurance: must be provided in amounts not less than listed below:
Minimum limits:
$500,000 each accident for bodily injury by accident
$500,000 policy limit for bodily injury by disease
$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Vendor will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition), or equivalent. At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.
Minimum Limits:
$1,000,000 each occurrence Bodily Injury and Property Damage
$1,000,000 Personal and Advertising Injury
$2,000,000 aggregate for Products-Completed operations
$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Vendor will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms no less

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broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer), or equivalent.

Minimum Limits:
$1,000,000 each accident, combined single limit

4. *Umbrella Insurance*. During the term of this Contract, Vendor will maintain umbrella coverage over Workers' Compensation, Commercial General Liability, and Commercial Automobile.

Minimum Limits:
$2,000,000

5. *Network Security and Privacy Liability Insurance*. During the term of this Contract, Vendor will maintain coverage for network security and privacy liability. The coverage may be endorsed on another form of liability coverage or written on a standalone policy. The insurance must cover claims which may arise from failure of Vendor's security resulting in, but not limited to, computer attacks, unauthorized access, disclosure of not public data – including but not limited to, confidential or private information, transmission of a computer virus, or denial of service.

Minimum limits:
$2,000,000 per occurrence
$2,000,000 annual aggregate

Failure of Vendor to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. CERTIFICATES OF INSURANCE. Prior to commencing under this Contract, Vendor must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Contract Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf.

Failure to request certificates of insurance by Sourcewell, or failure of Vendor to provide certificates of insurance, in no way limits or relieves Vendor of its duties and responsibilities in this Contract.

C. ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE. Vendor agrees to list Sourcewell and its Participating Entities, including their officers, agents, and employees, as an additional insured under the Vendor's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Vendor, and products and completed operations of Vendor. The policy provision(s) or endorsement(s) must further provide that coverage is

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primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. WAIVER OF SUBROGATION. Vendor waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Vendor or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance maintained by the Vendor or its subcontractors. Where permitted by law, Vendor must require similar written express waivers of subrogation and insurance clauses from each of its subcontractors.

E. UMBRELLA/EXCESS LIABILITY/SELF-INSURED RETENTION. The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies), or self-insured retention.

19. COMPLIANCE

A. LAWS AND REGULATIONS. All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. LICENSES. Vendor must maintain a valid and current status on all required federal, state/provincial, and local licenses, bonds, and permits required for the operation of the business that the Vendor conducts with Sourcewell and Participating Entities.

20. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Vendor certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Vendor declares bankruptcy, Vendor must immediately notify Sourcewell in writing.

Vendor certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Vendor further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

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21. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Participating Entities that use United States federal grant or FEMA funds to purchase goods or services from this Contract may be subject to additional requirements including the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. § 200. Participating Entities may also require additional requirements based on specific funding specifications. Within this Article, all references to "federal" should be interpreted to mean the United States federal government. The following list only applies when a Participating Entity accesses Vendor's Equipment, Products, or Services with United States federal funds.

A. EQUAL EMPLOYMENT OPPORTUNITY. Except as otherwise provided under 41 C.F.R. § 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. §60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 C.F.R. §, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 C.F.R. § 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The equal opportunity clause is incorporated herein by reference.

B. DAVIS-BACON ACT, AS AMENDED (40 U.S.C. § 3141-3148). When required by federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. § 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. § 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. § 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency. Vendor must be in compliance with all applicable Davis-Bacon Act provisions.

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C. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. § 3701-3708). Where applicable, all contracts awarded by the non-federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. § 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. This provision is hereby incorporated by reference into this Contract. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

D. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT. If the federal award meets the definition of "funding agreement" under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 C.F.R. § 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

E. CLEAN AIR ACT (42 U.S.C. § 7401-7671Q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251-1387). Contracts and subgrants of amounts in excess of $150,000 require the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Vendor certifies that during the term of this Contract will comply with applicable requirements as referenced above.

F. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689). A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. §180 that implement Executive Orders 12549 (3 C.F.R. § 1986 Comp., p. 189) and 12689 (3 C.F.R. § 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names

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of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

G. BYRD ANTI-LOBBYING AMENDMENT, AS AMENDED (31 U.S.C. § 1352). Vendors must file any required certifications. Vendors must not have used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Vendors must disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award. Vendors must file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

H. RECORD RETENTION REQUIREMENTS. To the extent applicable, Vendor must comply with the record retention requirements detailed in 2 C.F.R. § 200.333. The Vendor further certifies that it will retain all records as required by 2 C.F.R. § 200.333 for a period of 3 years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

I. ENERGY POLICY AND CONSERVATION ACT COMPLIANCE. To the extent applicable, Vendor must comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

J. BUY AMERICAN PROVISIONS COMPLIANCE. To the extent applicable, Vendor must comply with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must follow the applicable procurement rules calling for free and open competition.

K. ACCESS TO RECORDS (2 C.F.R. § 200.336). Vendor agrees that duly authorized representatives of a federal agency must have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under this Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

L. PROCUREMENT OF RECOVERED MATERIALS (2 C.F.R. § 200.322). A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation

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and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

22. CANCELLATION

Sourcewell or Vendor may cancel this Contract at any time, with or without cause, upon 60 days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Vendor's Proposal. Cancellation of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to cancellation.

Sourcewell

DocuSigned by:
By: Jeremy Schwartz
C0FD2A139D06489...
Jeremy Schwartz
Title: Chief Procurement Officer
Date: 5/26/2021 | 2:57 PM CDT

Wastequip Manufacturing Company LLC

DocuSigned by:
By: John Defenbaugh lal
C78BB77820D1461...
John Defenbaugh
Title: President-Commercial
Date: 6/2/2021 | 2:32 PM EDT

Approved:

DocuSigned by:
By: Chad Coauette
7E42B8F817A64CC...
Chad Coauette
Title: Executive Director/CEO
Date: 6/2/2021 | 1:39 PM CDT

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RFP 040621 - Bulk Solid Waste and Recycling Equipment

Vendor Details

Company Name:	Wastequip Manufacturing Company LLC
Does your company conduct business under any other name? If yes, please state:	Wastequip LLC
Address:	841 Meacham Road Bid Location Statesville, NC 28677
Contact:	Marya Jenkins
Email:	mjenkins@wastequip.com
Phone:	800-424-0422 09587
Fax:	800-424-0422
HST#:	223191624

Submission Details

Created On:	Thursday February 18, 2021 14:24:47
Submitted On:	Tuesday April 06, 2021 11:17:52
Submitted By:	Marya Jenkins
Email:	mjenkins@wastequip.com
Transaction #:	7520c546-beb0-4e2b-9423-af6d89d3f024
Submitter's IP Address:	65.158.142.90

Specifications

Table 1: Proposer Identity & Authorized Representatives

General Instructions (applies to all Tables) Sourcewell prefers a brief but thorough response to each question. Do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; respond "N/A" if the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *
1	Proposer Legal Name (and applicable d/b/a, if any):	Wastequip LLC
2	Proposer Address:	6525 Morrison Blvd, Ste 300 Charlotte, NC 28211
3	Proposer website address:	www.wastequip.com
4	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	John Defenbaugh, President, Commercial 6525 Morrison Blvd, Ste 300 Charlotte, NC 28211 JDefenbaugh@wastequip.com 704.366.7140
5	Proposer's primary contact for this proposal (name, title, address, email address & phone):	Marya Jenkins, Bid/Contract Specialist 841 Meacham Road Statesville, NC 28677 MJenkins@wastequip.com 800-242-0422 Ext 09587
6	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	None

Table 2: Company Information and Financial Strength

Line Item	Question	Response *
7	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Privately held, Wastequip is the leading North American manufacturer of waste handling equipment. Headquartered in Charlotte, North Carolina with manufacturing and service facilities throughout North America, the company has over 2,000 employees across North America. With locations throughout the United States, we serve our customer base on a local level while delivering economies of scale that smaller manufacturers cannot achieve. Since many of our brand companies serve sectors in which it can be difficult and costly to ship products from remote locations, this gives us a distinct advantage over competitors with a smaller footprint. Wastequip was created to consolidate the highly fragmented and regionalized waste equipment manufacturing sector. Our vision was to provide the large and growing base of national haulers with a single source for their waste hauling needs, including standardized equipment, highly durable products, inventory availability, faster delivery and outstanding customer service. Wastequip established an extensive North American manufacturing and service footprint. Over the course of three decades, Wastequip strategically purchased the top companies and best brands — from refuse trucks, to hoists, carts and tarping systems — and united them under the Wastequip name.

8	What are your company's expectations in the event of an award?	As a possible incumbent awardee, Wastequip expects to: 1. Continue to increase awareness in the marketplace regarding our Sourcewell contract, our products and services by offering total product purchase solutions using our Sourcewell contract and teaming with other Awarded Sourcewell Vendors. 2. Continue to promote Sourcewell within our existing customer base and expand this offering to newly acquired divisions within Wastequip. 3. Continue to improve upon our dealer networks understanding of Sourcewell and how to utilize our Sourcewell contract to gain the competitive advantage. 4. Continue revenue growth by continuing to gain market share.
9	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	Please see the attachment labeled: 2. RFP 040621 Wastequip Q9 Financial Strength and Stability This attachment includes our 2020 unaudited financials and current bond rating letter.
10	What is your US market share for the solutions that you are proposing?	While Wastequip's exact market share information is company confidential and critical to our strategy for success, we can share more about our market position. Based on our internal estimates, we determined that most of Wastequip's business units enjoy a number one or number two position in the marketplace, including our Steel Group and Galbreath Mobile Group.
11	What is your Canadian market share for the solutions that you are proposing?	Most of our divisions do a very small amount of business in Canada therefore we do not track our Canadian market share.
12	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	No
13	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	b). Wastequip is best described as a manufacturer.
14	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	Wastequip has all requisite permits and licenses to operate in each local facility and service area. While there are no particular national licenses or certifications required to be held in our industry, Wastequip has implemented QUALITY ASSURANCE PROGRAM built on the same structure as ISO. 1.The purpose of our Kanban implementation is to produce exactly what the customer wants, when the customer wants and in the quantity the customer wants. 2. Our WPS system is a 5 step process for organizing our workplace. This organization establishes a workplace standard/normal condition. It creates a standardized, safe and better working environment. It enables us to work more effectively. It encourages ownership and teamwork and creates visual management tool by enabling quick recognition of abnormalities in order to take actions to return or improve the standard. 2. Wastequip operates facilities that are OSHA compliant. 3. Wastequip products offer full compliance with the following American National Standards Institute (ANSI) Standards to ensure consistent quality: ANSI Z245.30 – 2008 Waste Containers-Safety Requirements and Z245.60-2008 Waste Containers-Compatibility Dimensions ANSI Z245.2-2013 Stationary Compactors and Z245.5-2013 Baling Equipment ANSI Z245.1 Mobile Wastes and Recyclable Materials Collection Wastequip employees from several divisions have or are currently serving on National Waste and Recycling Association committees or subcommittees.
15	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	None

Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *
16	Describe any relevant industry awards or recognition that your company has received in the past five years	2020 - Nick Wiseman, Wastequip's CHRO, was recognized by the HRO Today Association as a 2020 Finalist for the Engagement Strategy Excellence Awards for the North America Region. 2019 - Wastequip was recognized by Charlotte Magazine as the Best Company to Work For 2019 - Kristin Kinder, Wastequip's VP of Research and Waste Stream Sustainability, was recognized by Waste360 for 40 Under 40. 2019 - Henry Retamal, Wastequip's President of Operations, was recognized by Waste360 for 40 Under 40. 2018 - Steve Klueg, Wastequip's CFO, was recognized by the Charlotte Business Journal as CFO of the Year. 2018 - Rich Sedory, Wastequip's General Council, was recognized by the Charlotte Business Journal as Outstanding General Counsel of the Year. 2017 - Wastequip was recognized by the Charlotte Business Journal as the Middle Market Leader of the Year
17	What percentage of your sales are to the governmental sector in the past three years	For the product line being offered in this RFP, over the past three years approx. 6% of our total sales were to the government sector.
18	What percentage of your sales are to the education sector in the past three years	For the product line being offered in this RFP, over the past three years approx. 1% of our total sales were to the education sector.
19	List any state, provincial, or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	Sourcewell: National Co-Operative Contract; $9.44 M; $15.2 M; $13.9 M Houston Galveston Area Council (HGAC): National Co-Operative Contract; $762K; $924K; $1.06 M Texas BuyBoard: National Co-Operative Contract; $944K; $1.48 M; $821K
20	List any GSA contracts or Standing Offers and Supply Arrangements (SOSA) that you hold. What is the annual sales volume for each of these contracts over the past three years?	None at this time.

Table 4: References/Testimonials

Line Item 21. Supply reference information from three customers who are eligible to be Sourcewell participating entities.

Entity Name *	Contact Name *	Phone Number *
City of Huntsville	Darrel Luker	936-581-6417
City of Nacogdoches	Cary Walker	936-559-2582
Calcasieu Parish	LJ Wimberly	337-721-3760

Table 5: Top Five Government or Education Customers

Line Item 22. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dollar volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *
CITY OF ALBUQUERQUE	Government	Arizona - AZ	Provide refuse equipment	Varies	$1.72M
CITY OF MISSION	Government	Texas - TX	Provide refuse equipment	Varies	$796K
CITY OF HARLINGEN	Government	Texas - TX	Provide refuse equipment	Varies	$708K
CITY OF LOGAN	Government	Utah - UT	Provide refuse equipment	Varies	$525K
LOWER VALLEY WATER DISTRICT	Government	Texas - TX	Provide refuse equipment	Varies	$479K

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell participating entities across the US and Canada, as applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the number of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *
23	Sales force.	The majority of Wastequip sales are made directly by Wastequip employed Regional Sales Managers (RSM). Our direct Wastequip employed sales network consist of the following: Wastequip Steel Group to include compaction equipment consists of (18) RSM's that cover the continental US, Hawaii, Alaska, and Canada and (8) Customer Services Representatives (CSR) Confab Steel Group consists of (3) RSM's that cover the lower US West Coast and Hawaii and (6) CSR's Galbreath Mobile Group consists of (5) RSM's that cover the continental US and Canada and (3) CSR's Amrep Mobile Hoist Group consists of (5) RSM's that cover the continental US and Canada and (8) CSR's All groups are supported by our Wastequip Bid Team and our Wastequip Call Center Inside Sales Team members. Wastequip also provides product group specific Warranty Teams. Together these team members perform all actions necessary to produce an acceptable level of sales, including, but not limited to: making sales calls necessary to cover territory, assisting with test programs and warranty administration. All dealers and service providers are independent third party contractors and employ their own teams consisting of sales, service and warranty staff.
24	Dealer network or other distribution methods.	All Wastequip Groups rely on a wide and geographically diverse independent third party dealer network and service providers who aid in developing new business and provide additional support services to Wastequip. 1. Wastequip/Confab Steel Groups offer approx. fourteen (14) Preferred Dealers who employ sales and service staffs. 2. Galbreath Mobile Group touts a robust dealer network for the cable hoist market consisting of approximately fifty (50) qualified Galbreath dealers located strategically across the US. 3. Amrep Mobile Hoist Group offers a geographically diverse independent third party dealer network consisting of (6) dealers with (11) locations, who aid in developing new business and provide additional support services to Amrep. Wastequip's Amrep division services our customers and dealer network from (5) factory owned locations. Our dealer network and service providers are fully supported by the Wastequip sales, service and warranty teams.
25	Service force.	All Wastequip Groups rely on a wide and geographically diverse independent third party dealer network and service providers who aid in developing new business and provide additional support services to Wastequip. Our Wastequip/Confab Group offers a nationwide service provider network of approximately 526 independently owned service provider companies who provide warranty, preventative maintenance, service and repair of equipment. Our Galbreath Mobile Group dealer network also provides warranty, preventative maintenance, service and repair of equipment assistance. All Wastequip Groups employ division specific engineering staff who are available for specific design projects or technical requirements. Our dealer network and service providers are fully supported by the Wastequip sales, service and warranty teams.

26	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	Wastequip prides itself on superior customer service and has significant experience servicing both large and small municipal and privately owned accounts as well as multi-location organizations. Our extensive customer base demands rigorous, just-in-time delivery performance and responsive customer service. Wastequip's Customer Service Representative (CSR) handle customer needs prior to, during, and after orders are placed with our company. Our goal for standard product order entry is to have customers' orders submitted, entered, and confirmed with ship dates within 48 hours of receiving the Purchase Order. Non-Standard or Special Products go through a similar process that includes engineering, sales drawing submittal for approval, and then from approval on to confirmed ship date. At Wastequip we want all customers to have a great experience with our products – from our first contact with us all the way through product delivery. As such, we have adopted the following customer service credo: Commitment: • We will treat all customers with respect (regardless of size) • We will follow up with customers upon receipt of order to ensure satisfaction • We will resolve any issues quickly Support: • We will provide a dedicated Customer Service Representative (CSR) for each participating member • We will respond quickly on quotes (same-day response in most cases) • We will provide an order confirmation (within 48 hours in most cases) • We will call customers with shipping & delivery information and provide early notification should there be any issues with orders	*
27	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in the United States.	All Wastequip Groups are able to fully serve all 50 states and U.S. Territories	*
28	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in Canada.	All Wastequip Groups are able to fully serve Canadian Provinces	*
29	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	All Wastequip Groups are able to fully serve all 50 states, U.S. territories, and Canadian provinces.	*
30	Identify any Sourcewell participating entity sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	All Wastequip Groups are able to fully serve all 50 states, U.S. territories, and Canadian provinces. Wastequip's Amrep Mobile Hoist Group currently has a stronger presence in the Western Region of the United States. In 2018 an Eastern production facility was opened in Salisbury N.C. to manufacture for the Eastern market. Since 2018 Amrep has been widening its reach and presence in the Central and Eastern U.S. Wastequip's Amrep Group intends to maintain the expansion by continually adding support dealers in areas where service facilities are limited. There are no current contracts nor relationships that limit our ability to serve the aforementioned markets.	*
31	Define any specific contract requirements or restrictions that would apply to our participating entities in Hawaii and Alaska and in US Territories.	No specific contract requirements or restrictions would apply. Wastequip is able to serve these areas with all of our offered products. We find that the difference in our service involves Ocean Freight, different sized sea containers (different container quantities than over-the-road semi truck loads), and varying schedules for shipments. The shipments may vary due to restricted passage to these outlying states/territories whose path of shipment may involve extreme seasonal and other weather related issues. We find that these customers are more than aware of the issues surrounding their shipments, and they are most accepting of these differences for shipments.	*

Table 7: Marketing Plan

Line Item	Question	Response *	

32	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	Please see attached 7. RFP 040621 Wastequip Q32 Marketing Plan Samples Within selected media channels, Wastequip will announce its continuing partnership with Sourcewell via a press release or other content delivery form. This will be directed at those market categories with whom this message and value will resonate. Wastequip will advertise via digital and print platforms, including social media outlets, with paid and organic creative. The target audience will include Government buyers in such segments as Public Works and Municipalities, and in such publications as American City and County and/or Government Product News. Our association and partnership with Sourcewell will be prominently displayed at appropriate trade show events. Wastequip participates in a variety of major/national trade shows, as well as having a presence in numerous regional shows and events. We will promote the partnership by incorporating the Sourcewell logo on various show assets (such as banner stands) and literature as appropriate. Wastequip has numerous web properties that promote our value to the markets we serve, and we will include Sourcewell information and possibly a link back to Sourcewell (depending on link feasibility) on our web properties.
33	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	***CONFIDENTIAL INFORMATION*** Facebook: Wastequip utilizes both paid and organic posts to promote partnerships, product release, service offerings, and our dedication to creating and maintaining a sustainable environment. We are able to hone our message and be exacting in who we reach, and our Facebook property allows for interaction with both customers (such as municipalities) and the general consumer. We are able to capture these visits to our page and understand if our messaging is resonating, and then adjust accordingly (if necessary). LinkedIn: This platform allows Wastequip to reach specific job titles and companies that have an interest in our product, and also allows us to open the door to new market opportunities and reaching new segments for penetration. Wastequip website properties: Within our websites, we provide the value we offer to the market and answer the question of "Why choose Wastequip." Our sites are segment focused, with a sub focus on product. We are able to capture data on visitors and gain a better understanding of what the market desires and what is important to them when selecting a supplier of products and services. Banner ads: Wastequip tracks site visits and conversions from keywords and banner ads as seen in publications of interest. Email inquiries are tracked through the sales cycle in Salesforce by lead source. Wastequip uses Google Analytics, Pardot tracking, Salesforce reporting, and pay per click data to enhance the effectiveness of our marketing campaigns. The Wastequip YouTube channel allows interested users (customers, consumers) to actually view a variety of products in use. This helps enhance reputation in the market, and broadens our message as being a provider of sustainable, durable, and effective products. Wastequip uses Twitter to share more news oriented content or retweet relevant waste industry news content.
34	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	Wastequip believes the Sourcewell role in promoting the contract is similar to Wastequip's'. Based on the success we have enjoyed with Sourcewell for the past 11 years we believe we have a good understanding of and appreciation for Sourcewells' promotion of our contract to its member agencies. Wastequip will continue to share the responsibilities. 1. Networking - In light of the current COVID pandemic and networking opportunity limitations, Wastequip and Sourcewell should share and exchange information in order to help each organization to promote the contract. Our organizations can share newsletters, participate in e-mail networks, or meet at seminars and conferences once open to the public events occur. 2. Multisector Collaborator - Sourcewell and Wastequip should continue to work together to look for ways to expand product offerings based on Sourcewell Member needs, if those needs were not initially included into the RFP. Sourcewell and Wastequip should work together to offer more in depth dealer/distributor network training. By sharing the above listed responsibilities Wastequip's aim is to strengthen the relationship between our Regional Sales Managers with the Sourcewell professional staff. We also look forward to more pro-active marketing of this contract through our Wastequip Marketing team using electronic media, shows and meetings. The Wastequip Bid Department will continue to be a primary conveyor of our partnership with Sourcewell, and include the appropriate logo and data in bid/contract packages as deemed necessary. This will extend the reach of Sourcewell into markets that Sourcewell currently may not serve and aide in bringing awareness to those markets.
35	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	No, due to the special requirements of the products Wastequip manufactures, our products are not currently available for e-procurement to municipal/government entities.

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Table 8: Value-Added Attributes

Line Item	Question	Response *	
36	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell participating entities. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	Wastequip Steel Group offers specific Sales and Compaction Technical training consisting of the following: 1. Compaction Sales Training: Training is provided at no charge and consists of basic overview of compaction operation and usage. Nine classroom training modules cover fundamentals, process, applications, waste flow analysis, equipment types, feeding recommendations, electrical requirements, location analysis, site surveys, and available equipment options. Sales Training can be geared for 1 day or broken into smaller multiple sessions. 2. Compaction Technical Training: Training is a 2-day classroom and hands-on course for service and maintenance personnel of compaction and baler equipment. The course is $350 per student and each attendee receives a service training manual, training competitions certificate and an electric volt meter. The curriculum includes the following: 1. Plant Tour 2. Hydraulics 3. Electrical Theory 4. Hands-on hydraulic and electrical demonstrations 5. Troubleshooting systems 6. Application of classroom knowledge to achieve solutions 7. Guardian Control System 8. ANSI (American National Standards Institute) 9. Lock out / tag out procedures 10. Review of new equipment features	*
37	Describe any technological advances that your proposed products or services offer.	Wastequip manufactures a full range of garbage collection, compaction, transportation, and disposal equipment for residential, commercial, and industrial applications. Wastequip's commitment and continued investment into product innovation will lead to continuous improvement in every phase of waste management. 1. Wastequip has partnered SSAB, a global specialty steel supplier, to develop a high strength roll-off container for the construction and demolition industry. This container incorporates SSAB's Hardox 450 wear plate for better performance and sustainability to withstand the abuse of containers used in these dense waste applications. Wastequip's RockBox containers are twice as strong and last four times as long as standard containers used in these applications. The use of Hardox 450 wear plate and a unique floating body design allows this to be done without increasing the container tear weight. 2. Galbreath Mobile Group provides alternate fuel compatible roll-off hoists to meet the needs of customers desire to operate compressed natural gas (CNG) powered vehicles.	*

38	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	At Wastequip, we're focused on building a bright future for our employees, our communities, and our environment. And our CORE program — reflecting our COrporate REsponsibility commitment to sustainability, diversity and philanthropy — exhibits our dedication to: • Helping define the future of the waste industry with progressive thinking and leadership • Developing products with consideration for the environmental impact to future generations • Employing a diverse workforce, providing development opportunities and valuing diverse perspectives • Continuing to demonstrate social consciousness so our team members and customers are proud to work for or do business with Wastequip As part of the CORE program, Wastequip is committed to creating more sustainable products, processes and facilities, without sacrificing our legendary quality. Future generations are counting on us to create better products, and to do so more responsibly. As a manufacturer, identifying efficiencies in how we source materials and manufacture and distribute our Steel and Galbreath products is among our most environmentally impactful opportunities. • Incoming packaging efficiency: For incoming shipments, Wastequip has been standardizing our reusable pallets and containers and implementing circular take-back models with our pallet suppliers. • Material efficiency: We reprocess all scraps, cuts, and drops of remaining steel. We actively separate alternative materials (bronze, aluminum, carbon steel) for recycling to aid in processing and reducing costs. • Energy efficiency: Across our Steel and Galbreath facilities, we've currently replaced about 15-20% of our welding units with new units that use a quarter to a third less electricity, and about 60% of our steel plants will LED lighting. • Distribution efficiency: We're continuously innovating our products. Recently, we've been employing nesting improvements in the distribution of our steel containers, allowing us to nest and ship up to 50% more product on each truckload. Additionally, our employees designed "solar powered" signage in Tyler, TX facility – and many plants and offices are equipped with motion sensing lights, and have been upgraded to use newer LED ballasts to reduce energy consumption and waste. As we have acquired new Steel facilities, we have also replaced welding gas tanks that could be prone to leakage.
39	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	None for the products offered in this proposal.
40	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	Wastequip nor any of our subsidiaries are considered a Woman or Minority Business Entity (WMBE) or a Small Business Entity (SBE). However, Wastequip is committed to the utilization of disadvantaged entities whenever possible, and we set out to identify possible use of MWBE's as subcontractors on a case by case basis in a concerted attempt to meet the encouraged goals of our municipal/governmental customers. While Wastequip does not possess certification as a disadvantages business, we do seek to employ and do business with disadvantages businesses. We use a WMBE's or SBE's to purchase office supplies, work with many disadvantaged businesses to perform work on projects, and are constantly seeking ways in which we may employ or do business with disadvantaged companies in both special projects and daily business. As in many projects, there are several possibilities for use of disadvantaged businesses. We are always prepared to search for specific businesses that may provide the following: 1. Utilization of teaming partners for specific government set aside project opportunities 2 Over-the-road trucking of products to the our municipal/government customers (typically 53 foot trailers)

41	What unique attributes does your company, your products, or your services offer to Sourcewell participating entities? What makes your proposed solutions unique in your industry as it applies to Sourcewell participating entities?	1. The entire Wastequip product line streamlines purchasing for Sourcewell member agencies. Our product offering includes virtually every possible container and related lifting equipment need from the residence to the convention center to the city office building to the farmers' market. Wastequip offers Sourcewell Members an aggregate waste stream flow for waste material from waste generation to final waste disposition. 2. With the awarded Sourcewell Contract #081716 for Class 6,7, and 8 Chassis with Related Equipment, Accessories, and Services, Wastequip is available to offer Sourcewell Members a Sole Source full product solution transaction as it relates to the Galbreath hoist product line. 3. Galbreath touts many value add items including a full staff of Engineers, including design a group which utilizes the latest 3D modeling software with Dynamic Finite Element Analysis and a full staffed Research and Development group which allow for superior validation processes and ensuring the latest technological developments are being utilized in the design of our products. 4. Other branches of Engineering include Application, to support ensuring the correct product is used for the customer's application, and manufacturing, who in tandem with the OPEX group work towards instituting the best processes which maximize efficiencies and control customer costs.	*

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *	
42	Do your warranties cover all products, parts, and labor?	Please see attached: 9. RFP 040621 Wastequip Q42 Warranty for full details. Yes, specific products, parts and labor are covered.	*
43	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	Please see attached: 9. RFP 040621 Wastequip Q42 Warranty for full details. No, however, all equipment under warranty must be used in accordance with the Owner's manual or guidelines to include preventative maintenance, if required. Wastequip warranties shall not apply to any unit, which has been subject to misuse, misapplication, negligence, alteration or accident.	*
44	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	Please see attached: 9. RFP 040621 Wastequip Q42 Warranty for full details. Compaction Products: Yes, Wastequip will reimburse our service providers for their travel time or mileage incurred when performing warranty service. Galbreath Mobile Products: No, Wastequip does not reimburse our service providers as the product is expected to be taken to the service facility for any warranty work.	*
45	Are there any geographic regions of the United States or Canada (as applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell participating entities in these regions be provided service for warranty repair?	No, Wastequip has service providers located in all 50 states to perform any required warranty repairs.	*
46	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	Yes, Wastequip will cover warranty service for items made by other manufacturers that are sold with our manufactured equipment. Original equipment manufacturers warranty will apply and any service needed will be coordinated with OEM.	*

47	What are your proposed exchange and return programs and policies?	Product Return Policy a) All returns must be authorized by Wastequip prior to shipping and acceptance. Product must be returned in the same condition as shipped by Wastequip, which may include original packaging, and Buyer must include a copy of the Invoice with any return. Buyer must complete and return a Warranty Registration Form for some Products, where applicable. Product may not be returned by Buyer to Wastequip after 30 days of Invoice date, without applicable Warranty Registration or proof of purchase or ownership. Go To Parts' supplementary Return Policy can be found by clicking here a hard copy of which is available upon request. If there is any conflict between the Go To Parts Return Policy and the Product Return Policy contained in this Section 5, the terms of the Go To Parts Return Policy shall control. b) A Return Authorization Number must be obtained from Wastequip within five (5) days of receipt of Product and before such Product may be returned for credit. No Product shall be returned to Wastequip without Wastequip's written consent. If any portion of the Product delivered to Buyer are defective or are otherwise not in accordance with contract specifications, Wastequip shall have the right in its discretion either to replace such defective Product or to refund the portion of the purchase Price applicable thereto. Any returned Product shall become the property of Wastequip; Buyer, Buyer's customer or end-user is not authorized to otherwise dispose of, sell or recycle such Product, parts or components. In no event shall Wastequip be liable for the cost of processing, lost profits, injury to goodwill or any other special incidental or consequential damages. c) Buyer is responsible for prepayment of, and all other related freight costs associated with returning Products to Wastequip unless previously agreed to in writing by Wastequip. Buyer is responsible for any missing or damaged Product. Risk of loss or damage to Product shall pass from Buyer to Wastequip upon physical receipt by Wastequip. d) Special order or non-stock items or other Product specified by Wastequip are not eligible for return. e) Any and all Product claimed defective or as a warranty matter must include a written explanation of how the Product was stored, maintained, installed and/or operated, as further described herein. Buyer must complete a Warranty Claim Form, where applicable. f) If, in Wastequip's judgment, a returned Product is not defective or not shipped in error, Wastequip may apply a service charge of 20% and/or a restocking fee up to 20% of the Product purchase price. g) Wastequip reserves the right to dispose of, return to Buyer (at Buyer's cost of freight and related charges), allow Buyer retrieval within seven (7) calendar days, or any other remedy, in Wastequip's discretion, for any attempted Product returns in contravention of the Wastequip Terms.
48	Describe any service contract options for the items included in your proposal.	Wastequip does not offer any service contract options for the items included in our proposal. Any service contract option would be provided by an outside third party and be provided at customers expense.

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *	
49	What are your payment terms (e.g., net 10, net 30)?	Payment shall be due as stated on the Wastequip Invoice for the Product. All payments shall be made in U.S dollars. Payment Terms are set at Net 30 Days with Approved Credit	*
50	Describe any leasing or financing options available for use by educational or governmental entities.	Wastequip makes available financing solutions for state and local governments through 3rd party financial institutions. Most recently, Wastequip has teamed with NCL Government Capital, an existing Sourcewell Contract holder (#011620-NCL), to offer financing options to Sourcewell Member agencies. Through our financing options Wastequip offers Fixed Interest rates that are based on the credit quality of the governmental entity and terms that are up to 10 years with annual payments in arrears. Additional information can be found by visiting our financing web page at: https://www.wastequip.com/about-us/financing	*
51	Briefly describe your proposed order process. Include enough detail to support your ability to report quarterly sales to Sourcewell as described in the Contract template. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell participating entities' purchase orders.	***CONFIDENTIAL INFORMATION*** Wastequip utilizes the Salesforce.com CRM system to create accounts, create and enter project opportunities, verify contact information, and produce quality and professional quotes. Our CRM system follows opportunities from creation to closure. Salesforce.com allows Wastequip to input Sourcewell Member information that flows onto approved Wastequip/Sourcewell logo quotes. By selecting the Wastequip/Sourcewell logo when creating the opportunity immediate notification is sent to the Sourcewell contract point of contact, notifying them of a new quote opportunity for Sourcewell. Every quote created is reviewed and sent through a 3 to 5 channel approval process. Once approved, the quote is sent through the CRM system to the requesting Sourcewell Member. After which, the system tracks the status of the opportunity and provides ongoing updates if information had been changed. Reports are currently automatically generated and forwarded to the Sourcewell contract point of contact every Tuesday morning. At quarter end, a refreshed report is generated listing all Sourcewell opportunities. Opportunities are tracked on the "Stage" basis (Budgetary, Pipeline, Expected, Commit, Pending OE, Closed Won and Closed Lost). Information pertaining to all "Closed Won" opportunities are then uploaded to the Sourcewell provided Sales Reporting spreadsheet for quarterly submission. Wastequip offers Sourcewell Member direct from Wastequip purchases and Sourcewell Member direct from Authorized Wastequip dealer purchases. With Wastequip direct purchases, purchase orders are placed directly with Wastequip and processed and tracked as indicated above. With Sourcewell Member direct from Authorized Wastequip dealer purchases, the Sourcewell Members submits a purchase order directly to our Authorized dealer. Our Wastequip dealer then provides Wastequip with a purchase order for the Sourcewell Member order and the order is processed and tracked as indicated above.	*
52	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell participating entities for using this process?	Yes, Wastequip accepts P-card and credit card payments with no additional fees charged. Our preferred method of payment is Wire, ACH, or Check.	*

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as desribed in the RFP, the template Contract, and the Sourcewell Price and Product Change Request Form.

Line Item	Question	Response *	

53	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	Wastequip is offering the below product group specific pricing models. Each price guide will include a listing of options available as upgrades to the base pricing for that specific product line. All products will be identified by model numbers. Wastequip Steel Container products are offered on a line item by manufacturing facility location basis. Pricing document labeled: 11. RFP 040621 Wastequip Q53 Wastequip Steel Container Pricing Confab Steel Container products are offered on a line item by manufacturing facility location basis. Pricing document labeled: 11. RFP 040621 Wastequip Q53 Confab Steel Container Pricing Wastequip Compaction products are offered on a product catalog basis. Pricing document labeled: 11. RFP 040621 Wastequip Q53 Compaction Pricing Galbreath Mobile products are offered on a product catalog basis. Pricing document labeled: 11. RFP 040621 Wastequip Q53 Galbreath Mobile Pricing Amrep Mobile products are offered on a product line item. Pricing document labeled: 11. RFP 040621 Wastequip Q53 Amrep Mobile Pricing
54	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	Wastequip is offering the below product group specific pricing discount ranges to Sourcewell Members. Wastequip Steel Container Products: Special Market Pricing Confab Steel Container Products: Special Market Pricing Wastequip Compaction Products: 5% to 20% off Catalog List Pricing Galbreath Mobile Products: 5% to 20% off Catalog List Pricing Amrep Mobile Products: Special Market Pricing
55	Describe any quantity or volume discounts or rebate programs that you offer.	Wastequip may offer discounts off the Sourcewell Member price for large projects when possible, giving the Member the benefit of making larger purchases and permitting Wastequip the opportunity to be flexible in competitive situations as required. We believe that it will be to both Wastequip's and the Member's advantage for this contract to allow flexibility with larger quantity discounts. As such, we do not feel it is in either of our best interests to set prices for large projects but rather offer discounted pricing based on the details of each such project and per current market conditions at time of request.
56	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	Wastequip is offering the following sourced good solutions: 1. Nonstandard external options or open market items: Wastequip will offer these items to Sourcewell Members on a Supply Quote basis. Wastequip or Wastequip Authorized Dealer will provide the Sourcewell Member with quote for all items not listed on the awarded Sourcewell contract. These items will be sourced at a Cost plus max of 20% basis. These items will not include the 1.5% proposed administrative fee. 2. Sourcewell Member direct purchase form Wastequip: Non-standard Wastequip/Confab Steel Container(s), Compaction Products, and options will be provided at a Price on Request (P.O.R.) basis. The items are listed in the price guides a "Specials". These items manufactured by Wastequip/Confab will include the 1.5% proposed administrative fee. 3. Sourcewell Member direct purchase from Authorized Wastequip Dealer: Non-standard Wastequip/Confab Steel Container(s), Compaction Products, and options will be provided at a Price on Request (P.O.R.) basis. These items will be P.O.R to Sourcewell Member at a Dealer Cost plus max of 20% basis. The items are listed in the price guides a "Specials". These items manufactured by Wastequip/Confab will include the 1.5% proposed administrative fee.

57	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	1. Installation: Cost of installation, as required, shall be paid by the end user. Due to the customized nature of our business, each customer's project installation is unique, and therefore, quoted individually. Unique installations may include, and are not limited to requirements such as installation of equipment, assembly and distribution of containers to end users, additional labor for customer preferences, etc. This cost will not include the 1.5% Administrative Fee. 2. Taxes: Local, State and Federal Sales or Use Taxes or any applicable ferry costs, customs duties, levies and taxes are not included in our proposed pricing models. If required, these items will be added at time of quote. Also, Canadian GST/PST/HST taxes are not included in our proposed pricing models, and are not paid by Wastequip. If required to be paid by Wastequip, then the Member will be required to reimburse Wastequip for these taxes. 3. Surcharges: Steel costs continue their historic rise, with hot rolled steel increasing nearly 150% since September 1, 2020 to the current all-time high. Wastequip has been working closely with our supply chain to help minimize these costs, but our suite of products continue to be impacted directly by the escalating commodity prices. Therefore, Wastequip is including a surcharge option to our RFP proposal. To maintain transparency with Sourcewell Members, this charge, if needed, will be shown as a separate line item at time of quote. This surcharge provides Wastequip the flexibility to adjust product pricing up or down quickly in response to cost increases such as steel and components without having to change customer discount levels established on the contract.
58	If freight, delivery, or shipping is an additional cost to the Sourcewell participating entity, describe in detail the complete freight, shipping, and delivery program.	Wastequip has locations throughout the U.S., which allows us to serve our customer base on a local level while delivering economies of scale not possible with smaller manufacturers. With over 24 manufacturing facilities, Wastequip can stock and ship product from around the country to aid in reducing freight costs. Wastequip has extensive import/export experience and an expansive logistics group available to assist Sourcewell Members. Wastequip is able to involve outside logistic companies to participate in shipping by freight hauler/common carrier, subcontracted off-loading, assembly, installation and distribution as required by the Sourcewell Member needs and demands. Wastequip will evaluate each order as a unique opportunity and consider the Sourcewell Members order volume and location. 1. Freight: Cost of shipping/delivery shall be paid by the End User. Calculations of the freight/delivery charges will be based on prevailing rates at the time of quote and included on quote as a separate line item. Sourcewell Member is responsible for offloading equipment at time of delivery unless otherwise noted at time of order. This cost will not include the 1.5% Administrative Fee.
59	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Wastequip is able to serve these areas with all of our offered products. We find that the difference in our service involves Ocean Freight, different sized sea containers (different container quantities than over-the-road semi truck loads), and varying schedules for shipments. The shipments may vary due to restricted passage to these outlying states/territories whose path of shipment may involve extreme seasonal and other weather related issues. We find that these customers are more than aware of the issues surrounding their shipments, and they are most accepting of these differences for shipments.
60	Describe any unique distribution and/or delivery methods or options offered in your proposal.	The Wastequip/Confab Group is able to ship steel containers from 17 steel manufacturing facilities. Compaction equipment can be shipped from 7 manufacturing/finishing facilities ensuring Wastequip is able to provide the most economical freight rates to our customers. Wastequip/Confab steel slant and flat top containers are nestable meaning one container nests inside another container, therefore saving on freight charges. Our Confab Group also offers a double deck delivery trailer option for delivery in California only. This allows for small steel container to be shipped unstacked, fully assembled and ready to use.

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
61	c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
62	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell participating entities obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell.	***CONFIDENTIAL INFORMATION*** Wastequip utilizes the Salesforce.com CRM system to create accounts, create and enter project opportunities, verify contact information and produce quality and professional quotes. Our CRM system follows opportunities from creation to closure. Salesforce.com allows Wastequip to input Sourcewell Member information that flows onto approved Wastequip/Sourcewell logo quotes. By selecting the Wastequip/Sourcewell logo when creating the opportunity immediate notification is sent to the Sourcewell contract point of contact, notifying them of a new quote opportunity for Sourcewell. Every quote created is reviewed and sent through a 3 to 5 channel approval process. Once approved, the quote is sent through the CRM system to the requesting Sourcewell Member/Authorized Dealer. After which, the system tracks the status of the opportunity and provides ongoing updates. Reports are currently automatically generated and forwarded to the Sourcewell contract point of contact every Tuesday morning. At quarter end, a refreshed report is generated listing all Sourcewell opportunities. Opportunities are tracked on the "Stage" basis (Budgetary, Pipeline, Expected, Commit, Pending OE, Closed Won and Closed Lost). Information pertaining to all "Closed Won" opportunities are then uploaded to the Sourcewell provided Sales Reporting spreadsheet for quarterly fee submission.
63	Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	Wastequip is proposing a 1.5% administrative fee. For Sourcewell Member direct to Wastequip purchases, the administration fee will be incorporated in the Sourcewell Member Price. For Sourcewell Member direct purchases through an Authorized Wastequip dealer, the administration fee will be incorporated in the price to the dealer not to the Sourcewell Member. Please note that freight, installation, surcharges and other "Total Cost of Acquisition" costs will not include this fee.

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Table 14A: Depth and Breadth of Offered Equipment Products and Services

Line Item	Question	Response *
64	Provide a detailed description of the equipment, products, and services that you are offering in your proposal.	1. Wastequip Steel Container product offering consist of the following: Environmental Containers Front Load Containers Other Large Containers Other Small Containers Rear Load Containers Receiver Containers Roll Off Containers (Rectangle and Tub) Scrap Bins Self Dumping Hoppers Side Load Containers Container Factory Options 2. Confab Steel Container product offering consist of the following: Front Load Containers Other Large Containers Other Small Containers Rear Load Containers Receiver Containers Roll Off Containers (Rectangle and Tub) Self Dumping Hoppers Side Load Containers Container Factory Options 3. Wastequip Compaction product offering consist of the following: Stationary Compactors Pre-Crusher Compactors Self-Contained Compactors Apartment Compactors Pak-Man Compactors Accu-Pak Compactors Vertical Balers Container Lifters Compaction Factory Options 4. Galbreath Mobile product offering consist of the following: Cable Hoists Hook Hoists Container Delivery Units Trail Hoist Trailers Pup Trailers Roll Off Trailers Tarps Mobile Factory Options 5. Amrep Mobile product offering consist of the following: Cable Hoists Chain Hoists Pup Trailers Transfer/Pull Trailers Tarps Mobile Factory Options Additional product information can be found by visiting our website at www.wastequip.com
65	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services.	Wastequip believes that the following subcategory of solutions should be included: 1. Factory Options: Wastequip has included in our price guides additional factory available add on features that are readily available to Sourcewell Members. These factory options are enhancers to our standard products. 2. Custom Options: Any custom feature requested by the customer may be provided and will be made available as a "Special" and provided as a Price On Request item. 3. Services: Wastequip can provide additional services to Sourcewell Members. These services may include unloading, assembly, equipment installation, and training. These services will be made available as a "Special" and provided as a Price On Request item.

Table 14B: Depth and Breadth of Offered Equipment Products and Services

Indicate below if the listed types or classes of equipment, products, and services are offered within your proposal. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered *	Comments	
66	Commercial/Industrial-sized refuse and recycling containers, roll-off containers and collection bins of metal construction	(•) Yes ( ) No	Wastequip's Steel Group manufactures a wide range of front-load, roll-off, and rear-load containers, as well as self-dumping hoppers for all types of waste and recycling. The division also makes specialty containers for handling sludge, grease, and other tough waste, along with dewatering, vacuum, and intermodal containers.	*
67	Knuckleboom and grapple loaders	( ) Yes (•) No	No Bid	*
68	Hook and hoist dumpster loaders	(•) Yes ( ) No	Wastequip's branded Galbreath Mobile Group products are engineered to withstand the punishment of hauling waste, recyclables, and scrap. The division includes branded products such as Galbreath® hoists, container handlers, and trailers; Mountain Tarp™ and Pioneer™ tarping systems. For decades, Amrep® has been meeting our customers' needs by designing durable, high-performing roll-off hoists that minimize weight and maximize payload. At Amrep, we understand that our customers' requirements vary based on application and budget, and we accommodate their needs by offering a variety of roll-off cable hoists. From refuse and construction hauling to product delivery and yard transport, Amrep can help you choose the right product.	*
69	Roll-off trucks and container handlers	(•) Yes ( ) No	Wastequip's branded Galbreath Mobile Group products are engineered to withstand the punishment of hauling waste, recyclables, and scrap. The division includes branded products such as Galbreath® hoists, container handlers, and trailers; Mountain Tarp™ and Pioneer™ tarping systems.	*
70	Refuse and recyclable material balers and compactors	(•) Yes ( ) No	Wastequip's Steel Group manufactures Wastequip®-branded compactors and industrial balers. These powerful products withstand the demands of both commercial and industrial use.	*

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Table 15: Industry Specific Questions

Line Item	Question	Response *
71	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Wastequip will measure our performance of an awarded contract by the following methods: 1. Comparing a Previous Year to Current Year Sales Analysis 2. Track and monitor Quote activity 3. Continue to emphasis the value and improtance of the Sourcewell contract during sales meetings/calls 4. Maintain onboard sale training for new associates and refresher training for existing associates.
72	Describe the serviceability of the products included in your proposal (parts availability, warranty and technical support, etc.).	All Wastequip Groups rely on a wide and geographically diverse independent third party dealer network and service providers who aid in developing new business and provide additional support services to Wastequip. Our Wastequip/Confab Group offers a nationwide service provider network of approximately 526 independently owned service provider companies who provide warranty, preventative maintenance, service and repair of equipment. Our Galbreath Mobile Group dealer network also provides warranty, preventative maintenance, service and repair of equipment assistance. All Wastequip Groups employ division specific engineering staff who are available for specific design projects or technical requirements. Our dealer network and service providers are fully supported by the Wastequip sales, service and warranty teams.
73	Describe advancements reflected in the equipment or products offered in your proposal, such as safety, longevity or life cycle cost measures.	1. Wastequip compactors are equipped with AMS (Automatic Maintenance Scheduler) that notifies you when preventative maintenance is due based on actual usage. With AMS you don't have to guess when maintenance is due or try and keep track as an indicator light illuminates when maintenance should be scheduled while still allowing you to operate the compactor. The light is reset after maintenance is performed. 2. Wastequip's guided ram system has been incorporated into high cycle compactors. This system suspends the ram off the floor and significantly reduces friction and wear. The use of ultra high molecular weight (UHMW) guide shoes provides a long lasting, low noise, low vibration solution to traditional floor riding rams. The guided ram system extends the life of the equipment and allows Wastequip to offer an industry leading warranty on our self-contained compactors. 3. The incorporation of SSAB high strength steels including Hardox and Strenx in our roll-off containers as well as in high wear areas of other equipment increase life expectancy and decrease maintenance costs.

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Exceptions to Terms, Conditions, or Specifications Form

Only those Proposer Exceptions to Terms, Conditions, or Specifications that have been accepted by Sourcewell have been incorporated into the contract text.

Documents

Ensure your submission document(s) conforms to the following:

1. Documents in PDF format are preferred. Documents in Word, Excel, or compatible formats may also be provided.

2. Documents should NOT have a security password, as Sourcewell may not be able to open the file. It is your sole responsibility to ensure that the uploaded document(s) are not either defective, corrupted or blank and that the documents can be opened and viewed by Sourcewell.

3. Sourcewell may reject any response where any document(s) cannot be opened and viewed by Sourcewell.

4. If you need to upload more than one (1) document for a single item, you should combine the documents into one zipped file. If the zipped file contains more than one (1) document, ensure each document is named, in relation to the submission format item responding to. For example, if responding to the Marketing Plan category save the document as "Marketing Plan."

- Financial Strength and Stability - 2. RFP 040621 Wastequip 09 Financial Strength and Stability.pdf - Monday April 05, 2021 14:47:13
- Marketing Plan/Samples - 7. RFP 040621 Wastequip 032 Marketing Plan Samples.pdf - Monday April 05, 2021 14:52:09
- WMBE/MBE/SBE or Related Certificates (optional)
- Warranty Information - 9. RFP 040621 Wastequip 042 Warranty.pdf - Monday April 05, 2021 14:47:25
- Pricing - 11. RFP 040621 Wastequip Price Offerings Zip.zip - Tuesday April 06, 2021 07:05:22
- Upload Additional Document - 16RFP0~1.PDF - Tuesday April 06, 2021 11:16:00

Proposer's Affidavit

PROPOSER AFFIDAVIT AND ASSURANCE OF COMPLIANCE

I certify that I am the authorized representative of the Proposer submitting the foregoing Proposal with the legal authority to bind the Proposer to this Affidavit and Assurance of Compliance:

1. The Proposer is submitting this Proposal under its full and complete legal name, and the Proposer legally exists in good standing in the jurisdiction of its residence.

2. The Proposer warrants that the information provided in this Proposal is true, correct, and reliable for purposes of evaluation for contract award.

3. The Proposer, including any person assisting with the creation of this Proposal, has arrived at this Proposal independently and the Proposal has been created without colluding with any other person, company, or parties that have or will submit a proposal under this solicitation; and the Proposal has in all respects been created fairly without any fraud or dishonesty. The Proposer has not directly or indirectly entered into any agreement or arrangement with any person or business in an effort to influence any part of this solicitation or operations of a resulting contract; and the Proposer has not taken any action in restraint of free trade or competitiveness in connection with this solicitation. Additionally, if Proposer has worked with a consultant on the Proposal, the consultant (an individual or a company) has not assisted any other entity that has submitted or will submit a proposal for this solicitation.

4. To the best of its knowledge and belief, and except as otherwise disclosed in the Proposal, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when a vendor has an unfair competitive advantage or the vendor's objectivity in performing the contract is, or might be, impaired.

5. The contents of the Proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or legally authorized agent of the Proposer and will not be communicated to any such persons prior to Due Date of this solicitation.

6. If awarded a contract, the Proposer will provide to Sourcewell Participating Entities the equipment, products, and services in accordance with the terms, conditions, and scope of a resulting contract.

7. The Proposer possesses, or will possess before delivering any equipment, products, or services, all applicable licenses or certifications necessary to deliver such equipment, products, or services under any resulting contract.

8. The Proposer agrees to deliver equipment, products, and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.

9. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.

10. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statutes Section 13.591, subdivision 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals become public data. Minnesota Statutes Section 13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.

11. Proposer its employees, agents, and subcontractors are not:

    1. Included on the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: https://www.treasury.gov/ofac/downloads/sdnlist.pdf;

    2. Included on the government-wide exclusions lists in the United States System for Award Management found at: https://sam.gov/SAM/; or

3. Presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this solicitation.

☑ By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as if I had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation. - John Defenbaugh, Commercial President, Wastequip LLC

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

○ **Yes** ◉ **No**

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "**I have reviewed this addendum**" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (If applicable)	Pages
Addendum_2_Bulk_Solid_Waste_Equipment_RFP_040621 Fri February 19 2021 08:07 AM	☑	1
Addendum_1_Bulk_Solid_Waste_Equipment_RFP_040621 Thu February 18 2021 01:07 PM	☑	1

City Council Regular

Date:	06/27/2022
Title:	2020-2024 Transportation Improvement Program - Amendment 3
Presented by:	Scott Walker
Department:	Planning & Community Services
Presentation:	No
Legal Review	No

RECOMMENDATION

Staff recommends the City Council approve the 2020-2024 TIP Amendment 3 and forward the recommendation to PCC through its designee, Mayor Cole. The PCC is scheduled to meet on July 19 for action on this item.

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

Federal regulations require that Metropolitan Planning Organizations (MPOs) review and update their Transportation Improvement Program (TIP) periodically. Given timing and funding adjustments with several transportation projects, the current Billings 2020-24 TIP must be amended to maintain compliance with State and Federal requirements.

The TIP is a short-range program of highway and transit projects in the Billings MPO area and is prepared by City-County Planning Division staff in cooperation with state and local agencies. The purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicate regional priorities, and demonstrate a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the urbanized area that are exempt from the TIP approval process, such as projects that do not utilize federal funds. This TIP amendment is being presented to the Council for review due to timing and cost updates to several MDT projects supported by Federal funding. Staff has included and attached to this staff report a quick reference sheet indicating what project updates are included in this amendment.

ALTERNATIVES

The current TIP includes updates of federal funding for several projects in the Billings area. The Council may:

- Recommend approval to the Policy Coordinating Committee (PCC) of the 2020-2024 TIP Amendment 3 as drafted in order to continue the implementation of federally funded transportation projects in the Billings MPO area.
- Recommend modifications to the proposed 2020-2024 TIP Amendment 3 and present these recommendations to the Policy Coordinating Committee for further consideration.

Not approving the 2020-2024 TIP Amendment would cause the Billings MPO to be out of compliance with State and Federal requirements and could affect the schedule and completion of Federally funded transportation projects in the Billings MPO area.

FISCAL EFFECTS

A range of federal funding sources is available to the Billings MPO area for the purposes of funding transportation system improvements. A list of those sources is shown in the TIP. There is no known direct impact to City or County funds in budgeting for these projects given the use of federal funding sources. Projects in the TIP that are not federally funded have already been identified in other programming documents, like the City's Capital Improvement Program.

Attachments

2020-24 TIP Amd. 3 - Quick Reference
2020-24 TIP Amed. 3

Multiple Funding

4199000 – Billings Bypass

Moved IC to individual units to be able to track unit costs. There was also an increase in IC costs due to utilities

4199002 – Billings Bypass Five Mile Road

Updated STPU CN costs for additional drainage features

4199007 – Billings Bypass Johnson Lane Interchange

Added NH IC

4199005 – Billings Bypass Railroad Overpass

Added NH IC

4199006 – Billings Bypass Johnson Lane Interchange to RR O'pass

Added NH IC

4199004 – Billings Bypass Five Mile Rd to US 87

Added NH IC

7972 – I-90 Yellowstone River Bridges

Reduced IM RW costs from preliminary estimates

STPU

4199002 – Billings Bypass Five Mile Road

See note above

IM

7972 – I-90 Yellowstone River Bridges

See Note Above

9198 – Mossmain Interchange West Billings Interchange

Updated PE Costs to programmed amount

Decreased CN Costs to match Scope of Work Amendment

NH

4199000 – Billings Bypass

See note above

4199007 – Billings Bypass Johnson Lane Interchange

See note above

4199005 – Billings Bypass Railroad Overpass

See note above

4199006 – Billings Bypass Johnson Lane Interchange to RR O'pass

See note above

4199004 – Billings Bypass Five Mile Rd to US 87

See note above

7910 – 27th St 1st Ave S to Airport

Updated RW to final cost

8717 – Main Street Billings

Updated CN costs for Public Involvement

BR

9552001-Bridge Preservation Columbus Joliet Area

Bridge preservation project on various structures in the Billings District. Project includes three bridges; however only one bridge is located in the MPO planning area (Structure 06769 South Billings).

Transit Updates are as follows:

- FEDERAL TRANSIT ADMINISTRATION SECTION 5307 CARES ACT
    - All capital projects moved from CARES 5307 funding to take advantage of better Capital match rates; state CARES funding transfer and ARP funding added to CARES 5307 table. All funds in CARES table are now reflected as Transit Operations.

- FEDERAL TRANSIT ADMINISTRATION SECTION 5307
    - Now includes Capital Projects in 2021 including Bus Replacement Purchase and Support Vehicle Purchases; allocation amounts updated for FY22 forward due to increases from Bipartisan Infrastructure Law

- FEDERAL TRANSIT ADMINISTRATION SECTION 5339
    - Two Tables now reflected to show projects programmed in FORMULA FUNDS and COMPETITIVE FUNDS; all projects were previously included in one table. Additional project tables added to show more specific project information for each source.

    - FORMULA FUNDING now includes Training Lot Capital project moved from CARES Funding sources.
    - COMPETITIVE FUND table now includes technology additions (Automated Passenger Counters, Digital Fare System) which had previously been included in both CARES funding and 5339 FORMULA FUNDING; COMPETITIVE FUNDS also now includes recently awarded $3,028,000 in Federal funds for additional bus replacements and facility improvements.

- FEDERAL TRANSIT ADMINISTRATION SECTION 5310
    - Table updated with most recently available funding figures as well as recently completed GRANT selections for Coordination Group projects to occur in FY23. Projects table added to provide more specific project information.

- TRANSADE
    - Updated with actual apportionment figures with decreased estimates for funding moving forward based on recent apportionments.

- Overall notations added to each funding table for updated Match Rate Info.

Billings Metropolitan Planning Organization
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Federal Fiscal Years
FFY 2020 – 2024

Amendment III

DRAFT – February 9, 2022

Prepared by:

Billings Metropolitan Planning Organization

Yellowstone County Board of Planning

In cooperation with:

City of Billings, Montana
County of Yellowstone, Montana
Billings Urban Transportation District
Montana Department of Transportation
Federal Highway Administration
Federal Transit Administration

APPROVALS

REVIEWED BY

	2020-2024	2020-2024 Amd I	2020-2024 Amd II	2020-2024 Amd III
Technical Advisory Committee	May 14, 2020	December 17, 2020	October 14, 2021	May 17, 2022
Yellowstone County Board of Planning	June 9, 2020	January 26, 2021	November 9, 2021	June 28, 2022
Billings City Council	June 9, 2020	February 8, 2021	October 25, 2021	June 27, 2022
Yellowstone County Board of County Commissioners	June 9, 2020	February 2, 2021	October 19, 2021	June 21 (Tentative)

APPROVED BY

	2020-2024	2020-2024 Amd I	2020-2024 Amd II	2020-2024 Amd III
Policy Coordinating Committee	June 16, 2020	February 16, 2021	November 16, 2021	July 19, 2022
Montana Department of Transportation	July 31, 2020	April 20, 2021		
Federal Highway Administration	July 31, 2020	April 14, 2021		
Federal Transit Administration	July 31, 2020	April 14, 2021		

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

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Acronyms

BUILD	Better Utilizing Investments to Leverage Development
CMAQ	Congestion Mitigation and Air Quality
CN	Construction
CO	Carbon Monoxide
EPA	Environmental Protection Agency
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY/FFY	Fiscal Year/Federal Fiscal Year. The local and state government fiscal year runs from July 1 - June 30. The Federal fiscal year runs from October 1 – September 30.
GROWTH	Flexible state CMAQ funds distributed to high growth urban areas
HSIP	Highway Safety Improvement Program
IC	Incidental Construction
IM	Interstate Maintenance, IM is a state sub-allocated program funded by the federal National Highway Performance Program
MACI	Montana Air and Congestion Initiative
MAP-21	Moving Ahead for Progress in the 21st Century Act
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization. The Yellowstone County Board of Planning is the MPO for the Billings Urban area.
NAAQS	National Ambient Air Quality Standards
NH	National Highway System, NH is a state sub-allocated program funded by the federal National Highway Performance Program
PE	Preliminary Engineering
PLH	Public Lands Highways
PLHD	Public Land Highways Discretionary Fund
PM_{10}	A federal standard for particulate (10 microns or less in size), i.e., road dust, brake lining and/or wood smoke particles.
$PM_{2.5}$	A federal standard for particulate (2.5 microns or less in size), i.e., road dust, brake lining and/or wood smoke particles.
ROW	Right of Way
RP	Road Reference Post
SAFTEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SFC	State Funded Construction
SRTS	Safe Routes to Schools
SIP	State Implementation Plan. A plan for improving air quality in the State, including the Billings area.
STIP	State Transportation Improvement Program
STPE	Surface Transportation Program Enhancements
STPP	Surface Transportation Program Primary
STPU	Surface Transportation Program Urban
STPX	Surface Transportation Program Off-System
TA	Transportation Alternatives Program

TEA-21	Transportation Efficiency Act for the 21st Century
TCM	Transportation Control Measure
TIP	Transportation Improvement Program. A multi-year program of highway and transit projects on the Federal aid system, which addresses the goals of the long-range plans and lists priority projects and activities for the region.
TPCC	Transportation Policy Coordinating Committee. Together with the TTAC, the transportation planning organization for Federal aid projects in the Billings urbanized area.
TSP	Total Suspended Particulate
UHPIP	Urban Highway Pilot Improvement Program
UPP	Urban Pavement Preservation

Introduction

Preface

The Yellowstone County Board of Planning (YCBP) is the Metropolitan Planning Organization, (MPO), for the Billings metropolitan planning area. The Transportation Improvement Program, (TIP), is the funding mechanism for transportation projects requesting federal dollars in the Billings urbanized area. All MPO's are required by the current Federal Highway Bill SAFETEA LU to produce a TIP and update it at least every four years. SAFETEA LU was the first Transportation Bill that required a TIP. The bill was signed into law by President Bush in 2005, and extended by President Obama through June 2012. The act and extensions authorized highway, highway safety, transit, and other surface transportation programs.

On July 6, 2012 Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law. The law provides federal program funding through the end of Federal Fiscal Year 2014 and brings program structure changes that will be fully addressed in future long range transportation plans and TIPs. The Fixing America's Surface Transportation Act (FAST Act) was signed into law on December 4, 2015, and authorizes federal transportation funding for federal fiscal years 2016 through 2020. This document contains a list of all surface transportation projects requesting the use of federal funds. Local jurisdictions working through the Billings MPO's Policy Coordinating Committee (PCC) determine how the area's transportation system is developed and expanded.

About the Transportation Improvement Program

The TIP is a short-range program of highway and transit projects in the Billings metropolitan planning area and is prepared by YCBP staff in cooperation with state and local agencies. The basic purpose of the TIP is to provide the mechanism for scheduling federal funds for surface transportation projects, indicating regional priorities, and demonstrating a short range transportation vision for the area. A secondary purpose of the TIP is to provide information about other transportation projects in the planning area that are exempt from the TIP approval process such as projects that do not utilize federal funds.

TIP Process and Development

The development of the TIP document is the responsibility of the Billings MPO and provides an opportunity for local officials to determine priorities and spending for federal highway and transit funds. Any transportation project located in the Billings metropolitan planning area must be included in the TIP prior to receiving federal funds. TIP projects must be included in the area's 20-year Transportation Plan, and are proposed for the TIP by local elected officials, transit operating officials, or state highway agencies. The TIP is reviewed and endorsed annually by the Billings MPO's Policy Coordinating Committee, (PCC), and may be modified through the TIP amendment process. The PCC includes a Billings City Council representative, the Chair of the Yellowstone County Commission, the President of the Yellowstone County Board of Planning and the District Administrator of the Montana Department of Transportation. After PCC endorsement, the TIP is submitted to the Montana Department of Transportation (MDT) and to the Federal Highway Administration and Federal Transit Administration for federal review of the document and approval of conformity and fiscal constraint determination.

Federal Regulations

The Transportation Improvement Program (TIP) is a required planning program for federally assisted highway and transit improvements for the Billings metropolitan planning area and the Montana Department of Transportation (MDT) over a five-year period. The principal focus is given to the first two years of the program, the Biennial Element, which contains projects that could be implemented between October 1, 2020 –

September 30, 2024 (FFY 2020 & 2024). The TIP is prepared annually and is in conformance with 23 CFR, Part 450 324-330.

Financial Resources

A range of federal funding sources is available to the Billings planning area for the purposes of funding transportation system improvements. Following is a list of those sources which, when available to the Billings area, are shown in the Transportation Improvement Program. Project implementation is indicated as expected to occur during the pertinent program year. Billings has had a favorable history of receiving federal earmarks as reflected in the table below.

BILLINGS FEDERAL EARMARK HISTORY 1999 – through 2009

Project	Earmark
Billings Bypass	$22,445,600
Zimmerman Trail	$ 6,242,553

Funding Sources

- Surface Transportation Program Off System (STPX)
- Seconday (STPS)
- State Funded Construction (SFCN)
- Surface Transportation Program Urban (STPU)
- Surface Transportation Program Primary (STPP)
- National Highway (NH)
- National Highway System (NHS)
- National Highway Freight (NHFP)
- Interstate Maintenance (IM)
- Railroad Crossing (RRS)
- Highway-Railway Crossing Program (RRX)
- Highway Safety Improvement Program (HSIP)
- Bridge Replacement and Rehabilitation Program (HBRRP)
- Urban Pavement Preservation (UPP)
- Transportation Alternatives Program (TAP)
- State Funded Construction (SFC)
- Congestion Mitigation Air Quality (CMAQ)
- Montana Air Congestion Initiative (MACI)
- Better Utilizing Investments to Leverage Development (BUILD) Grant Program
- FTA Section 5339 (Formerly Sec. 3)
- FTA Section 5307 (Formerly Sec. 9); FTA Section 5307 CARES Act
- FTA Section 5310 (Formerly Sec. 16)
- Transade (State Funded)
- Congressionally Directed Funds (MT, NCPD, DEMO)

AIR QUALITY CONSISTENCY

Billings was designated as a non-attainment area for both Total Suspended Particulates (TSP) and Carbon Monoxide (CO) on March 3, 1978, (Federal Register, Vol. 44, No. 150, page 45421, August 2, 1979). As such, Billings was required to prepare a Transportation Control Plan (TCP). The TCP identified strategies to mitigate the TSP and CO problems. The TCP is the Billings element of Montana's State Implementation Plan (SIP). The TIP is required to be, and is, consistent with the TCP as discussed in the Billings conformity statement.

In 1987 the standard for TSP was dropped, and a new standard for particulate matter under 10 microns in size (PM - 10) was adopted (7/1/87 at 52 FR 24854). The Environmental Protection Agency (EPA), has also adopted the PM 2.5 standard and Billings is considered to be in compliance with both of these new standards.

Conformity of the Billings Area Transportation Improvement Program with the 1990 Clean Air Act

A portion of the Billings Urbanized Area, (Billings), was designated non-attainment for carbon monoxide (CO) on 3/3/78 (43 FR 8962) with a secondary classification of "unclassified". EPA approved the Billings CO Control Plan on 1/16/86 (51 FR 2397). Billings was then re-designated as "Not Classified" on 11/6/91 (56 FR 56697). The area meets the qualifications of the Clean Air Act (CAA) for classification as an attainment area for ozone.

The Billings "not classified" carbon monoxide (CO) nonattainment area was re-designated by the Environmental Protection Agency (EPA) to attainment for the CO National Ambient Air Quality Standards (NAAQS) with an approved limited maintenance plan effective April 22, 2002. Under a CO limited maintenance plan, the motor vehicle emissions budgeted may be treated as essentially non-constraining for the length of the maintenance period because growth would need to exceed reasonable expectations to create a violation of the NAAQS for transportation-related CO. Therefore conformity demonstration using regional emissions analysis is not required; however, individual projects may still be required to conduct "hot spot" analysis.

As demonstrated in the following sections, the Transportation Improvement Program (TIP) satisfactorily meets the requirements established by the 1990 amendments to the CAA regarding the conformity of TIP's.

- The most recent estimates of CO mobile source emissions have been developed by the Analytical Services Section, Montana Department of Environmental Quality and are based upon development and transportation data provided by the Yellowstone County Board of Planning.
- EPA has approved the second 10-year carbon monoxide (CO) maintenance plan for the Billings area. This second 10-year CO maintenance plan meets the requirements of CAA section 175A (b) and is also a Limited Maintenance Plan (as was the maintenance plan with the original 2002 EPA approval.) The second 10-year CO maintenance plan continues to correctly reflect the Limited Maintenance Plan transportation conformity requirements. The EPA-approved Billings second 10-year CO maintenance plan is available at the Planning office.

Transportation Control Measures

Specific Transportation Control Measures have not been proposed for Billings recently, however, the SIP completed in 1986 included the widening of Exposition Drive (Main Street) and the signalization at Main Street and First Avenue North. Both of these projects were completed in 1983.

There are no Transportation Control Measures (TCM's) in the State Implementation Plan (SIP) and therefore there are no specific TCM's recommended for implementation in this TIP.

TIP Conformity

As a prerequisite for receiving Federal-aid transportation funds through the TIP, a determination must be made that the proposed transportation projects do not cause or contribute to violations of the carbon monoxide ambient air quality standards. An analysis, which meets the EPA conformity determination regulations specified in 40 CFR Part 51 was performed in conjunction with the development of the Billings Urban Area 2018 Long Range Transportation Plan. The plan discusses conformity analysis in Chapter 14, pages 172-174. As the transportation projects in the TIP are contained in the Transportation Plan's analysis, a separate analysis for the TIP is not necessary.

Regionally Significant Projects

There are no new regionally significant projects in this 2020-2024 Billings Urban Area TIP.

> 40 CFR part 93, subpart A - §93.126 Highway and Transit projects included in subpart A are exempt from the requirement to determine conformity. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A project will not be exempt if the MPO in consultation with other agencies, the EPA, FHWA, or FTA concur that it has potentially adverse emissions impacts for any reason.

REGIONALLY SIGNIFICANT PROJECT (2020-2024)

Project	Scope	Comments
Billings Bypass (aka North Bypass)	Location/Environmental	New Construction

Energy Conservation Considerations

Energy impact analyses have been conducted as a part of the urban transportation planning process. In addition, increased attention has been given to energy conservation and contingency planning on a project specific basis.

As part of the 2018 update of the Billings Urban Area Transportation Plan, energy conservation was considered in each of the proposed alternative transportation networks.

The City of Billings has a well-developed transit system, and ride-sharing opportunities have been examined. Transit facilities and highway system proposals will continue to be considered in a comprehensive method through the adopted Transportation Planning process.

The detailed energy conservation analysis of specific projects has been conducted for each of the major highway construction projects recommended in the 2018 update of the Billings Urban Area Transportation Plan.

PROGRAMMING OF NON-URBAN SYSTEM, FEDERAL AID, AND STATE FUNDING

Proposed projects involving federal-aid funding, other than urban system funding, that are proposed within existing rights-of-way and which are determined to not significantly change traffic patterns, may not be considered to be of appropriate scale to warrant a modification to a currently valid TIP.

When there is knowledge of such projects prior to the annual adoption of the TIP, each project will be included in the program. Generally, projects falling within this category are those which serve to preserve and maintain the integrity of the existing plant or facility such as: overlays to improve or maintain surface conditions; bridge expansion joints and deck repairs necessary to maintain structural and surface sufficiency; slope repair necessary to maintain drainage adequacy; etc. Projects of this nature will be identified by MDT with appropriate justification when requesting program approval of federal highway funds. Local urban area officials will be advised by the Department through the local planning process of the Department's intent to expend federal funds (non-urban system) for such improvements in their area.

Performance Measures

Performance measures have historically been used in Transportation Planning; the Moving Ahead for Progress in the 21st Century Act, (MAP-21), transformed the Federal-aid highway program by establishing requirements for performance management to promote the most efficient investment of Federal transportation funds. The Fixing America's Surface Transportation, (FAST), Act continues these requirements to increase the accountability and transparency of this program and to support improved investment decisions through a focus on performance outcomes for national transportation goals. Establishing performance measures encourage Metropolitan Planning Organizations (MPOs) and State Transportation Departments to maximize the allocation of resources in their respective areas, as well as monitor the performance of the system for eventual use of future resources.

The Billings MPO supports the State targets for applicable performance measures for safety, pavement and bridge condition, system performance, freight, and CMAQ, and will support the Billings MET Transit for associated transit performance measures. Thus, the MPO will plan and program projects that contribute toward relevant targets for each performance measure.

Safety

The goal of safety performance measures is to reduce the number of traffic fatalities and serious injuries in the public right of way. Interstate Maintenance, National Highway, Highway Safety Improvement Program, Surface Transportation Program Off-System, Secondary, and State

Funded Construction funding sources support projects with the intent to improve safety measures.

Pavement and Bridge Condition

Pavement and bridge condition performance measures aim to maintain roadway and bridge infrastructure in such a way it remains functional and in good repair. Pavement and Bridge Condition are impacted most by Interstate Maintenance, National Highway, Bridge Program, and Urban Pavement Preservation funding sources. Projects included for funding under these sources were selected in part due to their contribution towards pavement and bridge condition targets.

System Performance

System performance measures exist to improve the efficiency of the overall transportation system, while helping to reduce congestion and travel times and increase reliability of the system. These measures are related to Congestion Mitigation and Air Quality, Surface Transportation Program Urban, and Transportation Alternatives funding sources. Projects included in these funding sources will contribute to meeting state targets for system performance.

FREIGHT-NATIONAL HIGHWAY FREIGHT PROGRAM (NHFP)*

The purpose of freight performance measures is to improve the national freight network, while providing access to trade and enhancing the capacity of communities to participate in, and support regional economic development. Freight performance measures are most strongly influenced by the National Highway Freight Program Federal funding source. Project selected for National Highways funding will contribute to improving the national freight network and meeting state targets.

National Highway Freight Program (NHFP)*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
			Pre-2020	2020	2021	2022	2023	2024		13.42%	86.58%	
I-90 Yellowstone River Bridges	Reconstruction of	CN			17,325.0					2,325.0	15,000.0	17,325.0
UPN 7972	interstate bridges									0.0	0.0	0.0
										0.0	0.0	0.0
										0.0	0.0	0.0
MDT	I-90 RP 450.09 to 452.73	**Total**	**0.0**	**0.0**	**17,325.0**	**0.0**	**0.0**	**0.0**	**0.0**	**2,325.0**	**15,000.0**	**17,325.0**
NHFP TOTAL			**0.0**	**0.0**	**17,325.0**	**0.0**	**0.0**	**0.0**	**0.0**	**2,325.0**	**15,000.0**	**17,325.0**

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.
Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.
*NHFP is funded by the federal National Highway Performance Program.
CN estimates include CE costs

Congestion Mitigation and Air Quality (CMAQ)

The collection of data regarding air quality performance measures helps to evaluate projects to ensure they are protecting and enhancing the health of the natural environment. These performance measures may be impacted by Congestion Mitigation and Air Quality, Montana Air and Congestion Initiative Discretionary Program, Transportation Alternatives, and Federal Transit Administration funding sources and associated projects that provide support for non-motorized transportation projects and programming that enhances air quality and encourages sustainable transportation options.

Advancement of Projects

It is mutually agreed that the first two years of this program is the best estimate of the project phase that will be undertaken during the Biennial timeframe. Occasionally, projects advance through the design process faster than anticipated. An approved project may accelerate into the next logical phase providing that the funding source does not change from that, which was initially identified in the TIP. Federal, State, and local governments have agreed that a TIP revision is not required in order to accelerate a specific project phase, so long as other planned work is not unduly delayed. The priorities with regard to the FTA Section 5307 projects in the Biennial Element are:

1) Operating Assistance.

- The priorities with regard to the FTA Section 5310 projects in the Biennial Element are: 1) Replacement vehicles for MET Special Transit.
- The priorities with regard to the FTA Section 5339 projects are: 1) Assistance for bus/bus facilities

PRIVATE ENTERPRISE PARTICIPATION

Both the City of Billings and Yellowstone County have locally developed policies and procedures to examine opportunities for private sector participation in the provision of transit services and related support services. The City of Billings adopted resolution 86-15346 which states said policy and provides a process for implementation. The Council approved that resolution on July 7, 1986. Further, a Private Transportation Enterprise Participation Policy (PEP) and implementing procedures were adopted by the MPO's Technical Advisory Committee on April 24, 1986; by the Policy Coordinating Committee on May 8, 1986; and by the Yellowstone County Planning Board on May 13, 1986.

The required TIP documentation related to the PEP process is as follows:

The City's MET Transit Department has examined various opportunities for private sector provision of services. The Department utilizes private tire firms to handle parts of servicing of the tire inventory. The Department also contracts with various private firms for radiator repair, air compressor rebuilds, as well as glass, bodywork on the vehicles, and occasional component rebuilds.

a) The City of Billings MET Transit System solicited the possible interest or involvement of the private sector in providing leased tires for the MET Transit fleet of coaches. In 1993, 1996, 2001, 2006, 2011, 2016, and 2021, the City published a Request for Bids and provided copies to potentially interested private vendors; the IFB was also advertised in a local newspaper, on the City website and social media and a national transit journal. Bids are evaluated based on cost and ability to perform. In the most recent IFB, two firms submitted bid responses. The current contract for the tire lease is in effect November 1, 2021 through October 31, 2022 with four additional one-year renewal options.

b) No other proposals were received from the private sector.

c) There are no known impediments to holding service out for competition.

d) There are no known private sector complaints.

The Yellowstone County-City of Billings Planning Division has and will continue to follow its adopted policy and procedures regarding private sector participation. The mailing list of private

providers has been updated and used to provide notice about TAC and PCC meetings, including those that deal with the Unified Planning Work Program, (UPWP), projects and process as well as the TIP process. Through these mailings the private providers are aware of the development of the proposed transit capital and operating projects as well as the proposed paratransit capital projects for the five years covered in the TIP.

FEDERAL TRANSIT ADMINISTRATION PROJECTS

The Federal Transit Act funded projects, including FTA Section 5339 grant projects, (Biennial Element) are intended to insure the continued efficient operation, maintenance and administration of the MET Transit system fleet and facilities, including meeting federal regulations such as the Americans with Disabilities Act (ADA). The operating grants are for the fiscal years of July 1, 2019 to June 30, 2023 and the Section 5339 grant projects will permit Bus and Bus Facilities projects in Fiscal Years 2020 through 2024.

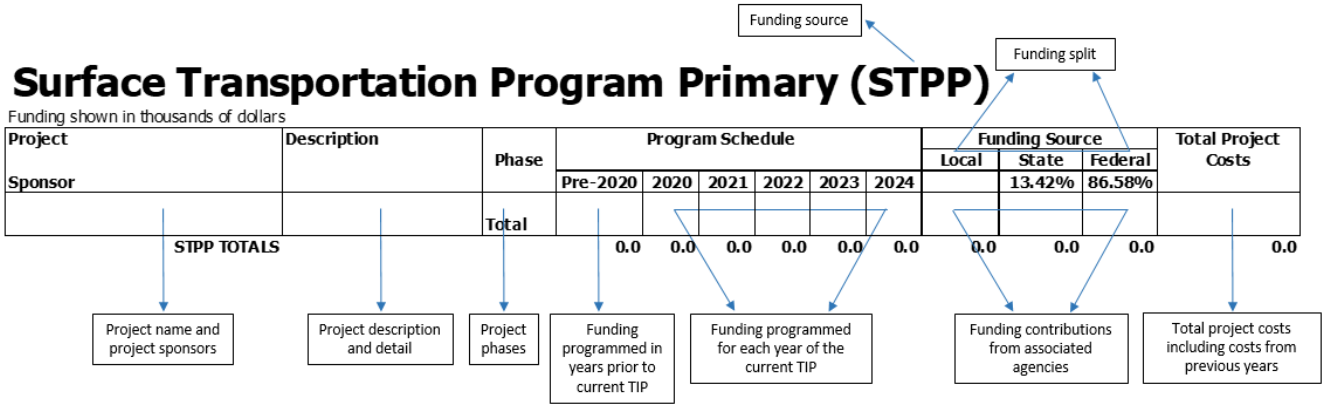
The vehicle purchases for MET PLUS are projects to enable the City to continue providing the required specialized demand-responsive paratransit service for citizens who are unable to use the MET Transit System due to their disabling conditions. The projects to purchase vehicles for other entities will address some of the transportation needs of individuals with disabilities and senior populations.

Major Federally Funded Project Summary

Section 1203(h)(7)(B) of MAP-21 requires publication of an annual listing of projects for which Federal funds have been obligated in the TIP in the preceding year consistent with the categories identified in the TIP.

Understanding the TIP Funding Tables

The TIP project funding tables consist of multiple components, and are designed to best display integral information regarding the projects within the TIP. The image below identifies and explains each of the various components of the TIP project funding tables, and can be used as a tool to understand the information being presented within the funding tables.



All construction projects included in the TIP will be completed in multiple phases (i.e. PE, RW, IC, and CN). Funding for each construction project is broken down by the costs of each specific phase. The table below provides a description of construction project phases and additional project phases the reader can expect to see within TIP funding tables.

Project Phase	Description
CN	Construction – Construction and/or reconstruction work performed by the agency or contractor
IC	Incidental Construction – 'Safety net' for unexpected construction expenditures
OT	Other – Additional programmatic expenditures including costs for education, and outreach
PE	Preliminary Engineering – Analysis and design work completed prior to project construction (the abbreviation EIS will be added if phase includes an environmental impact statement)
Purch.	Purchase – Procuring equipment, software, vehicles, or facilities
RW	Right of Way – Tasks associated with acquiring and preparing the right of way for a project (e.g. property acquisition and utility relocation)
Transit	Transit operations

Projects that are Regionally Significant

PROJECT	SCOPE	COMMENTS
Billings Bypass (aka North Bypass)	Location/Environmental	New Construction

Billings MPO Project List

PROJECT	UPN	SCOPE	COMMENTS
CMAQ			
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
STPU			
Billings Bypass - Five Mile Road	4199-002	Reconstruction of roadway	
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
SRTS			
IM			
MDT Preventative Maintenance		Pavement Preservation	Plug to allow project nominations
I-90 Yellowstone River - Billings	7972	Bridge Replacement	
Mossmain Intch - West Blgs Intch	9198	Pavement Preservation w/ signal improvements at off ramps	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
Lockwood Intechange - Billings	9978	Reconstruction of existing Interchange to a diverging diamond design	
NH			
MDT Preventative Maintenance		Pavement Preservation	Plug to allow project nominations
Main St. - Billings	8717	Pavement Preservation	
27th St. - 1st Ave S. to Airport Rd	7910	Pavement Preservation	
Billings Bypass	4199-001	New Construction	Covers PE & IC
Billings Bypass - Yellowstone River Bridge	4199-003	New construction of bridge over the Yellowstone River	
Billings Bypass - Johnson Lane Interchange	4199-007	Reconstruction of existing Interchange to a diverging diamond design	
Billings Bypass - RR O'pass	4199-005	New construction of bridge over the railroad	
Billings Bypass - Johnson Lane Intch - RR O'pass	4199-006	New construction of connection from interchange to the railroad overpass	
Billings Bypass - Five Mile Road to US 87	4199-004	New construction of connection from Five Mile to US 87	
Exposition Dr. & 1st Ave N. Blgs	7908	Intersection Improvements	
1st Ave. N - N 9th to RR Xing	9022	Major Reconstruction	
Underpass Ave. Improvements	8669	Intersection Improvements	
Airport Rd. & Main St. - Blgns	8718	Intersection Improvements	
Zoo Drive Improvements	9597	Intersection Improvements	
1st Ave. N - RR Xing to Broadway	9880	Major Reconstruction	
1st Ave. N - Broadway to Division	9881	Major Reconstruction	
Montana Ave Crosswalks - Billings	9998	Sidewalk Improvements ADA Compliance	
NHFP			
I-90 Yellowstone River - Billings		Bridge Replacement	
STPX, STPS, SFCN			
27th Street RR Crossing	9354	Railroad Crossing Study	
SF 169 Rimrock & 62nd St. W	9383	Intersection Improvement Study	
Blue Creek Road - Billings	9503	Pavement Preservation	
Lockwood Interchange	9588	Interchange Improvements Study	
Jct Main & 87 to Worden		Roadway Striping	
STPP			
RRS			

Billings MPO Project List, (Continued)

HSIP			
Various Safety Projects			Plug to allow project nominations
SF 149 Hillcrest Right Turn Ln	8904	Intersection Improvements	
SF 169 Frontage Rd. Wise Ln Intersection	9384	Intersection Improvements	
SF 169 Rimrock & 62nd St. W	9383	Intersection Improvements	Roundabout
SF 169 Blgs. Area Safety Improvements	9420	Signing	
SF 169 I-90 W. King Ave Lighting	9421	Roadway Lighting	
Zoo Drive Improvements	9597	Intersection Improvements	
SF 169 Blgs. District Safety Improvements	9423	Signage	Only portion in MPO bdry
BR			
2012 Scour Mitigation	7960	Mitigation	
I-90 Yellowstone River - Billings	7972	Bridge Replacement	
Billing Bypass - Yellowstone River	4199-003	New construction of bridge over the Yellowstone River	
MONTANA AVE OVERPASS- BILLINGS	9913	Bridge Study	
MONTANA AVE STRUCTURES - BLGS	9914	Bridge Rehab	
UPP			
Various Preservation Projects		Pavement preservation	Plug to allow project nominations
Blue Creek Road - Billings	9503	Pavement preservation	
Grand - 24th to Zimmerman	9509	Pavement preservation	
MACI			
MDT MACI		Statewide CMAQ - Various	Plug to allow project nominations
MDT MACI		Statewide CMAQ - ADA Compliance	Plug to allow project nominations
MDT MACI		Equipment Purchases	
Underpass Ave. Improvements	8669	Intersection Improvements	
Mossmain Intch - West Blgs Intch	9198	Pavement Preservation w/ signal improvements at off ramps	
Laurel Road Signals - Billings	9568	Signal Improvements	
CITY TA			
EARMARK			
Billings Bypass	4199-001	New Construction	Covers Environmental Doc., PE, RW
Grand - 24th to Zimmerman	9509	Pavement Preservation	
BUILD			
Inner Belt Loop		Road Construction	
Skyline Trail		Multi Use Path Construction	
FTA 5307			
FTA 5339			
FTA 5310			
FTA 5311			
100 % LOCALLY FUNDED PROJECTS			
BBWA Canal Connection	Local	Bike Pedestrian Path	Recreational Trails Program $44,355 Local (In-Kind) $84,652
Torgerson Trail Link	**Local**	**Bike Pedestrian Path**	**Recreational Trails Program $28,500 Local (In-Kind) $30,000 Trail Head Only**
Various Projects		Annual Operation and Maintenance	
State Funded Maintenance			
Various Maintenance Projects		Maintenance	

Projects with Multiple Funding

Billings ByPass

Billings Bypass

Funding shown in thousands of dollars

Project: Billings Bypass	Description	Phase	Program Schedule							Funding	Local	State	Federal	Total Project Costs
Sponsor: MDT			Pre-2020	2020	2021	2022	2023	2024	2024+	Source		13.42%	86.58%	
Billings Bypass *UPN4199000*	Environmental Impact Statement	PE-EIS	4,919.6							EARMARK		660.2	4,259.4	4,919.6
	Preliminary Engineering	PE	9,679.0							EARMARK		1,298.9	8,380.0	9,679.0
	Preliminary Engineering	PE	2,734.3	2,444.7						NH		695.0	4,484.0	5,179.1
	Right of Way Acquisition	RW	7,870.5		3,549.5	6,550.0				MT/NH		2,411.6	15,558.4	17,970.0
	Utility Moves	IC			0.0					NH		0.0	0.0	0.0
MDT		**Total**	**25,203.5**	**2,444.7**	**3,549.5**	**6,550.0**	**0.0**	**0.0**				**5,065.7**	**32,681.9**	**37,747.7**
Billings Bypass *UPN4199002*	Construction of Five Mile Road	IC	141.0	15.8						STPU		21.0	135.8	156.8
(Five Mile Road)		CN		6,077.5	-210.9	5.5				STPU		788.0	5,084.1	5,872.1
MDT		**Total**	**141.0**	**6,093.3**	**-210.9**	**5.5**	**0.0**	**0.0**				**809.1**	**5,219.9**	**6,028.9**
Billings Bypass *UPN4199003*	Construction of a new bridge	IC		416.2						NH		55.9	360.4	416.2
(Yellowstone River Bridge)	over the Yellowstone River	CN		11,364.2						STPU		1,525.1	9,839.1	11,364.2
		CN		5,000.0						CMAQ		671.0	4,329.0	5,000.0
		CN		5,000.0						BRIDGE		671.0	4,329.0	5,000.0
		CN		15,009.8	2,110.7					NH		2,297.6	14,822.9	17,120.5
MDT		**Total**	**0.0**	**36,790.2**	**2,110.7**	**0.0**	**0.0**	**0.0**				**5,220.5**	**33,680.4**	**38,900.9**
Billings Bypass *UPN4199007*	Reconstruction of existing	IC					2,000.0			NH		268.4	1,731.6	2,000.0
(Johnson Lane Interchange)	Interchange	CN					2,412.4			STPU		323.7	2,088.7	2,412.4
		CN					6,200.0			CMAQ		832.0	5,368.0	6,200.0
		CN					3,800.0			NH		510.0	3,290.0	3,800.0
		CN					15,130.5			NHFP		1,513.1	13,617.5	15,130.5
		CN					15,661.7			IM*		1,566.2	14,095.5	15,661.7
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**45,204.6**	**0.0**				**5,013.4**	**40,191.2**	**45,204.6**
Billings Bypass *UPN4199005*	Construction of new bridge	IC				984.0				NH		132.1	851.9	984.0
(Railroad Overpass)	over railroad	CN				21,778.4				NH		2,177.8	19,600.5	21,778.4
MDT		**Total**	**0.0**	**0.0**	**0.0**	**22,762.3**	**0.0**	**0.0**				**2,309.9**	**20,452.5**	**22,762.3**
Billings Bypass *UPN4199006*	Construction of connection	IC						1,000.0		NH		134.2	865.8	1,000.0
(Johnson Lane Interchange to RR O'pass)	from Interchange to RR O'pass	CN						8,397.6		NH		1,127.0	7,270.6	8,397.6
MDT		**Total**						**9,397.6**				**1,261.2**	**8,136.4**	**9,397.6**
Billings Bypass *UPN4199004*	Construction of connection	IC							500.0	NH		67.1	432.9	500.0
(Five Mile Rd to US 87)	from Five Mile to US 87	CN							18,741.7	NH		2,515.1	16,226.6	18,741.7
MDT		**Total**							**19,241.7**			**2,582.2**	**16,659.5**	**19,241.7**
Totals			**25,344.4**	**45,328.3**	**5,449.3**	**29,317.9**	**45,204.6**	**9,397.6**	**19,241.7**		**0.0**	**22,262.0**	**157,021.8**	**179,283.8**

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.

CN estimates include CE costs

I-90 Yellowstone River Bridges

I-90 Yellowstone River Bridges

Funding shown in thousands of dollars

Project: I-90 Yellowstone River Bridges	Description	Phase	Program Schedule							Funding	Local	State	Federal	Total Project Costs
Sponsor: MDT			Pre-2020	2020	2021	2022	2023	2024	2024+	Source		13.42%	86.58%	
I-90 Yellowstone River Bridges	Reconstruction of Interstate	PE	6,287.8	161.8	172.2					BRIDGE		888.7	5,733.2	6,621.8
UPN 7972	bridges over the Yellowstone	RW		240.0		-60.0				IM*		18.0	162.0	180.0
	River	IC			341.2					IM*		34.1	307.1	341.2
		CN			63,354.4					BRIDGE		8,502.2	54,852.2	63,354.4
		CN			4,384.0					IM*		384.0	4,000.0	4,384.0
		CN			17,325.0					NHFP		2,325.0	15,000.0	17,325.0
MDT	RP 450 to 452.7	**Total**	**6,287.8**	**401.8**	**85,576.8**	**-60.0**	**0.0**	**0.0**	**0.0**			**12,152.0**	**80,054.5**	**92,206.4**
Totals			**6,287.8**	**401.8**	**85,576.8**	**-60.0**	**0.0**	**0.0**	**0.0**			**12,152.0**	**80,054.5**	**92,206.4**

CN estimates include CE costs

**IM funding split is 90% Federal/10% State*

Estimated Revenue

Estimated Revenue

Amounts shown in thousands of dollars

Federal					STP/S*/X*										
Fiscal Year	CMAQ**	STPU*	IM*	NH*	NHFP*	SFCN	STPP*	RRS	HSIP*	BR*	UPP*	MACI*	BUILD**	TA*	SUBTOTAL
Carryover	5,841.8	20,037.6													25,879.4
FFY 2020	1,390.2	2,489.8	2,073.3	29,177.0	0.0	1,082.0	0.0	225.5	2,071.1	6,739.8	723.0	2,139.5	0.0	380.7	48,491.9
FFY 2021	1,390.2	2,489.8	9,893.8	8,764.0	17,325.0	15.5	0.0	-7.9	7,888.8	63,858.2	1,632.7	960.7	0.0	300.0	114,510.8
FFY 2022	1,390.2	2,489.8	18,305.8	36,748.5	0.0	0.0	0.0	0.0	10,170.6	2,886.7	500.0	3,138.4	9,370.9	300.0	85,300.9
FFY 2023	1,390.2	2,489.8	18,699.2	7,116.4	15,130.5	0.0	0.0	0.0	500.0	1,809.8	500.0	750.0	9,370.9	300.0	58,056.7
FFY 2024	1,390.2	2,489.8	1,500.0	52,800.4	0.0	0.0	0.0	0.0	1,138.8	1,796.8	500.0	1,193.5	0.0	300.0	63,109.6
TOTAL	12,793.0	32,486.5	50,472.0	134,606.4	32,455.5	1,097.5	0.0	217.6	21,769.3	77,091.3	3,855.7	8,182.1	18,741.8	1,580.7	395,349.3

Federal	FTA 5307		FTA 5339		FTA 5310		GAS TAX			
Fiscal Year	Federal	Local	Federal	Local	Federal	Local	CITY	COUNTY	OTHER	TOTAL
Carryover	0.0		3,418.3		22.0					29,319.7
FFY 2020	4,733.9	1,891.4	514.0	695.1	134.6	23.8	1,739.8	313.8	2,225.5	60,763.7
FFY 2021	1,910.3	1,910.3	473.7	135.2	104.5	20.8	1,739.8	313.8	1,569.8	122,688.9
FFY 2022	1,929.3	2,548.3	420.0	105.0	160.0	29.3	1,726.8	324.8	1,585.0	94,129.4
FFY 2023	1,948.7	1,948.7	420.0	105.0	160.0	29.3	1,726.8	324.8	2,432.4	67,152.3
FFY 2024	1,968.2	1,968.2	420.0	105.0	160.1	29.3	1,726.8	324.8	1,615.6	71,427.5
TOTAL	12,490.4	10,266.7	5,666.1	1,145.3	719.2	132.5	8,660.0	1,602.0	9,428.2	445,481.6

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions. Federal program funding availability may impact the scheduling of projects. Funding beyond 2020 will be subject to the obligation limitation set by the annual appropriations process.

NOTES:

These estimates are based on historical data and projections.

* STPU, IM, NH, NHFP, STPX, STPP, HSIP, BR, UPP, MACI, and TA funds include match.

**Reflective of federal share only.

Operations and Maintenance funds (average of Fiscal Years 2015-2017), local match, and CMAQ (local match) makes up OTHER

Congestion Mitigation & Air Quality (CMAQ)

Congestion Mitigation & Air Quality (CMAQ)

Funding shown in thousands of dollars

Unless otherwise indicated the matching ratios for these projects are 86.58% Federal and 13.42% Match

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local 13.42%	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
Carryover (Federal)				5,841.8	2,903.0	4,293.3	5,683.5	1,705.8				
Estimated allocation (Federal)				1,390.2	1,390.2	1,390.2	1,390.2	1,390.2				
Billings Bypass *UPN4199003* **(Yellowstone River Bridge)**	Construction of a new bridge over the Yellowstone River	CN		5,000.0						671.0	4,329.0	5,000.0
MDT		**Total**	**0.0**	**5,000.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**671.0**	**4,329.0**	**5,000.0**
Billings Bypass *UPN4199007* **(Johnson Lane Interchange)**	Reconstruction of existing Interchange	CN					6,200.0			832.0	5,368.0	6,200.0
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**6,200.0**	**0.0**	**0.0**	**832.0**	**5,368.0**	**6,200.0**
Project Adjustments/Closures												
		CMAQ Totals		**5,000.0**	**0.0**	**0.0**	**6,200.0**	**0.0**	**0.0**	**1,503.0**	**9,697.0**	**11,200.0**
		Federal		**4,329.0**	**0.0**	**0.0**	**5,368.0**	**0.0**				
		State		**671.0**	**0.0**	**0.0**	**832.0**	**0.0**				
		Ending Balance (Federal)		**2,903.0**	**4,293.3**	**5,683.5**	**1,705.8**	**3,096.0**				

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Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

CN estimates include CE costs

Surface Transportation Program Urban (STPU)

Surface Transportation Program Urban (STPU)

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
Carryover				20,037.6	5,069.8	7,770.5	10,254.8	10,332.1				
Estimated Allocation (STPU)				2,489.8	2,489.8	2,489.8	2,489.8	2,489.8				
Billings Bypass *UPN4199002*	Construction of Five Mile Road	IC	141.0	15.8						21.0	135.7	156.8
(Five Mile Road)		CN		6,077.6	-211.0	5.5				788.0	5,084.1	5,872.1
MDT		**Total**	**141.0**	**6,093.4**	**-211.0**	**5.5**	**0.0**	**0.0**		**809.1**	**5,219.8**	**6,028.9**
Billings Bypass *UPN4199003* **(Yellowstone River Bridge)**	Construction of a new bridge over the Yellowstone River	CN		11,364.2						1,525.1	9,839.1	11,364.2
MDT		**Total**	**0.0**	**11,364.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**1,525.1**	**9,839.1**	**11,364.2**
Billings Bypass *UPN4199007* **(Johnson Lane Interchange)**	Reconstruction of existing Interchange	CN					2,412.4			323.7	2,088.7	2,412.4
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**2,412.4**	**0.0**	**0.0**	**323.7**	**2,088.7**	**2,412.4**
Adjustment/Closures												
		STPU Totals		**17,457.6**	**-211.0**	**5.5**	**2,412.4**	**0.0**	**0.0**	**2,657.9**	**17,147.6**	**19,805.5**
		Federal		**15,114.8**	**-182.7**	**4.8**	**2,088.7**	**0.0**				
		State		**2,342.8**	**-28.3**	**0.7**	**323.7**	**0.0**				
		Balance		**5,069.8**	**7,770.5**	**10,254.8**	**10,332.1**	**12,821.9**				

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.
Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.
CN estimates include CE costs

Interstate Maintenance (IM)

Surface Transportation Program Urban (STPU)

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
Carryover				20,037.6	5,069.8	7,770.5	10,254.8	10,332.1				
Estimated Allocation (STPU)				2,489.8	2,489.8	2,489.8	2,489.8	2,489.8				
Billings Bypass *UPN4199002*	Construction of Five Mile Road	IC	141.0	15.8						21.0	135.7	156.8
(Five Mile Road)		CN		6,077.6	-211.0	5.5				788.0	5,084.1	5,872.1
MDT		**Total**	**141.0**	**6,093.4**	**-211.0**	**5.5**	**0.0**	**0.0**		**809.1**	**5,219.8**	**6,028.9**
Billings Bypass *UPN4199003* **(Yellowstone River Bridge)**	Construction of a new bridge over the Yellowstone River	CN		11,364.2						1,525.1	9,839.1	11,364.2
MDT		**Total**	**0.0**	**11,364.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**1,525.1**	**9,839.1**	**11,364.2**
Billings Bypass *UPN4199007* **(Johnson Lane Interchange)**	Reconstruction of existing Interchange	CN					2,412.4			323.7	2,088.7	2,412.4
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**2,412.4**	**0.0**	**0.0**	**323.7**	**2,088.7**	**2,412.4**
Adjustment/Closures												
		STPU Totals		**17,457.6**	**-211.0**	**5.5**	**2,412.4**	**0.0**	**0.0**	**2,657.9**	**17,147.6**	**19,805.5**
		Federal		**15,114.8**	**-182.7**	**4.8**	**2,088.7**	**0.0**				
		State		**2,342.8**	**-28.3**	**0.7**	**323.7**	**0.0**				
		Balance		**5,069.8**	**7,770.5**	**10,254.8**	**10,332.1**	**12,821.9**				

Funding projections are based on best available information and are subject to change given current funding uncertainties and unknown impacts of future congressional or other federal actions.
Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.
CN estimates include CE costs

National Highway (NH)*

National Highway (NH)*

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
MDT-PREVENTATIVE MAINTENANCE - NH	Maintenance	All		1,000.0	1,000.0	1,000.0	1,000.0	1,000.0		671.0	4,329.0	5,000.0
MDT		**Total**		**1,000.0**	**1,000.0**	**1,000.0**	**1,000.0**	**1,000.0**		**671.0**	**4,329.0**	**5,000.0**
Billings Bypass	New construction	PE	2,734.3	2,444.7						695.0	4,484.0	5,179.1
UPN 4199-000		RW			3,550.0	6,550.0				1,355.4	8,744.6	10,100.0
		IC			0.0					0.0	0.0	0.0
MDT		**Total**	**2,734.3**	**2,444.7**	**3,550.0**	**6,550.0**	**0.0**	**0.0**	**0.0**	**2,050.4**	**13,228.6**	**15,279.1**
Billings Bypass - Yellowstone River Bridge	New construction of bridge	IC		416.2						55.9	360.4	416.2
UPN 4199-003	over the Yellowstone River	CN		15,009.8	2,110.7					2,297.6	14,822.9	17,120.5
MDT		**Total**	**0.0**	**15,426.0**	**2,110.7**	**0.0**	**0.0**	**0.0**	**0.0**	**2,353.4**	**15,183.3**	**17,536.7**
Billings Bypass - Five Mile Rd to US 87	Construction of connection	IC						500.0		67.1	432.9	500.0
UPN 4199-004	from Five Mile to US 87	CN						18,741.7		2,515.1	16,226.6	18,741.7
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**19,241.7**	**0.0**	**2,582.2**	**16,659.5**	**19,241.7**
Billings Bypass - RR O'pass	New construction of	IC				984.0				132.1	851.9	984.0
UPN 4199-005	RR O'pass	CN				21,778.4				2,922.7	18,855.7	21,778.4
										0.0	0.0	0.0
MDT		**Total**	**0.0**	**0.0**	**0.0**	**22,762.3**	**0.0**	**0.0**	**0.0**	**3,054.7**	**19,707.6**	**22,762.3**
Billings Bypass - Johnson Ln. Intch - RR O'pass	New construction of connection	IC						1,000.0		134.2	865.8	1,000.0
UPN 4199-006	from Interchange to bridge	CN						8,397.6		1,127.0	7,270.6	8,397.6
										0.0	0.0	0.0
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**9,397.6**	**0.0**	**1,261.2**	**8,136.4**	**9,397.6**
Billings Bypass - Johnson Lane Intch	Reconstruction of existing	IC					2,000.0			268.4	1,731.6	2,000.0
UPN 4199-007	Interchange	CN					**3,800.0**			510.0	3,290.0	3,800.0
	RP 455.5	**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**5,800.0**	**0.0**	**0.0**	**778.4**	**5,021.6**	**5,800.0**
Exposition Dr. & 1st Ave. N. Blgs	Interesction Improvements	PE	1,192.3							160.0	1,032.3	1,192.3
UPN 7908										0.0	0.0	0.0
		CN						2,085.0		279.8	1,805.2	2,085.0
MDT	RP .35 to 1.35	**Total**	**1,192.3**	**0.0**	**0.0**	**0.0**	**0.0**	**2,085.0**	**0.0**	**439.8**	**2,837.4**	**3,277.2**
27th St - 1st Ave S to Airport	Mill and overlay	PE	2,132.5							286.2	1,846.3	2,132.5
UPN 7910		RW	772.6			-3.5				103.2	665.9	769.1
		IC	179.8		22.2					27.1	174.8	201.9
		CN	10,698.0	539.8	495.2				321.8	1,574.6	10,158.4	12,054.8
MDT	RP 0.0 to 3.0	**Total**	**13,782.8**	**539.8**	**517.4**	**-3.5**	**0.0**	**0.0**	**321.8**	**1,991.1**	**12,845.5**	**15,158.4**
Underpass Ave. Improvements	Intersection Improvements									0.0	0.0	0.0
UPN 8669		CN				6,255.8				839.5	5,416.3	6,255.8
MDT	RP .51 to .72	**Total**	**0.0**	**0.0**	**0.0**	**6,255.8**	**0.0**	**0.0**	**0.0**	**839.5**	**5,416.3**	**6,255.8**
Main Street - Billings	Pavement Preservation	PE	668.2	130.0	-17.0					104.8	676.4	781.2
UPN 8717	with micro-surfacing	RW	180.0			-34.2				19.6	126.2	145.8
		IC	77.3	38.5						15.5	100.2	115.8
		CN		8,469.7		192.9				1,162.5	7,500.1	8,662.6
MDT	RP 1.08 to 4.66	**Total**	**925.5**	**8,638.2**	**-17.0**	**158.6**	**0.0**	**0.0**	**0.0**	**1,302.5**	**8,402.9**	**9,705.3**
Airport Rd. & Main St. - Blgs	Intersection Improvements	OT	295.6							39.7	255.9	295.6
UPN 8718		PE	2,229.8							299.2	1,930.6	2,229.8
		RW					61.2			8.2	53.0	61.2
		IC					153.1			20.5	132.5	153.1
		CN						7,514.6		1,008.5	6,506.1	7,514.6
MDT	RP 1.5 to 2.2	**Total**	**2,525.4**	**0.0**	**0.0**	**0.0**	**214.3**	**7,514.6**	**0.0**	**1,376.1**	**8,878.2**	**10,254.3**
1st Ave. N - N 9th to RR Xing	Reconstruction of roadway	PE	1,746.7		1,483.3					433.5	2,796.5	3,230.0
UPN 9022	Major Rehab	RW			59.8					8.0	51.8	59.8
		IC			59.8					8.0	51.8	59.8
		CN						10,795.5		1,448.8	9,346.7	10,795.5
MDT	N-115 RP 0.7 - RP .93	**Total**	**1,746.7**	**0.0**	**1,603.0**	**0.0**	**0.0**	**10,795.5**	**0.0**	**1,898.3**	**12,246.8**	**14,145.1**
Zoo Drive Improvements	Intersection Improvements	PE	128.2							17.2	111.0	128.2
UPN 9597	I-90 RP 442.9 to 444.3	CN						2,766.1		371.2	2,394.9	2,766.1
MDT	U-1011 RP 2.36 to 3.04	**Total**	**128.2**	**0.0**	**0.0**	**0.0**	**0.0**	**2,766.1**	**0.0**	**388.4**	**2,505.8**	**2,894.3**
1st Ave. N - RR Xing to Broadway	Reconstruction of roadway	PE		500.0						67.1	432.9	500.0
UPN 9880	Major Rehab	RW				12.6				1.7	10.9	12.6
		IC				12.6				1.7	10.9	12.6
CN outside of TIP Timeframe 2025		CN								0.0	0.0	0.0
MDT	N-115 RP 0.93 - RP 1.45	**Total**	**0.0**	**500.0**	**0.0**	**25.2**	**0.0**	**0.0**	**0.0**	**70.5**	**454.7**	**525.2**
1st Ave. N - Broadway to Division	Reconstruction of roadway	PE		500.0						67.1	432.9	500.0
UPN 9881	Major Rehab	RW					12.6			1.7	10.9	12.6
		IC					12.6			1.7	10.9	12.6
CN outside of TIP Timeframe 2026		CN								0.0	0.0	0.0
MDT	N-115 RP 1.45 to RP 2.05	**Total**	**0.0**	**500.0**	**0.0**	**0.0**	**25.2**	**0.0**	**0.0**	**70.5**	**454.7**	**525.2**
Montana Ave Crosswalks - BLGS	Sidewalk Improvements	PE		128.2						17.2	111.0	128.2
UPN 9998	ADA compliance	RW					25.6			3.4	22.2	25.6
		IC					51.3			6.9	44.4	51.3
CN outside of TIP Timeframe 2025		CN								0.0	0.0	0.0
MDT	N-113 RP .17 to RP 4.25	**Total**	**0.0**	**128.2**	**0.0**	**0.0**	**76.9**	**0.0**	**0.0**	**27.5**	**177.6**	**205.2**
NH TOTAL			**23,035.2**	**29,177.0**	**8,764.0**	**36,748.5**	**7,116.4**	**52,800.4**	**321.8**	**21,155.5**	**136,486.1**	**157,963.4**

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*NH is a state sub-allocated program funded by the federal National Highway Performance Program.

CN estimates include CE costs

National Highway Freight Program (NHFP)*

National Highway Freight Program (NHFP)*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
			Pre-2020	2020	2021	2022	2023	2024		13.42%	86.58%	
Billings Bypass UPN4199007	Reconstruction of existing	CN					15,130.5			2,030.5	13,100.0	15,130.5
(Johnson Lane Interchange)	Interchange									0.0	0.0	0.0
										0.0	0.0	0.0
										0.0	0.0	0.0
MDT		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**15,130.5**	**0.0**	**0.0**	**2,030.5**	**13,100.0**	**15,130.5**
I-90 Yellowstone River Bridges	Reconstruction of	CN			17,325.0					2,325.0	15,000.0	17,325.0
UPN 7972	interstate bridges									0.0	0.0	0.0
										0.0	0.0	0.0
										0.0	0.0	0.0
MDT	I-90 RP 450.09 to 452.73	**Total**	**0.0**	**0.0**	**17,325.0**	**0.0**	**0.0**	**0.0**	**0.0**	**2,325.0**	**15,000.0**	**17,325.0**
NHFP TOTAL			**0.0**	**0.0**	**17,325.0**	**0.0**	**15,130.5**	**0.0**	**0.0**	**4,355.5**	**28,100.0**	**32,455.5**

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Federal program funding availability may impact the scheduling of projects. Funding will be subject to the obligation limitation set by the annual appropriations process.

*NHFP is funded by the federal National Highw ay Performance Program.

CN estimates include CE costs

Surface Transportation Program Off System (STPX), Secondary (STPS), State Funded Construction, (SFCN)

Surface Transportation Program Off System (STPX), Secondary (STPS) State Funded Construction (SFCN)

Funding shown in thousands of dollars

Project	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
Sponsor			Pre-2020	2020	2021	2022	2023	2024		13.42%	86.58%	
27th Street RR Crossing	Railroad crossing study	OT	1,075.0							144.3	930.7	1,075.0
UPN 9354		RW								0.0	0.0	0.0
MDT	RP 1 to 1.6	**Total**	**1,075.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**144.3**	**930.7**	**1,075.0**
SF 169 Rimrock & 62nd St. W	Intersection Improvement	OT	563.8	-64.8						67.0	432.0	499.0
UPN 9383	Study									0.0	0.0	0.0
MDT	RP 2.4 to 2.8	**Total**	**563.8**	**-64.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**67.0**	**432.0**	**499.0**
Lockwood Interchange	Interchange Improvement	OT	300.0	1,146.8						194.2	1,252.6	1,446.8
UPN 9588	Study											
MDT	RP 450 to 455.3	**Total**	**300.0**	**1,146.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**194.2**	**1,252.6**	**1,446.8**
Jct Main & 87 to Worden	Roadway Epoxy Striping	OT			15.5					2.1	13.4	15.5
UPN										0.0	0.0	0.0
MDT	RP 0 to 2.453	**Total**	**0.0**	**0.0**	**15.5**	**0.0**	**0.0**	**0.0**	**0.0**	**2.1**	**13.4**	**15.5**
TOTALS			**1,938.8**	**1,082.0**	**15.5**	**0.0**	**0.0**	**0.0**	**0.0**	**407.5**	**2,628.8**	**3,036.3**

CN estimates include CE costs

Surface Transportation Program Primary (STPP)

Surface Transportation Program Primary (STPP)

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase							Funding Source			Total Project Costs
									Local	State	Federal	
			Pre-2020	2020	2021	2022	2023	2024	13.42%	13.42%	86.58%	
No New Projects		Total										
STPP TOTALS			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CN estimates include CE costs

Railroad Crossing (RRS)

Railroad Crossing (RRS)

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 10.00%	Funding Source: Federal 90.00%	Total Project Costs
RRXING - STEFFES RD - BILLINGS	Upgrade Rail grade crossing signals	PE		9.0	-7.9					0.1	1.0	1.1
UPN 9827		CN		216.5						21.7	194.9	216.5
MDT	L-56-1059 RP 0.03	**Total**		**225.5**	**-7.9**					**21.8**	**195.8**	**217.6**
TOTALS			**0.0**	**225.5**	**-7.9**	**0.0**	**0.0**	**0.0**	**0.0**	**21.8**	**195.8**	**217.6**

CN estimates include CE costs

Highway Safety Improvement Program (HSIP)

Highway Safety Improvement Program (HSIP)

Funding is shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 10.00%	Funding Source: Federal 90.00%	Total Project Costs
SAFETY PROJECTS	Various Locations	ALL		500.0	500.0	500.0	500.0	500.0		250.0	2,250.0	2,500.0
MDT		**Total**		**500.0**	**500.0**	**500.0**	**500.0**	**500.0**	**0.0**	**250.0**	**2,250.0**	**2,500.0**
SF 129 - Rndabout King 56th	Intersection Improvements -	PE	887.3	61.7	43.5					99.2	893.2	992.5
UPN 8052	Roundabout	RW	975.0		555.0					153.0	1,377.0	1,530.0
		IC	278.3							27.8	250.4	278.3
	ST SEC RTE 532	CN	0.0		4,200.0					420.0	3,780.0	4,200.0
MDT	RP 15.4 to 15.7	**Total**	**2,140.5**	**61.7**	**4,798.5**	**0.0**	**0.0**	**0.0**	**0.0**	**700.1**	**6,300.7**	**7,000.7**
SF 139-CENTRAL & 56TH RNDABOUT	Intersection Improvements -	PE	723.9	69.9	62.7					85.7	770.9	856.5
UPN 8611	Roundabout	RW	230.0	670.0						90.0	810.0	900.0
		IC	0.0		127.0					12.7	114.3	127.0
	L-56-504	CN	0.0			2,991.2				299.1	2,692.1	2,991.2
MDT	RP 1.7 TO RP 2.3	**Total**	**953.9**	**739.9**	**189.7**	**2,991.2**	**0.0**	**0.0**	**0.0**	**487.5**	**4,387.2**	**4,874.7**
SF-149 HILLCREST RT TURN	Install Right Turn Lane	PE	176.3	-51.0						12.5	112.7	125.3
UPN 8904		RW	60.0	-35.4						2.5	22.1	24.6
		IC	60.7	78.8						14.0	125.6	139.6
		CN	0.0		432.1					43.2	388.9	432.1
MDT	U1033 RP .9-1.3	**Total**	**297.0**	**-7.6**	**432.1**	**0.0**	**0.0**	**0.0**	**0.0**	**72.1**	**649.3**	**721.4**
SF 169 RIMROCK & 62ND ST W	Intersection Improvements -	PE	0.0	750.0	158.9					90.9	818.0	908.9
UPN 9383	Roundabout	RW	0.0		125.0					12.5	112.5	125.0
		IC	0.0		750.0					75.0	675.0	750.0
		CN	0.0			6,679.4				667.9	6,011.5	6,679.4
MDT	U1034 RP 2.4-2.8	**Total**	**0.0**	**750.0**	**1,033.9**	**6,679.4**	**0.0**	**0.0**	**0.0**	**846.3**	**7,617.0**	**8,463.4**
SF 169 FRNTG RD WISE LN INTX	Intersection warning system	PE	15.8	17.7						3.3	30.1	33.5
UPN 9384		CN	0.0		225.0					22.5	202.5	225.0
MDT	RP 3.5	**Total**	**15.8**	**17.7**	**225.0**	**0.0**	**0.0**	**0.0**	**0.0**	**25.9**	**232.7**	**258.5**
SF 169 BLGS AREA SFTY IMPRV	Installation of lighting and panel	PE	21.3	2.8						2.4	21.7	24.1
UPN 9420	delineation	CN	111.1	4.5						11.6	104.1	115.6
MDT	I-90 RP 445.6-447.3	**Total**	**132.4**	**7.3**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**14.0**	**125.8**	**139.7**
SF 169 I90 W KING AVE LIGHTING	Installation of lighting and panel	PE	44.8		13.9					5.9	52.8	58.7
UPN 9421	delineation	CN	0.0		695.8					69.6	626.2	695.8
MDT	I-90 RP 445.6-447.3	**Total**	**44.8**	**0.0**	**709.6**	**0.0**	**0.0**	**0.0**	**0.0**	**75.4**	**679.0**	**754.4**
SF 169 I90 SF 169 BLGS DISTRIC SFTY IM	Installation of signage and panel	PE	13.0							1.3	11.7	13.0
UPN 9423	delination	CN	124.3	2.1						12.6	113.7	126.4
MDT	Various Locations	**Total**	**137.3**	**2.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**13.9**	**125.4**	**139.4**
ZOO DRIVE IMPROVEMENTS - BLGS	Safety Improvements for Traffic Opera	PE	0.0							0.0	0.0	0.0
UPN 9597		CN	0.0					638.8		63.9	574.9	638.8
MDT	Various Locations	**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**638.8**	**0.0**	**63.9**	**574.9**	**638.8**
HSIP Totals			**3,721.8**	**2,071.1**	**7,888.8**	**10,170.6**	**500.0**	**1,138.8**	**0.0**	**2,549.1**	**22,942.0**	**25,491.1**

CN estimates include CE costs

Bridge Program

Bridge Program

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
BBP-YELLOWSTONE RIVER	Bridge rehabs									0.0	0.0	0.0
UPN 4199-003		CN		5,000.0						671.0	4,329.0	5,000.0
MDT	Statewide	**Total**	**0.0**	**5,000.0**	**0.0**	**0.0**	**0.0**	**0.0**		**671.0**	**4,329.0**	**5,000.0**
2012 SCOUR MITIGATION	Bridge rehabs	PE	111.9		-2.7					14.7	94.6	109.3
UPN 7960		RW	560.0	142.0	71.0					103.7	669.3	773.0
One project in MPO	Using 20% for costs	CN		432.8	250.9					91.8	592.0	683.7
MDT	Statewide	**Total**	**671.9**	**574.8**	**319.2**	**0.0**	**0.0**	**0.0**		**210.2**	**1,355.8**	**1,566.0**
I-90 Yellowstone River		PE	6,287.8	161.8	172.2					888.7	5,733.2	6,621.8
UPN 7972		CN			63,354.4					8,502.2	54,852.2	63,354.4
MDT	RP 2.7 to 3.0	**Total**	**6,287.8**	**161.8**	**63,526.6**	**0.0**	**0.0**	**0.0**		**9,390.8**	**60,585.4**	**69,976.2**
BR PRES COLUMBUS JOLIET AREA	Minor bridge rehab	PE	166.3							22.3	144.0	166.3
UPN 9552		IC								0.0	0.0	0.0
One project in MPO	Using 33% for costs	CN						1,796.8		241.1	1,555.7	1,796.8
MDT	U-1033 RP 0.9 to 1.1	**Total**	**166.3**	**0.0**	**0.0**	**0.0**	**0.0**	**1,796.8**		**263.5**	**1,699.7**	**1,963.1**
SHILOH RD / I-90 BRIDGE - BLGS	Bridge rehab	PE	309.9							41.6	268.3	309.9
UPN 9720		IC			12.4					1.7	10.7	12.4
		CN				2,810.8				377.2	2,433.6	2,810.8
MDT	U-1031 RO 5.0 to 5.3	**Total**	**309.9**	**0.0**	**12.4**	**2,810.8**	**0.0**	**0.0**		**420.5**	**2,712.6**	**3,133.1**
MONTANA AVE OVERPASS- BILLINGS	Bridge rehab	PE		253.1						34.0	219.1	253.1
UPN 9913		RW				38.0				5.1	32.9	38.0
		IC				38.0				5.1	32.9	38.0
		CN					1,809.8			242.9	1,566.9	1,809.8
MDT	N113 RP1.82 TO 1.92	**Total**	**0.0**	**253.1**	**0.0**	**75.9**	**1,809.8**	**0.0**		**287.0**	**1,851.8**	**2,138.8**
MONTANA AVE STRUCTURES - BLGS	Bridge Study	OT		750.0						100.7	649.4	750.0
UPN 9914										0.0	0.0	0.0
MDT	N113 RP1.82 TO 1.92	**Total**	**0.0**	**750.0**	**0.0**	**0.0**	**0.0**	**0.0**		**100.7**	**649.4**	**750.0**
BR TOTAL			**7,435.9**	**6,739.8**	**63,858.2**	**2,886.7**	**1,809.8**	**1,796.8**	**0.0**	**11,343.5**	**73,183.6**	**84,527.2**

CN estimates include CE costs

Urban Pavement Preservation (UPP)

Urban Pavement Preservation (UPP)

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Program Schedule						Funding Source			Total Project Costs
									Local	State	Federal	
			Pre-2020	2020	2021	2022	2023	2024		13.42%	86.58%	
URBAN PAVEMENT PRESERVATION		ALL		500.0	500.0	500.0	500.0	500.0		335.5	2,164.5	2,500.0
MDT	Various Locations	**Total**		**500.0**	**500.0**	**500.0**	**500.0**	**500.0**	**0.0**	**335.5**	**2,164.5**	**2,500.0**
SHILOH ROAD - BILLINGS	Pavement Preservation	PE	45.4	-30.2						2.0	13.2	15.2
UPN 9502		CN		53.4						7.2	46.2	53.4
MDT	U-1031 RP 4.4-5.4	**Total**	**45.4**	**23.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**9.2**	**59.4**	**68.6**
KING AVE E - BILLINGS	Pavement Preservation	PE	26.0	-12.7						1.8	11.5	13.3
UPN 9505		CN		42.4						5.7	36.7	42.4
MDT	U-1026 RP 1.7-2.2	**Total**	**26.0**	**29.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**7.5**	**48.2**	**55.7**
HARDIN ROAD - BILLINGS	Pavement Preservation	PE	26.0	-10.5						2.1	13.4	15.5
UPN 9506		CN		180.6						24.2	156.4	180.6
MDT	U-1028 RP 0-2.1	**Total**	**26.0**	**170.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**26.3**	**169.8**	**196.1**
GRAND-24TH TO ZIMMERMAN (BLGS)	Pavement Preservation	PE	77.9		6.5					11.3	73.0	84.3
UPN 9509		CN			1,126.3					151.1	975.1	1,126.3
MDT	U-1004 RP .8- RP2	**Total**	**77.9**	**0.0**	**1,132.7**	**0.0**	**0.0**	**0.0**	**0.0**	**162.5**	**1,048.1**	**1,210.6**
UPP TOTAL			**175.2**	**723.0**	**1,632.7**	**500.0**	**500.0**	**500.0**	**0.0**	**540.9**	**3,489.9**	**4,030.9**

CN estimates include CE costs

Montana Air and Congestion Initiative (MACI)-Discretionary Program

Montana Air and Congestion Initiative (MACI)-DISCRETIONARY PROGRAM

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local 13.42%	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
ADA COMPLIANCE		All		500.0	500.0	500.0	500.0	500.0		335.5	2,164.5	2,500.0
MDT	ADA upgrades	**Total**		**500.0**	**500.0**	**500.0**	**500.0**	**500.0**		**335.5**	**2,164.5**	**2,500.0**
TRAFFIC MITIGATION		All		250.0	250.0	250.0	250.0	250.0		167.8	1,082.3	1,250.0
MDT	Signalization	**Total**		**250.0**	**250.0**	**250.0**	**250.0**	**250.0**		**167.8**	**1,082.3**	**1,250.0**
27th St - 1st Ave S to Airport	Mill and overlay											
UPN 7910		CN	5,500.0	197.1	22.4					767.6	4,951.9	5,719.5
MDT	HWAY RT 53/MT3 RP1.1 TO 3.0	**Total**	**5,500.0**	**197.1**	**22.4**	**0.0**	**0.0**	**0.0**	**0.0**	**767.6**	**4,951.9**	**5,719.5**
Underpass Ave. Improvements	Intersection Improvements	PE	1,167.6							156.7	1,010.9	1,167.6
		IC/RW		110.0	188.3					40.0	258.3	298.3
UPN 8669		CN				955.4				128.2	827.2	955.4
MDT	RP .51 to .72	**Total**	**1,167.6**	**110.0**	**188.3**	**955.4**	**0.0**	**0.0**	**0.0**	**324.9**	**2,096.3**	**2,421.3**
Main Street - Billings	Pavement Preservation											
UPN 8717	with micro-surfacing	CN		1,000.0						134.2	865.8	1,000.0
MDT	RP 1.08 to 4.66	**Total**	**0.0**	**1,000.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**134.2**	**865.8**	**1,000.0**
Mossmain Intch-West Bigs Inch	Pavement Preservation											
UPN 9198	Not all locations inside MPO boundary	CN				443.5				59.5	384.0	443.5
MDT	I-90 RP 437.12 to 446.7	**Total**	**0.0**	**0.0**	**0.0**	**443.5**	**0.0**	**443.5**	**0.0**	**59.5**	**384.0**	**443.5**
LAUREL ROAD SIGNALS - BILLINGS	INT UPGRADE/SIGNALS	PE	51.2	82.4						17.9	115.6	133.6
UPN 9568		IC				6.5				0.9	5.6	6.5
Route N-113	RP .6 and 1.3	CN				983.1				131.9	851.1	983.1
MDT	Various Locations	**Total**	**51.2**	**82.4**	**0.0**	**989.6**	**0.0**	**0.0**	**0.0**	**150.7**	**972.4**	**1,123.1**
		Total	**6,718.8**	**2,139.5**	**960.7**	**3,138.4**	**750.0**	**1,193.5**	**0.0**	**1,940.2**	**12,517.2**	**14,457.4**

CN estimates include CE costs

Transportation Alternatives

Transportation Alternatives

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source: Local 13.42%	Funding Source: State 13.42%	Funding Source: Federal 86.58%	Total Project Costs
Transportation Alternatives									0.0	0.0	0.0	0.0
		All		300.0	300.0	300.0	300.0	300.0	0.0	201.3	1,298.7	1,500.0
MDT/Locals	**Various Locations**	**Total**	**0.0**	**300.0**	**300.0**	**300.0**	**300.0**	**300.0**	**0.0**	**201.3**	**1,298.7**	**1,500.0**
BECRAFT LANE SIDEWALK-LOCKWOOD	Install sidewalks	PE	238.7	-0.6					31.9		206.1	238.0
UPN 9158		CN	897.6	81.4					131.4		847.6	979.0
MDT/Locals	**Various Locations**	**Total**	**1,136.3**	**80.7**	**0.0**	**0.0**	**0.0**	**0.0**	**163.3**	**0.0**	**1,053.7**	**1,217.0**
TA TOTALS			**1,136.3**	**380.7**	**300.0**	**300.0**	**300.0**	**300.0**	**163.3**	**201.3**	**2,352.4**	**2,717.0**
Federal			**983.8**	**329.6**	**259.7**	**259.7**	**259.7**	**259.7**				
Local			**152.5**	**51.1**	**40.3**	**40.3**	**40.3**	**40.3**				

Funding dependent on the outcome of a competitive process and funding availability.

CN estimates include CE costs

Earmarks

EARMARKS

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	Pre-2020	2020	2021	2022	2023	2024	Funding Source Local 13.42%	 State 13.42%	 Federal 86.58%	Total Project
Billings Bypass UPN4199000	Environmental Impact Statement Preliminary Engineering	PE	17,332.9							2,326.1	15,006.8	17,332.9
	Right of Way Acquisition	RW	7,847.0							1,053.1	6,793.9	7,847.0
MDT		**Total**	**25,179.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**3,379.1**	**21,800.8**	**25,179.9**
GRAND-24TH TO ZIMMERMAN (BLGS)	Pavement Preservation											
UPN 9509		CN	84.4							11.3	73.1	84.4
MDT	U-1004 RP .8- RP2	**Total**	**84.4**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**11.3**	**73.1**	**84.4**
		Total	**25,264.3**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**3,390.5**	**21,873.8**	**25,264.3**

CN estimates include CE costs

Better Utilizing Investments to Leverage Development (BUILD) Grant Program

Better Utilizing Investments to Leverage Development (BUILD) Grant Program

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source City	 County	 State	 Federal	Total Estimated Obligation FY2020-2024
Inner Belt Loop UPN	New Construction of Roadway				7,310.2	7,310.2		7,000.0			7,620.4	
MDT		**Total**	**0.0**	**0.0**	**7,310.2**	**7,310.2**	**0.0**	**7,000.0**	**0.0**	**0.0**	**7,620.4**	**14,620.4**
Skyline Trail UPN	Construction of Multi Use Path				2,060.7	2,060.7		85.0			4,036.4	
		Total	**0.0**	**0.0**	**2,060.7**	**2,060.7**	**0.0**	**85.0**	**0.0**	**0.0**	**4,036.4**	**4,121.4**
BUILD TOTAL			**0.0**	**0.0**	**9,370.9**	**9,370.9**	**0.0**	**7,085.0**	**0.0**	**0.0**	**11,656.8**	**18,741.8**

CN estimates include CE costs

Federal Transit Administration Section 5307 CARES Act*

Federal Transit Administration Section 5307 CARES Act*

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source: Local 0%	Funding Source: Federal 100%	Total Estimated Obligation FY2020-2024
Carryover			0.0	5,358.5	7,123.4	2,584.5	0.0			
5311 Transfer from State (Federal Share - CARES)				1,237.8						
American Rescue Plan				1,346.7						
Allocation			5,358.5	0.0	0.0	0.0	0.0			
Bus Purchases	Purchase six (6)									0.0
MET Transit	replacement ADA							0.0	0.0	0.0
	Heavy Duty Buses							0.0	0.0	0.0
**Bus purchases moved to 5307*		**Total**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Facility Improvement and Technology	Training Lot Construction									
MET Tranist	Electronic Fare System									
**Tech moved to 5339B and Facility to 5339A*		**Total**	**0.0**	**0.0**				**0.0**	**0.0**	**0.0**
Operations	Transit Operations									
MET Transit				819.7	4,538.8	2,584.5		0.0	7,943.0	7,943.0
		Total	**0.0**	**819.7**	**4,538.8**	**2,584.5**	**0.0**	**0.0**	**7,943.0**	**7,943.0**
SECTION 5307 CARES TOTALS*			**0.0**	**819.7**	**4,538.8**	**2,584.5**	**0.0**	**0.0**	**7,943.0**	**7,943.0**
Federal			**0.0**	**819.7**	**4,538.8**	**2,584.5**	**0.0**			
Local			**0.0**	**0.0**	**0.0**	**0.0**	**0.0**			
Ending Balance (Federal)			**5,358.5**	**7,123.4**	**2,584.5**	**0.0**	**0.0**			

*FTA administered CARES ACT funds are subject to the section 5307 regulations regarding eligible projects and expenses. These projects are 100% federal funds with no requirement for local match. Only funds utilized for capital projects that involve a substantial change to the function, location, or capacity of the system are required to be reflected in this plan.

Federal Transit Administration Section 5307*

Federal Transit Administration Section 5307*

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source Local % VARIES***	State	Federal % VARIES***	Total Estimated Obligation FY2020-2024
Carryover			0.0	0.0	184.0	2,617.7	3,266.5				
5311 Transfer from State(Fed Share)	5311 CARES transfer			0.0							
Allocation (Estimated)(Fed Share)	moved to CARES table		1,891.4	1,891.5	2,433.7	2,433.7	2,433.7				
Bus & Passenger Amenities/Equipment											0.0
Supportive Equipment	80/20 Match			**81.2**				16.2		64.9	81.2
Ammenities								0.0		0.0	0.0
Facilities								0.0		0.0	0.0
Met Transit		**Total**	**0.0**	**81.2**	**0.0**	**0.0**	**0.0**	**16.2**		**64.9**	**81.2**
Transit Operations* **											
Met Transit	50/50 Match	**Total**	**3,782.7**	**0.0**	**0.0**	**3,569.6**	**6,533.0**	**6,942.7**		**6,942.7**	**13,885.4**
Purchase buses								0.0		0.0	0.0
Replacement Buses	85/15 Match			1,932.4				289.9		1,642.6	1,932.4
								0.0		0.0	0.0
								0.0		0.0	0.0
Met Transit		**Total**	**0.0**	**1,932.4**	**0.0**	**0.0**	**0.0**	**289.9**		**1,642.6**	**1,932.4**
SECTION 5307 TOTALS*			**3,782.7**	**2,013.6**	**0.0**	**3,569.6**	**6,533.0**	**7,248.8**	**0.0**	**8,650.2**	**15,898.9**
Federal			**1,891.4**	**1,707.5**	**0.0**	**1,784.8**	**3,266.5**				
Local			**1,891.4**	**302.0**	**0.0**	**1,784.8**	**3,266.5**				
Ending Balance (Federal)			**0.0**	**184.0**	**2,617.7**	**3,266.5**	**2,433.7**				

*FTA administered funds are not subject to indirect cost recovery. 5307 funds may be supplemented by Small Transit Intensive Cities (STIC) funds based on transit system performance for the urbanized area (MET).

***Total local funding reflects an overmatch on federal share. Operations Match ratio is 50/50, Capital 80/20, ADA Captial 85/15

CARES Act is 100% federally funded

Federal Transit Administration Section 5339

Federal Transit Administration Section 5339 Formula

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source Local % VARIES*	 State	 Federal % VARIES*	Total Estimated Obligation FY2020-2024
Carryover *Allocation (Estimated)*			1,853.5 353.3	2,057.5 473.7	1,000.5 455.9	756.5 455.9	640.4 455.9				
Bus Purchases *Met Transit*	Replacement 85/15 for ada		**122.0**	**1,775.5**	**0.0**	**0.0**	**0.0**	**284.6**		**1,612.9**	0.0 **1,897.5**
Bus and Bus Technology *Met Transit*	Upgrade		**0.0**	**99.8**	**17.0**	**120.0**	**0.0**	**47.4**		**189.4**	**236.8**
Bus Passenger Amenities *Met Transit*	Upgrade		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**		**0.0**	**0.0**
Bus Facilities and Support *Met Transit*	Upgrade facility, systems, training lots		**56.9**	**38.2**	**857.8**	**70.0**	**0.0**	**204.6**		**818.3**	**1,022.9**
Bus, Facilities, and Technology *Met Transit***	Upgrade facilities, replace buses, add technology		**0.0**	**0.0**	**0.0**	**525.0**	**525.0**	**210.0**		**840.0**	**1,050.0**
			0.0	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**			
SECTION 5339 TOTALS			**179.0**	**1,913.5**	**874.8**	**715.0**	**525.0**	**746.6**	**0.0**	**3,460.7**	**4,207.3**
Federal			**149.3**	**1,530.8**	**699.9**	**572.0**	**420.0**				
Local			**29.7**	**382.7**	**175.0**	**143.0**	**105.0**				
Balance			**2,057.5**	**1,000.5**	**756.5**	**640.4**	**676.3**				

***Capital 80/20 Match, ADA Capital 85/15 Match**

PROJECTS (FY EXPENDED)

2020	2021	2022	2023	2024
Powerplant Replacements	Replacment Buses			
	Dispatch Software	AVL Tablets	Fare Vending Machines	
Lot Gate Security Cams Sander	Fuel System & DEF TANK	Training Lot	Security Cams Support Vehicle	
			Undecided	Undecided

Federal Transit Administration Section 5339 Competitive Funding

Federal Transit Administration Section 5339 Competitive Funding

Project Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source Local % VARIES*	State	Federal % VARIES*	Total Estimated Obligation FY2022-2026
Carryover			2,200.0	2,200.0	2,128.4	3,028.0	0.0				
Allocation			0.0	0.0	3,028.0						
Rollingstock/Buses	Replace					1,680.0					
MET	**85/15 ADA**	**Total**	**0.0**	**0.0**	**2,365.6**	**1,680.0**	**0.0**	**606.8**		3,438.7	**4,045.6**
Bus and Bus Facilities	Technology			79.5	92.8						
	Facility			0.0	54.3	2,000.0					
	Other (Training)			10.0							
MET	**80/20 Rate**	**Total**	**0.0**	**89.5**	**147.1**	**2,000.0**	**0.0**	**447.3**		1,789.3	**2,236.6**
SECTION 5339 TOTALS			**0.0**	**89.5**	**2,512.7**	**3,680.0**	**0.0**	**1,054.2**		**5,228.0**	**6,282.2**
Federal			**0.0**	**71.6**	**2,128.4**	**3,028.0**	**0.0**				
Local			**0.0**	**17.9**	**384.3**	**252.0**	**0.0**				
Balance			**2,200.0**	**2,128.4**	**3,028.0**	**0.0**	**0.0**				

***Capital 80/20 Match, ADA Capital 85/15 Match**

PROJECTS (FY EXPENDED)

2020	2021	2022	2023	2024
		Replacement Buses		
	APCs Workforce Training	Digital Fares Support Vehicles		

Federal Transit Administration Section 5310

Federal Transit Administration Section 5310

Funding shown in thousands of dollars

Project / Sponsor	Description	Phase	2020	2021	2022	2023	2024	Funding Source: Local % VARIES*	Funding Source: State	Funding Source: Federal % VARIES*	Total Estimated Obligation FY2020-2024
Carryover				0.0	50.6	210.6	244.2				
Allocation (Estimated)			136.9	157.2	160.0	160.0	160.0				
Paratransit Vehicles	Purchase vehicles (ADA and Cutaway) for MET	Purch.						0.0		0.0	0.0
	and other Coordination members as applicable	Purch.			**			0.0		0.0	0.0
Met Transit and Coordination Group			**161.1**	**125.3**	**170.9**	**148.8**	**210.0**	122.4		693.6	**816.1**
Traditional and Non-Traditional	Projects to support identified community needs	Purch.						0.0		0.0	0.0
Projects	but may be also be used for vehicles	Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
Met Transit and Coordination Group			**0.0**	**0.0**	**0.0**	**0.0**	**60.0**	12.0		48.0	**60.0**
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.						0.0		0.0	0.0
		Purch.	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**		**0.0**	**0.0**
SECTION 5310 TOTALS			**161.1**	**125.3**	**170.9**	**148.8**	**270.0**	**134.4**		**741.6**	**876.1**
Federal			**136.9**	**106.5**	**0.0**	**126.4**	**226.5**				
Local			**24.2**	**18.8**	**0.0**	**22.3**	**43.5**				
Balance			**0.0**	**50.6**	**210.6**	**244.2**	**177.7**				

NOTE: Indirect costs will be recovered on van/bus purchases.
Funding dependent on the outcome of a competitive process and funding availability.
*Capital Projects 80/20 match; ADA Capital 85/15 match
**Obligated in prior years; not reflected in totals; carryover and allocations are estimates based on MDT provided numbers

PROJECTS (FY YEAR EXPENDED)

2020	2021	2022	2023	2024
2 ADA Vans MET Transit	MET ADA Van; Aware Minivan	MET ADA van; COR ADA van (previous ob)**	MET ADA Van; COR ADA van and minivan	

TRANSADE (STATE FUNDED)

TRANSADE(STATE FUNDED)

Funding shown in thousands of dollars

Project Sponsor	Description	Phase	2020	2021	2022	2023	2024	State Funded 100%	Total Estimated Obligation FY2020-2024
Carryover			0.0	0.0	0.0	0.0	0.0		
Allocation (Estimated)			100.0	76.8	100.0	100.0	100.0	**476.8**	**476.8**
Transit Operations	Operating		100.0	100.0	100.0	100.0	100.0	**500.0**	
Met Transit			**100.0**	**76.8**	**100.0**	**100.0**	**100.0**	**476.8**	**476.8**
STATE TOTALS			**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**476.8**	**476.8**

Public Comment

The MPO will post the draft Transportation Improvement Program (TIP) to the Transportation Resource page of the City of Billings Website. Link to the page is: https://www.ci.billings.mt.us/2336/Transportation-Resources . MPO additionally will post agendas for the Boards, Council and Commission that review and act on the Transportation Improvement Program here: https://www.ci.billings.mt.us/117/Agendas-Minutes . The MPO published a Public Hearing Notice in the Yellowstone County News on May 8 and May 22, 2020 noting that public comment will be received on the Transportation Improvement Plan at the Yellowstone County Planning Board Meeting scheduled for Wednesday, May 27, 2020.

Below is a list of the Public Meetings that allow for public review and comment on the Transportation Improvement Program. Each meeting notes the number of public attending and comments received from any public:

Technical Advisory Committee:	Thursday, May 17, 2022 Attendance at Meeting: TAC Members, Planning Staff Public Comment period
YC Planning Board:	Tuesday, June 28, 2022 Attendance at Meeting: Planning Board members, Planning Staff Public Comment period
Billings City Council:	Monday, June 27, 2022 Attendance at Meeting: City Council Members, Staff Public Comment period
YC Board of Commissioners:	Tuesday, June 21, 2022 Attendance at Meeting: Commissioners, Staff Public Comment period
Policy Coordinating Committee:	July 19, 2022 Attendance at Meeting: PCC Members, Staff, MDT Planning; Public Comment period

Public Participation Plan City of Billings MET Transit

The purpose of the City of Billings MET Transit Public Participation Plan is to ensure and improve access to MET's decision-making process for all members of the public including low-income, minority, and other disadvantaged populations. MET endeavors to provide opportunities for the public to assist and provide input on transit projects in regards to social, environmental, and economic impacts to the area's population.

The Public Participation Plan identifies methods for informing and involving the public in the decision making process, including minority and limited-English proficiency (LEP) populations. Methods of informing the public include, but are not limited to, printed material, partner and community outreach, press releases, paid advertising, transit advertising, and the MET website and social media platforms. Methods of involving the public include, but are not limited to, public meetings, public hearings, surveys, Aviation and Transit Commission meetings, public comment cards, and multiple feedback options.

To download a copy of MET's updated (10/2019) Public Participation Plan, insert the link below in your browser

https://www.ci.billings.mt.us/DocumentCenter/View/46951/2022-Public-Participation-and-Title-VI-Plan

Certification

The Billings Metropolitan Planning Organization for the Billings, Montana, urbanized area hereby certifies that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

I. 49 USC. Section 5303 and 23 USC. 134 and CFR 450.334;
II. Title VI of the Civil Rights Act of 1964, as amended (42 USC. 2000d-1) and 49 CFR, Part 21;
III. Section 1101(b) of the MAP-21 (Pub. L. 112-141) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded projects (49 CFR part 26);
IV. The provision of the Americans With Disabilities Act of 1990 (42 USC. 12101 *et esq.*,) and the U. S. DOT implementing regulation (49 CFR Parts 27, 37 and 38);
V. The provision of 49 CFR part 20 regarding restrictions on influencing certain activities;
VI. Sections 174 and 176(c) and (d) of the Clear Air Act as amended (42 USC. 7504, 7506(c) and (d));
VII. 49 USC. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
VIII. 23 CFR, Part 230, regarding the implementation of an equal employment opportunity on Federal and Federal-aid highway construction contracts;
IX. The Older Americans Act as amended (42 USC. 6101), prohibiting discrimination on the basis of age in program or projects receiving Federal financial assistance;
X. Section 324 of Title 23 USC. regarding the prohibition of discrimination based on gender; and
XI. Section 504 of the Rehabilitation Act of 1973 (29 USC. 794) and 49 CFR, Part 27 regarding discrimination against individuals with disabilities.

Billings, Montana
Metropolitan Planning Organization

_____

Dennis Cook, Planning Board President /Date

City Council Regular

Date:	06/27/2022
Title:	Cancellation of Checks and Warrants
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends that the City Council authorize canceling stale dated outstanding checks and warrants.

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

The Finance department annually review outstanding check and warrants. Under State law MCA 7-6-4303, City Council has the authority to cancel municipal checks and warrants that have remained outstanding or unpaid for a period of one year. Vendors, city employees, and former employees were notified that they had outstanding checks and were given the option to have a check reissued. The remaining checks to be canceled are those which no response was received.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

If approved, the checks will be voided in the system and the money returned to the dispensing departments.

FISCAL EFFECTS

The amounts contained in the canceled checks and warrants will revert to the affected funds, totaling $227.22. Employees and vendors were notified and given the opportunity to have their checks reissued. The final cancelations may not exactly match the attachment, as payees may still be responding and checks that are reissued will not be canceled.

Attachments

Voided Check Listing

VOIDED CHECKS TO C. COUNCIL- JUNE 2022
ACCOUNTS PAYABLE CHECKS TO BE VOIDED

Check #	Date	Name	Amount	Fund
835114	07/27/2020	Eustace, Sam	3.28	Health insurance
835732	08/10/2020	Richard Justice	12.00	General Fund
835733	08/10/2020	Robert Fichter	12.00	General Fund
835941	08/17/2020	Philip Schmidt	12.00	General Fund
836773	09/21/2020	Michael Petersohn	12.00	General Fund
836804	09/21/2020	Sarah Meitzel	12.00	General Fund
839022	12/21/2020	Carse, David	10.00	General Fund
840231	02/01/2021	VALENTINO MEDICINE ELK	3.94	Health insurance
840836	03/01/2021	Karla Martinez	12.00	General Fund
840851	03/01/2021	Matt Caudill	12.00	General Fund
841705	03/29/2021	RONALD EHRESMAN	7.00	Water
841764	04/05/2021	Brandon Aasterud	12.00	General Fund
843474	06/07/2021	Reichert, Angel	10.00	Parking
843483	06/07/2021	Schreiner, Kelsea	25.00	Parking
843537	06/14/2021	Benjamin Bagley	12.00	General Fund
843551	06/14/2021	Brittany Garza	12.00	General Fund
843570	06/14/2021	Cody Barber	12.00	General Fund
843652	06/14/2021	Lisa Noteboom	12.00	General Fund
843659	06/14/2021	Matthew Kuske	12.00	General Fund
843707	06/14/2021	Sandra Gritz	12.00	General Fund
		TOTAL	227.22	

City Council Regular

Date:	06/27/2022
Title:	The Timbers Subdivision, 1st Filing - SIA Amendment Request
Presented by:	Monica Plecker
Department:	Planning & Community Services
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Planning staff in coordination with Engineering Division staff recommends to the City Council denial of this request to amend The Timbers Subdivision, 1st Filing, Subdivision Improvement Agreement (SIA) requesting the construction of Sugar Pine Road be removed as a construction requirement of this filing.

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

On June 2, 2022, David Mitchell, developer, applied for an amendment to the SIA regarding inclusion of the construction of a road in the preliminarily approved The Timbers Subdivision, 1st Filing. The subject property is generally located on the south side of Alkali Creek Road and west of Foothill Drive. The applicant has indicated there are significant costs associated with this connection therefore they would like to postpone construction to a future filing.

If it is possible to have improvements constructed at the time of the development, that is the City's desired approach for several reasons as evidenced by requirements in the subdivision regulations. Under the existing preliminary plat approval, there are two methods in which the developer can forego actual construction of an improvement:
1. Provide to the City cash in lieu of construction
2. Create a special improvement district.

While these methods are allowable, there are some cons. If the City accepts cash in lieu of the improvements, there are rarely enough funds when the time comes to construct the street which means the cost is borne by the rest of the City. In regard to the SID, these can happen one of two ways. The developer may create the SID while holding all of the lots, however, most lending institutions want the SID's paid off before the lot is conveyed, therefore, the developer would still bear this cost which they are trying to avoid. Additionally, if the construction didn't occur until lots were sold, even though waivers of protest are collected for the creation of SID's at the time of subdivision, the reality is it makes all of the property owners pay for the cost of the connection instead of the developer and it creates a significant amount of angst by the property owners. Also, if the work is not done for a connection such as the one in question, adjacent property owners tend to use the area over time and it creates contention when the City needs to come in and install the road. Further, delaying construction leaves an unfinished frontage along lot 55 which is part of this subdivision.

There are several reasons why staff is recommending denial of this request. First, procedurally approving this request would evade requirements of the Subdivision Regulations. Below are sections of the regulation that support this statement.

The Timbers Subdivision, 1st Filing, received preliminary conditional plat approval on February 28, 2022. The applicant has stated they wish to remove the construction and connection to un-platted land to the east and include it in a later filing. The City of Billings subdivision regulations discuss this issue as follows;
Section 23-406. Street and Roads.
A. Streets and Roads, General: The arrangement, type, extent, width, grade and location of all streets shall conform to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.
1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision ***shall be arranged to allow access to the adjoining undeveloped land****. Street within the proposed subdivision* ***shall be constructed*** *to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.*

Sugar Pine Road is providing a future connection, as required by subdivision regulations, to the undeveloped land to the east. In the future, should the land to the east develop, the developer will be required to build their road network in such a way that connects to Sugar Pine Road. These connections are for convenient travel between subdivisions and

also provide safety to the future residents, so they can move between subdivisions on a local neighborhood street rather than be required to go to a principle arterial street, Alkali Creek Road, to get between subdivisions. Not requiring the connection becomes a defacto variance. Variances for subdivisions may not be considered on a standalone basis, rather it must be considered with the application for preliminary plat. Procedurally, not allowing the public through the subdivision process, which requires a hearing with the Planning Board, to consider this variance is procedurally incorrect. For these reasons staff is recommending denial.

Connection between subdivisions and undeveloped land is very important. Aside from it being a good planning practice, connectivity is critical in maintaining a functioning transportation network. Further, there is a high likelihood this connection would serve the eastern property as a second access which is required when land is developed with more than 5 lots. The Morledge Family who owns the property directly adjacent to this (See Parcel D adjacent to Sugar Pine on Plat) did participate in the subdivision review process when the preliminary plat was being reviewed by the Planning Board. They submitted written correspondence advocating for connection to their property (see attached).

Lastly, relying on the developer to construct Sugar Pine with a future filing is based on an assumption that there will be a future filing. There is no preliminary plat currently under review or with conditional approval to tie the delayed construction to. There is nothing that obligates the developer to further subdivide any of their remaining lands.

For all of these reasons listed above, City staff is forwarding a recommendation of denial of the SIA wording change to the City Council.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve the requested amendments to the Subdivision Improvement Agreement.

Approving the agreement, would be procedurally incorrect and convey a privilege to the developer outside the parameters of the Montana Subdivision and Platting Act and the City of Billings Subdivision Regulations.

FISCAL EFFECTS

This SIA amendment will not have any fiscal effect on the Planning Division. Allowing the developer to forego their construction could put the City in a financially disadvantaged position in the future as this area develops and connections are required.

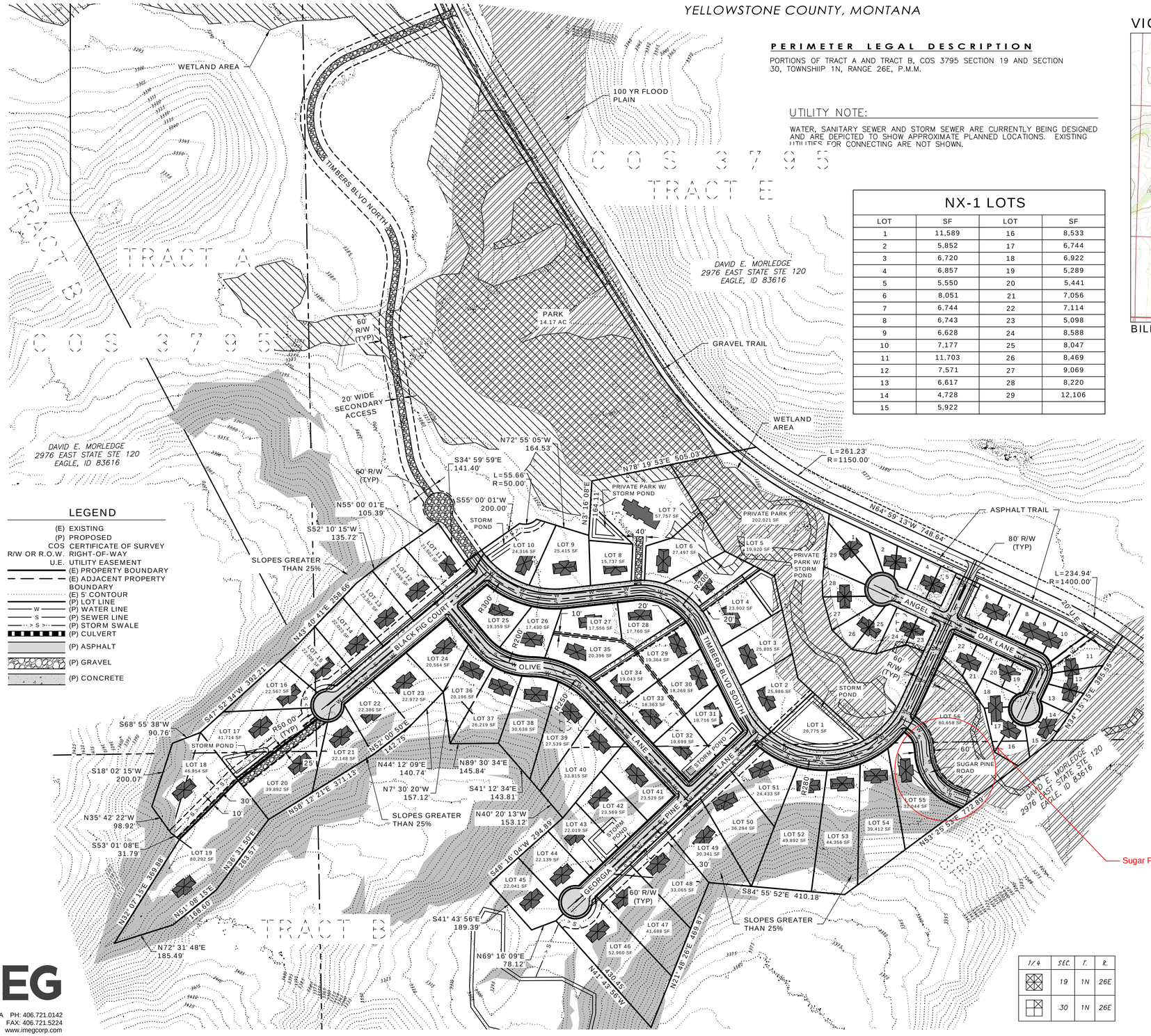
Attachments

Preliminary Plat Showing Sugar Pine Road
SIA with requested wording crossed out
Proposed New SIA
Morledge Correspondence

PRELIMINARY PLAT OF

THE TIMBERS SUBDIVISION

TRACT A OF COS 3795 LOCATED IN THE NE1/4, SE1/4, SW1/4, & NW1/4 OF SECTION 19 AND THE NE1/4 OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA



PERIMETER LEGAL DESCRIPTION

PORTIONS OF TRACT A AND TRACT B, COS 3795 SECTION 19 AND SECTION 30, TOWNSHIIP 1N, RANGE 26E, P.M.M.

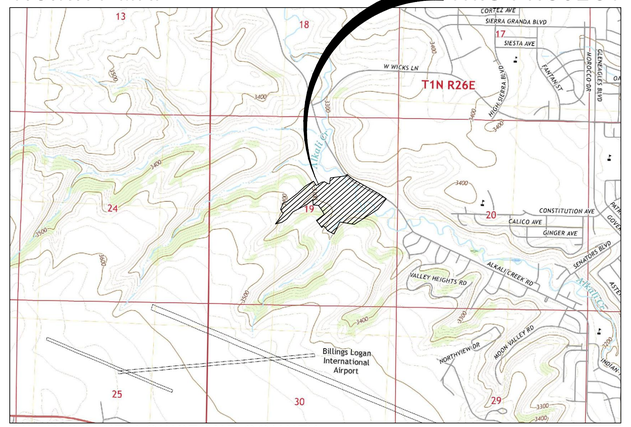
UTILITY NOTE:

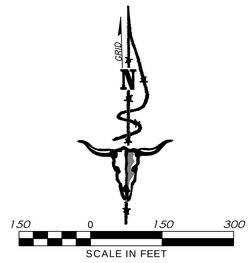
WATER, SANITARY SEWER AND STORM SEWER ARE CURRENTLY BEING DESIGNED AND ARE DEPICTED TO SHOW APPROXIMATE PLANNED LOCATIONS. EXISTING UTILITIES FOR CONNECTING ARE NOT SHOWN.

NX-1 LOTS

LOT	SF	LOT	SF
1	11,589	16	8,533
2	5,852	17	6,744
3	6,720	18	6,922
4	6,857	19	5,289
5	5,550	20	5,441
6	8,051	21	7,056
7	6,744	22	7,114
8	6,743	23	5,098
9	6,628	24	8,588
10	7,177	25	8,047
11	11,703	26	8,469
12	7,571	27	9,069
13	6,617	28	8,220
14	4,728	29	12,106
15	5,922		

VICINITY MAP — THIS PROJECT





LEGEND

- (E) EXISTING
- (P) PROPOSED
- COS CERTIFICATE OF SURVEY
- R/W OR R.O.W. RIGHT-OF-WAY
- U.E. UTILITY EASEMENT
- (E) PROPERTY BOUNDARY
- (E) ADJACENT PROPERTY BOUNDARY
- (E) 5' CONTOUR
- (P) LOT LINE
- (P) WATER LINE
- (P) SEWER LINE
- (P) STORM SWALE
- (P) CULVERT
- (P) ASPHALT
- (P) GRAVEL
- (P) CONCRETE

1/4	SEC.	T.	R.
⊠	19	1N	26E
⊞	30	1N	26E

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

RECORD OWNER:
DAVID AND ALI MITCHELL

SUBDIVIDER:
DAVID AND ALI MITCHELL

DATE:
DECEMBER, 2021

TOTAL SUBDIVISION AREA:
56.26 ACRES (GROSS)
40.09 ACRES (NET)

SITE DATA

NUMBER OF N-3 LOTS	58
NUMBER OF NX-1 LOTS	29
MAXIMUM LOT AREA	80,292 SF
MINIMUM LOT AREA	4,728 SF
AREA OF PARKLAND	4.64 AC
AREA OF ADD. R/W	0.89 AC
LINEAR FEET OF STREETS	5,636 LF
NET ACREAGE	40.09 AC
GROSS ACREAGE	56.26 AC
EXISTING ZONING	AGRICULTURAL
PROPOSED ZONING	NX-1 AND N-3
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	RESIDENTIAL

PREPARED BY:
IMEG
1817 SOUTH AVE. W. STE. A
MISSOULA, MT
59801
PH: 406.721.0142
FAX: 406.721.5224
www.imegcorp.com
IMEG PROJECT NO. 20006040

SHEET 1 OF 1
THE TIMBERS SUBDIVISION
(A SUBDIVISION OF YELLOWSTONE COUNTY)

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

The Timbers Subdivision

First Filing

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(City of Billings)

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

The Timbers Subdivision First Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between *Ali Mitchell* and *David Mitchell*, whose address for the purpose of this agreement is **1655 Valley Heights Rd., Billings, MT 59105**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

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

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *The Timbers Subdivision, First 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 *The Timbers Subdivision, First Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

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):

A variance has been submitted regarding the construction of Timbers Boulevard North. This variance requests to install Timbers Boulevard North using a 20' foot

wide gravel surface within a 60' foot right-of-way. This road shall be marked a secondary access and built to withstand 40 tons in all weather conditions. The construction of the road, including curb and gutter and utility construction, will be monetarily secured for 50% of an engineer's estimate as reviewed by the City. The construction of the remainder of Timbers Boulevard North will be completed with a future filing. This includes construction of curb and gutter, street paving, water, sanitary sewer, and storm drain. If Timbers Boulevard North is not constructed within two years of final plat, the City reserves the right to create a Special Improvement District to construct the remaining portion of Timbers Boulevard North back to Alkali Creek Road.

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. 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. The Timbers Subdivision, First Filing had an overview geotechnical study completed by Rimrock Engineering. Below is the summary of the findings of this study. Individual lot owners are encouraged to complete their own geotechnical study to find lot specific information.

- The subsurface profile generally consists of variably stiff to very soft lean clay soils. Groundwater was encountered at approximately 6.5 feet below existing grades while drilling or for the short duration the boring was allowed to remain open.
- Due to site conditions and concerns, we recommend support for the proposed structure using a deep foundation system such as rammed aggregate piers or helical piers extending into the more competent soils in order to bypass the compressible soil and alleviate concerns regarding foundation construction below or near the groundwater elevation.
- Another viable foundation alternative, yet lower level of assurance against potential movements, would be to support the structure using a shallow

spread footing foundation system or thickened edge monolithic slab bearing on a zone of geotextile-reinforced structural fill.

- A structural floor on grade beams over a crawlspace should be considered for interior slabs. If a structural floor is not desired, in order to reduce the potential for movement related distress to concrete slabs, we recommend a minimum of 12 inches of structural fill reinforced with a layer of Mirafi RS580i be used for slab support.

D. No water rights have been transferred to the lot 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 on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. The subdivider and subsequent contractors/builders acknowledge that 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 within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

H. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the FEMA maps for this area. Please be advised that special development restrictions may apply within these specified areas. The City of Billings is not liable for any damage to lots encompassing or near floodplain that would result from flooding.

III. TRANSPORTATION

A. Streets

The following roads exist surrounding the subdivision:

- Alkali Creek Road is designated as a Principal Arterial and is located within a 60’ wide right-of-way. An addition of 30’ of ½ right-of-way is

being dedicated as part of this subdivision to conform with city requirements. It is required that Alkali Creek Road be constructed with a minimum standard width of 42 feet, back of curb to back of curb. That portion adjacent to the subdivision has been partially constructed. The existing street includes approximately 26 feet of asphalt. The subdivider will provide cash-in-lieu contribution for the construction of approximately an additional 6 feet of asphalt surface with a satisfactory sub-base, base course, standard curb and gutter. The cash-in-lieu contribution will also include engineering design and construction administration.

.

The Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

- Timbers Boulevard South, ~~Sugar Pine Road,~~ Angel Oak Lane, Georgia Pine Lane, Olive Lane, and Black Fig Court will be constructed within a 60' foot right-of-way using curb and gutter and full-width pavement (34 feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.
- Timbers Boulevard North will be installed using a 20' foot wide gravel surface within a 60' foot right-of-way. This road shall be marked a secondary access and built to withstand 40 tons in all weather conditions. The construction of the road, including curb and gutter and utility construction, will be monetarily secured for 50% of an engineer's estimate as reviewed by the City. The construction of the remainder of Timbers Boulevard North will be completed with a future filing. This includes construction of curb and gutter, street paving, water, sanitary sewer, and storm drain. If Timbers Boulevard North is not constructed within two years of final plat, the City reserves the right to create a Special Improvement District to construct the remaining portion of Timbers Boulevard North back to Alkali Creek Road.

B. Sidewalks

- All roads within the subdivision will have a 5' wide boulevard sidewalk with a 5' minimum boulevard. The sidewalk will be composed of concrete and be completed within the road's right-of-way.

C. Street Lighting

- There is no proposed street lighting, but it is included as an item in the waiver of right to protest.

D. Traffic Control Devices

- One stop sign will be installed on Timbers Boulevard South at the intersection with Alkali Creek Road.
- One stop sign will be installed on Timbers Boulevard North at the intersection with Alkali Creek Road.

- Two stop signs will be installed at the intersection of Angel Oak Lane and Timbers Boulevard South. The stop signs will be on both sides of Timbers Boulevard South.
- ~~One stop sign will be installed at the intersection of Sugar Pine Road and Timbers Boulevard South.~~
- One stop sign will be installed at the intersection of Georgia Pine Lane and Timbers Boulevard South.
- One stop sign will be installed at the intersection of Black Fig Court and Timbers Boulevard South.
- One stop sign will be installed at the intersection of Georgia Pine Lane and Olive Lane.
- One stop sign will be installed at the intersection of Olive Lane and Black Fig Court.

E. Access

- All of the lots will access off of the internal subdivision road network.
- The subdivision will connect to Alkali Creek Road.

F. Billings Area Bikeway and Trail Master Plan

- There is a proposed short range bike and pedestrian trail proposed within the parkland adjacent to Alkali Creek Road. This trail will be 10' wide and paved to the standard for pedestrian facilities within the City of Billings.

IV. EMERGENCY SERVICE

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

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site. Lot 21 of the Timbers, First Filing must have its entire structure within 600 feet of the nearest fire hydrant.
- 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 acceptance at the time of development.

Storm Drainage for The Timbers Filing One will be provided by a combination of surface drainage swales, curb and gutter, and underground piping. Off-site Stormwater will be routed through surface swales/ditches and will discharge directly to Alkali Creek. On-site stormwater will be routed through swales, curb and gutter, and underground piping to on-site detention ponds that are sized to only allow pre-development flow rate to be discharged from the site as required by the Stormwater Management Manual. The stormwater improvements will be constructed per the submitted Stormwater Management Design report as reviewed and accepted by the City Engineering Division.

All of the on-site stormwater infrastructure will be located within public easement or public right-of-way. Stormwater pipes located in the public right of way will be maintained by the City and all facilities including swales, piping, and ponds not in the right of way will be maintained by The Timbers HOA.

Due to the large quantity of stormwater passing through the development and the severe slopes located in some areas, minimum finish floor elevations for all lots within the development will be established by the Stormwater Management Plan and will be incorporated in the final version of the recorded SIA.

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 extension applications and the conditions of approval. Water Main and Sanitary Sewer extension applications shall be submitted for processing prior to the start of any construction for review and approval of any project plans and specifications.

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

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

A. Water

Each lot is to be served by City of Billings water through a water main extension. As required by City Engineering, a 12" Water Main will be extended along Timbers Boulevard South which will serve as the future City Trunk Line through the development. All additional water lines within Filing 1 will be 8" water mains and are located in Angel Oak Lane, ~~Sugar Pine Road,~~ Georgia Pine Lane, Olive Lane, and Black Fig Court. Compensation for required water main upsize can be requested by the developer.

B. Sanitary Sewer

Each lot is to be served by City of Billings sewer through a sewer main extension. As required by City Engineering, a 21" Sewer Main will be extended along Timbers Boulevard South which will serve as the future City Trunk Line through the development. All additional sewer lines within Filing 1 will be 8" sewer mains and are located in Angel Oak Lane, ~~Sugar Pine Road,~~ Georgia Pine Lane, Olive Lane, and Black Fig Court. All sewer infrastructure is proposed to be gravity. Compensation for required sewer main upsize can be requested by the developer.

C. Power, Telephone, Gas, and Cable Television

These utilities will be provided within the 60-foot Public Road Easement, or the Utility Easements created as part of this subdivision.

VII. PARKS/OPEN SPACE

The Timbers Subdivision, First Filing proposes parkland dedication to satisfy parkland requirements. The Park will be maintained by City of Billings Parks, Recreation and Public Lands. Operation and maintenance of the public park areas shall be by a park maintenance district (PMD) created and/or expanded for this and all subsequent filings of the Timbers Subdivision by the Subdivider as approved by the Parks and Recreation Department and administered by the City of Billings.

The parks and trail within the park(s) will be constructed or bonded for by the Developer prior to final plat filing. A park master plan for the 4.64 acres of parkland within the Timbers Subdivision, First Filing may be submitted and approved by the City of Billings Parks, Recreation and Public Lands. A park master plan for the public parkland within the Timbers Subdivision will be funded by the Subdivider in Consultation with the Parks and Recreation Department. This plan will meet the requirements and specifications of the Parks and Recreation Department.

Plans and Specifications for the development of the 10' wide trail will be reviewed and approved by the Parks and Recreation Department. During construction, the Department will make periodic inspections to assure the parkland is developed according to the plans and specifications. When construction is complete, the Parks and Recreation Department will conduct a

final inspection to assure all aspects of the park development meets the plans and specifications. Once verified, the Parks and Recreation Department will issue a letter of acceptance and only then will they take over maintenance operations. The parkland may be developed at any time prior to the final filing at the discretion of the Subdivider

Required parkland for The Timbers Filing One is 3.45 acres per the City of Billings Subdivision Regulation guidelines. As part of The Timbers Filing One 4.64 acres of parkland are being provided.

VIII. IRRIGATION

Irrigation rights for the subdivision will not be utilized for irrigation within the subdivision. No surrounding irrigation ditches exist.

IX. FLOODPLAIN

Floodplain boundaries are shown on the subdivision plat. Any work proposed in the floodplain will require a floodplain permit. All homesites are to be constructed outside of the floodplain boundary. The City of Billings is not liable for any damages within the floodplain.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study was completed by Rimrock Engineering, Inc. Due to the Geotechnical Study it is suggested that individual geotechnical reports be completed prior to construction of homes within the subdivision.

XI. FINANCIAL GUARANTEES

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

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"

By:_____ _____
Ali Mitchell David Mitchell

STATE OF _____)
: ss
County of _____)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of _____, personally appeared Ali Mitchell, who executed the foregoing instrument and acknowledged to me that she executed the same.

SS_____

STATE OF _____)
: ss
County of _____)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of _____, personally appeared David Mitchell, who executed the foregoing instrument and acknowledged to me that she executed the same.

SS_____

This agreement is hereby approved and accepted by the City of Billings, this ____day of_____, 20___.

"CITY"

CITY OF
BILLINGS
MONTANA

By: _____

Mayor

Attest: _____

City Clerk

STATE OF MONTANA)

; ss

County of Yellowstone)

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

SS_____

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

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

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

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

The Timbers Subdivision, First Filing

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

Subdivider/Owner

By:_____ _____
Ali Mitchell David Mitchell

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 Ali Mitchell known to me to be *Subdivider/Owner Name*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

SS_____

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 David Mitchell known to me to be *Subdivider/Owner Name*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

SS_____

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

The Timbers Subdivision

First Filing

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(City of Billings)

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

The Timbers Subdivision First Filing

This agreement is made and entered into this ____ day of _____, 20__, by and between *Ali Mitchell* and *David Mitchell*, whose address for the purpose of this agreement is **1655 Valley Heights Rd., Billings, MT 59105**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

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

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *The Timbers Subdivision, First 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 *The Timbers Subdivision, First Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

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):

A variance has been submitted regarding the construction of Timbers Boulevard North. This variance requests to install Timbers Boulevard North using a 20' foot

wide gravel surface within a 60' foot right-of-way. This road shall be marked a secondary access and built to withstand 40 tons in all weather conditions. The construction of the road, including curb and gutter and utility construction, will be monetarily secured for 50% of an engineer's estimate as reviewed by the City. The construction of the remainder of Timbers Boulevard North will be completed with a future filing. This includes construction of curb and gutter, street paving, water, sanitary sewer, and storm drain. If Timbers Boulevard North is not constructed within two years of final plat, the City reserves the right to create a Special Improvement District to construct the remaining portion of Timbers Boulevard North back to Alkali Creek Road.

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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. The Timbers Subdivision, First Filing had an overview geotechnical study completed by Rimrock Engineering. Below is the summary of the findings of this study. Individual lot owners are encouraged to complete their own geotechnical study to find lot specific information.

- The subsurface profile generally consists of variably stiff to very soft lean clay soils. Groundwater was encountered at approximately 6.5 feet below existing grades while drilling or for the short duration the boring was allowed to remain open.
- Due to site conditions and concerns, we recommend support for the proposed structure using a deep foundation system such as rammed aggregate piers or helical piers extending into the more competent soils in order to bypass the compressible soil and alleviate concerns regarding foundation construction below or near the groundwater elevation.
- Another viable foundation alternative, yet lower level of assurance against potential movements, would be to support the structure using a shallow

spread footing foundation system or thickened edge monolithic slab bearing on a zone of geotextile-reinforced structural fill.

- A structural floor on grade beams over a crawlspace should be considered for interior slabs. If a structural floor is not desired, in order to reduce the potential for movement related distress to concrete slabs, we recommend a minimum of 12 inches of structural fill reinforced with a layer of Mirafi RS580i be used for slab support.

D. No water rights have been transferred to the lot 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 on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. The subdivider and subsequent contractors/builders acknowledge that 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 within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

H. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the FEMA maps for this area. Please be advised that special development restrictions may apply within these specified areas. The City of Billings is not liable for any damage to lots encompassing or near floodplain that would result from flooding.

III. TRANSPORTATION

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The following roads exist surrounding the subdivision:

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being dedicated as part of this subdivision to conform with city requirements. It is required that Alkali Creek Road be constructed with a minimum standard width of 42 feet, back of curb to back of curb. That portion adjacent to the subdivision has been partially constructed. The existing street includes approximately 26 feet of asphalt. The subdivider will provide cash-in-lieu contribution for the construction of approximately an additional 6 feet of asphalt surface with a satisfactory sub-base, base course, standard curb and gutter. The cash-in-lieu contribution will also include engineering design and construction administration.

The Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

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- Timbers Boulevard North will be installed using a 20' foot wide gravel surface within a 60' foot right-of-way. This road shall be marked a secondary access and built to withstand 40 tons in all weather conditions. The construction of the road, including curb and gutter and utility construction, will be monetarily secured for 50% of an engineer's estimate as reviewed by the City. The construction of the remainder of Timbers Boulevard North will be completed with a future filing. This includes construction of curb and gutter, street paving, water, sanitary sewer, and storm drain. If Timbers Boulevard North is not constructed within two years of final plat, the City reserves the right to create a Special Improvement District to construct the remaining portion of Timbers Boulevard North back to Alkali Creek Road.

B. Sidewalks

- All roads within the subdivision will have a 5' wide boulevard sidewalk with a 5' minimum boulevard. The sidewalk will be composed of concrete and be completed within the road's right-of-way.

C. Street Lighting

- There is no proposed street lighting, but it is included as an item in the waiver of right to protest.

D. Traffic Control Devices

- One stop sign will be installed on Timbers Boulevard South at the intersection with Alkali Creek Road.
- One stop sign will be installed on Timbers Boulevard North at the intersection with Alkali Creek Road.

- Two stop signs will be installed at the intersection of Angel Oak Lane and Timbers Boulevard South. The stop signs will be on both sides of Timbers Boulevard South.
-
- One stop sign will be installed at the intersection of Georgia Pine Lane and Timbers Boulevard South.
- One stop sign will be installed at the intersection of Black Fig Court and Timbers Boulevard South.
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E. Access

- All of the lots will access off of the internal subdivision road network.
- The subdivision will connect to Alkali Creek Road.

F. Billings Area Bikeway and Trail Master Plan

- There is a proposed short range bike and pedestrian trail proposed within the parkland adjacent to Alkali Creek Road. This trail will be 10' wide and paved to the standard for pedestrian facilities within the City of Billings.

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

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site. Lot 21 of the Timbers, First Filing must have its entire structure within 600 feet of the nearest fire hydrant.
- 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 acceptance at the time of development.

Storm Drainage for The Timbers Filing One will be provided by a combination of surface drainage swales, curb and gutter, and underground piping. Off-site Stormwater will be routed through surface swales/ditches and will discharge directly to Alkali Creek. On-site stormwater will be routed through swales, curb and gutter, and underground piping to on-site detention ponds that are sized to only allow pre-development flow rate to be discharged from the site as required by the Stormwater Management Manual. The stormwater improvements will be constructed per the submitted Stormwater Management Design report as reviewed and accepted by the City Engineering Division.

All of the on-site stormwater infrastructure will be located within public easement or public right-of-way. Stormwater pipes located in the public right of way will be maintained by the City and all facilities including swales, piping, and ponds not in the right of way will be maintained by The Timbers HOA.

Due to the large quantity of stormwater passing through the development and the severe slopes located in some areas, minimum finish floor elevations for all lots within the development will be established by the Stormwater Management Plan and will be incorporated in the final version of the recorded SIA.

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 extension applications and the conditions of approval. Water Main and Sanitary Sewer extension applications shall be submitted for processing prior to the start of any construction for review and approval of any project plans and specifications.

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

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

A. Water

Each lot is to be served by City of Billings water through a water main extension. As required by City Engineering, a 12" Water Main will be extended along Timbers Boulevard South which will serve as the future City Trunk Line through the development. All additional water lines within Filing 1 will be 8" water mains and are located in Angel Oak Lane, Georgia Pine Lane, Olive Lane, and Black Fig Court. Compensation for required water main upsize can be requested by the developer.

B. Sanitary Sewer

Each lot is to be served by City of Billings sewer through a sewer main extension. As required by City Engineering, a 21" Sewer Main will be extended along Timbers Boulevard South which will serve as the future City Trunk Line through the development. All additional sewer lines within Filing 1 will be 8" sewer mains and are located in Angel Oak Lane, Georgia Pine Lane, Olive Lane, and Black Fig Court. All sewer infrastructure is proposed to be gravity. Compensation for required sewer main upsize can be requested by the developer.

C. Power, Telephone, Gas, and Cable Television

These utilities will be provided within the 60-foot Public Road Easement, or the Utility Easements created as part of this subdivision.

VII. PARKS/OPEN SPACE

The Timbers Subdivision, First Filing proposes parkland dedication to satisfy parkland requirements. The Park will be maintained by City of Billings Parks, Recreation and Public Lands. Operation and maintenance of the public park areas shall be by a park maintenance district (PMD) created and/or expanded for this and all subsequent filings of the Timbers Subdivision by the Subdivider as approved by the Parks and Recreation Department and administered by the City of Billings.

The parks and trail within the park(s) will be constructed or bonded for by the Developer prior to final plat filing. A park master plan for the 4.64 acres of parkland within the Timbers Subdivision, First Filing may be submitted and approved by the City of Billings Parks, Recreation and Public Lands. A park master plan for the public parkland within the Timbers Subdivision will be funded by the Subdivider in Consultation with the Parks and Recreation Department. This plan will meet the requirements and specifications of the Parks and Recreation Department.

Plans and Specifications for the development of the 10' wide trail will be reviewed and approved by the Parks and Recreation Department. During construction, the Department will make periodic inspections to assure the parkland is developed according to the plans and specifications. When construction is complete, the Parks and Recreation Department will conduct a

final inspection to assure all aspects of the park development meets the plans and specifications. Once verified, the Parks and Recreation Department will issue a letter of acceptance and only then will they take over maintenance operations. The parkland may be developed at any time prior to the final filing at the discretion of the Subdivider

Required parkland for The Timbers Filing One is 3.45 acres per the City of Billings Subdivision Regulation guidelines. As part of The Timbers Filing One 4.64 acres of parkland are being provided.

VIII. IRRIGATION

Irrigation rights for the subdivision will not be utilized for irrigation within the subdivision. No surrounding irrigation ditches exist.

IX. FLOODPLAIN

Floodplain boundaries are shown on the subdivision plat. Any work proposed in the floodplain will require a floodplain permit. All homesites are to be constructed outside of the floodplain boundary. The City of Billings is not liable for any damages within the floodplain.

X. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study was completed by Rimrock Engineering, Inc. Due to the Geotechnical Study it is suggested that individual geotechnical reports be completed prior to construction of homes within the subdivision.

XI. FINANCIAL GUARANTEES

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

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"

By: Ali Mitchell
Ali Mitchell

David Mitchell

STATE OF MONTANA)
: ss
County of YELLOWSTONE)

On this 31ST day of MAY, 2022, before me, a Notary Public in and for the State of MONTANA, personally appeared ~~Ali Mitchell~~, who executed the foregoing instrument and acknowledged to me that ~~she~~ executed the same.

SS

BRITTANI HUNTER NOTARIAL SEAL STATE OF MONTANA
BRITTANI HUNTER
NOTARY PUBLIC for the
State of Montana
Residing at Laurel, Montana
My Commission Expires
October 17, 2022

STATE OF MONTANA)
: ss
County of YELLOWSTONE)

On this 31ST day of MAY, 2022, before me, a Notary Public in and for the State of MONTANA, personally appeared David Mitchell, who executed the foregoing instrument and acknowledged to me that ~~she~~ executed the same.

SS

BRITTANI HUNTER NOTARIAL SEAL STATE OF MONTANA
BRITTANI HUNTER
NOTARY PUBLIC for the
State of Montana
Residing at Laurel, Montana
My Commission Expires
October 17, 2022

This agreement is hereby approved and accepted by the City of Billings, this ____day of_____, 20___.

"CITY"

CITY OF
BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
; ss
County of Yellowstone)

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

SS_____

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

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

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

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

The Timbers Subdivision, First Filing

Signed and dated this 31st day of May, 2022

Subdivider/Owner

By: Ali Mitchell
Ali Mitchell

David Mitchell

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 31st day of May, 2022 before me, a Notary Public in and for the State of Montana, personally appeared Ali Mitchell known to me to be *Subdivider/Owner Name*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

SS

BRITTANI HUNTER NOTARIAL SEAL STATE OF MONTANA

BRITTANI HUNTER
NOTARY PUBLIC for the
State of Montana
Residing at Laurel, Montana
My Commission Expires
October 17, 2022

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 31st day of May, 2022, before me, a Notary Public in and for the State of Montana, personally appeared David Mitchell known to me to be *Subdivider/Owner Name*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

SS

BRITTANI HUNTER NOTARIAL SEAL STATE OF MONTANA

BRITTANI HUNTER
NOTARY PUBLIC for the
State of Montana
Residing at Laurel, Montana
My Commission Expires
October 17, 2022

Hi Monica,
One final item on Parcel D056580 – in our further conversations with Scott Aspenlieder, Tim Filz, and Blaine Poppler, we would also like to ask you to note in your files that it is likely we or the future developer of this parcel will want to establish connectivity with the two truncated roads in the Sun Valley Subdivision where indicated by the two additional lime green arrows added to the attachment sent with our previous email, one of which will require crossing parcel D05252 owned by the Yellowstone County Council of the Boy Scouts and the other will require crossing the parcel owned by Yellowstone County Assessment Code 000A16801A. Can you note this request as well?
Thank you,
David Morledge

From: Plecker, Monica <PleckerM@billingsmt.gov>
Sent: Tuesday, November 9, 2021 8:30 AM
To: David Morledge <dmorledge@yahoo.com>; Green, Dave <greend@billingsmt.gov>
Cc: Jackie Groves <jackiegroves11@gmail.com>; Scott Aspenlieder <scott@performance-ec.com>; Blaine Poppler <blaine@cbcmontana.com>
Subject: RE: [EXTERNAL] Re: Development Inter-connectivity

Thank you for your email, David.

We will review your request and include it with the subdivision file.

Billings PLANNING & COMMUNITY SERVICES

Monica Plecker

Planning Division Manager

pleckerm@billingsmt.gov

2825 3rd Ave. N

billingsmt.gov

Billings, MT 59101

P 406.247.8660

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

*COVID-19 has changed the way the Planning Division is conducting business. We will continue to serve our customers electronically and by phone. The office is open to the public but social

distancing must be followed. Email inquiries are best during this time and instructions for permit and application submittals can be found at this link: https://www.ci.billings.mt.us/184/Planning

From: David Morledge <dmorledge@yahoo.com>
Sent: Thursday, November 4, 2021 2:09 PM
To: Plecker, Monica <PleckerM@billingsmt.gov>; Green, Dave <greend@billingsmt.gov>
Cc: Jackie Groves <jackiegroves11@gmail.com>; Scott Aspenlieder <scott@performance-ec.com>; Blaine Poppler <blaine@cbcmontana.com>
Subject: [EXTERNAL] Re: Development Inter-connectivity

Please see the attached to accompany the below request.

Thank you

David Morledge

On Thursday, November 4, 2021, 02:03:02 PM MDT, David Morledge <dmorledge@yahoo.com> wrote:

> Hi David and Monica,
>
> We have successfully completed the sale of the three parcels(A, B & C) on the attached COS to the Alkali Timbers LLC controlled by David Mitchell. It appears that only Parcels A and D have been assigned parcel numbers (D05250 and D05658, respectively) so rather than making it confuse by trying to refer to some parcels that have numbers and some that don't, we'll just use the letters that correspond to the parcel numbers on the COS recorded this past summer just prior to the sale (attached).
>
> We intend to continue marketing our retained parcels D and E for eventual development. In view of the change in annexation status of these parcels from

orange to pink, and our understanding the City of Billings Public Works department is looking to bring city services up Alkali Creek Rd in the near future, it seems certain future development of these parcels will take place in the City of Billings. To align the future development of all these parcels with the City of Billings subdivision rules and regulations, we would like to make a formal request to you as you review subdivision proposals from Mr. Mitchell to keep in mind that the viability of the development of our Parcel D will depend on having inter-connectivity with the Alkali Timbers, LLC subdivisions to the north. We have attached a map of Parcel D as it adjoins Mitchell's Parcel B and indicated the approximate range in blue along the shared parcel boundary where such access might occur subject to engineering costs and viability in terms of a final location. As we continue our intention would be to have neighborhood connectivity from Foothill Drive through our Parcel D back through the Alkali Timbers, LLC subdivision and into Alkali Creek Road. We believe that if planned for early, all parties will benefit as well as the community and eventual residents of the area. If you'd like any input along the way as these parcels are being developed, we will happily engage with City Planning to review or provide comments along the way.

We thank you very much for your assistance and welcome any questions or concerns you might have.

Sincerely

David E. Morledge,

Managing Member

DR Morledge Family, LLC

City Council Regular

Date:	06/27/2022
Title:	Eldorado Subdvision - Preliminary Subsequent Minor Plat
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends to the City Council that the Preliminary Plat of Eldorado Subdivision be conditionally approved and the Findings of Fact adopted as presented in the staff report.

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

On March 16, 2022, WWC Engineering, on behalf of Harvey Markegard, applied for preliminary subsequent minor plat approval for Eldorado Subdivision. The Proposed subdivision creates two lots for development. The subject property is generally located North of Eldorado Drive between S 24th St W and Lexington Drive. The property is zoned CMU 2 (Corridor Mixed-Use 2). The land is currently used as commercial retail and associated parking.

VARIANCES

No variances are requested.

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.
4. To ensure public health and safety, as part of final plat approval, the applicant shall establish a reciprocal access and parking easement through between Lots 2C-1 and 2C-2.

PROCEDURAL HISTORY

Pre-Application Meeting: February 17, 2022
Preliminary Plat application submitted to Planning Division: March 16, 2022
Preliminary Plat to City Council: June 27, 2022
35 Working-Day Preliminary Plat Review period ends: July 4, 2022

PLAT INFORMATION

General Location: North of Eldorado Drive, between S 24th St W and Lexington Drive
Legal Description: Central Heights Subdivision 6th Filing, Section 07, Township 01 South, Range 26 East, Block 19, Lot 2, Lot 2C Amended.
Owner/Subdivider: Harvey Markegard
Engineer/Surveyor: WWC Engineering
Existing Zoning: CMU 2 (Corridor Mixed-Use 2)
Existing Land Use: Commercial Retail
Proposed Land Use: Commercial
Gross & Net Area: 36,867 square feet / 36,867 square feet
Lot Size:
    Minimum: 12,536 square feet
    Maximum: 24,456 square feet
Parkland Requirements: None

STAKEHOLDERS

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

ALTERNATIVES

In accordance with state law, the City Council has 35 working days to act upon this minor preliminary plat. The 35 working day review period for the proposed plat ends July 4, 2022. State and City subdivision regulations also require that preliminary plat 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.

Attachments

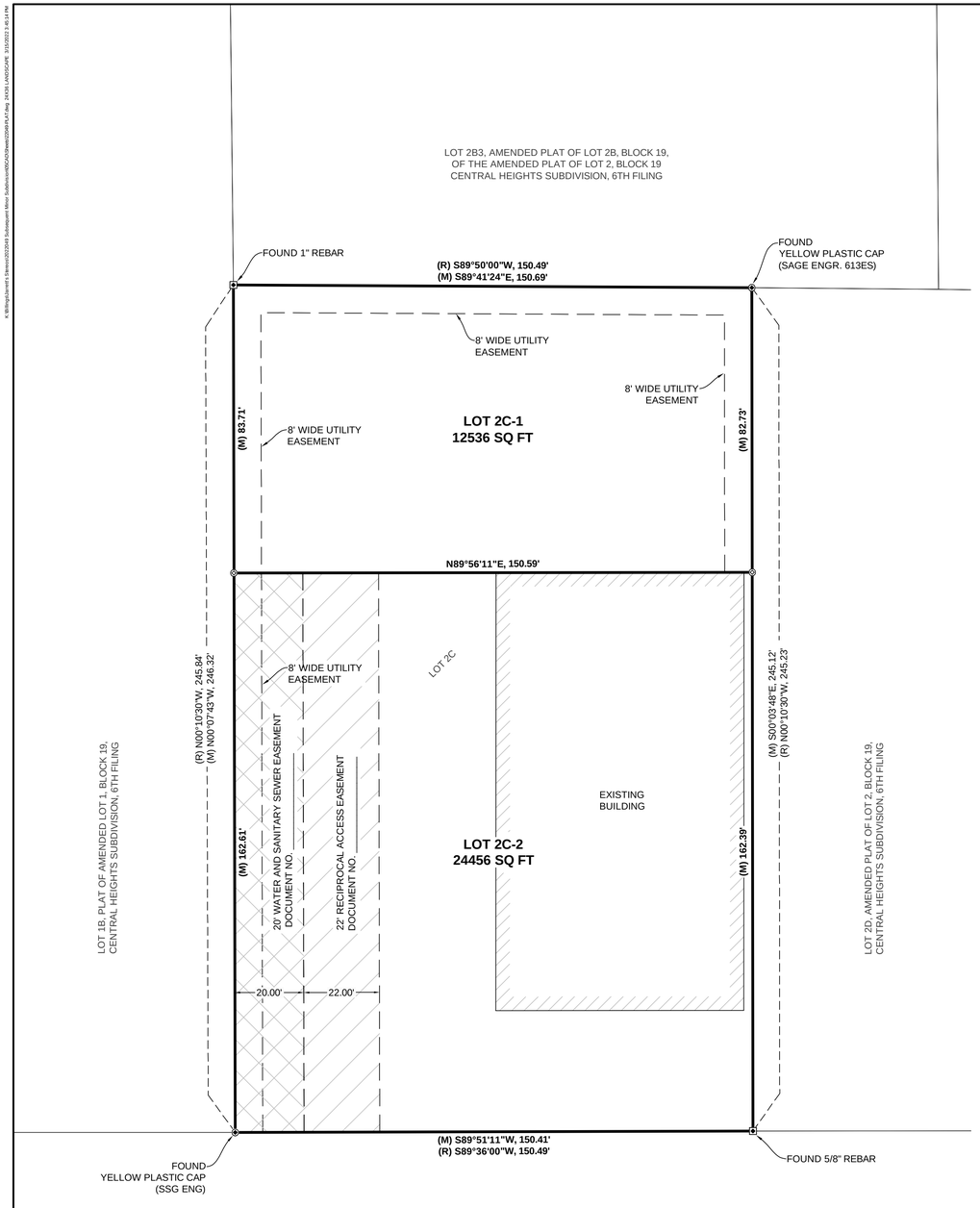
Preliminary Plat
Findings of Fact
Subdivision Improvement Agreement
Mayor's Letter

K:\Billings\Jarrett's Element\2022\03 Subsequent Minor Subdivision\00CAD\Sheets\2204-LANDSCAPE 3-31-2022 2:43:41 PM

PLAT OF ELDORADO MINOR SUBDIVISION

BEING LOT 2C OF AMENDED PLAT OF LOT 2, BLOCK 19, CENTRAL HEIGHTS SUBDIVISION, 6TH FILING
WITHIN NW1/4NW1/4 SECTION 7, T.01S., R.26E., P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: HARVEY K. MARKEGARD
DATE SURVEYED: MARCH 2022
PREPARED BY: WWC ENGINEERING



LEGAL DESCRIPTION AND LANDOWNERS CERTIFICATE

Lot 2C, Amended Plat of Lot 2, of Block 19 Central Heights Subdivision, 6th Filing, , within the NW1/4 NW1/4 of Section 7, T.01S., R.26E., P.M.M., City of Billings, Yellowstone County, Montana. Filed as Document No. 950095 in the Yellowstone County Office of Clerk and Recorder.

Said tract of land contains a gross and net area of 36,992 square feet, more or less, and is subject to any easements, reservations, or other encumbrances that have been legally acquired.

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

The undersigned also hereby certify that this division is not subject to review by Montana Department of Environmental Quality pursuant to ARM 17.36.605(2)(b).

The undersigned hereby grants unto all utility companies, as such are defined and established by Montana Law, and cable television companies an easement for the location, maintenance, repair and removal of their line and other facilities, in , over, under, and across the areas designated on this plat as "UTILITY EASEMENT" to have and to hold forever.

_____
Claudia R. Nace, Power of Attorney for Harvey K. Markegard

ACKNOWLEDGEMENT

State of _____)
:SS
County of _____)

On this _____ day of _____, 2022, before me, the undersigned a notary public for the State of _____, personally appeared Claudia R. Nace, Power of Attorney for Harvey K. Markegard, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

_____
Notary Public for the State of _____

CERTIFICATE OF CITY COUNCIL APPROVAL

The City Council of the City of Billings, Yellowstone County, Montana does hereby certify that the accompanying plat for ELDORADO MINOR SUBDIVISION has been duly examined and have found the same to conform to the law and hereby approve it.

Dated this _____ day of _____, 20____

_____
CITY OF BILLINGS, MONTANA

BY: _____
Mayor

ATTEST: _____
City Clerk

NOTICE OF APPROVAL

STATE OF MONTANA)
: ss
County of Yellowstone)

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

_____
President Date

_____
Executive Secretary

CERTIFICATE OF CITY ENGINEER'S OFFICE

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

Dated this _____ day of _____, 20____

_____
CITY ENGINEER'S OFFICE

CERTIFICATE OF CITY ATTORNEY

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

Dated this _____ day of _____, 202___

_____
Reviewed by

CERTIFICATE OF EXAMINING LAND SURVEYOR

Reviewed for errors and omissions in calculations and drafting this _____ day of _____, 2022, pursuant to section 76-3-611(2)(a), M.C.A.

_____
Examining Land Surveyor

Reg. No. _____

CERTIFICATE OF COUNTY TREASURER

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

Dated this _____ day of _____, 20____

_____
DEPUTY TREASURER
YELLOWSTONE COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

The undersigned, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of March 2022, a survey was performed under his supervision of a tract of land to be known as ELDORADO MINOR SUBDIVISION, in accordance with the request of the owner thereof and in conformance with Montana Subdivision and Platting Act; said subdivision being in accordance with the Landowner's Certificate and as shown on the plat; that the monuments found and set are of the character and occupy the positions hereon.

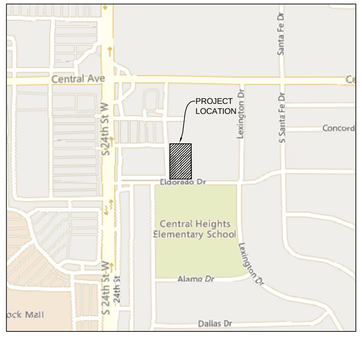
Dated the _____ day of _____, 20___

_____
John Bruckner
Registration Number 63052 LS

MONTANA
JOHN BRUCKNER
No. 63052 LS
REGISTERED LAND SURVEYOR

VICINITY MAP

SCALE: 1" = 500'



SUBDIVISION IMPROVEMENTS AGREEMENT

Doucument No. _____

BASIS OF BEARING
Coordinate System (MT83-BLGS-IF)
Lambert Conformal Conic Projection
(Single Parallel)
North American Datum 1983(2011)

Standard Parallel & Grid Origin: 45°47'00"
Central Meridian: 108°25'00"
False Northing: 50,000m
False Easting: 200,000m
Standard Parallel Scale:1.0001515

LEGEND

- FOUND YELLOW PLASTIC CAP AS NOTED
- FOUND REBAR AS NOTED
- SET 5/8" X 24" REBAR WITH PURPLE PLASTIC CAP (LS 63052)
- ACCESS EASEMENT DEDICATED THIS PLAT
- AMENDED PLAT BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- (M) MEASURED BEARING AND DISTANCE
- (R) RECORD BEARING AND DISTANCE (AMENDED PLAT OF LOT 2, BLOCK 19 CENTRAL HEIGHTS SUBDIVISION, 6TH FILING,DOC. NO. 950095)

N

0 10' 20'
SCALE: 1" = 20'

QRTR.	SEC.	TWP.	RGE.
	7	01S	26E

AMENDED PLAT OF LOT 2C OF AMENDED PLAT OF LOT 2, BLOCK 19, CENTRAL HEIGHTS SUBDIVISION, 6TH FILING

JOB#: 2022-049

REVISIONS

Date	By

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

Drawn By: GWJ | Checked By: JPB | Date: MAR. 2022 | Scale: 1" = 20'

PLOT STYLE: WWC-COLOR.ctb
WITEHAM FILE Refns: K:\Billings\Jarrett's Element\2022\03 Subsequent Minor Subdivision\00CAD\Sheets\2204-PLAT.dwg

FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Eldorado Subdivision. 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 developed commercial land. 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. New individual services will be provided to all the lots, and new fire hydrants will be installed as required by the City Fire Department. The water service for this subdivision comes from an existing 8-inch water main located in Eldorado Drive. Lot 2C-1 will have a dedicated utility easement along the west side of Lot 2C-2 for installation of a new water service line. Any needed extension of those water lines will be installed by the subdivider to meet the requirements of the City of Billings Engineering Department regulations. The subdivider will install all new water lines in the local streets and individual services for each lot in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, A, Water.

   Sanitary sewer service will be provided by connecting to the existing City of Billings' sewer mains. There is an existing 8-inch sanitary main is located in Eldorado Drive. Lot 2C-1 will have a dedicated utility easement along the west side of Lot 2C-2 for installation of a new sanitary service line. 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 an 8-foot utility easement will be dedicated along the perimeter of the existing subdivision on the west, north, and a portion of ease side of the property.

   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 Eldorado Drive. This street is a developed right of way and no street improvements are anticipated at this time. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

   A 5-foot curb walk has previously been constructed on the north side of Eldorado Drive. No new sidewalks are anticipated at this time 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 (Fire Station #5) is located at 605 S. 24th St. W. The subdivision is located within the ambulance service area of American Medical Response (AMR).

e. **Schools** –School District #2 provides educational services to elementary through high school students. Schools serving these students are Central Heights Elementary, Will James Middle School, and West High School. At the time of the writing of this staff report West High School is shown as being over capacity.

f. **Parks and Recreation** – This subdivision is part of a master planned development. The parkland requirements have been met with the previous filing of the subdivision.

g. **Mail Delivery -** The United States Postal Service will provide postal service to the 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 being used as commercial retail with the proposed use of commercial development. The property is not located in a 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:

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy
- Successful businesses that provide local jobs benefit the community

2. Central Terry Neighborhood Plan

The proposed subdivision is consistent with the following goals of the Central Terry Neighborhood Plan.

PLANNED GROWTH GOAL 8 – Employment

- Encourage employment opportunities that will meet the needs of the residents.

3. 2018 Billings Urban Area Long Range Transportation Plan

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

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

The proposed subdivision is not within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. There are no existing trail improvements, nor are any 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 CMU 2 (Corridor Mixed-Use) zoning. The lot frontages will conform to the requirements of this zone with a reciprocal access easement **(Condition #4)**. 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 to the proposed will be from Eldorado Drive through a reciprocal access easement across lot 2C-2 **(Condition #4)**. New internal accesses will provide circulation to individual lots.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Eldorado Subdivision 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, Central-Terry Neighborhood Plan, 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 Eldorado Subdivision be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, June 27, 2022.

_____

William A. Cole, Mayor

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

Eldorado Minor Subdivision

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City of Billings

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

Eldorado Minor Subdivision

This agreement is made and entered into this ____ day of _____, 20__, by and between *Havery K. Markegard*, whose address for the purpose of this agreement is **3842 N Tanager Lane, Billings, MT 59102**, hereinafter referred to as "Subdivider," and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, the plat of *Eldorado Minor Subdivision*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the City Council conditionally approved a preliminary plat of *Eldorado Minor Subdivision*; and

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

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

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

I. VARIANCES

There are no variances being requested with this subdivision.

II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS

A. 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.

B. 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. As the existing improvement on the lots have been constructed and no new public road is being developed a new geotechnical report is not needed for this development. All existing improvements inside of the subdivision are functional. A geotechnical investigation is recommended for any further development of the subdivision.

C. 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.

D. 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.

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

III. TRANSPORTATION

A. Streets

- This subdivision has no new dedicated public roads or streets.

B. Sidewalks

- There will be no construction of sidewalks in this subdivision.
- A 5-foot curb walk has previously been constructed on the north side of Eldorado Drive.

C. Street Lighting

- There are no street lighting improvements required for this subdivision.

D. Traffic Control Devices

- There are no traffic control devices or stop signs required for this subdivision.

E. Access

- Lot 2C-2 has an existing approach to access Eldorado Drive.
- A reciprocal access easement will be granted across Lot 2C-2 for the benefit of Lot 2C-1 to provide access to Eldorado Drive.

F. Billings Area Bikeway and Trail Master Plan

- The subdivision is within the Bikeway and Trail Master Plan.
- The subdivision is within an existing commercial area without any existing bikeways or trails; therefore, no bikeways or trails will be constructed as part of the subdivision.

G. Public Transit

- The nearest MET bus transfer center is located at the Stewart Park Transfer Center approximately 0.5 miles west of the subdivision. There are multiple bus stops at the corner of 24th Street and Central Avenue.

IV. EMERGENCY SERVICE

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

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.
- An existing fire hydrant is located at the corner of Eldorado Drive and Pueblo Drive.
- A reciprocal access easement will provide access to Lot 2C-1. The surface of the reciprocal access easement is a paved surface consistent with the other parking lots in the area.

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.

- No storm drainage improvements are required for this subdivision.

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 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

An existing 8-inch water main is located in Eldorado Drive. Lot 2C-2 is currently served by a previously installed 1-inch water service line. Lot 2C-1 will have a dedicated utility easement along the west side of Lot 2C-2 for installation of a new water service line. The water service for Lot 2C-1 will be constructed in conjunction with further development of Lot 2C-1 to allow for appropriate sizing of the water service for that development.

B. Sanitary Sewer

An existing 8-inch sanitary main is located in Eldorado Drive. Lot 2C-2 has a previously installed sanitary service line. Lot 2C-1 will have a dedicated utility easement along the west side of Lot 2C-2 for installation of a new sanitary service line. The sanitary sewer service will be installed in conjunction with further development of Lot 2C-1.

C. Power, Telephone, Gas, and Cable Television

Power, telephone, gas, and cable television are currently located on or adjacent to the west, north, and portions of the east side of the existing subdivision. An 8-foot utility easement will be dedicated along the perimeter of the existing subdivision on the west, north, and a portion of ease side of the property. Lot 2C-2 has previous service line installed. Lot 2C-1 will need individual services installed to service any future development.

VII. PARKS/OPEN SPACE

There is no parkland requirement for proposed *Eldorado Minor Subdivision*, as this is a minor subdivision [MCA 76-3-621(3)(a)].

VIII. IRRIGATION

There are no irrigation systems within the property.

IX. SOILS/GEOTECHNICAL STUDY

A soils/geotechnical study was not required but will be completed for a building permit prior to construction within the property

X. FINANCIAL GUARANTEES

There are no public improvements planned for this subdivision. Therefore, no financial guarantees are necessary.

XI. 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" *Harvey K. Markegard*

By: _____

Title: Attorney in Fact for Harvey K. Markegard

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 Claudia R. Nace, known to me to be the Attorney in Fact of *Harvey K. Markegard,* who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

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

"CITY"
CITY OF BILLINGS
MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20__, before me, a Notary Public in and for the State of Montana, personally appeared _____ and

_____, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

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

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

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

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

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

Eldorado Minor Subdivision

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

Harvey K. Markegard

_____
By: Claudia R. Nace,
Attorney in Fact for Harvey K. Markegard

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 Claudia R. Nace, known to me to be the Attorney in Fact for *Harvey K. Markegard*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

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

CITY OF
Billings
MAYOR'S OFFFICE

June 27, 2022

WWC Engineering
550 S 24th St Ste. 201
Billings, MT 59102

Dear Applicant/Engineer:

On June 27, 2022, the Billings City Council conditionally approved the preliminary plat of Eldorado Subdivision, subject to the following conditions of approval:

1. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS 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.

4. To ensure public health and safety, as part of final plat approval, the applicant shall establish a reciprocal access and parking easement through between Lots 2C-1 and 2C-2.

Should you have any questions please contact Hunter Kelly at (406) 247-8623 or by email at kellyh@billingsmt.gov

Sincerely,

_____
William A. Cole, Mayor

CC: Greg Reid, WWC Engineering

City Council Regular

Date:	06/27/2022
Title:	Grand Peaks Subdivision, 6th 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 Grand Peaks Subdivision, 6th Filing.

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

On May 27, 2022, Sanderson Stewart applied for final minor plat approval for Grand Peaks Subdivision, 6th Filing. The proposed subdivision creates 30 lots for residential development. The subject property is generally located on the east side of 54th Street West and north of Grand Avenue. The property is zoned Neighborhood 2 (N2).

ALTERNATIVES

The City Council may approve or disapprove the final plat of Grand Peaks Subdivision, 6th 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 subdivision has met the requirements of 76-3-611.

FISCAL EFFECTS

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

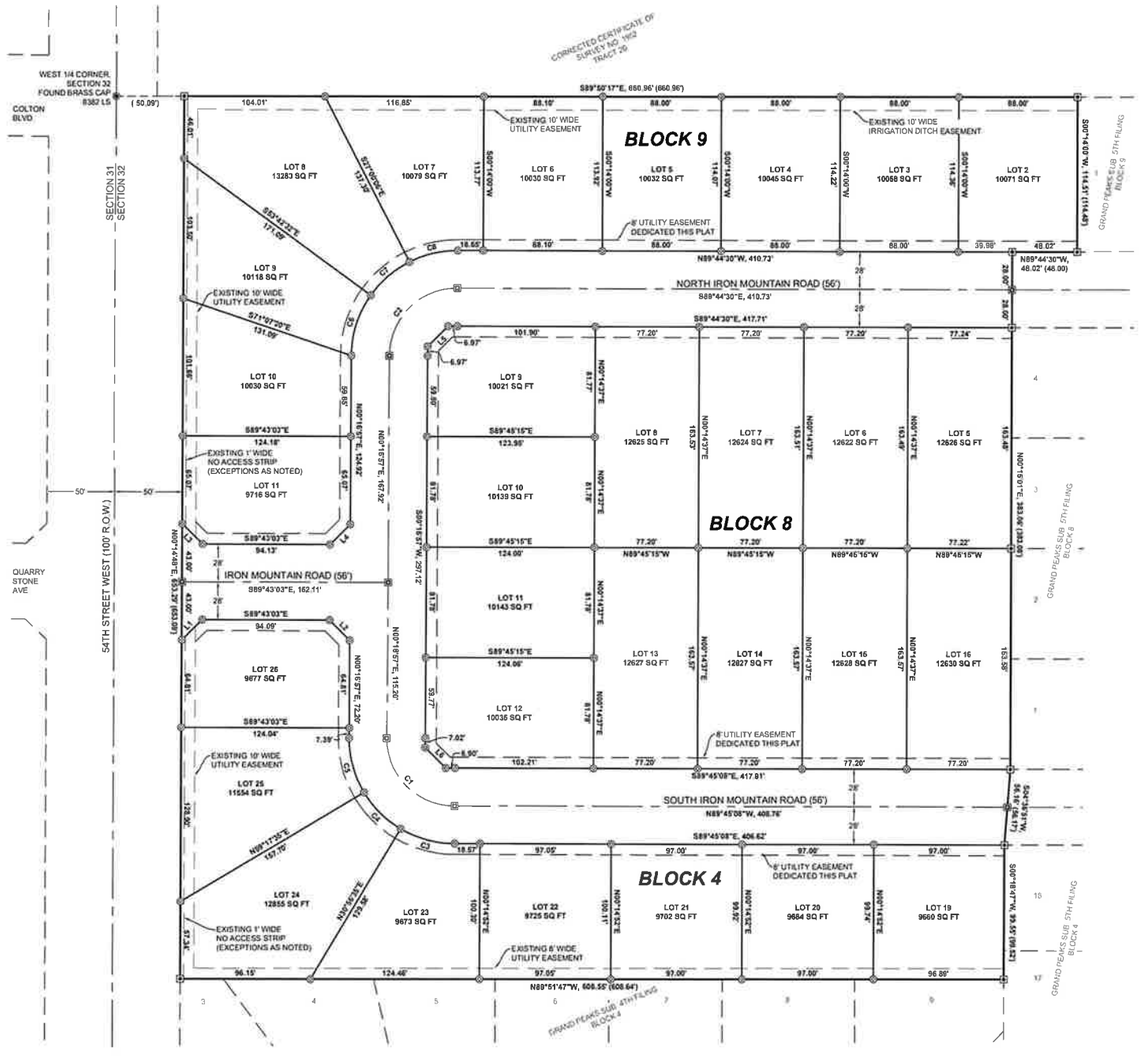
Attachments

Final Plat
SIA
Conditions of Approval

PLAT OF GRAND PEAKS SUBDIVISION, 6TH FILING

BEING LOT 2, BLOCK 9 OF GRAND PEAKS SUBDIVISION, 5TH FILING
WITHIN SW1/4 OF SECTION 32, T.1N., R.25 E., P.M.M.
CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: J & S DEVELOPMENT
DATE SURVEYED: APRIL 2021
PREPARED BY: WWC ENGINEERING


CORRECTED CERTIFICATE OF SURVEY NO. 1902 TRACT 2B
WEST 1/4 CORNER SECTION 32 FOUND BRASS CAP 8382 LS
(50.09')
COLTON BLVD
S89°50'17"E, 660.96' (660.96')
104.01'
116.85'
88.10'
88.00'
88.00'
88.00'
88.00'
88.00'
EXISTING 10' WIDE UTILITY EASEMENT
EXISTING 10' WIDE IRRIGATION DITCH EASEMENT
BLOCK 9
GRAND PEAKS SUB. 5TH FILING BLOCK 9
S00°14'03"W, 1145.01' (1145.08')
SECTION 31
SECTION 32
LOT 8 13283 SQ FT
LOT 7 10079 SQ FT
LOT 6 10030 SQ FT
LOT 5 10032 SQ FT
LOT 4 10045 SQ FT
LOT 3 10058 SQ FT
LOT 2 10071 SQ FT
S00°14'03"W 114.22'
S00°14'03"W 114.38'
S00°14'03"W 114.38'
S00°14'03"W 114.38

SUBDIVISION IMPROVEMENTS AGREEMENT & WAIVER OF RIGHT TO PROTEST FURTURE SPECIAL IMPROVEMENT DISTRICTS GRAND PEAKS SUBDIVISION, SIXTH FILING

CITY OF BILLINGS

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

GRAND PEAKS SUBDIVISION, SIXTH FILING

This agreement is made and entered into this ____ day of _____, 20__, by and between **J & S DEVELOPMENT,** whose address for the purpose of this agreement is **1733 EAST THUNDER MOUNTAIN ROAD, 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 Grand Peaks Subdivision, Sixth 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 Board of Planning recommended conditional approval of a preliminary plat of Grand Peaks Subdivision, Sixth Filing; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20__, the City Council conditionally approved a preliminary plat of Grand Peaks Subdivision, Sixth 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 Grand Peaks Subdivision, Sixth 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 23.1401, BMCC):

1. No variances are 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. 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 "Geotechnical Investigation Report, Approximate 25 Acre Parcel North of Existing Grand Peaks Subdivision, Billings, Montana" by Geoscience, PLLP dated March 10, 2016. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Over-excavation and structural fill is an option. Settlement risk is estimated at 3/4 to 1 1/2 inches. The geotechnical engineer shall observe excavation and fill work. (Sections 5.1, 5.2, 5.15).

2. Structural fill shall be placed in maximum 6-inch lifts and compacted to 98-percent of maximum dry density per ASTM D 698. (Section 5.8.4)

3. Footings, foundation walls, retaining walls, interior slabs, and exterior slabs shall be designed by a structural engineer. (Sections 5.11 and 5.12)

4. Footings shall not be below 4 to 5 feet of existing grades. (Section 5.1)

5. Exterior backfill in non-structural and landscape areas shall be compacted to a minimum of 92 percent of maximum dry density per ASTM D 698, and exterior backfill below concrete slabs, driveways, sidewalks, and all other paving shall be compacted to a minimum of 95 percent of maximum dry density per ASTM D 698. (Section 5.8.4)

6. Site grading and surface water control is described in Section 5.9.

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 on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the regional Cottonwood Park.

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

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

1. The lowest finish floor elevation (which includes the garage) shall be a minimum of 18-inches higher than the top of curb, measured from the highest location along the lot frontage. Home builder and lot owner may find it necessary to raise the finish floor elevation of house or garage above this minimum during on-site building design and/or during on-lot grading.

2. The stormwater runoff from individual lots shall be directed toward the public right-of-way wherever possible. However, due to the existing terrain of the subdivision this is not possible for every lot. Where runoff from lots cannot be directed to public right-of- way because existing terrain is falling away from the public right of way, the stormwater runoff shall be directed to flow to the same location as it has historically. Home builder and lot owners shall consider the effect of potential off-lot run-on waters from lots uphill of the subject lot, and grade around the home to provide positive drainage away from the home. Home builder and lot owners must take necessary measures to protect the house from surface stormwater flows. Lots shall allow, through on-site building design and on-lot grading, for stormwater to pass through each lot without negatively impacting adjacent lots. The lowest openings on each home (window wells) are to be located outside the designated drainage paths. If this is not possible, the builder and lot owners must take necessary measures to protect these openings from inundating from surface water flows. In any case, the homebuilder shall allow enough space between window wells and property lines to provide sufficient swales and proper storm water drainage away from window wells.

3. Each owner of a completed lot shall be a member of the Grand Peaks Sixth and Sixth Filing Homeowners Association (HOA). Membership shall be appurtenant to and may not be separated from ownership of a lot. The Homeowners Association will be set up to maintain the permanent stormwater detention facilities. The HOA Board of Directors shall have the power, in its discretion, to exclude costs of major repairs or approved capital improvements to the HOA Storm Water System from the regular monthly assessments and, instead, impose special assessments for these expenses, and for emergencies, as they are incurred.

III. TRANSPORTATION

This section should include, but not be limited to the following:

A. Streets

- **54th Street West:** 54th Street West is designated as a Minor Arterial and is located within a 100-foot right-of-way, which conforms to right-of-way widths in adjacent subdivisions for 54th Street West. It is required that 54th Street West be constructed with a minimum standard width of 42-feet, back of curb to back of curb. That portion of 54th Street West adjacent to the subdivision has been partially constructed. The existing street includes approximately 26-feet of asphalt. The Subdivider will provide a cash-in-lieu contribution for the construction of approximately an additional 6-feet of asphalt surface with a satisfactory sub-base, base course, standard curb and gutter, and any necessary tapers on 54th Street West along the frontage of the subdivision due prior to final plat approval of Sixth Filing. The cash-in-lieu contribution will also include engineering design and construction administration.

- Subdivider will enter into a private contract for the construction of all required improvements for those streets within the subdivision, as follows:

  North Iron Mountain Road, South Iron Mountain Road, and Iron Mountain Road will be constructed within a 56-foot right-of-way using curb and gutter and full-width pavement (34-feet back of curb to back of curb). Curb and Gutter will be installed per the City of Billings Standards in place at time of construction.

B. Sidewalks

- Sidewalk on the internal streets shall be installed at the time of individual lot development. The sidewalk shall consist of a 5-foot-wide boulevard type sidewalk with a minimum 5-foot-wide boulevard

- Subdivider will install accessible ramps at the intersections, which shall be completed with the subdivision improvements.

- Subdivider will install a 5-foot-wide sidewalk along the west side of 54th Street West adjacent to the subdivision, which shall be completed with the subdivision improvements.

C. Street Lighting

- Construction or installation of streetlights within the public rights-of-way shall not be required at this time, but streetlights are included in

the Waiver referenced herein for construction of the same in the future. A maintenance district for streetlights may be formed for future maintenance of any streetlights installed in the future.

D. Traffic Control Devices

- The Subdivider shall furnish and install all necessary traffic control devices within and adjacent to the Subdivision in accordance with the plans and specification submitted to and approved by the City Engineer. Traffic control devices shall include all necessary signing, striping, and channelization devices to properly complete the implementation of the proposed street construction.

- Based on the Traffic Impact Study (TIS), the Sixth Filing development's portion of critical volumes for impacted intersections are as follows:

	54th St. W./ Grand Ave.	54th St. W./ Rimrock Road
Sixth Filing	0.44%	0.17%

E. Access

- North and South Iron Mountain Roads will provide access to the subdivision through Grand Peaks Subdivision, Fifth Filing. 54th Street West will also provide access to the subdivision. The interior streets will be located within a 56-foot right-of-way and will have a width of 34-feet back of curb to back of curb.

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

- 54th Street West is a proposed short-term bike lane route. A 10-foot trail was recently constructed on the west side of 54th Street West along the Subdivision frontage, and as such, no other trail improvements are required as part of this subdivision.

G. Public Transit

- This subdivision does not require improvements to ensure public transit service.

IV. EMERGENCY SERVICES

- The City will provide emergency service. Fire hydrants shall be provided at each street intersection and at intermediate locations where distances exceed 500-feet. Appropriate tum-arounds will be located on any dead-end street in excess of 150- feet.
- 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 City of Billings.
- At a minimum, the following is required:
    - An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along an approved route.
    - The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-feet- wide.
    - The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.

V. STORM DRAINAGE

- Storm drainage for the public streets shall be provided by a combination of surface drainage and curbs and gutters, drained to underground storm drains, and with discharge to a detention facility that is located within Grand Peaks Subdivision, Fifth Filing. The detention facility located within Grand Peaks Subdivision, Fifth Filing has been sized to accept runoff generated from Grand Peaks Subdivision, Sixth Filing. The detention previously constructed with Grand Peaks Subdivision, Fifth Filing was sized to store the stormwater generated by both Grand Peaks Subdivision, Fifth and Sixth Filing.

- Stormwater management facilities for the subdivision must be able to pass flows generated outside the subdivision area without inundating existing and proposed home sites. All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Section 23-

706, BMCC, a stormwater management plan shall be submitted to and approved by the Engineering Division prior to filing of the final plat.

- The drainage system improvements will be in accordance with the recommendations of the stormwater analysis and report prepared and submitted with the improvement plans and specifications. Maintenance of the previously constructed stormwater detention area and associated drainage facilities shall be by the Grand Peaks Subdivision, Sixth Filing HOA.

VI. UTILITIES

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

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

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

A. Water

- The subdivision will be served by making three connections to public water mains, one at 54th Street West, one at North Iron Mountain Road and one at South Iron Mountain Road. A new 8-inch water main will be installed in the local interior streets of the subdivision which is subject to approval from the City of Billings. The water main within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and are also subject to approval by the City of Billings.

B. Sanitary Sewer

- The subdivision will be served by making a connection to existing sewer mains located in North and South Iron Mountain Roads. The sanitary sewer located within Grand Peaks Subdivision, Sixth Filing will consist of 8-inch sanitary sewer main which is subject to approval from the City of Billings.

C. Power, Telephone, Gas, and Cable Television

- All telephone, gas, electrical power, and cable television lines shall be the responsibility of the Subdivider. Any line located within public right-of- way shall be subject to approval of the City Engineer.

VII. PARKS/OPEN SPACE

- The park land for this subdivision was previously dedicated as part of Grand Peaks Subdivision, Fifth Filing and no further dedication is required with this subdivision the previously dedicated private park is maintained by the Grand Peaks Subdivision, Sixth Filing and Sixth Filing Homeowners Association (HOA).

- Lot owners are advised they will be subject to inclusion in a Parks Maintenance District (PMD) for the operation and maintenance of the regional Cottonwood Park that is also covered in the Waiver

VIII. IRRIGATION

- A 10-foot irrigation easement was previously dedicated for the property owner east of Grand Peaks Subdivision, Fifth Filing. This irrigation lateral has been piped by the developer in agreement with the irrigator.
- No other permanent irrigation ditches, field laterals, or irrigation easements exist on the subdivision.

IX. SOILS/GEOTECHNICAL STUDY

- A geotechnical report was performed within the area of this subdivision and submitted with the preliminary plat. The recommendations are found in the "Geotechnical Investigation Report, Approximate 25 Acre Parcel North of Existing Grand Peaks Subdivision, Billings, Montana" by Geoscience, PLLP dated March 10, 2016. Lot owners and homebuilders shall reference the report in its entirety, but a summary is as follows:

1. Over-excavation and structural fill is an option. Settlement risk is estimated at 3/4 to 1 1/2 inches. The geotechnical engineer shall observe excavation and fill work. (Sections 5.1, 5.2, 5.15).

2. Structural fill shall be placed in maximum 6-inch lifts and compacted to 98- percent of maximum dry density per ASTM D 698. (Section 5.8.4)

3. Footings, foundation walls, retaining walls, interior slabs, and exterior slabs shall be designed by a structural engineer. (Sections 5.11 and 5.12)

4. Footings shall not be below 4 to 5 feet of existing grades. (Section 5.1)

5. Exterior backfill in non-structural and landscape areas shall be compacted to a minimum of 92 percent of maximum dry density per ASTM D 698, and exte1ior backfill below concrete slabs, driveways, sidewalks, and all other paving shall be compacted to a minimum of 95 percent of maximum dry density per ASTM D 698. (Section 5.8.4)

6. Site grading and surface water control is described in Section 5.9.

7. The assessment and mitigation of these soil conditions shall be the responsibility of the lot owner. The City may require the owner of each lot to include a geotechnical investigation with the building permit submittal.

X. 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.

XI. 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" **J & S DEVELOPMENT CO.**

By: _____

Title: PRESIDENT

STATE OF MONTANA)
: ss
County of)

On this 25TH day of MAY, 2022 before me, a Notary Public in and for the State of Montana, personally appeared JEFF JUNKERT, known to me to be the PRESIDENT of **J & S DEVELOPMENT CO.**, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

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

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

"CITY"

CITY OF BILLINGS, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
: ss
County of Yellowstone)

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

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

Waiver of Right to Protest
FUTURE SPECIAL IMPROVEMENT DISTRICTS

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

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

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

Grand Peaks Subdivision, Sixth Filing

Signed and dated this 13 day of May, 2022

J & S DEVELOPMENT CO.

STATE OF MONTANA)
: ss
County of Yellowstone)

On this 13th day of MAY, 2022 before me, a Notary Public in and for the State of Montana, personally appeared JEFF JUNKERT, known to me to be the PRESIDENT, of **J & S DEVELOPMENT CO.**, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

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

CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

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

December 16, 2019

J&S Development
1733 East Thunder Mountain Road
Billings, MT 59106

Dear Applicant:

On December 16, 2019, the Billings City Council conditionally approved the preliminary plat of Grand Peaks Subdivision, 6th Filing, subject to the following conditions of approval:

1. To protect public health and safety with increased area traffic, prior to final plat approval, the applicant will submit all necessary information required by City of Billings Engineering Division to update TIS information for this filing for review and approval.

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

Sincerely,

William A. Cole

William A. Cole, Mayor

pc: Sanderson Stewart

City Council Regular

Date:	06/27/2022
Title:	Resolution Declaring a Disaster for Flooding
Presented by:	Debi Meling
Department:	Public Works
Presentation:	No
Legal Review	Yes

RECOMMENDATION

Staff recommends that City Council approve the resolution declaring a disaster due to the Yellowstone River flooding that occurred June 14 and 15, 2022.

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

On June 14 and 15, 2022, the Yellowstone River water level raised to historic levels. The high water level caused damage at the city's water plant, water reclamation facility, and one storm water outfall facility. If the city declares a disaster, we are eligible to submit for reimbursement for costs incurred to repair facilities damaged in the flood. Without the declaration, the city will be unable to pursue these funds. Due to the timing of the event and the need to declare a disaster, the Mayor signed the disaster declaration as authorized under Billings, Montana City Code (BMCC) 2-903. The City Council needs to confirm Mayor Cole's approval of the resolution.

Sec. 2-903. - Declaration of state of emergency; mayor's duties.
The mayor shall have the authority to declare the existence of a state of emergency in the event it is deemed necessary to declare the existence of an emergency without delay, or when there is inadequate time to call a meeting of the city council. Such action shall be subject to later confirmation or revocation by the city council.

The Montana Disaster and Emergency Services (DES) staff visited the impacted sites on Friday, June 24, 2022 to review the damages. If this resolution is approved, staff will continue to work with DES to pursue funding.

ALTERNATIVES

City Council may:

- Approve the Resolution declaring a disaster due to Yellowstone River flooding; or,
- Not Approve the resolution declaring a disaster. If the resolution is not approved, the City will not be eligible for funds that may be available for restoration of damages.

FISCAL EFFECTS

If the City approves the resolution declaring a disaster, there are funds that may be available to assist the city with repairs to our facilities.

Attachments

Disaster Resolution

RESOLUTION 22-_____

A RESOLUTION DECLARING A DISASTER/EMERGENCY TO EXIST IN THE CITY OF BILLINGS

WHEREAS, the National Weather Service issued a Flood Watch beginning the evening of June 10, 2022, for potential rises on small streams originating in the mountains with possible urban flooding as a result of slow-moving weather; and

WHEREAS, continued rainfall and snow-water equivalent melt from June 10-14th led to unprecedented flooding in Yellowstone County. This led to flooding rarely or never seen before across many area rivers and streams, including the Yellowstone River, detrimentally affecting the City of Billings' residents and facilities, and

WHEREAS, this historic flooding has compromised the wastewater reclamation facility, the storm drain outfall systems, the water treatment plant, and the substation that powers the water treatment plant within the City of Billings on June 14 and June 15, 2022; and

WHEREAS, a proclamation of an emergency and/or a disaster declaration pursuant to Title 10, Chapter 3, Part 4, MCA, activates the City of Billings' disaster and emergency plan and authorizes the furnishing of aid and assistance in accordance with such plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council that a disaster is hereby declared pursuant to Section 10-3-403 MCA, constituting an emergency under Section 2-903 BMCC.

BE IT FURTHER RESOLVED that all provisions of the City Emergency Operations Plan are in effect.

BE IT FURTHER RESOLVED that copies of this resolution be filed with the City Clerk, County Assessor and the Montana Disaster and Emergency Services Division in Helena.

THIS DECLARATION IS EFFECTIVE JUNE ___, 2022.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	06/27/2022
Title:	Resolution to Close Special Improvement Bond Debt Funds to the SID Revolving Loan Fund
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review	No

RECOMMENDATION

Staff recommends that City Council approve the resolution authorizing the closure of Special Improvement Debt Funds where the debt has been fully paid.

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

State statute (MCA 7-12-4222) requires Council action to close Special Improvement District (SID) and Sidewalk debt service funds once the debt has been satisfied. Upon completion of the bond obligations, any excess cash balances are transferred to the Revolving Fund. The following SIDs/Sidewalks funds will be closed into the SID Revolving Fund:

Description	SID/Sidewalk Number	Original Debt Amount	Closing Cash Balance
2009 Zimmerman Trail Sewer System	1387	80,500	14,942.60
2007 Clairmont Rd. and Greenbriar Sub	1375 & 1377	168,000	5,275.54
2005 Lake HIlls, Rimrock West, & Shiloh Rd	1358, 1365, 1366, 1371	2,520,000	130,358.19
2005 Lake Hills & King Ave	1349 & 1354	1,196,000	57,570
2008 Sidewalk	2601 & 2602	230,000	4,825.17
2009 Sidewalk	2701 & 2702	297,000	11,263.37
2007 Sidewalk	2401, 2402, & 2501	380,000	($7,839.27)

ALTERNATIVES

City Council may:

- Approve the resolution closing the SID and Sidewalk Debt Funds in accordance with MCA 7-12-4222; or,
- Not Approve the resolution

FISCAL EFFECTS

The total cash balance being closed out of all SID and Sidewalk funds is $216,395.93. This will be transferred to the SID Revolving fund which is used to provide assurance for outstanding SID and Sidewalk debt payments.

Attachments

Resolution Closing SID and Sidewalks

RESOLUTION _____

A RESOLUTION TO CLOSE THE SPECIAL IMPROVEMENT DISTRICT DEBT FUNDS AND SIDEWALK SPECIAL ASSESSMENT DEBT FUNDS TO THE SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND PURSUANT TO M.C.A. 7-12-4222.

WHEREAS, the Special Improvement District Bond Debt Obligation and the Sidewalk Special Assessment Debt Obligation has been paid in full and excess/deficit balances remain, and

WHEREAS, state law requires that Special Improvement/Sidewalk Debt Funds be closed to the SID Revolving Fund and the City Council has the authority to close these funds after all debt has been satisfied.

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

That the Special Improvement/Sidewalk Funds be closed per Attachments A & B to the SID Revolving Fund effective June 27, 2022:

PASSED AND APPROVED by the City Council, this 27th day of June 2022.

THE CITY OF BILLINGS:

BY:_____
William A. Cole, MAYOR

ATTEST:

BY:_____
Denise R. Bohlman, CITY CLERK

CLOSED SIDs - ATTACHMENT A

2009 NON-Pooled SID Series - Zimmerman Trail Sewer System Improvement

PROJECT NUMBER	ISSUE DATE	ISSUE AMOUNT	CASH
1387	2009	80,500.00	14,942.60
TOTALS		**80,500.00**	**14,942.60**

2007 Pooled SID Series FUND 8250 - Clairmont Rd. and Greenbriar Sub. Improvement

PROJECT NUMBER	ISSUE DATE	ISSUE AMOUNT	CASH
1375	2007	110,000.00	(199.99)
1377	2007	58,000.00	5,475.53
TOTALS		**168,000.00**	**5,275.54**

2005 Pooled SID Series FUND 8280 – Lake Hills Improvements, Rimrock West Pk & Shiloh Rd

PROJECT NUMBER	ISSUE DATE	ISSUE AMOUNT	CASH
1358	2005	1,737,000.00	73,344.16
1365	2005	46,000.00	7,489.17
1366	2005	668,000.00	63,830.88
1371	2005	69,000.00	(14,306.02)
TOTALS		**2,520,000.00**	**130,358.19**

2005 Pooled SID Series FUND 8290 – Lake Hills Utility Improvements & King Ave. East Widening

PROJECT NUMBER	ISSUE DATE	ISSUE AMOUNT	CASH
1349	2005	238,000.00	2,815.70
1354	2005	958,000.00	54,754.63
TOTALS		**1,196,000.00**	**57,570.33**

SIDEWALKS - ATTACHMENT B

Year 2007 - FUND 8810-Pooled SIDEWALK Series - Misc Curb Gutter & SW, Burnstead Subdiv.

PROJECT NUMBER	ISSUE DATE	ISSUE AMOUNT	CASH
2401	2007	171,518.85	(8,571.68)
2402	2007	59,738.14	(4,860.00)
2501	2007	148,743.01	5,592.41
TOTALS		**380,000.00**	**(7,839.27)**

Year 2008 - FUND 8820-Pooled SIDEWALK Series - Alkali Creek Rd. and Broadwater Ave. Phase 5

PROJECT NUMBER		ISSUE DATE	ISSUE AMOUNT	CASH
2601	WO0412	2008	13,300.00	1,251.30
2602	WO0618	2008	216,700.00	3,573.87
TOTALS			**230,000.00**	**4,825.17**

Year 2009 - FUND 8830-Pooled SIDEWALK Series - Misc Developer Projects and Milton Lane School Route

PROJECT NUMBER		ISSUE DATE	ISSUE AMOUNT	CASH
2701	WO0502	2009	244,000.00	13,007.03
2702	WO0208	2009	53,000.00	(1,743.66)
TOTALS			**297,000.00**	**11,263.37**

City Council Regular

Date:	06/27/2022
Title:	Bond Resolution for Pooled Series 2022 Sidewalk Bonds
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends City Council approve the bond resolution for WO 20-02, WO 20-15, WO 20-28, WO 21-12, and WO 21-25.

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

On April 25th, 2022, the City Council approved a resolution authorizing the issuance and calling for a negotiated sidewalk bond sale for WO 20-02, WO 20-15, WO 20-28, WO 21-12, and WO 21-25. Once the resolution has been approved, the closing will take place and the bond proceeds will be disbursed to the construction funds.

ALTERNATIVES

There are no viable alternatives because an agreement has been made with Rocky Mountain Bank to purchase the bonds.

FISCAL EFFECTS

The term on the bonds is 12 years with an interest rate of 5.50%. The properties owners identified in the sidewalk creation documents will be assessed for the principal and interest cost of the bonds on their property tax bills.

Attachments

Bond Resolution

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 22-_____ entitled: "RESOLUTION RELATING TO $986,593 POOLED SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 2022; FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on June 27, 2022, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____ _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____ _____.

WITNESS my hand and seal officially this 27th day of June, 2022.

_____
City Clerk

RESOLUTION NO. 22-_____

RESOLUTION RELATING TO $986,593 POOLED SPECIAL SIDEWALK, CURB, GUTTER AND ALLEY APPROACH BONDS, SERIES 2022; FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR

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

Section 1. Recitals. It is hereby found, determined and declared as follows:

1.01. Prior Acts. This Council has duly and validly ordered in under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended and Title 7, Chapter 12, Parts 41 and 42, as amended (collectively, the "Act"), the installation, construction, reconstruction, or replacements of certain curbs, gutters, sidewalks, drive approaches, driveways, alley approaches and appurtenant improvements in certain locations in the City, which are designated as W.O. 20-02, Missing Sidewalk/Miscellaneous Project (the "Missing Sidewalk Improvements"), W.O. 20-15, Wicks Lane Improvements (the "Wicks Lane Improvements"), W.O. 20-28, Songbird Drive Construction (the "Songbird Drive Improvements"), W.O. 21-12, Harrow Drive Reconstruction (the "Harrow Drive Improvements"), and W.O. 21-25, Boulder Avenue Sidewalk (the "Boulder Avenue Improvements").

The City Council ordered in the Missing Sidewalk Improvements pursuant to Resolution No. 20-10874 adopted May 26, 2020, which supersedes Resolution No. 20-10858 adopted March 23, 2020 in its entirety. The City Council ordered in the Wicks Lane Improvements, the Songbird Drive Improvements, the Harrow Drive Improvements, and the Boulder Avenue Improvements pursuant to Resolution Nos. 21-10930, 21-10955, 21-10957, and 21-10989, adopted March 8, 2021, June 14, 2021, June 14, 2021, and September 13, 2021, respectively. The Missing Sidewalk Improvements, Wicks Lane Improvements, Songbird Drive Improvements, Harrow Drive Improvements, and Boulder Avenue Improvements (collectively, the "Improvements") are more specifically described on Exhibit A hereto.

This Council, by Resolution No. 22-11035 adopted on April 25, 2022 (the "Authorizing Resolution") and pursuant to the Act, authorized the issuance of pooled special sidewalk, curb, gutter and alley approach bonds of the City for the purpose of financing costs of the Improvements. With respect to the Miscellaneous Improvements, the Authorizing Resolution incorrectly references Resolution No. 20-10858, including with respect to the related costs thereof and principal amount of bonds allocable thereto. As stated above, Resolution No. 20-10858 is superseded in its entirety by Resolution No. 20-10874. With respect to the Miscellaneous Improvements, including the related costs thereof and principal amount of bonds allocable thereto, this Resolution supersedes the Authorizing Resolution in all respects. In the event of any discrepancy between this Resolution and the Authorizing Resolution, this Resolution shall control.

Pursuant to the Authorizing Resolution and this Resolution, this Council has determined and further determines that it is in the best interests of the City to sell its Pooled Special

Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 2022 (the "Series 2022 Bonds") at a private negotiated sale, subject to the limitations and conditions set forth in the Authorizing Resolution and this Resolution. The City will enter into a Bond Purchase Agreement with Rocky Mountain Bank (the "Purchaser"), pursuant to which the Purchaser will agree to purchase the Series 2022 Bonds from the City at an aggregate purchase price of $986,593 (representing the stated principal amount of the Series 2022 Bonds) upon the terms set forth in this Resolution. The interest rate for the Series 2022 Bonds is 5.50%. In the event of any discrepancy between the Bond Purchase Agreement and this Resolution, this Resolution shall control.

In the resolutions ordering in the Missing Sidewalk Improvements, Wicks Lane Improvements, Songbird Drive Improvements, Harrow Drive Improvements, and Boulder Avenue Improvements, this Council found that is in the public interest, and in the best interest of the City and the properties specifically benefitting from the Improvements, to secure payment of principal of and interest on the Series 2022 Bonds by the Special Improvement District Revolving Fund of the City (the "Revolving Fund"), on the basis of the factors required to be considered under Montana Code Annotated, Section 7-12-4225. Those findings are hereby ratified and confirmed.

1.02. Costs. It is currently estimated that the costs and expenses to be assessed against properties adjacent to the Improvements, including costs of preparation of plans, specifications, maps, profiles, engineering superintendence and inspection, preparation of assessment rolls, expenses of making the assessments, the cost of work and materials under the construction contract and all other costs and expenses, including costs of issuance of the Series 2022 Bonds and the deposit of proceeds in the Revolving Fund are as follows:

	Missing Sidewalk Improvements	Wicks Lane Improvements	Songbird Drive Improvements	Harrow Drive Improvements	Boulder Avenue Improvements
Construction	$ 197,259.91	$ 379,019.42	$ 267,392.51	$ 176,422.69	$ 56,899.05
City Engineering (Project Management)	$ 33,865.67	$ 83,970.69	$ 23,034.72	$ 14,760.04	$ 14,115.73
Total	$ 231,125.58	$ 462,990.11	$ 290,427.23	$ 191,182.73	$ 71,014.78
Property Owner Prepays		$ (99,818.80)	$ (172,253.95)	$ (68,906.70)	
Subtotal	$ 231,125.58	$ 363,171.31	$ 118,173.28	$ 122,276.03	$ 71,014.78
City Financing Expense	$ 300.00	$ 300.00	$ 300.00	$ 300.00	$ 300.00
Revolving Fund Deposit	$ 12,583.20	$ 19,763.16	$ 6,441.44	$ 6,664.52	$ 3,877.20
Costs of Issuance	$ 6,379.32	$ 10,023.93	$ 3,261.71	$ 3,374.95	$ 1,960.09
Bank Fees	$ 1,275.86	$ 2,004.79	$ 652.34	$ 674.99	$ 392.02
Rounding	$ 0.04	$ 0.77	$ 0.22	$ 0.48	$ 0.86
Total	$ 251,664.00	$ 395,264.00	$ 128,829.00	$ 133,291.00	$ 77,545.00

Such amount will be levied and assessed upon the assessable real property adjacent to the Improvements on the bases described in the resolutions referenced above. This Council has jurisdiction and is required by law to levy and assess such amounts, to collect such special assessments and credit the same to the 2022 Pooled Special Sidewalk, Curb, Gutter and Alley Approach Sinking Fund of the City (the "2022 Sidewalk Sinking Fund") created for the Improvements.

1.03. Recitals. All acts, conditions and things required by the Constitution and laws of the State of Montana, including the Act, and the home rule charter of the City, in order to make the Series 2022 Bonds valid and binding special obligations in accordance with their terms and in accordance with the terms of this Resolution have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

Section 2. The Series 2022 Bonds.

2.01. Principal Amount, Maturity, Denominations, Date, Interest Rate. For the purpose of paying the costs and expenses incurred in the construction of the Improvements, funding a deposit to the Revolving Fund and paying costs of issuance of the Series 2022 Bonds, and in anticipation of the collection of special assessments to be levied therefor, the City shall forthwith issue and deliver to the Purchaser the Series 2022 Bonds, denominated "Pooled Special Sidewalk, Curb, Gutter and Alley Approach Bonds, Series 2022" in the aggregate principal amount of $986,593, payable solely from the 2022 Sidewalk Sinking Fund. The Series 2022 Bonds shall be dated, as originally issued, and be registered as of July 1, 2022, shall mature on July 1, 2034, and shall bear interest from the date of original registration until paid or duly called for redemption at the rate of 5.50% per annum. Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

2.02. Interest Payment Dates. Interest on the Series 2022 Bonds shall be payable on each January 1 and July 1, commencing January 1, 2023, to the owner of record thereof as such appear on the bond register at the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day. Upon the original delivery of the Series 2022 Bonds to the Purchaser and upon each subsequent transfer or exchange of a Series 2022 Bond pursuant to Section 2.04, the Registrar (as hereinafter defined) shall date the Series 2022 Bonds as of the date of its authentication.

2.03. Method of Payment. The Series 2022 Bonds shall be issued only in fully registered form. The interest on and, upon presentation and surrender thereof at the principal office of the Registrar, the principal of the Series 2022 Bonds shall be payable by check or draft drawn on the Registrar. Notwithstanding the foregoing, so long as a Series 2022 Bond is evidenced by a single, fully registered term bond, it shall not be necessary to present and surrender such Series 2022 Bond until the full redemption thereof pursuant to Section 2.05, but the Registrar shall note in the bond register such principal payment. The principal of and interest on the Series 2022 Bonds are payable in lawful money of the United States of America.

2.04. Registration. The City hereby appoints the City Finance Director, to act as bond registrar, transfer agent and paying agent for the Series 2022 Bonds (the "Registrar"). The City reserves the right to appoint a bank, trust company or fiscal company as successor bond registrar, transfer agent or paying agent, as authorized by the Model Public Obligations Registration Act of Montana (the "Registration Act"), but the City agrees to pay the reasonable and customary charges of the Registrar for the services performed. This Section 2.04 shall establish a system of registration for the Series 2022 Bonds as defined in the Registration Act. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Bond Register. The Registrar shall keep at its principal office a bond register in which the Registrar shall provide for the registration of ownership of the Series 2022 Bonds and the registration of transfers and exchanges of the Series 2022 Bonds.

(b) Transfer. The Series 2022 Bonds may be transferred in whole but not in part and only to (i) an affiliate of the Purchaser; (ii) a trust or other custodial arrangement established by the Purchaser or one of its affiliates, the owners of any beneficial interest in which are limited to qualified institutional buyers or accredited investors; or (iii) a person or entity that the Purchaser reasonably believes is qualified to purchase the Series 2022 Bonds or that makes representations substantially similar to the representations the Purchaser makes in the Bond Purchase Agreement. Upon surrender to the Registrar for transfer of any Series 2022 Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing and guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, a new Series 2022 Bond of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer of the Series 2022 Bonds or any portion thereof selected or called for redemption.

(c) Exchange. Whenever any Series 2022 Bond is surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver a new Series 2022 Bond of a like aggregate principal amount, interest rate and maturity, as requested by the registered owner or the owner's attorney duly authorized in writing.

(d) Cancellation. Any Series 2022 Bond surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Series 2022 Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Series 2022 Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owner. The City and the Registrar may treat the person in whose name any Series 2022 Bond is at any time registered on the bond register as the absolute owner of such Series 2022 Bond, whether such Series 2022 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Series 2022 Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Series 2022 Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer of a Series 2022 Bond or exchange of a Series 2022 Bond (except for an exchange upon the partial redemption of a Series 2022 Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Series 2022 Bonds. In case any Series 2022 Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Series 2022 Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Series 2022 Bond or in lieu of and in substitution for any such Series 2022 Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Series 2022 Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Series 2022 Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. Any Series 2022 Bond so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Series 2022 Bond has already matured or such Series 2022 Bond has been called for redemption in accordance with its terms, it shall not be necessary to issue a new Series 2022 Bond prior to payment.

2.05. Redemption.

(a) Mandatory Redemption. If on any interest payment date there will be a balance in the 2022 Sidewalk Sinking Fund after payment of the principal and interest due on the Series 2022 Bonds drawn against it, either from the prepayment of assessments or from the transfer of surplus money from a Construction Subaccount to a Principal Subaccount as provided in Section 3.02, the City Finance Director shall call for redemption on the interest payment date the principal amount of the Series 2022 Bonds which, together with the interest thereon to the interest payment date, will equal the amount of such funds on deposit in the 2022 Sidewalk Sinking Fund on that date. The redemption price shall equal the principal amount of the Series 2022 Bonds to be redeemed plus interest accrued to the date of redemption. Such mandatory redemption payments shall reduce the Mandatory Sinking Fund Payments *pro rata* among all Series 2022 Bonds based upon the respective outstanding principal amounts, and with respect to each Series 2022 Bond shall be applied to Mandatory Sinking Fund Payments in inverse order of Sinking Fund Payment Dates.

(b) Optional Redemption. The Series 2022 Bonds are subject to redemption at any time, at the option of the City, in whole or in part, from sources of funds available therefor (other than those described in Section 2.05(a)), at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. Such optional redemption payments shall reduce the Mandatory Sinking Fund Payments *pro rata* among all Series 2022 Bonds based upon the respective outstanding principal amounts, and with respect to each Series 2022 Bond shall be applied to Mandatory Sinking Fund Payments in inverse order of Sinking Fund Payment Dates.

(c) Mandatory Sinking Fund Redemption. The Series 2022 Bonds are subject to redemption on July 1 of the respective years shown below (herein referred to as a "Sinking Fund Payment Date") and in the principal amounts (hereinafter referred to as a "Mandatory Sinking Fund Payment") set forth below:

Term Bond			
Sinking Fund Payment Date	July 1 Mandatory Sinking Fund Payment Amount	Sinking Fund Payment Date	July 1 Mandatory Sinking Fund Payment Amount
2023	$60,211	2029	$83,022
2024	63,523	2030	87,588
2025	67,016	2031	92,405
2026	70,702	2032	97,487
2027	74,591	2033	102,849
2028	78,693	2034	108,506

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*Final maturity.

(d) Notice and Effect of Redemption. The date of redemption and the principal amount of the Series 2022 Bonds to be redeemed shall be fixed by the City Finance Director, who shall give notice thereof to the Registrar 45 days prior to the date set for redemption in order for the

Registrar to give notice, by first class mail, postage prepaid, to the owners of the Series 2022 Bonds at their addresses appearing on the bond register, of the respective principal amounts of the Series 2022 Bonds to be redeemed and the date on which payment will be made, which date shall be not less than 30 days after the date of mailing notice. On the date so fixed, interest on the principal amounts of the Series 2022 Bonds so redeemed shall cease to accrue.

2.06. Form. The Series 2022 Bonds shall be prepared in substantially the form set forth in Exhibit B hereto, and by this reference made a part hereof, with such modifications as are permitted by the Act.

2.07. Execution, Registration and Delivery. The Series 2022 Bonds shall be prepared under the direction of the City Finance Director and shall be executed on behalf of the City by the signatures of the Mayor, the City Finance Director and the City Clerk and sealed with the official seal of the City; provided that the seal and all signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Series 2022 Bond shall cease to be such officer before the delivery of such Series 2022 Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Series 2022 Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Series 2022 Bond has been duly executed by the manual signature of an authorized representative of the Registrar. The certificate of authentication on a different Series 2022 Bond need not be signed by the same representative. The executed certificate of authentication on the Series 2022 Bonds shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Series 2022 Bonds have been so executed, authenticated and registered, the Series 2022 Bonds shall be delivered by the Registrar to the Purchasers upon payment of the purchase price in accordance with the contract of sale heretofore made and executed.

2.07. Application of Proceeds. From the proceeds of the Series 2022 Bonds, the City Finance Director shall credit forthwith $49,329.65 to the Revolving Fund, as required by Section 7-12-4169(2) of the Act, and the balance of such proceeds to the Construction Subaccount in the respective Project Account (as hereinafter defined), in proportion to the principal amount of the Series 2022 Bonds allocable to the Missing Sidewalk Improvements and the Metal Streets Improvements as set forth in Section 1.02, to be used solely for the purposes described in Section 3.02.

Section 3. 2022 Sidewalk Sinking Fund; Assessments.

3.01. 2022 Sidewalk Sinking Fund. There is hereby created and established the fund designated as the "2022 Sidewalk, Curb, Gutter and Alley Approach Sinking Fund" which shall be maintained by the City Finance Director on the books and records of the City separate and apart from all other funds of the City. Within the 2022 Sidewalk Sinking Fund there shall be maintained separate accounts for the Missing Sidewalk Improvements and the Metal Streets Improvements (collectively, the "Project Accounts"). Within each Project Account there shall be maintained three separate subaccounts, designated as the "Construction Subaccount," the "Principal Subaccount" and the "Interest Subaccount," respectively.

3.02. Construction Subaccounts. There shall be credited to the Construction Subaccount in the respective Project Account the proceeds of the sale of the Series 2022 Bonds attributable to the respective Improvements remaining after the required deposits to the Revolving Fund. Any earnings on investment of money in a Construction Subaccount shall be retained therein. All costs and expenses of constructing the Improvements, including costs of issuance of the Series 2022 Bonds, shall be paid from time to time as incurred and allowed from the Construction Subaccount in the respective Project Account in accordance with the provisions of applicable law, and money in a Construction Subaccount shall be used for no other purpose; provided that upon completion of the Improvements and after all claims and expenses with respect to the Improvements have been fully paid and satisfied, any money remaining in a Construction Subaccount shall be transferred to the Principal Subaccount in the applicable Project Account and used to redeem the principal amount of the Series 2022 Bonds as provided in Section 3.03.

3.03. Principal Subaccounts and Interest Subaccounts. Money in the Principal Subaccounts and the Interest Subaccounts shall be used only for payment of the principal of and interest on the Series 2022 Bonds as such payments become due or to redeem all or a portion of the principal amount of the Series 2022 Bonds.

Upon collection of the installment of principal and interest due on November 30 and May 31 of each year on the special assessments to be levied with respect to the Improvements, the City Finance Director shall credit to the Interest Subaccount in the respective Project Account so much of said special assessments as is collected as interest payment and the balance thereof to the Principal Subaccount in the respective Project Account. Any installment of any special assessment paid prior to its due date with interest accrued thereon to the next succeeding interest payment date shall be credited with respect to principal and interest payments in the same manner as other assessments are credited to the Project Accounts. All money in the Interest Subaccounts and the Principal Subaccounts shall be used first to pay interest then due, and any remaining money shall be used to pay principal then due and, if money is available, to redeem all or a portion of the principal amount of the Series 2022 Bonds in accordance with Section 2.05; provided that any money transferred to a Principal Subaccount from a Construction Subaccount pursuant to Section 3.02 shall be applied to redeem the Series 2022 Bonds to the extent possible on the next interest payment date for which notice of redemption has been properly given pursuant to Section 2.05(a). Interest shall be paid from the respective Interest Subaccount as accrued on the Series 2022 Bonds to the date of redemption, in accordance with the provisions of Section 7-12-4206 of the Act.

3.04. Loans From Revolving Fund. The Council shall annually or more often if necessary issue an order authorizing a loan or advance from the Revolving Fund to a Project Account in an amount sufficient to make good any deficiency then existing in the Interest Subaccount in such Project Account and issue an order authorizing a loan or advance from the Revolving Fund to a Project Accounts in an amount sufficient to make good any deficiency then existing in the Principal Subaccounts in such Project Account, in each case to the extent that money is available in the Revolving Fund. A deficiency shall be deemed to exist in the Principal Subaccount or Interest Subaccount in a Project Account if the money on deposit therein on any December 15 or June 15 (excluding amounts in the Principal Subaccount representing prepaid special assessments) is less than the amount necessary to pay the principal of the Series 2022

Bonds then due (other than upon mandatory or optional redemption pursuant to Section 2.05(a) and (b) hereof), and interest payable on the Series 2022 Bonds, on the next succeeding interest payment date.

Pursuant to Ordinance No. 1096, the City has undertaken and agreed to provide funds for the Revolving Fund by annually levying such tax or making such loan from the general fund of the City, subject to the limitation that no such tax levy or loan may in any year cause the balance in the Revolving Fund to exceed five percent of the principal amount of the City's then outstanding special improvement and sidewalk, curb, gutter and alley approach bonds and warrants secured thereby and subject to the durational limitations specified in the Act. In the event that the balance on hand in the Revolving Fund fifteen days prior to any date when interest is due on special improvement and sidewalk, curb, gutter and alley approach bonds and warrants of the City is not sufficient to make good all deficiencies then existing in the funds for which the City covenants to make loans from the Revolving Fund, the balance on hand in the Revolving Fund shall be allocated to the funds in which such deficiencies then exist in proportion to the amounts of the deficiencies on the respective dates of receipt of such money, until all interest accrued on such special improvement and sidewalk, curb, gutter and alley approach bonds and warrants of the City has been paid and to the extent of amounts available in the Revolving Fund. On any date when all accrued interest on special improvement and sidewalk, curb, gutter and alley approach bonds and warrants of the City payable from funds for which the City has covenanted to make loans from the Revolving Fund has been paid, any balance remaining in the Revolving Fund shall be loaned or advanced to the funds for payment and redemption of bonds and warrants to the extent such funds are deficient for such purpose and, if money in the Revolving Fund is insufficient therefor, *pro rata* in an amount proportionate to the amount of such deficiency.

The City hereby determines, covenants and agrees to levy the property tax described in the immediately preceding paragraph to provide funds for the Revolving Fund so long as Series 2022 Bonds are outstanding to the extent required under the provisions of this Resolution and the Act, even though such property tax levy may, under applicable law or provisions of the home rule charter of the City, require that property tax levies of the City for other purposes be reduced correspondingly.

Section 4. Covenants. The City covenants and agrees with the owners from time to time of the Series 2022 Bonds that until the principal amount of the Series 2022 Bonds and interest thereon are fully paid:

4.01. Compliance with Resolution. The City will hold the 2022 Sidewalk Sinking Fund and the Revolving Fund as trust funds, separate and apart from all of its other funds, and the City, its officers and agents, will comply with all covenants and agreements contained in this Resolution. The provisions hereinabove made with respect to the 2022 Sidewalk Sinking Fund and the Revolving Fund are in accordance with the undertaking and agreement of the City made in connection with the sale of the Series 2022 Bonds as set forth in Section 1.01.

4.02. Construction of Improvements. The City will do all acts and things necessary to enforce the provisions of the construction contracts for the Improvements and to ensure the completion of the Improvements in accordance with the plans and specifications and within the

time therein provided, and will pay all costs thereof promptly as incurred and allowed, out of the Construction Subaccount in the respective Project Account and within the amount of the proceeds of the Series 2022 Bonds appropriated thereto, amounts contributed by the City therefor and prepayments by owners of property adjacent to the Improvements.

4.03. Levy of Assessments. The City will do all acts and things necessary for the final and valid levy of special assessments upon all assessable real property adjacent to the Improvements, in accordance with the Constitution and laws of the State of Montana and the Constitution of the United States, in an aggregate principal amount not less than the following amounts:

Improvement	Principal Amount
Missing Sidewalk Improvements	$251,664.00
Wicks Lane Improvements	395,264.00
Songbird Drive Improvements	128,829.00
Harrow Drive Improvements	133,291.00
Boulder Avenue Improvements	77,545.00
	$986,593.00

Such special assessments shall be levied on the basis or bases prescribed in the Resolutions ordering the Improvements, and shall be payable in substantially equal semiannual installments of principal and interest over a period of 12 years, at an annual rate equal to the sum of: (i) the average annual interest rate borne by the Series 2022 Bonds, plus (ii) one-half of one percent (0.50%) per annum. The assessments to be levied will be payable on the 30th day of November in each of the years 2023 through 2033, and on the 31st day of May in the years 2023 through 2034, inclusive, if not theretofore paid, and shall become delinquent on such date unless paid in full. The first partial payment of each assessment shall include interest on the entire assessment from the date of original registration of the Series 2022 Bonds to January 1, 2023. The assessments shall constitute a lien upon and against the property against which they are made and levied, which lien may be extinguished only by payment of the assessment with all penalties, cost and interest as provided in Section 7-12-4191 of the Act. No tax deed issued with respect to any lot or parcel of land shall operate as payment of any installment of the assessment thereon which is payable after the execution of such deed, and any tax deed so issued shall convey title subject only to the lien of said future installments, as provided in Montana Code Annotated, Section 15-18-214.

4.04. Reassessment. If at any time and for whatever reason any special assessment or tax herein agreed to be levied is held invalid, the City and this Council, its officers and employees, will take all steps necessary to correct the same and to reassess and re-levy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, ordinance or resolution relating thereto, and will reassess and re-levy the same with the same force and effect as an original levy thereof, as authorized in Section 7-12-4186 of the Act. Any special assessment, or reassessment or re-levy shall, so far as is practicable, be levied and collected as it would have been if the first levy had been enforced including the levy and collection of any interest accrued on the first levy.

If proceeds of the Series 2022 Bonds, including investment income thereon, are applied to the redemption of the Series 2022 Bonds, as provided in Sections 7-12-4205 and 7-12-4206 of the Act, or if refunding bonds are issued and the outstanding principal amount of the Series 2022 Bonds is decreased or increased, the City will reduce or increase, respectively, the assessments levied in the respective project area and then outstanding pro rata by the principal amount of such prepayment or the increment above or below the outstanding principal amount of the Series 2022 Bonds represented by the refunding bonds. The City and this Council, its officers and employees will reassess and re-levy such assessments, with the same effect as an original levy, in such reduced or increased amounts in accordance with the provisions of Sections 7-12-4176 through 7-12-4178 of the Act.

4.05. Absence of Litigation. There is now no litigation pending or, to the best knowledge of the City, threatened questioning the validity or regularity of the ordering of the Improvements, the contracts for construction of the Improvements or the undertaking and agreement of the City to levy special assessments therefor and to make good any deficiency in the collection thereof through the levy of taxes for and the making of advances from the Revolving Fund, or the right and power of the City to issue the Series 2022 Bonds or in any manner questioning the existence of any condition precedent to the exercise of the City's powers in these matters. If any such litigation should be initiated or threatened, the City will forthwith notify in writing the Purchaser, and will furnish the Purchaser a copy of all documents, including pleadings, in connection with such litigation.

4.06. Waiver of Penalty and Interest. The City covenants not to waive the payment of penalty or interest on delinquent assessments levied for costs of the Improvements, unless the City determines, by resolution of the Council, that such waiver is in the best interest of the owners of the Series 2022 Bonds.

Section 5. Tax Matters.

5.01. Use of Improvements. The Improvements will be owned and operated by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the Improvements or security for the payment of the Series 2022 Bonds which might cause the Series 2022 Bonds to be considered "private activity bonds" or "private loan bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

5.02. General Covenant. The City covenants and agrees with the owners of the Series 2022 Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2022 Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Series 2022 Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

5.03. Arbitrage Certification. The Mayor, the City Finance Director and the City Clerk, being the officers of the City charged with the responsibility for issuing the Series 2022 Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a

certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2022 Bonds, it is reasonably expected that the proceeds of the Series 2022 Bonds will be used in a manner that would not cause the Series 2022 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

5.04. Arbitrage Rebate. The City acknowledges that the Series 2022 Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Treasury Regulations to preserve the exclusion of interest on the Series 2022 Bonds from gross income for federal income tax purposes, unless the Series 2022 Bonds qualify for the exception from the rebate requirement under Section 148(f)(4)(B) of the Code and no "gross proceeds" of the Series 2022 Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof. In furtherance of the foregoing, the Mayor, the City Finance Director and the City Clerk are hereby authorized and directed to execute a Rebate Certificate, substantially in the form to be prepared by Bond Counsel, and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

5.05. Information Reporting. The City shall file with the Secretary of the Treasury, not later than August 15, 2022, a statement concerning the Series 2022 Bonds containing the information required by Section 149(e) of the Code.

Section 6. Authentication of Transcript. The officers of the City are hereby authorized and directed to furnish to the Purchaser and to Bond Counsel certified copies of all proceedings relating to the issuance of the Series 2022 Bonds and such other certificates and affidavits as may be required to show the right, power and authority of the City to issue the Series 2022 Bonds, and all statements contained in and shown by such instruments, including any heretofore furnished, shall constitute representations of the City as to the truth of the statements purported to be shown thereby.

Section 7. Defeasance.

7.01. General. When the liability of the City on the Series 2022 Bonds issued under and secured by this Resolution has been discharged as provided in this Section 7, all pledges, covenants and other rights granted by this Resolution to the owners of the Series 2022 Bonds shall cease.

7.02. Payment. The City may discharge its liability with reference to any Series 2022 Bond or installment of interest thereon which is due on any date by depositing with the Registrar on or before that date funds sufficient, or, if a City officer is the Registrar, mailing to the registered owner of the Series 2022 Bonds a check or draft in a sum sufficient and providing proceeds available, for the payment thereof in full; or if any Series 2022 Bond or installment of interest thereon shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Registrar funds sufficient, or, if a City officer is the Registrar, by mailing to the registered owner thereof a check or draft in a sum sufficient and

providing proceeds available, for the payment thereof in full with interest accrued to the date of such deposit or mailing.

7.03. Prepayment. The City may also discharge its obligations with respect to any Series 2022 Bond called for redemption on any date when it is prepayable in accordance with its terms, by on or before that date depositing with the Registrar funds sufficient, or, if a City officer is the Registrar, mailing to the registered owner of such Series 2022 Bonds a check or a draft in a sum sufficient and providing proceeds available, for the payment of the principal, interest and redemption premium, if any, which are then due; provided that notice of such redemption has been duly given as provided herein or irrevocably provided for.

7.04. Escrow. The City may also at any time discharge its liability in its entirety with reference to the Series 2022 Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal and interest to become due on the Series 2022 Bonds on or before maturity or, if the Series 2022 Bonds has been duly called for redemption or notice of such redemption has been irrevocably provided for, on or before the designated redemption date.

7.05. Irrevocable Deposits. If an officer of the City is the Registrar, any deposit made under this Section 7 with the Registrar shall be irrevocable and held for the benefit of the owner of the Series 2022 Bonds in respect of which such deposits have been made.

Section 8. Repeals and Effective Date.

8.01. Repeal. All provisions of other resolutions and other actions and proceedings of the City and this Council that are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

8.02. Effective Date. This Resolution shall take effect immediately upon its passage and adoption by this Council.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 27th day of June, 2022.

_____
Mayor

Attest: _____
City Clerk

(SEAL)

EXHIBIT A

THE IMPROVEMENTS

General Description

The Series 2022 Bonds are being issued for the purpose of financing costs of installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches, and/or appurtenant features or a combination thereof in certain locations in the City heretofore ordered by this Council as the W.O. 20-02, Missing Sidewalk/Miscellaneous Project (the "Missing Sidewalk Improvements"), W.O. 20-15, Wicks Lane Improvements (the "Wicks Lane Improvements"), W.O. 20-28, Songbird Drive Construction (the "Songbird Drive Improvements"), W.O. 21-12, Harrow Drive Reconstruction (the "Harrow Drive Improvements"), and W.O. 21-25, Boulder Avenue Sidewalk (the "Boulder Avenue Improvements" and, collectively, the "Improvements"), as further described below.

Missing Sidewalk Improvements (W.O. 20-02)

The Improvements described below constituting the Missing Sidewalk Improvements will be constructed adjacent to the properties shown under each category of Improvements.

A. Sidewalk: 1010 S 29th, 118 S Santa Fe Dr
B. Curb and Gutter: 2523 Beth Dr, 37 Monroe St
C. Sidewalk, Curb and Gutter: 2737 Beth Dr, 1514 Yellowstone Ave, 1512 Yellowstone Ave, 2403 Wyoming Ave
D. Curb, Gutter, Sidewalk and Drive Aprons: 2223 8th Ave N, 2337 Yellowstone Ave, 1236 Colton Blvd, 2423 Ash St, 2419 Ash St, 537 Avenue B, 3121 Morledge St, 1702 Avenue F, 1815 17th St W
E. Curb, Gutter and Drive Aprons: 206 Birchwood Dr
F. Sidewalk, Curb, Gutter and ADA Ramps: 2502 Terry Ave, 2501 Terry Ave
G. Sidewalk, Curb, Gutter, Drive Aprons and ADA Ramps: 2415 Brook Hollow Dr

Missing Sidewalk Locations

A. Aronson Ave (Governors Blvd to Nutter Blvd): 905 Aronson Ave, 909 Aronson Ave, 911 Aronson Ave, 931 Aronson Ave, 933 Aronson Ave, 939 Aronson Ave, 943 Aronson Ave, 1017 Aronson Ave, 1015 Aronson Ave, 1009 Aronson Ave, 914 Aronson Ave, 910 Aronson Ave, 906 Aronson Ave, 1018 Aronson Ave, 1014 Aronson Ave, 1010 Aronson Ave, 1032 Aronson Ave, 951 Aronson Ave, 922 Aronson Ave, 950 Aronson Ave, 938 Aronson Ave, 979 Dixon Cir, 1028 Aronson Ave

B. 11th Ave N (N 27th St to N 22nd St): 2303 11th Ave N, 2415 11th Ave N, 2320 11th Ave N, 2203 11th Ave N, 2523 11th Ave N, 1101 N 27th St, 1045 N 26th St, 2207 11th Ave N

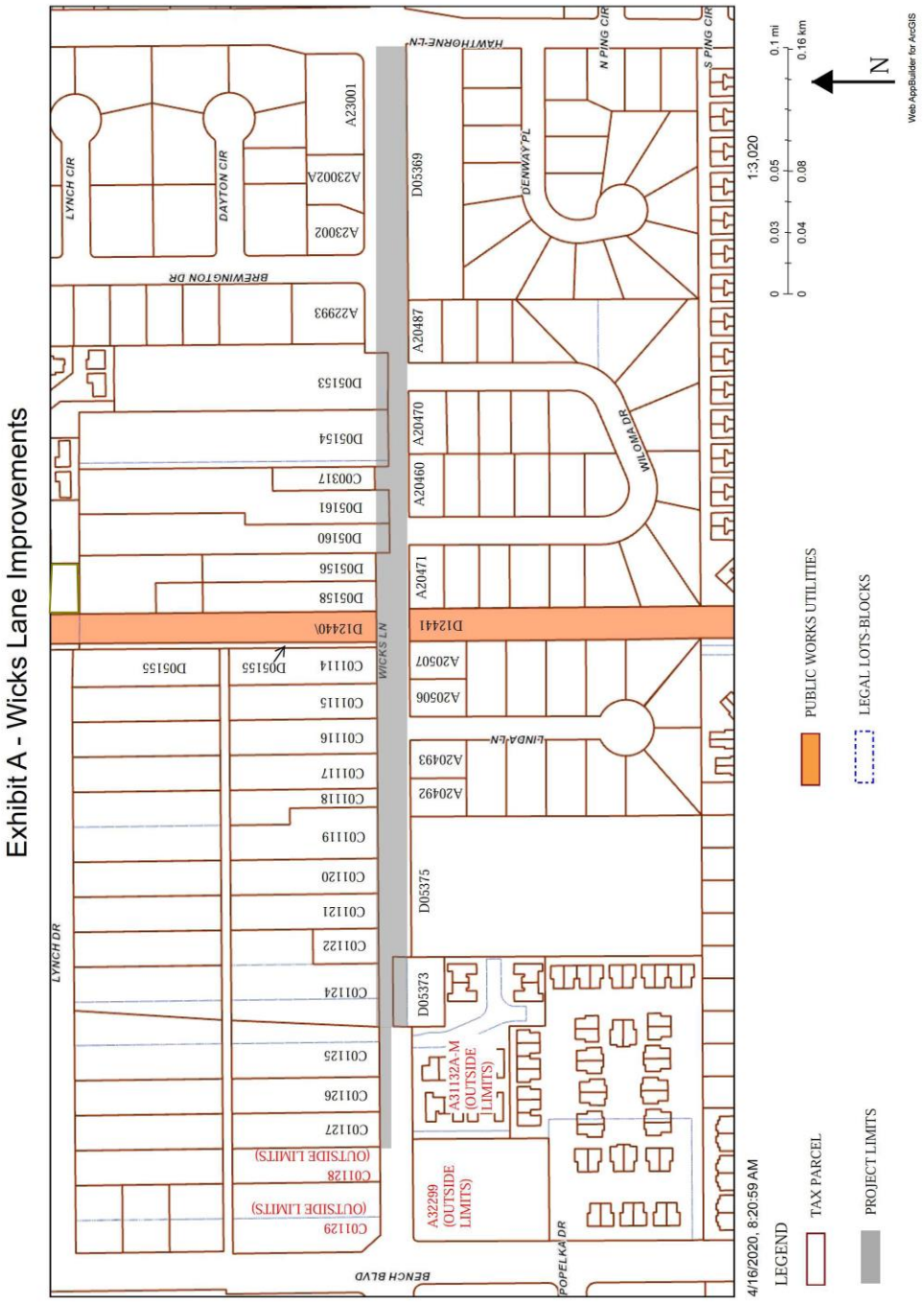
C. 24th St W (Lewis Ave to Broadwater Ave, West side): 908 24th St W, 824 24th St W, 922 24th St W, 912 24th St W

D. Random Locations sidewalk: Racquet Dr & Zimmerman Trail SW corner

Wicks Lane Improvements (W.O. 20-15)

The Improvements described below constituting the Wicks Lane Improvements will be the curb/gutter, sidewalk, drive approach and appurtenant as detailed in the attached Schedule I.

SCHEDULE I



Songbird Drive Improvements (W.O. 20-28)

The Improvements described below constituting the Songbird Drive Improvements will be the construction and installation of curbs, gutters, sidewalks, drive approaches, and appurtenant improvements, storm sewer improvements, and asphalt pavement on Songbird Drive, between Frontier Drive and Midland Road within the City of Billings.

Harrow Drive Improvements (W.O. 21-12)

The Improvements described below constituting the Harrow Drive Improvements will be the construction and installation of curbs, gutters, drive approaches, and appurtenant improvements, storm sewer improvements, and asphalt pavement on Harrow Drive, north of Rimrock Road within the City of Billings.

Boulder Avenue Improvements (W.O. 21-25)

The Improvements described below constituting the Boulder Avenue Improvements will be as detailed below:

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

EXHIBIT B

UNITED STATES OF AMERICA
STATE OF MONTANA
YELLOWSTONE COUNTY

CITY OF BILLINGS

POOLED SPECIAL SIDEWALK, CURB, GUTTER AND
ALLEY APPROACH BOND, SERIES 2022

Interest at the rate per annum specified below,
payable on the 1st day of January and the 1st day of July
in each year, commencing January 1, 2023.

Interest Rate	Maturity Date	Date of Original Issue
5.50%	July 1, 20__	July 1, 2022

No. R-1 $986,593.00

REGISTERED OWNER: ROCKY MOUNTAIN BANK

PRINCIPAL AMOUNT: NINE HUNDRED EIGHTY-SIX THOUSAND FIVE HUNDRED NINETY-THREE AND NO/100 DOLLARS

FOR VALUE RECEIVED, the City of Billings, Montana (the "City"), will pay to the registered owner identified above, or registered assigns, on the maturity date specified above the principal amount specified above, solely from the revenues hereinafter specified, as authorized by Resolution No. 22-____, adopted June 27, 2022 (the "Resolution"), all subject to the provisions hereinafter described relating to the redemption of this Bond before maturity. This Bond bears interest at the rate per annum specified above from the date of original issue specified above, or from such later date to which interest hereon has been paid or duly provided for, until the maturity date specified above or an earlier date on which this Bond shall have been duly called for redemption by the City Finance Director. Interest on this Bond is payable semiannually on the 1st day of January and the 1st day of July in each year, commencing January 1, 2023, to the owner of record of this Bond appearing as such in the bond register as of the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. Interest on and, upon presentation and surrender hereof at the principal office of the Registrar, the principal of this Bond, shall be payable by check or draft drawn on the Registrar. Notwithstanding the foregoing, so long as this Bond is evidenced by a single, fully registered term Bond, it shall not be necessary to present and surrender this Bond until the full redemption hereof pursuant to the Resolution, but the Registrar shall note in the bond register such principal payment. The principal of and interest on this Bond are payable in lawful money of the United States of America. Interest on this Bond shall be calculated on the basis of a 360-day year composed of twelve 30-day months. The City Finance Director shall initially serve as Registrar for this Bond.

This Bond is one of an issue in the aggregate principal amount of $986,593 (the "Series 2022 Bonds"), all of like date of original issue and tenor, except as to serial number, denomination, date, maturity date and redemption rights. The Series 2022 Bonds are issued pursuant to and in full conformity with the Constitution and laws of the State of Montana thereunto enabling, including Montana Code Annotated, Title 7, Chapter 14, Part 41 and Title 7, Chapter 12, Parts 41 and 42, as amended (the "Act"), and ordinances and resolutions duly adopted by the governing body of the City, including the Resolution, for the purpose of financing costs of installation, construction, reconstruction or replacements of certain curbs, gutters, sidewalks, drive approaches, driveways, alley approaches and appurtenant improvements in certain locations in the City (the "Improvements"), to fund a deposit to the Special Improvement District Revolving Fund (the "Revolving Fund") and to pay costs of issuance of the Bonds.

The Series 2022 Bonds are payable from the collection of a special tax or assessment levied upon all assessable real property adjacent to the Improvements, in an aggregate principal amount not less than $986,593 ($251,664 for the Missing Sidewalk Improvements, $395,234 for the Wicks Lane Improvements, $128,829 for the Songbird Drive Improvements, $133,291 for the Harrow Drive Improvements, and $77,545 for the Boulder Avenue Improvements, except as such amounts may be reduced or increased in accordance with provisions of Montana law. Such assessments constitute a lien against the property against which they are made and levied and are to be deposited into the 2022 Special Sidewalk, Curb, Gutter and Alley Approach Sinking Fund of the City (the "2022 Sidewalk Sinking Fund"). The Series 2022 Bonds are not general obligations of the City.

The City has validly established the Revolving Fund to secure the payment of certain of its special improvement and sidewalk, curb, gutter and alley approach bonds and warrants, including the Series 2022 Bonds. The City has also agreed, to the extent permitted by the Act, to issue orders annually, or more often as necessary, authorizing loans or advances from the Revolving Fund to the 2022 Sidewalk Sinking Fund, in amounts sufficient to make good any deficiency in the 2022 Sidewalk Sinking Fund to pay principal of or interest on the Series 2022 Bonds, to the extent money is available in the Revolving Fund, and to provide funds for the Revolving Fund by annually levying such tax or making such loan from its general fund, subject to the limitation that no such tax levy or loan may in any year cause the balance in the Revolving Fund to exceed five percent of the principal amount of the City's then outstanding special improvement and sidewalk, curb, gutter and alley approach bonds and warrants secured thereby and subject to the durational limitations specified in the Act. While any property tax levy to be made by the City to provide funds for the Revolving Fund is subject to levy limits under current law, the City has agreed in the Resolution to levy property taxes to provide funds for the Revolving Fund to the extent described in this paragraph and, if necessary, to reduce other property tax levies correspondingly to meet applicable levy limits.

If on any interest payment date there will be a balance in the 2022 Sidewalk Sinking Fund after payment of the principal and interest then due on the Series 2022 Bonds drawn against it, either from the prepayment of assessments or from the transfer of surplus money from a Construction Subaccount to a Principal Subaccount, the City Finance Director shall call for redemption on the interest payment date the principal amount of the Series 2022 Bonds which, together with the interest thereon to the interest payment date, will equal the amount of such funds on deposit in the 2022 Sidewalk Sinking Fund on that date. The redemption price shall equal the principal amount of the Series 2022 Bonds to be redeemed plus interest accrued to the date of

redemption. Such mandatory redemption payments shall reduce the Mandatory Sinking Fund Payments *pro rata* among all Series 2022 Bonds based upon the respective outstanding principal amounts, and with respect to each Series 2022 Bond shall be applied to Mandatory Sinking Fund Payments in inverse order thereof.

The Series 2022 Bonds are subject to redemption at any time, at the option of the City, in whole or in part, from sources of funds available therefor (other than those described in Section 2.05(a) of the Resolution), at a redemption price equal to the principal amount hereof to be redeemed plus interest accrued to the redemption date, without premium. Such optional redemption payments shall reduce the Mandatory Sinking Fund Payments *pro rata* among all Series 2022 Bonds based upon the respective outstanding principal amounts, and with respect to each Series 2022 Bond shall be applied to Mandatory Sinking Fund Payments in inverse order thereof.

This Bond is subject to redemption on July 1 of the respective years shown below (herein referred to as a "Sinking Fund Payment Date") and in the principal amounts (hereinafter referred to as a "Mandatory Sinking Fund Payment") set forth below:

Term Bond

Sinking Fund Payment Date	July 1 Mandatory Sinking Fund Payment Amount	Sinking Fund Payment Date	July 1 Mandatory Sinking Fund Payment Amount
2023	$60,211	2029	$83,022
2024	63,523	2030	87,588
2025	67,016	2031	92,405
2026	70,702	2032	97,487
2027	74,591	2033	102,849
2028	78,693	2034	108,506

*Final maturity.

The date of redemption and principal amount of this Bond to be redeemed shall be fixed by the City Finance Director, who shall give notice thereof to the Registrar 45 days prior to the date set for redemption in order for the Registrar to give notice, by first class mail, postage prepaid, to the owner of this Bond at its addresses appearing on the bond register, of the principal amount of this Bond to be redeemed and the date on which payment will be made, which date shall not be less than 30 days after the date of mailing of notice. On the date so fixed interest on this Bond or principal amount thereof so redeemed shall cease to accrue.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or his attorney. Upon such transfer or exchange, the City will cause a new Bond to be issued in the name of the transferee or registered owner, of the same aggregate principal amount,

bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all things required to be done precedent to the issuance of this Bond have been properly done, happened and been performed in the manner prescribed by the laws of the State of Montana and the resolutions and ordinances of the City of Billings, Montana, relating to the issuance hereof.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by the manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Billings, Montana, by its City Council, has caused this Bond to be executed by the facsimile signatures of the Mayor, the City Finance Director and the City Clerk, and by a printed facsimile of the official seal of the City.

CITY OF BILLINGS, MONTANA

(Facsimile Signature)
MAYOR

(Facsimile Signature)
(Facsimile Seal) CITY FINANCE DIRECTOR

(Facsimile Signature)
CITY CLERK

Dated:

CERTIFICATE OF AUTHENTICATION

This Bond is delivered pursuant to the Resolution mentioned herein.

CITY OF BILLINGS, MONTANA,
as Registrar, Transfer Agent, and
Paying Agent

By _____
City Finance Director

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UTMA….....Custodian…..... (Cust) (Minor)
TEN ENT --	as tenants by the entireties	
		under Uniform Gifts to
JT TEN --	as joint tenants with right of survivorship and not as tenants in common	Minor Act…..... (State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

_____

_____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

SIGNATURE GUARANTEED

_____

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended

City Council Regular

Date:	06/27/2022
Title:	Second and Final Reading for an Ordinance Amending BMCC, Article 21-200, Solid Waste Collection and Disposal
Presented by:	Jennifer Duray
Department:	Public Works
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends Council approve the second and final reading of the Ordinance amending BMCC, Article 21-200, Solid Waste Collection and Disposal.

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

At its meeting on June 13, 2022, the City Council conducted a public hearing and approved first reading of an ordinance amending Article 21-200 of the Billings Montana City Code to revise Sec. 21-239, carry out service fees and requirements and Sec. 21-211 (d), adding container clearance requirements and recommendations. Additionally, amendments were proposed to delete obsolete language in BMCC, Article 21-200, as well as minor amendments to the verbiage. Additional changes were made by City Council at the meeting and are incorporated in this amended ordinance.

ALTERNATIVES

City Council may:

- Approve the amendment to BMCC, Article 21-200 Solid Waste Collection and Disposal; or,
- Not approve the amendment.

FISCAL EFFECTS

It is estimated that the Solid Waste Fund will receive $10,500 less in revenues annually as a result of passing this amendment.

Attachments

SW Ordinance amendment

ORDINANCE 22-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 21-200 OF SAID CODE; REVISING COSTS AND DELETING OBSOLETE LANGUAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Article 21-200 of the Billings, Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

DIVISION 1. – GENERALLY

Sec. 21-201. Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

Animal as a class of refuse, dead animals means those that die naturally or from disease, are accidently killed, or disposed of administratively. Animals or parts of animals from slaughter houses or similar places are not included in this term, but are regarded as industrial refuse.

Cinders and ashes means the residue from the burning of wood, coal, coke, or other combustible materials in homes, stores, institutions and small industrial establishments, for the purpose of heating, cooking and disposing of waste combustible materials. Cinders produced in steam generating plants are included within the meaning of this term.

Collection of solid waste means the City's operation of gathering together and transporting of solid waste to the point of disposal.

Commercial means all business, industrial, institutional or agricultural establishments and all other properties that do not meet the residential definition. The city may allow multi-plex units to be classified as commercial at the owner's request.

Garbage includes animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It is composed largely of organic matters and their natural moisture content. The term includes within its meaning, food processing wastes from canneries, slaughter houses, packing plants or similar industries, or large quantities of condemned food products. Garbage also originates in kitchens, wholesale and retail stores and markets, restaurants, hotels and other places where food is stored, prepared, cooked or consumed.

Refuse means all solid waste of any kind or type legally disposed of through the operations of the city.

Residential means any property used as a permanent dwelling or abode by one (1) or more families including but not limited to single and multi-family, multi-plex, townhouse, apartment house, condominium, or any other housing unit, which receives ~~once-a-week collection of refuse contained in either thirty-two (32) gallon or less receptacles or~~ once-a-week automated collection of ~~special~~ receptacles provided by the city designed for use by one (1) or more families. Transient quarters, generally used as temporary residences, such as motels and hotels, are specifically excluded from the residential classification.

Rubbish means all refuse not included in garbage and ashes. It consists of a great variety of combustible and noncombustible waste materials from households, stores and institutions. This waste is defined more specifically as "combustible rubbish" and "noncombustible rubbish," but whenever the word "rubbish" is used alone, it means a mixture of both. Trash is synonymous with rubbish.

(1) *Building rubbish* means the waste materials from construction, remodeling and repairs on houses, commercial buildings and other structures. It comprises, among a great variety of other rejected matter, excavated earth, stones, bricks, plaster, wallpaper, lumber, shingles, concrete and waste parts.

(2) *Combustible rubbish* comprises miscellaneous flammable materials. Generally, it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood, excelsior, furniture, bedding, rubber, leather, tree branches, yard trimmings and similar material.

(3) *Noncombustible rubbish* comprises miscellaneous refuse materials that are nonflammable at ordinary temperatures. For the most part, it is the inorganic component of rubbish, such as tin cans, metals, mineral matter, glass, crockery, dust, metal furniture, etc.

(4) *Yard rubbish* consists of tree branches, twigs, grass and shrub clippings, cut weeds, fallen leaves and general yard and garden waste materials.

Service means the frequency of collection each week and the size of containers used. Residential service is specifically defined as once-a-week ~~collection from either thirty-two (32) gallon or smaller containers from a single housing unit or the~~ automated collection of ~~special~~ residential receptacles provided by the city from residential properties.

Yard waste service means once-a-week automated collection of green residential receptacles provided by the city from residential properties from the first full week of April until the last full week of November. Yard waste may include garden waste, grass clippings, leaves, shrub pruning, smaller branches or twigs, and weeds. Yard waste specifically excludes dirt, sod, rocks, and animal droppings. Plastic bags must not be included in yard waste receptacles.

Sec. 21-202. Duty of owner or occupant.

(a) It shall be the duty of the owner or occupant of any premises within the city limits to keep such premises and one-half of the alley immediately adjacent thereto and the

gutter in front of or adjoining his or her property clean, open and free of wastepaper, cans, leaves or any unhealthy materials of any kind.

(b) Before a complaint can be filed charging a violation of this section, the person to be charged must first be given written notice of the violation, setting forth in the notice the nature of the violation, and a period of five (5) days after receiving such notice to remedy the violation.

(c) A violation of this section is designated as a municipal infraction and punishable by civil penalties as specified in section 18-1304.

Sec. 21-203. Infectious wastes.

(a) "Infectious waste" is that waste defined as "infectious waste" in Section 75-10-1003, Montana Code Annotated.

(b) Infectious wastes shall not be placed with other noninfectious wastes or refuse for normal collection by the city.

(c) The city administrator, or his designee, is authorized to issue written special permits to private individuals or entities permitting them to collect and remove infectious wastes within the city.

(1) Permits shall be issued only to those individuals or entities holding the licenses or permits required by Section 75-10-1006, MCA.

(2) Permits shall be issued on an annual basis.

(3) The permit fee shall be five hundred dollars ($500.00) annually. Such fee shall be paid at the time of issuance of the permit and is nonrefundable.

(4) All permits shall contain a provision prohibiting disposal in the city landfill of infectious wastes which have not been treated so as to render them noninfectious.

(5) All permits shall contain a provision stating that the city may, in its sole discretion, refuse to renew the permit at the end of the annual period and elect to provide such services exclusively with city facilities and personnel.

(d) It is unlawful for any person to dispose of or deposit in the city landfill any infectious wastes which have not been treated as described in Section 75-10-1005, MCA, so as to render them noninfectious and no longer biological hazardous.

Sec. 21-204. Inflammable waste; acids and explosives.

No person shall place or cause to be placed in or near the receptacle provided for the removal of refuse, any highly inflammable wastes, acids or explosives of any kind whatsoever. All such materials shall be disposed of by the producer of the inflammable waste in a manner directed by the city.

Sec. 21-205. Yard rubbish.

All trimmings from trees, shrubs and hedges shall be securely tied in bundles not heavier than seventy-five (75) pounds, nor more than four (4) feet in length, nor more than two (2) feet in diameter, and shall be left at or near the place specified for receptacles. Tree branches, limbs or the trunks placed for collection shall not exceed six (6) inches at the large end. Any rubbish not meeting these specifications may or may not be collected at the option of the city. All yard rubbish resulting from the work of a contractor or the like shall be removed by means provided by and at the sole expense and cost of the contractor.

Sec. 21-206. Refuse containers and receptacles—Duty to provide.

It is the duty of every owner or his or her agent or the occupant of any premises and all other persons occupying business premises wherein or whereon any refuse is created in the city to provide or cause to be provided, and at all times to keep or cause to be kept in such places as the city may from time to time direct, containers, receptacles or racks that conform to the provision of this article. Whenever the city provides individual barrels for curb collection or community barrels for alley collection of residential garbage, residents shall use these receptacles.

Sec. 21-207. Same—Number required.

(a) *Residential properties.* ~~When receptacles are not provided by the city, t~~There shall be a sufficient number of receptacles to adequately hold the accumulation of garbage refuse for a period of seven (7) days.

(b) *Commercial properties.* There shall be sufficient receptacles to contain all refuse generated between scheduled collection times. More frequent collections, additional or larger receptacles may be required at the direction of the city if there is an insufficient available capacity to contain the refuse generated.

Sec. 21-208. Same—Condition.

It is at all times the responsibility of the property owner or occupant to maintain receptacles in a good, clean and useable condition. Receptacles that are not provided by the city and that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to the collectors or others whose duty it is to handle the containers, or to the extent that the covers will not fit tightly or to the extent of allowing the refuse to be scattered, will be condemned by the city. Replacement will be required upon notification. Commercial type containers shall be in good condition at all times with proper and functional lids, wheels where applicable, not bent and free from holes. Barrels provided by the city will be repaired and replaced by the city.

Sec. 21-209. Same—Size of residential containers.

The city shall provide all containers to residential customers for residential service and yard waste service. ~~When receptacles for refuse are provided by property owners,~~

~~receptacles shall not be less than eighteen (18) inches nor more than twenty (20) inches in diameter and shall not exceed thirty-two (32) gallons in capacity nor be less than fifteen (15) gallons in capacity, and shall be of galvanized metal or of similar character, with convenient handles for carrying and shall be watertight with tight fitting covers.~~ Plastic containers, receptacles, bags or sacks designed for the accumulating, storage and handling of refuse are also acceptable and will be picked up per approved published schedule or frequency. ~~Refuse placed in receptacles not meeting these specifications may or may not be collected at the option of the city.~~

Sec. 21-210. Same—Storage.

(a) Underground container storage is not permitted. When collection is made from the street, storage of containers shall not be close to the curb area except on collection days.

(b) Commercial properties will provide suitable facilities for receptacle storage to protect against the accidental dispersal of refuse about the property or alleys and streets of the city.

Sec. 21-211. Preparation of refuse for collection.

(a) Ashes to be collected shall not contain any hot coals or ashes and shall be placed in a proper container. The collectors are not required to collect hot ashes.

(b) Refuse resulting from contract operations, tree trimming or removal including earth, plaster, metal, tile, brick, terra cotta, slate, shingles, roofing, tin, iron and construction litter in general shall be removed and disposed of by the person responsible for its production and in a manner and place approved by the city; provided, however, that small quantities of building rubbish resulting from minor alterations, or tree trimming done solely by the householder, will be collected by the city if properly contained.

(c) Combustible rubbish of every kind whatsoever shall be securely wrapped, packed or contained in a manner that will prevent scattering by the wind and shall be deposited in a proper receptacle.

(d) All city provided residential containers are to keep the area clear around the container. The recommended clearance is four (4) feet around the container.

Sec. 21-212. Disturbing refuse receptacles.

No person shall remove, handle, pick or otherwise disturb the refuse receptacles or the contents thereof which have been properly placed for collection. This section shall not apply to the owner, occupant, lessee of residence, dwelling or other building so placing the refuse and receptacle or to others whose legal duty it is to handle the receptacles or contents, or to those who have been issued a permit for such purpose. This section shall not restrict the authority of law enforcement officials to conduct a search of refuse receptacles.

Sec. 21-213. Use of landfill by persons other than city.

(a) Use of the landfill by persons other than the city shall be in accordance with the use agreements between the city and all other entities. Use of the landfill shall be subject to the fees set forth in an annual resolution. Refuse shall be acceptable to the city and be deposited in strict accordance with all rules and regulations governing the city landfill.

(b) City residents hauling non-business waste from their primary residence will not be charged if the waste is hauled in a vehicle no larger than a ~~three-fourths~~ one-ton pickup truck, or equivalent size trailer. Fees will apply for special waste in accordance with the disposal fee resolution adopted by the city council annually.

(c) Employees of the city in charge of maintaining the landfill are authorized to request of any person to produce proper registration of any vehicle, issued by the state, to certify that the vehicle is owned by a resident or nonresident of the city. Employees in charge of maintaining the landfill are further authorized to request any other suitable identification from operators or owners of vehicles to determine whether such person is a resident or nonresident.

(d) Payment of landfill fees by private refuse haulers and contractors shall be allowed by monthly billing after establishment of acceptable credit. Any account which is delinquent more than sixty (60) days shall be refused the right to dispose of any refuse at the city landfill until the account is paid in full.

Sec. 21-214. Collection by city exclusive.

(a) It is unlawful for any person other than the city to engage in the business of collecting, removing and disposing of refuse within the jurisdiction of the city, or for any person other than the city, its agents or employees to do or perform any of the things herein required to be done or performed by the city, except:

    (1) As provided in sections 21-215 and 21-203;

    (2) For drop-box service on construction sites; and

    (3) As provided by MCA 7-2-4736, preservation of existing garbage or solid waste service in the event of annexation.

(b) The city administrator with the consent of the city council, may call for bids on any areas that may be opened for competitive bidding by private haulers.

Sec. 21-215. Special permits.

In the case of isolated premises or where reasonable access cannot be had by truck, refuse therefrom may, upon written special permission of the city, be collected, removed and disposed of in such manner as the city shall in and by such permit approve and direct.

Sec. 21-216. Supervision of disposal.

All matters relating to the collection, removal and disposal of refuse, unless specifically placed under the direction of the city/county board of health, shall be done and performed under the supervision, direction and control of the city administrator or designee, and in strict conformity with the provisions of this article and with any additional rules and regulations that may be made from time to time by the city administrator.

Sec. 21-217. Load security.

No person for himself or herself or on behalf of any other person shall operate a vehicle within the city or between the city and the city landfill disposal site transporting material or refuse of any kind or nature which is not fully secured. "Unsecured loads" are defined as a load of any quantity of any material or refuse that is not fully tied, covered or enclosed in such a manner that material being transported cannot be spilled, blown, dropped or otherwise lost from the transporting vehicle. Any person violating this section on load security shall be guilty of a misdemeanor, shall be issued a citation and notice to appear, shall be required to unload in a designated landfill area and shall pay a minimum fine of thirty-five dollars ($35.00).

The maximum fine is as provided in section 1-110. Upon subsequent offenses by the same person, the offender will be subject to a penalty as provided for other violations of this article as provided in section 1-110. For the purposes of this section the solid waste superintendent, or designee(s), is authorized as the enforcement officer and is granted the authority to enforce the provisions of this section and issue citations.

Secs. 21-218—21-225. Reserved.

DIVISION 2. – COSTS

Sec. 21-226. Assessment against property; monthly billing authorized.

The cost of collecting and/or disposing of refuse, from the streets, alleys and private premises of the city shall be ~~assessed wherever possible against the real estate from which such refuse is produced or collected. The city administrator or designee is authorized to~~ bill<u>ed at the monthly rate established by this division</u> ~~1/12th of the annual solid waste assessment, established pursuant to section 21-229 supra,~~ to each customer on the monthly public works utilities water and wastewater billing statements.

Sec. 21-227. Costs borne proportionately.

Each property from which refuse is produced or collected shall, as far as practicable, bear its share of the expense of collecting and/or disposing of the refuse in proportion to the amount of refuse collected and/or disposal of and the frequency of collection.

Sec. 21-228. Cost estimate.

It is the duty of the city administrator to provide the council an estimate, as near as practicable, of the cost of collecting and disposing of refuse in the city.

Sec. 21-229. Annual determination of charges for services rendered.

~~Not later than the first regular council meeting in August of each year,~~ T~~t~~he council shall hold a public hearing annually and pass and adopt a resolution setting the commercial and residential services collection and disposal rates, landfill fees and any other miscellaneous fees or charges deemed appropriate and necessary. The resolution shall list the fee schedules.

Sec. 21-230. Reserved.

Secs. 21-231—21-233. Reserved.

Sec. 21-234. Hearing of objections; changes; final passage.

At the time set for hearings objections to the final passage of the resolution referred to in section 21-229, or at a time to which such meeting may be adjourned, the city council shall pass upon all objections and make such changes in the assessments as it shall deem necessary and proper after hearing such objections, and shall adopt such resolution. Thereafter, the city clerk shall incorporate such changes in the list of charges as extended.

Secs. 21-235—21-237. Reserved.

Sec. 21-238. Refunds.

No refunds of charges collected under this division shall be made except in cases of obvious error or change of service.

Sec. 21-239. Residential lots involving off-street collection.

For each residential property where the collection is made from beyond the curb, sidewalk or alley area in which a documented medical necessity is obtained from the resident, the monthly charge shall be equal to the monthly residential service rate established under this division. For each residential property where ~~the~~ collection is required to be made from beyond the curb, sidewalk or alley area due to the way in which the property was constructed, one hundred (100) percent shall be added to the residential rate established under this division.

Sec. 21-240. Refuse requiring special handling.

Disposal of refuse of a kind for which other provision is not made shall be made pursuant to this section. Any refuse placed upon the alleys or streets which does not come within the provisions of this article may be removed therefrom at the expense of the owner of the property from which such refuse originates. The city may submit a bill to the persons liable for the removal of such refuse. If the amount is not paid within ten (10) days after the bill is submitted, then the charge shall be collected in the same manner as the collection of other refuse fees, as provided in this chapter.

Sec. 21-241. Removal of refuse at owner's expense.

Nothing contained in this article shall prevent the city council from requiring the owner or occupant of premises to remove therefrom the refuse or a portion thereof at his or her own expense, under the supervision and control of the city and adjusting the fee.

Section 2. **EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. **REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4**.** **SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the 13th day of June, 2022.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2022.

CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

Attest:

BY:_____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	06/27/2022
Title:	Ward Boundary Expansion Ordinance Second Reading - Annexation 22-04
Presented by:	Hunter Kelly, Planner 1
Department:	Planning & Community Services
Presentation:	No
Legal Review	No

RECOMMENDATION

Staff recommends the City Council approve this ordinance on second reading, adding recently annexed property to Ward V.

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

IMEG, Inc.on behalf of Messinger Company, LLC submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located west of Harnish Boulevard and north of Trade Center Avenue. The land being annexed is described as being Tracts of Land situated in the NW 1/4 of Section 24, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows: A portion of Tract 11A-1, of Amended Tract 11A of Certificate of Survey 1391, recorded May 23, 2022, under Document No. 4017922 more particularly described as: Beginning at the southeast corner of said Tract 11A-1; S 88°55'56" W for a distance of 304.08 feet; thence along a curve to the left, with a radius of 1916.88 feet, an arc length of 250.13 feet and a delta angle of 07° 28' 55"; thence N 71°20'38' E for a distance of 300.000 feet, to a point on the west Right-Of-Way of Harnish Boulevard; thence along a curve to the right and along said Right-Of-Way, with a radius of 2216.86 feet, and arc length of 342.86 feet, a delta angle of 08° 51' 40" to the Point Of Beginning. Said tract of land describes a portion of said Tract 11A-1, added as a result of a relocation common boundary line as shown on said Amended Tract 11A of Certificate Of Survey No. 1391. Including adjacent Right-Of-Way of Harnish Boulevard and that portion of Trade Center Avenue adjacent to Lots 2-4, Block 3 of Shackelford-Yellowstone Subdivision, 3rd Filing. Said annexation containing 2.043 gross and net acres, more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward V. Two readings are required for this action. The first reading and public hearing was held June 13, 2022 and approved by the Council. The second reading will occur at this meeting on June 27, 2022.

ALTERNATIVES

City Council may:

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

FISCAL EFFECTS

This application has no impact on the Planning Division Budget.

Attachments

Ward Boundary Ordinance

ORDINANCE NO. 22-_____

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

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

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

Tracts of Land situated in the NW 1/4 of Section 24, T.1S., R.25E, P.M.M., Yellowstone County, Montana, more particularly described as follows:
A portion of Tract 11A-1, of Amended Tract 11A of Certificate of Survey 1391, recorded May 23, 2022, under Document No.4017922 more particularly described as:

Beginning at the southeast corner of said Tract 11A-1; S 88°55’56” W for a distance of 304.08 feet; thence along a curve to the left, with a radius of 1916.88 feet, an arc length of 250.13 feet and a delta angle of 07° 28' 55”; thence N 71°20’38’ E for a distance of 300.000 feet, to a point on the west Right-Of-Way of Harnish Boulevard; thence along a curve to the right and along said Right-Of-Way, with a radius of 2216.86 feet, and arc length of 342.86 feet, a delta angle of 08° 51' 40" to the Point Of Beginning.

Said tract of land describes a portion of said Tract 11A-1, added as a result of a relocation common boundary line as shown on said Amended Tract 11A of Certificate Of Survey No. 1391.

Including adjacent Right-Of-Way of Harnish Boulevard and that portion of Trade Center Avenue adjacent to Lots 2-4, Block 3 of Shackelford-Yellowstone Subdivision 3rd Filing.

Said annexation containing 2.043 gross and net acres, more or less.

(# 22-04) See Exhibit “A” Attached

2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of

Resolution No. 22-_____ approving the annexation of the above territory, whichever date is later.

3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.

4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 13th day of June 2022.

PASSED by the City Council on the second reading this 27th day of June, 2022.

THE CITY OF BILLINGS:

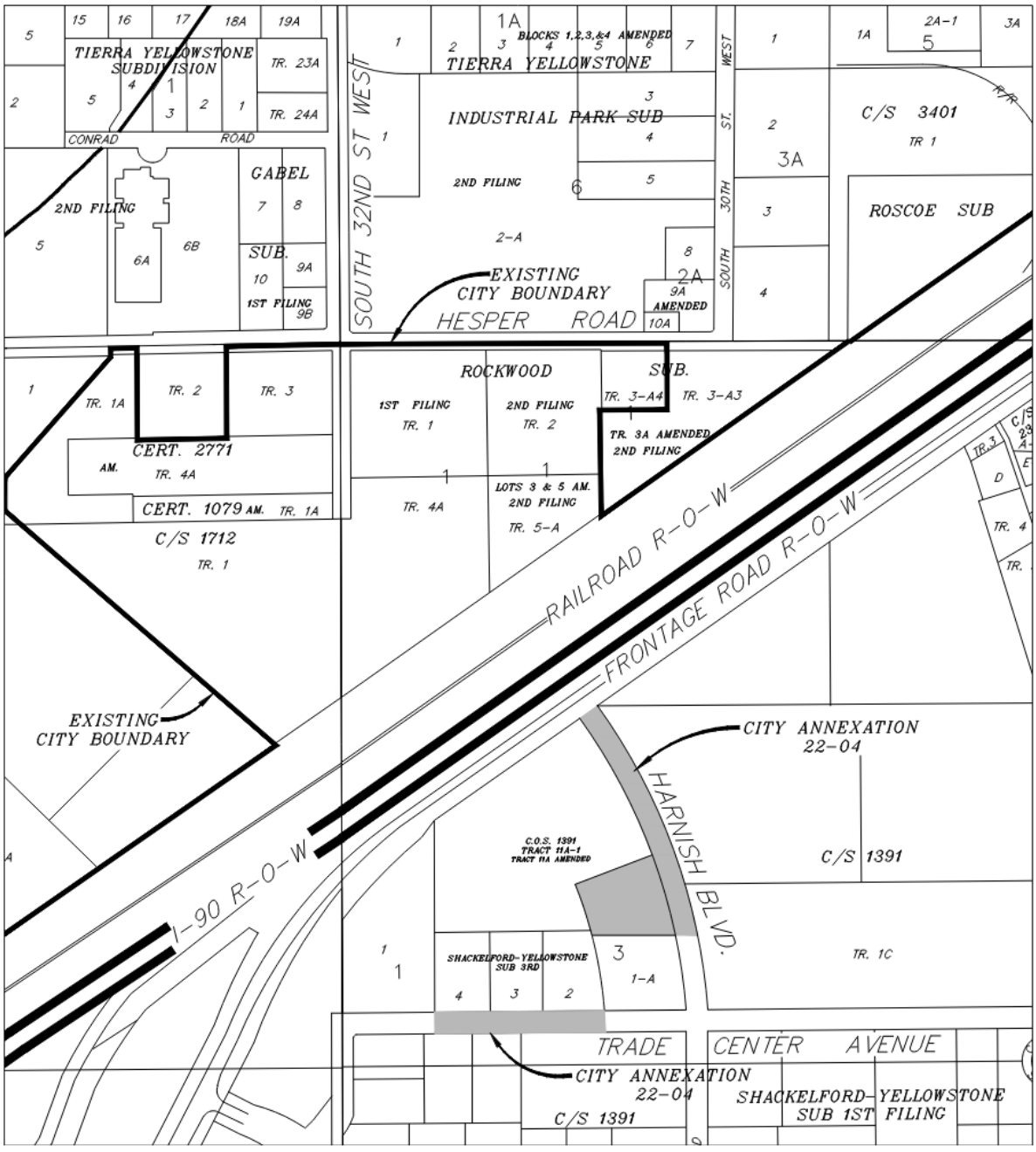
_____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

(#22-04)

EXHIBIT "A"


TIERRA YELLOWSTONE SUBDIVISION
TR. 23A
TR. 24A
CONRAD ROAD
GABEL SUB.
1ST FILING
2ND FILING
SOUTH 32ND ST WEST
BLOCKS 1,2,3,&4 AMENDED
TIERRA YELLOWSTONE
INDUSTRIAL PARK SUB
2ND FILING
2-A
EXISTING CITY BOUNDARY
HESPER ROAD
SOUTH 30TH ST. WEST
C/S 3401
TR 1
ROSCOE SUB
ROCKWOOD SUB.
1ST FILING TR. 1
2ND FILING TR. 2
TR. 3-A4
TR. 3-A3
TR. 3A AMENDED 2ND FILING
TR. 1A
TR. 2
TR. 3
CERT. 2771 AM. TR. 4A
CERT. 1079 AM. TR. 1A
C/S 1712 TR. 1
TR. 4A
LOTS 3 & 5 AM. 2ND FILING TR. 5-A
RAILROAD R-O-W
FRONTAGE ROAD R-O-W
EXISTING CITY BOUNDARY
CITY ANNEXATION 22-04
HARNISH BLVD.
C/S 1391
TR. 1C
C.O.S. 1391 TRACT 11A-1 TRACT 11A AMENDED
I-90 R-O-W
SHACKELFORD-YELLOWSTONE SUB 3RD
1-A
TRADE CENTER AVENUE
CITY ANNEXATION 22-04
C/S 1391
SHACKELFORD-YELLOWSTONE SUB 1ST FILING

City Council Regular

Date:	06/27/2022
Title:	Payment of Claims for week of May 23, 2022
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $3,921,119.71 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.

Attachments

CouncilMemo wk of 05232022

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852534	A1 Landscape & Nursery	Library	$ 427.50	4142_ Snow Removal 4/12-4/19/2022
05/23/2022	852534	A1 Landscape & Nursery	Parking	$ 1,605.00	4142_ Snow Removal 4/12-4/19/2022
05/23/2022	852534	A1 Landscape & Nursery	Parking	$ 1,542.50	4142_ Snow Removal 4/12-4/19/2022
05/23/2022	852534	A1 Landscape & Nursery	Parking	$ 2,767.50	4142_ Snow Removal 4/12-4/19/2022
05/23/2022	852534	A1 Landscape & Nursery	Parking	$ 895.00	4142_ Snow Removal 4/12-4/19/2022
05/23/2022	852536	Ace Electric Inc	Water	$ 14,602.50	Water Plant Lighting Upgrade; 7326/3
05/23/2022	852537	Advanced Employment	Solid Waste	$ 141.38	Contract labor.
05/23/2022	852537	Advanced Employment	Solid Waste	$ 405.28	Contract labor.
05/23/2022	852537	Advanced Employment	Solid Waste	$ 1,847.31	Contract Labor.
05/23/2022	852537	Advanced Employment	Solid Waste	$ 688.03	Contract labor.
05/23/2022	852537	Advanced Employment	Solid Waste	$ 2,196.04	Contract Labor.
05/23/2022	852538	Advanced Eng & Enviro	Water	$ 6,139.15	High Service Pump Station: Cooling Units Feasibility & Location
05/23/2022	852548	AT & T Corp	Airport	$ 755.62	Airport
05/23/2022	852548	AT & T Corp	Airport	$ 25.05	MET Transit Tablets
05/23/2022	852548	AT & T Corp	Building	$ -	Building Inspector -Harriet
05/23/2022	852548	AT & T Corp	Building	$ 597.32	PW-Building Cell Phones
05/23/2022	852548	AT & T Corp	Building	$ 361.26	PW-Building Surfaces
05/23/2022	852548	AT & T Corp	CDBG	$ 145.16	Comm Dev Dina Harmon, Carly Collings and Tam Rodier
05/23/2022	852548	AT & T Corp	Court Grants	$ 210.31	Muni Court DC
05/23/2022	852548	AT & T Corp	Engineering	$ 34.84	Engineering Tablets
05/23/2022	852548	AT & T Corp	Engineering	$ 109.36	Engineering Tablets
05/23/2022	852548	AT & T Corp	Engineering	$ 98.76	PW-Engineering Cell Phones and MiFi
05/23/2022	852548	AT & T Corp	Engineering	$ 118.23	PW-Engineering Cell Phones and MiFi
05/23/2022	852548	AT & T Corp	Facilities	$ 90.04	Facilities BOC
05/23/2022	852548	AT & T Corp	Facilities	$ 4.50	Facilities BOC
05/23/2022	852548	AT & T Corp	Facilities	$ 31.24	Facilities BOC
05/23/2022	852548	AT & T Corp	Facilities	$ 93.64	Facilities BOC
05/23/2022	852548	AT & T Corp	Facilities	$ 85.54	Facilities City Hall
05/23/2022	852548	AT & T Corp	Facilities	$ 159.90	Facilities Managers
05/23/2022	852548	AT & T Corp	General	$ 95.34	City Attorney -Legal
05/23/2022	852548	AT & T Corp	General	$ 386.48	Code Enforcement +Trina Arnold
05/23/2022	852548	AT & T Corp	General	$ 230.65	Legal Dept -Domestic Violence
05/23/2022	852548	AT & T Corp	General	$ (95.34)	Legal Dept -Domestic Violence
05/23/2022	852548	AT & T Corp	General	$ 45.27	Municipal Court

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852548	AT & T Corp	General	$ 289.51	PRPL - Recreation Division
05/23/2022	852548	AT & T Corp	IT Resources	$ 50.07	IT Department -On call Phone
05/23/2022	852548	AT & T Corp	Library	$ 220.80	Library
05/23/2022	852548	AT & T Corp	Library	$ 106.88	Library Out Reach
05/23/2022	852548	AT & T Corp	P.W. Admin	$ 27.12	PWBLKNP OFFICE -60/40
05/23/2022	852548	AT & T Corp	P.W. Admin	$ 40.68	PWBLKNP OFFICE -60/40
05/23/2022	852548	AT & T Corp	Park Dist 1	$ 497.49	Parks Dept.
05/23/2022	852548	AT & T Corp	Park Dist 1	$ 50.41	Parks Dept.
05/23/2022	852548	AT & T Corp	Park Dist 1	$ 68.24	Parks Seasonal
05/23/2022	852548	AT & T Corp	Park Dist 1	$ 477.76	PRPL Parks Tablets
05/23/2022	852548	AT & T Corp	Parking	$ 77.63	Parking Division Meter Maintenance
05/23/2022	852548	AT & T Corp	Parking	$ 45.02	Parking Phones and scanner
05/23/2022	852548	AT & T Corp	Parking	$ 180.08	Parking Phones and scanner
05/23/2022	852548	AT & T Corp	Parking	$ 225.10	Parking Phones and scanner
05/23/2022	852548	AT & T Corp	PD Program	$ 160.56	CCSIU Toughbook
05/23/2022	852548	AT & T Corp	PD Program	$ 45.27	Domestic Violence -Katie Nash
05/23/2022	852548	AT & T Corp	Phone System	$ 64.22	IT iPads
05/23/2022	852548	AT & T Corp	Phone System	$ 3.46	Metro Cell Account
05/23/2022	852548	AT & T Corp	Phone System	$ 67.13	TeleComm Manager Doug and Brenda
05/23/2022	852548	AT & T Corp	Planning	$ 62.08	PLANNING
05/23/2022	852548	AT & T Corp	Public Safety	$ 271.37	Animal Control Cell Phones
05/23/2022	852548	AT & T Corp	Public Safety	$ 240.84	Animal Control -MDT
05/23/2022	852548	AT & T Corp	Public Safety	$ 253.37	Comm. Center 9-1-1
05/23/2022	852548	AT & T Corp	Public Safety	$ 40.14	Detective Chartier -Toughbook
05/23/2022	852548	AT & T Corp	Public Safety	$ 1,258.64	Fire Department Cell Phones
05/23/2022	852548	AT & T Corp	Public Safety	$ 617.78	Fire iPads -Assistant chiefs new iPads
05/23/2022	852548	AT & T Corp	Public Safety	$ 85.41	ICAC -Campbell and Spare
05/23/2022	852548	AT & T Corp	Public Safety	$ 1,375.54	MDT Fire
05/23/2022	852548	AT & T Corp	Public Safety	$ 3,371.87	Police Department Cell Phone
05/23/2022	852548	AT & T Corp	Public Safety	$ 3,692.88	Police MDT Toughbooks and Loaner MDT's
05/23/2022	852548	AT & T Corp	Public Safety	$ 401.40	Police MDT Toughbooks and Loaner MDT's
05/23/2022	852548	AT & T Corp	Public Safety	$ 271.40	Police -Resource Officers
05/23/2022	852548	AT & T Corp	Public Safety	$ 287.20	Yellowstone Co Charges -Three cradlepoints -Fire Dept
05/23/2022	852548	AT & T Corp	Solid Waste	$ 90.04	SOLID WASTE SUPERINTENDANT

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852548	AT & T Corp	Street/Traffic	$ 372.55	School Flashers
05/23/2022	852548	AT & T Corp	Street/Traffic	$ 34.84	Street Traffic iPads
05/23/2022	852548	AT & T Corp	Street/Traffic	$ 273.24	Street Traffic iPads
05/23/2022	852548	AT & T Corp	Street/Traffic	$ 43.34	Street Traffic iPads
05/23/2022	852548	AT & T Corp	Transit	$ 50.07	MET Supervisor Cell Phones
05/23/2022	852548	AT & T Corp	Transit	$ 40.07	MET Supervisor Cell Phones
05/23/2022	852548	AT & T Corp	Transit	$ 100.10	MET Supervisor Cell Phones
05/23/2022	852548	AT & T Corp	Transit	$ 10.10	MET Supervisor Cell Phones
05/23/2022	852548	AT & T Corp	Transit	$ 100.08	MET Supervisor Cell Phones
05/23/2022	852548	AT & T Corp	Transit	$ 793.47	MET Transit Max Transit
05/23/2022	852548	AT & T Corp	Transit	$ 444.63	MET Transit Tablets
05/23/2022	852548	AT & T Corp	Transit	$ 25.05	MET Transit Tablets
05/23/2022	852548	AT & T Corp	Transit	$ 645.32	MET Transit Tablets
05/23/2022	852548	AT & T Corp	Wastewater	$ 180.08	PW Environmental
05/23/2022	852548	AT & T Corp	Wastewater	$ 313.84	PWBELKNAP-DIST COLL CELL PHONES 60/40
05/23/2022	852548	AT & T Corp	Wastewater	$ 472.60	PWBLKNP Electricians -Phones
05/23/2022	852548	AT & T Corp	Wastewater	$ 27.43	PWBLKNP STORES -75/25
05/23/2022	852548	AT & T Corp	Wastewater	$ 871.07	PWBLNP-WWTRMNT1 Wastewater Treatment Plant
05/23/2022	852548	AT & T Corp	Wastewater	$ 299.32	PW-Distribution Collection Tablets 60/40
05/23/2022	852548	AT & T Corp	Wastewater	$ 69.68	PW-Environmental
05/23/2022	852548	AT & T Corp	Water	$ 470.75	PWBELKNAP-DIST COLL CELL PHONES 60/40
05/23/2022	852548	AT & T Corp	Water	$ 1,037.75	PWBELKNAP-WT Water Treatment
05/23/2022	852548	AT & T Corp	Water	$ 609.89	PWBLKNP COMM-METER CityWorks/Neptune
05/23/2022	852548	AT & T Corp	Water	$ 201.83	PWBLKNP MTRSHOP CELL PHONE AND IPADS
05/23/2022	852548	AT & T Corp	Water	$ 194.02	PWBLKNP MTRSHOP CELL PHONE AND IPADS
05/23/2022	852548	AT & T Corp	Water	$ 82.28	PWBLKNP STORES -75/25
05/23/2022	852548	AT & T Corp	Water	$ 448.98	PW-Distribution Collection Tablets 60/40
05/23/2022	852549	ATS Inland NW	Airport	$ 475.42	FY22 Energy Management Services - QTA
05/23/2022	852549	ATS Inland NW	Airport	$ 2,053.25	FY22 Energy Management Services - Terminal
05/23/2022	852549	ATS Inland NW	Airport	$ 1,025.75	FY22 Energy Management Services - Terminal Completion
05/23/2022	852549	ATS Inland NW	Airport	$ 238.58	FY22 Energy Management Services QTA Completion
05/23/2022	852551	Azteca Systems	General	$ 21,333.00	Parks and Rec -Annual Cityworks Maintenance 6/21/22-6/20/23
05/23/2022	852551	Azteca Systems	Street/Traffic	$ 20,000.00	PW -STT $20,000
05/23/2022	852551	Azteca Systems	Wastewater	$ 4,000.00	PW -STT $20,000

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05/23/2022	852551	Azteca Systems	Wastewater	$ 9,066.80	PW -STT $20,000
05/23/2022	852551	Azteca Systems	Water	$ 13,600.20	PW -STT $20,000
05/23/2022	852552	Baker Tilly Virchow Krause	SID Fund	$ 3,100.00	Arbitrage Compliance: Rebate and Yield Reduction Report
05/23/2022	852357	Business Tax Section	Facilities	$ 202.65	business tax for TW Clark South Park hail repair
05/23/2022	852357	Business Tax Section	Facilities	$ 125.66	Gated Solutions 1453 Demo and Replacement of BOC Gate
05/23/2022	852357	Business Tax Section	Facilities	$ 724.02	Hail Damage Repair at Pioneer Park
05/23/2022	852357	Business Tax Section	Facilities	$ 309.03	Upgrade Access Control System
05/23/2022	852357	Business Tax Section	Gas Tax	$ 713.38	WO 22-03 Chip Seal Contract 2; 1 WO2203 Hardrives
05/23/2022	852357	Business Tax Section	Public Safety	$ 236.28	Repairs to Fire training Facility @ Airport
05/23/2022	852357	Business Tax Section	Storm Sewer	$ 229.98	Pay estimate 1, WO 22-25 CCTV City Storm Drain
05/23/2022	852357	Business Tax Section	Storm Sewer	$ 772.25	WO 22-34 Culvert Replacement - Elizabeth St; 1F WO2234 Overtime
05/23/2022	852357	Business Tax Section	Water	$ 147.50	Water Plant Lighting Upgrade
05/23/2022	852357	Business Tax Section	Water	$ 33.48	WO 21-39 WTP RIP RAP Improvements; 1F RR WO2139 Donnes
05/23/2022	852369	City of Great Falls	Fire Grants	$ 5,891.26	GF FIRE/HAZMAT:CTOS-NV APR 16-22 2022, Home security grant
05/23/2022	852377	Dana Safety Supply	Public Safety	$ 396.00	789777
05/23/2022	852377	Dana Safety Supply	Public Safety	$ 492.14	789798
05/23/2022	852377	Dana Safety Supply	Public Safety	$ 487.00	789896
05/23/2022	852377	Dana Safety Supply	Public Safety	$ 1,239.00	789941
05/23/2022	852378	David Turch & Assoc	P.W. Admin	$ 4,000.00	Infrastructure lobbying
05/23/2022	852380	Desert Mt Corp	Street/Traffic	$ 5,257.20	ice slicer
05/23/2022	852382	DLT Solutions	Engineering	$ 6,938.19	Annual Subscription Renewal
05/23/2022	852384	Donnes Inc	Water	$ 4,237.50	dig out sed basin #1 & LS intake
05/23/2022	852384	Donnes Inc	Water	$ 3,314.22	WO 21-39 WTP RIP RAP Improvements
05/23/2022	852385	DOWL	Planning	$ 645.00	BILLINGS CTSP UPDATE-LMO4102021
05/23/2022	852385	DOWL	Wastewater	$ 13,945.56	Schedules 1 & 2: Water & Sanitary Sewer Main Replacements
05/23/2022	852385	DOWL	Water	$ 12,077.84	Schedules 1 & 2: Water & Sanitary Sewer Main Replacements
05/23/2022	852391	Econo Print	Building	$ 280.89	new business cards for Mark Cole, reprint of planset for McCall's
05/23/2022	852391	Econo Print	Solid Waste	$ 3,298.14	Scale house Invoices. Landfill.
05/23/2022	ACH	Eldorado National CA	Transit	$ 738.53	90738581. Freight For Repair Parts-Accident Unit 1837. W/O 207491
05/23/2022	ACH	Eldorado National CA	Transit	$ 4,536.93	90738581. Repair Parts-Accident Unit 1837. W/O 207491
05/23/2022	852393	Empire Garage Owners	Parking	$ 8,604.61	4302022_City Of Billings April Assessment
05/23/2022	852397	Faro Technologies	Public Safety	$ 11,220.00	FARO 91581014, 3 year subscription renewal
05/23/2022	852400	Fifth Asset, Inc.	General	$ 15,000.00	Annual Subscription; May 2022
05/23/2022	852409	Great West Eng	Solid Waste	$ 2,122.25	Landfill sequence plan.

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05/23/2022	852409	Great West Eng	Solid Waste	$ 4,566.23	MISCELLANEOUS ENGINEERING SERVICES LANDFILL
05/23/2022	852414	Hardrives Const	Gas Tax	$ 70,624.97	WO 22-03 Chip Seal Contract 2; 1 WO2203 Hardrives
05/23/2022	852415	Harrington Industrial Plastics	Water	$ 3,520.36	LS FLUSH SYSTEM NEW ACTUATORS
05/23/2022	852415	Harrington Industrial Plastics	Water	$ 271.52	LS Flush Valves
05/23/2022	852415	Harrington Industrial Plastics	Water	$ 219.04	LS Flushing system + freight
05/23/2022	ACH	HDR, Inc.	Engineering	$ 2,636.91	WO 20-33 Public Works GIS Services; 1200432356/27
05/23/2022	ACH	HDR, Inc.	Light Maint	$ 507.10	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	P.W. Admin	$ 4,665.28	WO 20-33 Public Works GIS Services; 1200432356/27
05/23/2022	ACH	HDR, Inc.	Solid Waste	$ 2,231.23	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	Storm Sewer	$ 5,933.02	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	Street/Traffic	$ 5,324.52	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	Wastewater	$ 6,947.23	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	Wastewater	$ 13,415.69	WO 20-44 WRF Nutrient Recovery Improvements Project
05/23/2022	ACH	HDR, Inc.	Water	$ 4,922.15	Chapple Pump Station Upgrade Assessment
05/23/2022	ACH	HDR, Inc.	Water	$ 110,867.66	WO 19-12 West End Reservoir; 1200428346/37
05/23/2022	ACH	HDR, Inc.	Water	$ 22,464.40	WO 20-33 Public Works GIS Services, 1200432356/27
05/23/2022	ACH	HDR, Inc.	Water	$ 4,742.35	Zone 4 Pump Station Siting Assessment
05/23/2022	852425	Iaff	Payroll Clearing	$ 4,752.94	Payroll Summary
05/23/2022	852426	Idexx Distribution	Water	$ 6,183.07	WTP Micro
05/23/2022	852427	InfoSend Inc	P.W. Admin	$ 12,890.00	April 2022
05/23/2022	852427	InfoSend Inc	P.W. Admin	$ 3,006.82	April 2022
05/23/2022	852429	Invoice Cloud	Building	$ 96.04	April 2022
05/23/2022	852429	Invoice Cloud	City Ins Fund	$ 74.79	April 2022
05/23/2022	852429	Invoice Cloud	Engineering	$ 35.85	April 2022
05/23/2022	852429	Invoice Cloud	Parking	$ 187.52	April 2022
05/23/2022	852429	Invoice Cloud	Solid Waste	$ 6,849.63	April 2022
05/23/2022	852429	Invoice Cloud	Wastewater	$ 9,496.31	April 2022
05/23/2022	852429	Invoice Cloud	Water	$ 14,100.58	April 2022
05/23/2022	852436	Knife River	Gas Tax	$ 35,269.03	WO 20-28 Songbird Drive Construction
05/23/2022	852436	Knife River	Sidewalk Const	$ 98,294.42	WO 20-28 Songbird Drive Construction
05/23/2022	852438	Kois Brothers Equip	Solid Waste	$ 7,660.03	126145
05/23/2022	852439	Kone Inc	Airport	$ 2,400.00	Invoice #1158331467. Annual Elevator Pressure Test 50% Billing
05/23/2022	852439	Kone Inc	Facilities	$ 637.00	Maintenance on Elevator at City Hall
05/23/2022	852439	Kone Inc	Parking	$ 349.00	Maintenance Period 4/1/2022-4/30/2022

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05/23/2022	852439	Kone Inc	Parking	$ 349.00	Maintenance Period 4/1/2022-4/30/2022
05/23/2022	852439	Kone Inc	Parking	$ 349.00	Maintenance Period 4/1/2022-4/30/2022
05/23/2022	852441	LeadsOnline	Public Safety	$ 10,930.00	Leads Online TotalTrack Investigation System Service Package Renewal.
05/23/2022	852454	MFPE	Payroll Clearing	$ 2,783.75	Payroll Summary
05/23/2022	852451	Montana CSED	Payroll Clearing	$ 4,018.11	Payroll Summary
05/23/2022	852458	Motorola Solutions	Am Rescue	$ 2,298,750.00	PUBLIC SAFETY RADIO SYSTEM REPLACEMENT
05/23/2022	852458	Motorola Solutions	Capital Replace	$ 200,000.00	PUBLIC SAFETY RADIO SYSTEM REPLACEMENT
05/23/2022	852458	Motorola Solutions	Radio	$ 125,000.00	PUBLIC SAFETY RADIO SYSTEM REPLACEMENT
05/23/2022	852459	MPPA	Payroll Clearing	$ 3,957.66	Payroll Summary
05/23/2022	852452	MT Dakota Utilities	Airport	$ 619.50	129 573 1000 1. Mud Wash. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 157.18	160 723 3573 6. USDA. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 608.95	179 053 7751 5. New Terminal. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 271.77	185 580 1000 7. TSA. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 97.27	229 573 1000 0. Detail Bay 1 Hertz. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 133.03	283 116 0655 3. IP-12 Alpine. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 102.60	295 580 1000 4. Aero Interiors. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 42.69	329 573 1000 9. Detail Bay 3 Enterprise. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 127.70	429 573 1000 8. Detail Bay 4 Avis/Budget. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 45.37	529 573 1000 7. Detail Bay 5 Thrifty/Dollar. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 167.97	629 573 1000 6. Detail Bay 2 National/Alamo. May 2022
05/23/2022	852452	MT Dakota Utilities	Airport	$ 1,443.38	889 373 1000 6. Car Wash. May 2022
05/23/2022	852452	MT Dakota Utilities	EOC 911	$ 71.42	082-939-8378-2 STANDBY GENERATOR - 911 CENTER, BILLINGS
05/23/2022	852456	MT State Firemen	Payroll Clearing	$ 4,401.91	Payroll Summary
05/23/2022	852468	Northwest Industrial	Wastewater	$ 61.64	CABLE AND WIRE ROPE CLIP
05/23/2022	852468	Northwest Industrial	Wastewater	$ 46.31	ELECTRICIAN TOOLS
05/23/2022	852468	Northwest Industrial	Wastewater	$ 522.54	Manhandler repair/winch and shipping
05/23/2022	852468	Northwest Industrial	Wastewater	$ 41.92	Ratchet and ruler
05/23/2022	852468	Northwest Industrial	Wastewater	$ 165.12	shackles for lifting trench boxes
05/23/2022	852468	Northwest Industrial	Wastewater	$ 39.83	STRAP
05/23/2022	852468	Northwest Industrial	Wastewater	$ 70.97	Tools
05/23/2022	852468	Northwest Industrial	Water	$ 46.31	ELECTRICIAN TOOLS
05/23/2022	852468	Northwest Industrial	Water	$ 783.80	Manhandler repair/winch and shipping
05/23/2022	852468	Northwest Industrial	Water	$ 86.46	Plastic tubing cutter
05/23/2022	852468	Northwest Industrial	Water	$ 62.89	Ratchet and ruler

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05/23/2022	852468	Northwest Industrial	Water	$ 247.68	shackles for lifting trench boxes
05/23/2022	852468	Northwest Industrial	Water	$ 425.94	SOLID BACK IRRIGATION SHOVEL
05/23/2022	852468	Northwest Industrial	Water	$ 222.24	SQUARE POINT SHOVELS
05/23/2022	852468	Northwest Industrial	Water	$ 59.75	STRAP
05/23/2022	852468	Northwest Industrial	Water	$ 106.45	Tools
05/23/2022	852469	NorthWestern Energy	Airport	$ 2,492.20	0100483-7. Runway Lights. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 933.69	0100484-5. ARFF Facility. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 118.92	1138926-9. Aero Interiors. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 93.64	1647695-4. De Icer. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 509.93	1669567-8. TSA. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 1,225.16	1993430-6. Car Wash. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 334.39	2001846-1. Mud Wash. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 474.91	2001848-7. Detail Bay 1 Hertz. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 132.86	2001855-2. Detail Bay 2 National/Alamo. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 80.95	2001862-8. Detail Bay 3 Enterprise. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 173.42	2001865-1. Detail Bay 4 Avis/Budget. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 64.80	2001867-7. Detail Bay 5 Thrifty/Dollar. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 64.12	3085107-5. New Employee Parking. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 287.38	3446396-8. USDA. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 778.54	3477231-9. Parking Zone. May 2022
05/23/2022	852469	NorthWestern Energy	Airport	$ 25.85	3733186-5. Airport Storage. May 2022
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,036.78	SILMD 10 Acct# 0712546-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,933.13	SILMD 100 Acct# 0712559-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,644.16	SILMD 107 Acct# 0712560-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 4,123.45	SILMD 109 Acct# 0712561-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 189.90	SILMD 113 Acct# 0712562-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 887.33	SILMD 114 Acct# 0712563-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 208.80	SILMD 115 Acct# 0712564-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 548.05	SILMD 116 Acct# 0712565-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,980.42	SILMD 117 Acct# 0712566-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 190.71	SILMD 118 Acct# 0712567-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 115.97	SILMD 119 Acct# 0712568-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,348.80	SILMD 121 Acct# 0712570-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 176.08	SILMD 122 Acct# 0712571-9

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05/23/2022	852470	NorthWestern Energy	Light Maint	$ 313.18	SILMD 123 Acct# 0712572-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 913.44	SILMD 124 Acct# 0712573-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 365.35	SILMD 125 Acct# 0712574-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 182.69	SILMD 126 Acct# 0712575-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 660.23	SILMD 127 Acct# 0712576-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 462.16	SILMD 128 Acct# 0712577-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 313.18	SILMD 129 Acct# 0712578-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 4,238.25	SILMD 13 Acct# 0721276-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 111.78	SILMD 130 Acct# 0712579-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 809.03	SILMD 131 Acct# 0712580-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 207.57	SILMD 133 Acct# 0712581-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 479.02	SILMD 134 Acct# 0712582-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 484.17	SILMD 135 Acct# 0712583-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 443.65	SILMD 136 Acct# 0712584-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 346.69	SILMD 137 Acct# 0712585-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 704.64	SILMD 138 Acct# 0712586-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 234.88	SILMD 139 Acct# 0712587-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,117.52	SILMD 14 Acct# 0721277-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 548.05	SILMD 143 Acct# 0712588-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 26.07	SILMD 144 Acct# 0712589-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 440.15	SILMD 145 Acct# 0712590-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 339.26	SILMD 146 Acct# 0712591-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 411.36	SILMD 147 Acct# 0712592-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,440.11	SILMD 149 Acct# 0712593-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 704.25	SILMD 150 Acct# 0712594-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 600.24	SILMD 151 Acct# 0712595-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 4,050.63	SILMD 152 Acct# 0712596-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 506.17	SILMD 153 Acct# 0712597-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,144.41	SILMD 154 Acct# 0712598-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 469.76	SILMD 155 Acct# 0712599-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 858.30	SILMD 157 Acct# 0712600-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 756.83	SILMD 158 Acct# 0712601-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 906.34	SILMD 159 Acct# 0712602-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 678.55	SILMD 160 Acct# 0712603-0

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05/23/2022	852470	NorthWestern Energy	Light Maint	$ 990.37	SILMD 161 Acct# 0712604-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 44.23	SILMD 162 Acct# 0712605-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 697.84	SILMD 163 Acct# 0712606-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 352.12	SILMD 164 Acct# 0712607-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 835.13	SILMD 165 Acct# 0712608-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 220.08	SILMD 167 Acct# 0712609-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,081.40	SILMD 17 Acct# 0712553-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 528.18	SILMD 171 Acct# 0712610-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 479.03	SILMD 172 Acct# 0712611-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,100.38	SILMD 173 Acct# 0712612-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 924.32	SILMD 174 Acct# 0712613-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 308.09	SILMD 175 Acct# 0712614-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 31.60	SILMD 176 Acct# 0712615-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 242.09	SILMD 178 Acct# 0712616-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 484.17	SILMD 179 Acct# 0712617-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 92.66	SILMD 18 Acct# 0712554-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 330.12	SILMD 180 Acct# 0712618-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,591.95	SILMD 181 Acct# 0712619-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 550.21	SILMD 182 Acct# 0712620-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,100.38	SILMD 183 Acct# 0712621-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 352.12	SILMD 184 Acct# 0712622-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 132.05	SILMD 185 Acct# 0712623-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 640.53	SILMD 186 Acct# 0712624-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 220.08	SILMD 187 Acct# 0712625-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 264.10	SILMD 188 Acct# 0712626-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 220.08	SILMD 189 Acct# 0712627-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,144.41	SILMD 190 Acct# 0712628-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 392.78	SILMD 191 Acct# 0712629-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 286.09	SILMD 192 Acct# 0712630-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 704.25	SILMD 193 Acct# 0712631-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 280.94	SILMD 194 Acct# 0712632-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 224.76	SILMD 195 Acct# 0712633-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 71.82	SILMD 196 Acct# 0712634-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 71.82	SILMD 197 Acct# 0712635-2

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 110.05	SILMD 198 Acct# 0712636-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 81.29	SILMD 200 Acct# 0712637-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 462.16	SILMD 201 Acct# 0712638-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 596.60	SILMD 202 Acct# 0712639-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 19.15	SILMD 203 Acct# 0712640-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 383.45	SILMD 204 Acct# 0712641-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 25.27	SILMD 205 Acct# 0712642-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 308.09	SILMD 206 Acct# 0712643-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 352.12	SILMD 207 Acct# 0712644-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 226.21	SILMD 208 Acct# 0712645-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 506.17	SILMD 209 Acct# 0712646-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 86.19	SILMD 210 Acct# 0712647-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 47.90	SILMD 211 Acct# 0712648-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 47.90	SILMD 212 Acct# 0712649-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 28.73	SILMD 213 Acct# 0712650-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 354.67	SILMD 214 Acct# 0712651-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 132.05	SILMD 216 Acct# 0712652-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 364.85	SILMD 217 Acct# 0712653-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 259.34	SILMD 220 Acct# 0712654-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 6.31	SILMD 221 Acct# 0712655-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 75.91	SILMD 222 Acct# 0712656-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 114.93	SILMD 223 Acct# 0712657-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,337.51	SILMD 224 Acct# 0712658-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 371.73	SILMD 225 Acct# 0712659-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 218.91	SILMD 226 Acct# 0712660-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 620.35	SILMD 227 Acct# 0712661-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 756.83	SILMD 228 Acct# 0712662-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 391.47	SILMD 229 Acct# 0712663-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 913.42	SILMD 230 Acct# 0712664-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 548.05	SILMD 231 Acct# 0712665-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,374.91	SILMD 232 Acct# 0712666-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 838.72	SILMD 233 Acct# 0712667-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 474.30	SILMD 234 Acct# 0712668-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 530.49	SILMD 235 Acct# 0712669-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 168.55	SILMD 236 Acct# 0712670-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 374.14	SILMD 237 Acct# 0712671-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 12.63	SILMD 238 Acct# 0712672-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 88.03	SILMD 239 Acct# 0712673-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 404.54	SILMD 240 Acct# 0712674-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 548.13	SILMD 241 Acct# 0712675-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 78.29	SILMD 242 Acct# 0712676-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 104.39	SILMD 244 Acct# 0712677-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 69.38	SILMD 245 Acct# 0712678-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 313.18	SILMD 246 Acct# 0712679-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 920.13	SILMD 247 Acct# 0712680-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,583.67	SILMD 249 Acct# 0718734-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 202.29	SILMD 250 Acct# 0719001-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 3,657.54	SILMD 251 Acct# 0718801-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 521.95	SILMD 252 Acct# 0719162-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,714.04	SILMD 253 Acct# 0719644-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 151.82	SILMD 254 Acct# 0719763-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 155.19	SILMD 255 Acct# 0720813-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 902.44	SILMD 257 Acct# 0720360-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,460.85	SILMD 258 Acct# 0720606-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,359.08	SILMD 259 Acct# 0720810-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 469.76	SILMD 261 Acct# 0720705-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,918.80	SILMD 262 Acct# 0720937-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 952.30	SILMD 263 Acct# 0720716-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 165.62	SILMD 264 Acct# 0721427-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 342.88	SILMD 265 Acct# 0721556-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 47.47	SILMD 266 Acct# 0721684-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 441.86	SILMD 270 Acct# 0906944-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 900.30	SILMD 271 Acct# 0995095-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,674.44	SILMD 272 Acct# 0905005-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 194.07	SILMD 273 Acct# 0926386-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 481.44	SILMD 276 Acct# 0961926-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 805.75	SILMD 277 Acct# 1058710-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 213.51	SILMD 278 Acct# 1087619-1

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 55.94	SILMD 279 Acct# 1124127-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 584.34	SILMD 280 Acct# 1045653-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 449.48	SILMD 283 Acct# 1172743-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 307.79	SILMD 285 Acct# 1206985-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 230.88	SILMD 286 Acct# 1296582-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,754.37	SILMD 288 Acct# 1303978-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 225.49	SILMD 289 Acct# 1685375-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 131.38	SILMD 290 Acct# 1433921-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 574.15	SILMD 292 Acct# 1481532-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 220.08	SILMD 293 Acct# 1481534-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 440.15	SILMD 294 Acct# 1481535-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 104.39	SILMD 295 Acct# 1481536-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,166.42	SILMD 296 Acct# 1481537-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 198.07	SILMD 297 Acct# 1481539-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 176.08	SILMD 298 Acct# 1481540-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 386.38	SILMD 300 Acct# 1662840-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 5,179.54	SILMD 301 Acct# 1687005-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 215.39	SILMD 302 Acct# 1607534-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 753.76	SILMD 305 Acct# 1695873-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 172.69	SILMD 306 Acct# 1740353-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 2,833.68	SILMD 307 Acct# 2049005-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 256.53	SILMD 308 Acct# 2072459-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 337.76	SILMD 309 Acct# 2001311-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 206.46	SILMD 310 Acct# 2060519-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 266.16	SILMD 311 Acct# 3014475-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 237.65	SILMD 312 Acct# 3146127-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 377.17	SILMD 315 Acct# 3305804-1
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,146.36	SILMD 316 Acct# 3291842-7
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 78.15	SILMD 317 Acct# 3253826-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 769.43	SILMD 318 Acct# 3372018-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 55.27	SILMD 320 Acct# 0712569-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 387.82	SILMD 321 Acct# 3338917-2
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 75.65	SILMD 322 Acct# 3402033-9
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 666.25	SILMD 323 Acct# 3597170-4

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 150.37	SILMD 324 Acct# 1246537-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 248.35	SILMD 325 Acct# 3587598-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 94.08	SILMD 326 Acct# 3840455-4
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 176.08	SILMD 327 Acct# 3810801-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 557.53	SILMD 328 Acct# 3894879-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 70.64	SILMD 329 Acct# 3939032-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 175.39	SILMD 330 Acct# 3951594-5
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 361.08	SILMD 8 Acct# 0712544-6
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 335.67	SILMD 9 Acct# 0712545-3
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 480.88	SILMD 95 Acct# 0712556-0
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 9,155.00	SILMD 97 Acct# 0712557-8
05/23/2022	852470	NorthWestern Energy	Light Maint	$ 1,027.94	SILMD 99 Acct# 0712558-6
05/23/2022	852470	NorthWestern Energy	Street/Traffic	$ 11,532.21	Signal Bills 5.17.2022
05/23/2022	852470	NorthWestern Energy	Water	$ 299.78	805 CONSTITUTION ACCT# 1920951-9 MAY 2022
05/23/2022	852481	RDO Equipment	Solid Waste	$ 2,520.60	P9193412
05/23/2022	852481	RDO Equipment	Solid Waste	$ 186.72	P9263012
05/23/2022	852481	RDO Equipment	Solid Waste	$ 2,520.60	P9383412
05/23/2022	852481	RDO Equipment	Solid Waste	$ 2,410.00	W3241112
05/23/2022	852481	RDO Equipment	Solid Waste	$ 1,694.00	W3333812
05/23/2022	852481	RDO Equipment	Solid Waste	$ 426.16	W3333812
05/23/2022	852481	RDO Equipment	Solid Waste	$ 633.85	W3408712
05/23/2022	852481	RDO Equipment	Solid Waste	$ 1,829.65	W3408712
05/23/2022	852481	RDO Equipment	Solid Waste	$ 65.22	W3408712
05/23/2022	852481	RDO Equipment	Solid Waste	$ 63.45	W3415412
05/23/2022	852481	RDO Equipment	Solid Waste	$ 634.55	W3415412
05/23/2022	852481	RDO Equipment	Solid Waste	$ 678.95	W3424112
05/23/2022	852481	RDO Equipment	Solid Waste	$ 809.33	W3424112
05/23/2022	852487	Routeware Inc	Solid Waste	$ 21,950.00	EasyRoute Professional Services.
05/23/2022	852487	Routeware Inc	Solid Waste	$ 17,853.18	Support fees, Picture System fee, Data Charge…
05/23/2022	852491	Selbys	General	$ 9,998.00	plotter, ink for plotter, scanner - 9004187
05/23/2022	852494	Sletten Const	Airport	$ 2,500.00	Concrete Wall Repair - Tug Damage
05/23/2022	852511	Tire-Rama	Solid Waste	$ 2,929.00	Tire purchase. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 4,100.60	Tire purchase. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 1,154.80	Tire Purchase. Landfill.

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852511	Tire-Rama	Solid Waste	$ 4,865.00	Tire repair and purchase. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 1,811.00	Tire Repair. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 880.00	Tire Repair. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 3,068.40	Tire Repair. Collections.
05/23/2022	852511	Tire-Rama	Solid Waste	$ 3,068.40	Tire Repair. Collections.
05/23/2022	852511	Tire-Rama	Street/Traffic	$ 20.00	105 0031365
05/23/2022	852513	Toter Incorporated	Solid Waste	$ 34,638.24	20INV000133216 QTY 624.00 GRN 90s.
05/23/2022	852513	Toter Incorporated	Solid Waste	$ 34,638.24	20INV000131820 QTY 624 Blk 90s.
05/23/2022	852514	Town & Country Supply	Fleet	$ 32,343.50	426267 PO NUM 314417
05/23/2022	852514	Town & Country Supply	Fleet	$ 41,688.08	426391 PO NUM 314433
05/23/2022	852514	Town & Country Supply	Public Safety	$ 1,802.08	423606 FIRE 5 - DIESEL, 05/13/2022
05/23/2022	852514	Town & Country Supply	Public Safety	$ 2,252.60	423607 FIRE 1 - DIESEL, 05/13/2022
05/23/2022	852514	Town & Country Supply	Public Safety	$ 1,015.25	423607 FIRE 1 - UNLEADED, 05/13/2022
05/23/2022	852514	Town & Country Supply	Public Safety	$ 1,351.56	423607 FIRE 3 - DIESEL, 05/13/2022
05/23/2022	852514	Town & Country Supply	Public Safety	$ 765.88	423609 FIRE 6 - DIESEL, 05/13/2022
05/23/2022	852514	Town & Country Supply	Transit	$ 27,221.14	424802 PO NUM 314454. 6001 Gallons Dyed #2
05/23/2022	852514	Town & Country Supply	Transit	$ 7,722.07	426075 PO NUM 314443. 1998 Gallons Unleaded
05/23/2022	852515	Tractor & Equip	Solid Waste	$ (60.34)	BLCR0094880
05/23/2022	852515	Tractor & Equip	Solid Waste	$ 103.84	BLCS0778345
05/23/2022	852515	Tractor & Equip	Solid Waste	$ 1,413.12	BLCS0779306
05/23/2022	852515	Tractor & Equip	Solid Waste	$ 45.54	BLWO0216350
05/23/2022	852515	Tractor & Equip	Solid Waste	$ 320.00	BLWO0216350
05/23/2022	852515	Tractor & Equip	Wastewater	$ 457.76	drill rods for rock drill
05/23/2022	852515	Tractor & Equip	Water	$ 686.64	drill rods for rock drill
05/23/2022	852516	TraffiCalm Systems	Street/Traffic	$ 6,010.56	controllers/solar/housing
05/23/2022	852519	Tru Pipe, Inc	Storm Sewer	$ 22,768.05	Payment 1, WO2225 CCTV City Storm Drain Contract
05/23/2022	852521	Uniforms2gear	Public Safety	$ 1,253.70	U2G 2022050142, carriers
05/23/2022	852521	Uniforms2gear	Public Safety	$ 920.34	U2G 2022050143, carriers
05/23/2022	852521	Uniforms2gear	Public Safety	$ 70.42	U2G 2022050251, apex pants
05/23/2022	852521	Uniforms2gear	Public Safety	$ 268.80	U2G 2022050382, spray pouches
05/23/2022	852521	Uniforms2gear	Public Safety	$ 52.64	U2G 2022050575, short sleeved shirts
05/23/2022	852523	Utility Specialties	Wastewater	$ 11,906.77	Sanafoam Chemical Vaporooter II
05/23/2022	852525	Verizon Wireless	Airport	$ 51.64	Airport
05/23/2022	852525	Verizon Wireless	Engineering	$ 136.60	PW-Engineering

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/23/2022	852525	Verizon Wireless	Fleet	$ 106.07	Motor Pool
05/23/2022	852525	Verizon Wireless	General	$ 167.60	City Administrator 0100-13130-403450
05/23/2022	852525	Verizon Wireless	General	$ 40.01	Tina Hoeger Laptop
05/23/2022	852525	Verizon Wireless	General	$ 27.32	Victoria Hill -Laptop
05/23/2022	852525	Verizon Wireless	Park Dist 1	$ 52.36	PRPL-PARKS
05/23/2022	852525	Verizon Wireless	Parking	$ 27.32	Parking
05/23/2022	852525	Verizon Wireless	Parking	$ 52.05	PRKING Enforcement (Parking)
05/23/2022	852525	Verizon Wireless	PD Program	$ 405.70	CCSIU Cell/PTT
05/23/2022	852525	Verizon Wireless	PD Program	$ 27.32	CCSIU MDT
05/23/2022	852525	Verizon Wireless	PD Program	$ 80.02	CCSIU RAVEN
05/23/2022	852525	Verizon Wireless	Phone System	$ 970.26	MET Max Transit
05/23/2022	852525	Verizon Wireless	Public Safety	$ 268.36	Fire MDT
05/23/2022	852525	Verizon Wireless	Public Safety	$ 472.47	MDT Toughbooks
05/23/2022	852525	Verizon Wireless	Public Safety	$ 54.56	Police
05/23/2022	852525	Verizon Wireless	Public Safety	$ 80.02	Police iPads
05/23/2022	852525	Verizon Wireless	Public Safety	$ 40.01	Police MiFi
05/23/2022	852525	Verizon Wireless	Public Safety	$ 41.57	Police -Mike Robinson
05/23/2022	852525	Verizon Wireless	Solid Waste	$ 27.32	PW Dozer Trimble Dozer
05/23/2022	852525	Verizon Wireless	Solid Waste	$ 109.28	PW-Solid Waste
05/23/2022	852525	Verizon Wireless	Solid Waste	$ 207.28	PW-SW-ON CALL Solid Waste On Call
05/23/2022	852525	Verizon Wireless	Solid Waste	$ 75.85	PW-SW-ON CALL Solid Waste On Call
05/23/2022	852525	Verizon Wireless	Solid Waste	$ 507.22	Solid Waste Tablets -Routware
05/23/2022	852525	Verizon Wireless	Street/Traffic	$ 163.92	PW-Streets City Works
05/23/2022	852525	Verizon Wireless	Street/Traffic	$ 147.35	PW-Streets iPads
05/23/2022	852525	Verizon Wireless	Street/Traffic	$ 194.62	PW-STRT TRFC Streets
05/23/2022	852525	Verizon Wireless	Transit	$ 309.02	MET AVL
05/23/2022	852525	Verizon Wireless	Wastewater	$ 1,120.28	MET Tablets
05/23/2022	852525	Verizon Wireless	Wastewater	$ -	PW-DIS-COLL Cityworks 60/40
05/23/2022	852525	Verizon Wireless	Water	$ 27.32	PW Belknap Meter Shop
05/23/2022	852525	Verizon Wireless	Water	$ 27.32	PWBLKNP Water Treatment
05/23/2022	852525	Verizon Wireless	Water	$ 54.64	PWBLNP Comm-Meter CityWorks/Neptune
05/23/2022	852532	Zero Technologies	Water	$ 4,023.86	WTP Lead Replacement pitchers

City Council Regular

Date:	06/27/2022
Title:	Payment of Claims for week of May 31, 2022
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	No
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of $2,472,185.88 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.

Attachments

CouncilMemo wk of 05312022

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852562	A & E Architects	Tax Incrmnt S	$ 56,308.54	Generational Community Recreation Center design
05/31/2022	852563	ACE Property & Casualty	Airport	$ 10,000.00	Bretz RV & Marine Claim Deductible
05/31/2022	852564	Advanced Employment	Solid Waste	$ 933.08	Contract labor
05/31/2022	852564	Advanced Employment	Solid Waste	$ 1,875.59	Contract Labor
05/31/2022	852571	Avery Dennison	Street/Traffic	$ 8,156.00	repairs made to sign making machine.
05/31/2022	852578	Border States Electric	Street/Traffic	$ 53.50	923995848 PO NUM 314404
05/31/2022	852578	Border States Electric	Wastewater	$ 363.16	ELECTRICAL SUPPLIES
05/31/2022	852578	Border States Electric	Water	$ 63.52	Breaker
05/31/2022	852578	Border States Electric	Water	$ 182.02	Conduit
05/31/2022	852578	Border States Electric	Water	$ 163.77	Conduit fitting
05/31/2022	852578	Border States Electric	Water	$ 94.80	CRH - LT15090 1-1/2 L-T CONN MALL 90DEG
05/31/2022	852578	Border States Electric	Water	$ 47.35	Flex connector
05/31/2022	852578	Border States Electric	Water	$ 138.36	Flex connector
05/31/2022	852578	Border States Electric	Water	$ 1,406.54	Fuse, screws, terminals
05/31/2022	852578	Border States Electric	Water	$ 196.87	Insulation
05/31/2022	852578	Border States Electric	Water	$ 57.62	L structure rebuild parts
05/31/2022	852578	Border States Electric	Water	$ 179.82	Labelling tape
05/31/2022	852578	Border States Electric	Water	$ 235.68	Lstructure parts
05/31/2022	852578	Border States Electric	Water	$ 96.55	MOBILE TRAILER UNIT ELECTRICAL SUPPLIES
05/31/2022	852578	Border States Electric	Water	$ 3.26	Outlet for L structure
05/31/2022	852578	Border States Electric	Water	$ 7.29	Washers
05/31/2022	852578	Border States Electric	Water	$ 7.90	Washers
05/31/2022	852578	Border States Electric	Water	$ 21.37	Wire
05/31/2022	852580	Burns & McDonnell Eng	Water	$ 9,348.59	WO 19-42 West End Water Treatment Plant Project
05/31/2022	852581	Business Tax Section	Arterial Streets	$ 858.75	WO 20-12 S 32nd Street W
05/31/2022	852581	Business Tax Section	Gas Tax	$ 29.35	SID 1418 Holiday Ave Improvements
05/31/2022	852581	Business Tax Section	Gas Tax	$ 356.26	WO 20-28 Songbird Drive Construction
05/31/2022	852581	Business Tax Section	Gas Tax	$ 73.94	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852581	Business Tax Section	Park Dist 1	$ 365.00	installation of playground equipment at Lillis park
05/31/2022	852581	Business Tax Section	SID Const	$ 680.00	SID 1417 Elysian Road
05/31/2022	852581	Business Tax Section	Sidewalk Const	$ 195.52	WO 20-12 S 32nd Street W
05/31/2022	852581	Business Tax Section	Sidewalk Const	$ 992.87	WO 20-28 Songbird Drive Construction
05/31/2022	852581	Business Tax Section	Sidewalk Const	$ 32.49	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852581	Business Tax Section	Wastewater	$ 6,295.74	WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852581	Business Tax Section	Wastewater	$ 2,264.11	WO 20-11 Lake Hills Lift Station Rehabilitation
05/31/2022	852581	Business Tax Section	Wastewater	$ 28.63	WO 20-12 S 32nd Street W
05/31/2022	852581	Business Tax Section	Wastewater	$ 9.02	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852581	Business Tax Section	Wastewater	$ 1,948.55	WO 22-10 Alkali Cr Water & Sewer Extension
05/31/2022	852581	Business Tax Section	Wastewater	$ 372.00	WO 22-39 Wicks & Fantan Reconnect Sewer & Storm
05/31/2022	852581	Business Tax Section	Water	$ 43.10	WO 20-12 S 32nd Street W
05/31/2022	852581	Business Tax Section	Water	$ 48.27	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852581	Business Tax Section	#N/A	$ 241.78	SID 1418 Holiday Ave Improvements
05/31/2022	852583	Castlerock Excavating	Wastewater	$ 36,828.00	WO 22-39 Wicks & Fantan Reconnect Sewer & Storm
05/31/2022	852584	Century Link	Airport	$ 45.74	406-245-1044 Airport Terminal Power M
05/31/2022	852584	Century Link	Airport	$ 45.66	406-245-5834 Airport Alarm
05/31/2022	852584	Century Link	Airport	$ 52.36	406-252-0721 Airport 1FB Line
05/31/2022	852584	Century Link	Airport	$ 81.08	406-252-9412 Airport
05/31/2022	852584	Century Link	Airport	$ 52.36	406-256-6014 Airport P9 Building
05/31/2022	852584	Century Link	Airport	$ 64.16	406-256-7070 Airport
05/31/2022	852584	Century Link	Airport	$ 37.45	Bill Date: Aug 16, 2021. QTA Phone
05/31/2022	852584	Century Link	Engineering	$ 124.89	Measured Lines Depot 60/40
05/31/2022	852584	Century Link	EOC 911	$ 45.65	911
05/31/2022	852584	Century Link	EOC 911	$ 45.65	911
05/31/2022	852584	Century Link	EOC 911	$ 311.26	9-1-1 Center Landfill #2
05/31/2022	852584	Century Link	EOC 911	$ 5,358.88	9-1-1 Center
05/31/2022	852584	Century Link	EOC 911	$ 311.26	9-1-1 Center Fox Reservoir #2
05/31/2022	852584	Century Link	Fleet	$ 50.40	Motor Pool
05/31/2022	852584	Century Link	General	$ 40.54	Cemetery FAX Line
05/31/2022	852584	Century Link	General	$ 53.48	monthly charges for May 2022
05/31/2022	852584	Century Link	General	$ 55.80	Stewart Park Batting Cages
05/31/2022	852584	Century Link	IT Resources	$ 45.74	Kenco Security Alarm IT Alarm
05/31/2022	852584	Century Link	Library	$ 170.89	Library 6 lines
05/31/2022	852584	Century Link	P.W. Admin	$ 83.26	Measured Lines Depot 60/40
05/31/2022	852584	Century Link	Park Dist 1	$ 64.16	Parks
05/31/2022	852584	Century Link	Park Dist 1	$ 45.74	Parks 3890 Stillwater
05/31/2022	852584	Century Link	Parking	$ 45.74	Park 1 Elevator Phone
05/31/2022	852584	Century Link	Parking	$ 40.54	Park 2 Elevator Phone
05/31/2022	852584	Century Link	Phone System	$ 94.06	Airport Measured Lines

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852584	Century Link	Phone System	$ 137.22	BOC Alarms
05/31/2022	852584	Century Link	Phone System	$ 101.86	BOC Measured Lines
05/31/2022	852584	Century Link	Phone System	$ 113.93	Library 6 lines
05/31/2022	852584	Century Link	Phone System	$ 2,571.09	Main System Centrex
05/31/2022	852584	Century Link	Phone System	$ 104.74	Met Measured Lines
05/31/2022	852584	Century Link	Phone System	$ 115.41	PRPL & Senior Center fax
05/31/2022	852584	Century Link	Phone System	$ 147.60	PUD Measured Lines
05/31/2022	852584	Century Link	Phone System	$ 45.74	South Park
05/31/2022	852584	Century Link	Phone System	$ 141.09	WWTP Conference Room
05/31/2022	852584	Century Link	Planning	$ 45.74	Planning Traffic Central 9th
05/31/2022	852584	Century Link	Planning	$ 45.74	Planning Traffic Central Broadwater
05/31/2022	852584	Century Link	Public Safety	$ 45.74	Crime Prevention Alarm
05/31/2022	852584	Century Link	Public Safety	$ 119.32	Fire
05/31/2022	852584	Century Link	Public Safety	$ 56.12	Fire 5 - 911 Line
05/31/2022	852584	Century Link	Public Safety	$ 47.03	Fire Elevator
05/31/2022	852584	Century Link	Public Safety	$ 40.54	Fire Maintenance Shop
05/31/2022	852584	Century Link	Public Safety	$ 118.28	Fire RR Crossing Alarm
05/31/2022	852584	Century Link	Radio	$ 311.26	Fire Airport Radio Tower Jellison
05/31/2022	852584	Century Link	Radio	$ 311.26	Fire Airport Radio Tower WCK
05/31/2022	852584	Century Link	Solid Waste	$ 95.11	Solid Waste Landfill
05/31/2022	852584	Century Link	Solid Waste	$ 178.22	SW Landfill
05/31/2022	852584	Century Link	Street/Traffic	$ 41.68	PW Traffic 3728 McDougall
05/31/2022	852584	Century Link	Street/Traffic	$ 47.03	PW Traffic Signal 24 Central
05/31/2022	852584	Century Link	Transit	$ 41.68	MET Transit
05/31/2022	852584	Century Link	Wastewater	$ 45.74	PUD Sahara Sand Lift Station
05/31/2022	852584	Century Link	Water	$ 39.44	PUD Alarm Water Tower
05/31/2022	852584	Century Link	Water	$ 183.00	Water Department Alarm
05/31/2022	852589	Cop Construction	Gas Tax	$ 7,321.39	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852589	Cop Construction	Sidewalk Const	$ 3,217.12	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852589	Cop Construction	Wastewater	$ 893.19	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852589	Cop Construction	Water	$ 4,778.58	WO 21-12 Harrow Drive Reconstruction
05/31/2022	852597	Denny Menholt	General	$ 12,934.44	408574
05/31/2022	852597	Denny Menholt	General	$ 1,661.45	409931
05/31/2022	852597	Denny Menholt	General	$ 119.95	410128

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852597	Denny Menholt	General	$ 42.36	410128
05/31/2022	852597	Denny Menholt	Public Safety	$ (1,864.40)	390651CR
05/31/2022	852598	Desert Mt Corp	Street/Traffic	$ 5,164.80	ice slicer
05/31/2022	852598	Desert Mt Corp	Street/Traffic	$ 5,303.63	ice slicer
05/31/2022	852598	Desert Mt Corp	Street/Traffic	$ 5,347.74	ice slicer
05/31/2022	852601	Eastern OR Comm	Water	$ 3,705.00	radios for PW radio system
05/31/2022	852604	Empire Garage Owners	Parking	$ 8,604.61	5252022_City of Billings May Assessment
05/31/2022	852605	Empire Heating & Cooling	Water	$ 50,980.00	Water Treatment Plant High Srvc Pump Station HVAC Procurement
05/31/2022	852609	Fileonq Inc	Public Safety	$ 7,000.00	One-time implementation fee and monthly fees.
05/31/2022	852609	Fileonq Inc	Public Safety	$ 4,620.00	One-time implementation fee and monthly fees. Evidence.
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 785.40	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 111.65	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 556.60	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 1,359.60	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 663.85	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 3,096.50	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 435.60	asphalt
05/31/2022	852611	Fisher Sand & Gravel	Street/Traffic	$ 288.20	asphalt
05/31/2022	852615	Galles Filter Service	Fleet	$ 185.04	13959.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 98.90	14044.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 248.70	14168.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 73.74	14223.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 143.72	14333.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 30.96	14344.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 13.40	P1-11502.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 178.93	P1-14528.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 278.94	P1-14595.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 361.50	P1-14708.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 7.20	P1-14772.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 426.39	P1-14974.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 373.58	P1-15089.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 159.41	P1-15146.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 118.66	P1-15147.01 PO NUM 314195
05/31/2022	852615	Galles Filter Service	Fleet	$ 294.55	P1-15262.01 PO NUM 314195

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852615	Galles Filter Service	Fleet	$ 59.12	U-01962
05/31/2022	852615	Galles Filter Service	General	$ 20.78	U-02406
05/31/2022	852615	Galles Filter Service	Public Safety	$ 79.92	13948.01
05/31/2022	852615	Galles Filter Service	Public Safety	$ 52.87	14332.01
05/31/2022	852615	Galles Filter Service	Solid Waste	$ 340.50	Outer Air Element
05/31/2022	852615	Galles Filter Service	Solid Waste	$ 495.14	Outer Air Element
05/31/2022	852615	Galles Filter Service	Solid Waste	$ 375.66	Outer Air Element, Inner Air Element, & Cab Air Element
05/31/2022	852615	Galles Filter Service	Wastewater	$ 37.68	NONSTOCKING ITEMS-P.U.D.
05/31/2022	852615	Galles Filter Service	Wastewater	$ 3.04	NONSTOCKING ITEMS-P.U.D.
05/31/2022	852615	Galles Filter Service	Water	$ 13.75	NONSTOCKING ITEMS-P.U.D.
05/31/2022	852615	Galles Filter Service	Water	$ 4.20	NONSTOCKING ITEMS-P.U.D.
05/31/2022	852615	Galles Filter Service	Water	$ 8.02	NONSTOCKING ITEMS-P.U.D.
05/31/2022	852617	Grainger Parts	Library	$ 314.32	9299266743
05/31/2022	852617	Grainger Parts	Library	$ (123.31)	9211523205 paid twice
05/31/2022	852617	Grainger Parts	Wastewater	$ 45.84	alternating relay replacement for one that went bad Sahara LS
05/31/2022	852617	Grainger Parts	Wastewater	$ 116.96	thermostat for Lake Hills LS
05/31/2022	852617	Grainger Parts	Water	$ 46.29	coffee decanter for electrical shop at WTP
05/31/2022	852617	Grainger Parts	Water	$ 137.58	electrical supplies for radios WTP
05/31/2022	852617	Grainger Parts	Water	$ 911.75	light fixtures for WTP
05/31/2022	852617	Grainger Parts	Water	$ 1,823.50	light fixtures for WTP
05/31/2022	852617	Grainger Parts	Water	$ 2,005.85	light fixtures for WTP
05/31/2022	852618	Great West Eng	Solid Waste	$ 3,404.28	WO2023 Solid Waste Container Storage Facility
05/31/2022	852620	Guardian Security	Library	$ 10,721.01	872 March 2022
05/31/2022	852624	Heiman Fire Equipt	Public Safety	$ 95.90	2330-S146, STROZ HOLDER
05/31/2022	852624	Heiman Fire Equipt	Public Safety	$ 3,217.15	PRO-TECH 8 LEATHER STRUCTURE GLOVES
05/31/2022	852624	Heiman Fire Equipt	Public Safety	$ 38.10	SHIPPING/INVOICE 0909301-IN
05/31/2022	852633	Jacobs Engineering	Gas Tax	$ 1,065.65	Asset Management Program Project; payment # 24
05/31/2022	852633	Jacobs Engineering	Light Maint	$ 1,065.65	Asset Management Program Project; payment # 24
05/31/2022	852633	Jacobs Engineering	Solid Waste	$ 17,742.75	Landfill Gas Emissions Compliance, Professional Services Contract
05/31/2022	852633	Jacobs Engineering	Storm Sewer	$ 2,184.58	Asset Management Program Project; payment # 24
05/31/2022	852633	Jacobs Engineering	Street/Traffic	$ 3,196.94	Asset Management Program Project; payment # 24
05/31/2022	852633	Jacobs Engineering	Wastewater	$ 7,139.84	Asset Management Program Project; payment # 24
05/31/2022	852633	Jacobs Engineering	Water	$ 7,146.78	Asset Management Program Project; payment # 24
05/31/2022	852637	Jottodesk	Public Safety	$ 6,375.67	7854176

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852640	Kaminsky & Sullenberger	Public Safety	$ 9,230.00	5-day field training officer seminar
05/31/2022	852644	Knife River	Arterial Streets	$ 85,016.45	WO 20-12 S 32nd Street W; 1RetRel
05/31/2022	852644	Knife River	Gas Tax	$ 2,906.03	SID 1418 Holiday Ave Improvements
05/31/2022	852644	Knife River	SID Const	$ 67,320.00	SID 1417 Elysian Road; 2RR SID1417
05/31/2022	852644	Knife River	Sidewalk Const	$ 19,356.10	WO 20-12 S 32nd Street W; 1RetRel
05/31/2022	852644	Knife River	Street/Traffic	$ 296.98	3/8" chips for the road patcher
05/31/2022	852644	Knife River	Street/Traffic	$ 715.06	winter salt/sand material
05/31/2022	852644	Knife River	Wastewater	$ 2,834.60	WO 20-12 S 32nd Street W; 1RetRel
05/31/2022	852644	Knife River	Water	$ 4,266.85	WO 20-12 S 32nd Street W; 1RetRel
05/31/2022	852644	Knife River	#N/A	$ 23,935.79	SID 1418 Holiday Ave Improvements; 4 SID1418
05/31/2022	852646	L N Curtis & Sons	Public Safety	$ 9,342.00	9 HURST, R521EWXT Ram package
05/31/2022	852646	L N Curtis & Sons	Public Safety	$ 12,042.00	9 HURST, S789 cutter e-draulic extrication tool package
05/31/2022	852646	L N Curtis & Sons	Public Safety	$ 12,699.00	9 HURST, SP 333 Spreader, e-draulic extrication tool package
05/31/2022	852652	M.C. Wholesale Inc	Facilities	$ 9,800.00	70 220w Smart Highbay Adjustable Bulbs
05/31/2022	852662	Morrison Maierle	Airport	$ 3,764.80	Amendment #12 Wi-Fi RFP
05/31/2022	852662	Morrison Maierle	Airport	$ 330.23	FY 22 Amendment 28. On call Engineering Services
05/31/2022	852662	Morrison Maierle	Airport	$ 1,214.34	Water Tower Painting Design and Construction
05/31/2022	852662	Morrison Maierle	Airport	$ 5,287.95	Westend Taxilane Extension Project - Federal Share - Design
05/31/2022	852662	Morrison Maierle	Airport	$ 587.55	Westend Taxilane Extension Project - Local Share - Design
05/31/2022	852662	Morrison Maierle	Wastewater	$ 5,211.09	Alkali Creek Water and Sewer Extension, Consultant Agreement
05/31/2022	852662	Morrison Maierle	Wastewater	$ 50,871.53	WO 20-01 Water/Sewer Replacement Project; 226434/28
05/31/2022	852662	Morrison Maierle	Water	$ 6,369.10	Alkali Creek Water and Sewer Extension, Consultant Agreement
05/31/2022	852662	Morrison Maierle	Water	$ 2,811.00	Water/Sewer Replacement Project Pioneer Park
05/31/2022	852665	Moulton Bellingham	General	$ 6,612.50	Abromeit et al v. COB
05/31/2022	852665	Moulton Bellingham	General	$ 1,110.00	Heights Water District Dispute
05/31/2022	852665	Moulton Bellingham	General	$ 7,877.50	Houser WWFF
05/31/2022	852665	Moulton Bellingham	General	$ 2,845.00	McDaniel v. COB
05/31/2022	852660	MT Dakota Utilities	Airport	$ 1,816.39	285 580 1000 6
05/31/2022	852660	MT Dakota Utilities	Airport	$ 6,993.54	595 580 1000 1
05/31/2022	852660	MT Dakota Utilities	Airport	$ 1,087.14	706 580 1000 7
05/31/2022	852660	MT Dakota Utilities	Engineering	$ 172.56	595 373 1000 1
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 754.16	130 733 1000 8
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 8,149.66	375 963 4481 4
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 2,407.45	757 633 1000 2

Check Date	Check#	Name	Fund Name	Amount		Item Desc
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 2,860.30	929 780 1000 4	
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 417.88	989 733 1000 0	
05/31/2022	852660	MT Dakota Utilities	Facilities	$ 506.47	993 733 1000 4	
05/31/2022	852660	MT Dakota Utilities	General	$ 64.41	061 943 1000 6	
05/31/2022	852660	MT Dakota Utilities	General	$ 285.49	437 780 1000 9	
05/31/2022	852660	MT Dakota Utilities	General	$ 173.01	571 295 3342 8	
05/31/2022	852660	MT Dakota Utilities	General	$ 66.01	927 890 1000 3	
05/31/2022	852660	MT Dakota Utilities	Library	$ 3,135.19	219 924 4851 0	
05/31/2022	852660	MT Dakota Utilities	P.W. Admin	$ 43.14	595 373 1000 1	
05/31/2022	852660	MT Dakota Utilities	Park Dist 1	$ 66.89	371 101 1000 6	
05/31/2022	852660	MT Dakota Utilities	Park Dist 1	$ 87.61	501 473 1000 2	
05/31/2022	852660	MT Dakota Utilities	Parking	$ 196.72	303 725 2591 2	
05/31/2022	852660	MT Dakota Utilities	Parking	$ 23.61	717 353 1000 6	
05/31/2022	852660	MT Dakota Utilities	Parking	$ 101.51	799 152 1209 0	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 37.24	062 907 9494 7	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 754.61	169 233 1000 3	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 284.08	442 190 1000 4	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 42.65	514 117 0478 9	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 300.76	533 653 1000 1	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 70.65	602 589 7178 1	
05/31/2022	852660	MT Dakota Utilities	Public Safety	$ 465.49	885 880 1000 4	
05/31/2022	852660	MT Dakota Utilities	Solid Waste	$ 505.55	284 225 1320 1	
05/31/2022	852660	MT Dakota Utilities	Solid Waste	$ 69.85	602 680 9335 2	
05/31/2022	852660	MT Dakota Utilities	Solid Waste	$ 889.34	770 390 1000 2	
05/31/2022	852660	MT Dakota Utilities	Transit	$ 1,506.68	962 880 1000 0	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 5,839.65	293 780 1000 2	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 11,679.29	293 780 1000 2	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 5,839.65	293 780 1000 2	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 163.66	310 490 1000 7	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 47.98	410 490 1000 6	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 63.05	596 733 1000 5	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 65.27	713 064 3190 0	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 71.59	735 453 1000 2	
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 67.05	843 879 2205 1	

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852660	MT Dakota Utilities	Wastewater	$ 82.45	868 563 1000 7
05/31/2022	852660	MT Dakota Utilities	Water	$ 151.98	010 490 1000 0
05/31/2022	852660	MT Dakota Utilities	Water	$ 72.44	076 225 9180 3
05/31/2022	852660	MT Dakota Utilities	Water	$ 44.04	110 490 1000 9
05/31/2022	852660	MT Dakota Utilities	Water	$ 66.01	209 077 5055 6
05/31/2022	852660	MT Dakota Utilities	Water	$ 183.09	210 490 1000 8
05/31/2022	852660	MT Dakota Utilities	Water	$ 490.99	310 490 1000 7
05/31/2022	852660	MT Dakota Utilities	Water	$ 60.70	373 580 1000 9
05/31/2022	852660	MT Dakota Utilities	Water	$ 60.70	373 580 1000 9
05/31/2022	852660	MT Dakota Utilities	Water	$ 143.92	410 490 1000 6
05/31/2022	852660	MT Dakota Utilities	Water	$ 1,975.34	500 490 1000 7
05/31/2022	852660	MT Dakota Utilities	Water	$ 39.48	510 490 1000 5
05/31/2022	852660	MT Dakota Utilities	Water	$ 55.93	527 033 1000 4
05/31/2022	852660	MT Dakota Utilities	Water	$ 83.81	541 380 1000 1
05/31/2022	852660	MT Dakota Utilities	Water	$ 31.22	566 923 1000 8
05/31/2022	852660	MT Dakota Utilities	Water	$ 31.64	600 490 1000 6
05/31/2022	852660	MT Dakota Utilities	Water	$ 31.63	600 490 1000 6
05/31/2022	852660	MT Dakota Utilities	Water	$ 119.09	610 490 1000 4
05/31/2022	852660	MT Dakota Utilities	Water	$ 32.15	666 923 1000 7
05/31/2022	852660	MT Dakota Utilities	Water	$ 231.58	700 490 1000 5
05/31/2022	852660	MT Dakota Utilities	Water	$ 197.27	800 490 1000 4
05/31/2022	852660	MT Dakota Utilities	Water	$ 25.70	832 001 1000 1
05/31/2022	852660	MT Dakota Utilities	Water	$ 283.15	900 490 1000 3
05/31/2022	852660	MT Dakota Utilities	Water	$ 69.69	921 580 1000 6
05/31/2022	852673	Northwest Pipe	Wastewater	$ 121.84	#2 GRIT PUMP MAINTENANCE
05/31/2022	852673	Northwest Pipe	Wastewater	$ 264.74	Weld nippple
05/31/2022	852673	Northwest Pipe	Water	$ 222.16	1" T-10 MEASURING CHAMBER ASSEMBLY
05/31/2022	852673	Northwest Pipe	Water	$ 260.00	1" X 1/8" RUBBER COUPLING WASHERS - BAG OF 500
05/31/2022	852673	Northwest Pipe	Water	$ 204.77	10 X 4 REDUCER
05/31/2022	852673	Northwest Pipe	Water	$ 5,267.52	1-1/2" FLG ECODER WALL METER CUFT
05/31/2022	852673	Northwest Pipe	Water	$ 582.21	2" FULL PORT THREAD BALL VALVE
05/31/2022	852673	Northwest Pipe	Water	$ 318.78	2" MEASURING CHAMBER COMPLETE
05/31/2022	852673	Northwest Pipe	Water	$ 26.32	2" PLUG FOR CURB BOX LID
05/31/2022	852673	Northwest Pipe	Water	$ 14.00	3" FLANGE GASKETS - FULL FACE #150

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852673	Northwest Pipe	Water	$ 23,552.82	3/4" E-CODER WALL CU/FT METER W/RECPT
05/31/2022	852673	Northwest Pipe	Water	$ 460.00	3/4" X 1/8" THICK RUBBER COUPLING WASHERS
05/31/2022	852673	Northwest Pipe	Water	$ 25.00	4" FLANGE GASKETS - FULL FACE
05/31/2022	852673	Northwest Pipe	Water	$ 166.48	BRASS BUSHING 2" X 1"
05/31/2022	852673	Northwest Pipe	Water	$ 189.74	GAUGE & BUSHING. WTP
05/31/2022	852673	Northwest Pipe	Water	$ 174.43	HOSE NOZZLE 2 1/2"-K8140 - K81 HYDRANT-NST SCREW TYPE
05/31/2022	852673	Northwest Pipe	Water	$ 561.96	K81 UPPER STEM WITH FERRULE - K81 HYDRANT
05/31/2022	852673	Northwest Pipe	Water	$ 1,005.23	Labels, valve, PVC, Tee's, bushings
05/31/2022	852673	Northwest Pipe	Water	$ 3,087.63	Measuring chamber
05/31/2022	852673	Northwest Pipe	Water	$ 59,036.40	Neptune 360 AMI Subscription, Neptune meters year 4 of 5
05/31/2022	852673	Northwest Pipe	Water	$ 25,122.00	R-900 ENHANCED WALL RR - MIU
05/31/2022	852673	Northwest Pipe	Water	$ 26.31	STAPLE EYE WASH.
05/31/2022	852673	Northwest Pipe	Water	$ 62.02	TANK ADAPTER. UNIT 7351
05/31/2022	852675	NorthWestern Energy	Airport	$ 25,463.55	0100482-9. Vault Main Account. May 2022
05/31/2022	852675	NorthWestern Energy	Airport	$ 369.25	0712792-1. IP-7. May 2022
05/31/2022	852675	NorthWestern Energy	Airport	$ 997.85	0712800-2. IP-9. May 2022
05/31/2022	852675	NorthWestern Energy	Airport	$ 331.95	0712809-3. IP-11 Alpine. May 2022
05/31/2022	852676	Northwestern Energy	Airport	$ 38,599.84	West End Taxilane Utilities
05/31/2022	852675	NorthWestern Energy	Engineering	$ 564.90	1741314-7
05/31/2022	852675	NorthWestern Energy	Engineering	$ 40.16	Parking lot lights at the Depot
05/31/2022	852675	NorthWestern Energy	Facilities	$ 6,233.77	0100507-3
05/31/2022	852675	NorthWestern Energy	Facilities	$ 1,520.01	0975808-7
05/31/2022	852675	NorthWestern Energy	Facilities	$ 526.33	1160802-3
05/31/2022	852675	NorthWestern Energy	Facilities	$ 1,870.86	1160804-9
05/31/2022	852675	NorthWestern Energy	Facilities	$ 2,171.21	1269391-7
05/31/2022	852675	NorthWestern Energy	Facilities	$ 69.69	3602453-7
05/31/2022	852675	NorthWestern Energy	Facilities	$ 1,076.43	3602454-5
05/31/2022	852675	NorthWestern Energy	Facilities	$ 8,552.36	3927205-9
05/31/2022	852675	NorthWestern Energy	General	$ 1,476.43	0100506-5
05/31/2022	852675	NorthWestern Energy	General	$ 35.94	0712387-0
05/31/2022	852675	NorthWestern Energy	General	$ 79.36	0712536-2
05/31/2022	852675	NorthWestern Energy	General	$ 180.28	0712683-2
05/31/2022	852675	NorthWestern Energy	General	$ 36.00	0720818-4
05/31/2022	852675	NorthWestern Energy	General	$ 162.36	0720821-8

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852675	NorthWestern Energy	P.W. Admin	$ 141.23	1741314-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 6.00	0722237-5
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 6.00	0722247-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 577.00	0722251-6
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.31	0722254-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 84.30	0722255-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 139.24	0722257-3
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 106.50	0722260-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0722261-5
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 37.77	0722262-3
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ -	0722263-1
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0722265-6
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 80.47	0722266-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0722268-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 16.17	0722269-8
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0722285-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ -	0722287-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 10.03	0722292-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 24.97	0722293-8
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 11.14	0722905-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 17.15	0722933-9
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 106.50	0723027-9
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 76.85	0723035-2
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 7.59	0723036-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 158.53	0723037-8
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0723038-6
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0723041-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 40.05	0723042-8
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 124.32	0723044-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ -	0723045-1
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 106.50	0723048-5
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 106.50	0723050-1
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 45.20	0723051-9
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 54.54	0723052-7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 160.99	0723054-3
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 7.59	0723055-0
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 27.68	0723056-8
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 9.55	0723057-6
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 19.71	0723058-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 8.70	0723090-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 6.00	0723162-4
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 160.87	0723170-7
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 16.40	0789437-1
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 6.00	0831702-6
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 684.68	0925496-2
05/31/2022	852675	NorthWestern Energy	Park Dist 1	$ 10.90	1836666-6
05/31/2022	852675	NorthWestern Energy	Parking	$ 484.58	0720829-1
05/31/2022	852675	NorthWestern Energy	Parking	$ 2,532.67	0720834-1
05/31/2022	852675	NorthWestern Energy	Parking	$ 1,409.90	1569636-2
05/31/2022	852675	NorthWestern Energy	Parking	$ 1,204.44	1594282-4
05/31/2022	852675	NorthWestern Energy	Parking	$ 1,843.99	3067416-2
05/31/2022	852675	NorthWestern Energy	Parking	$ 218.34	3279035-4
05/31/2022	852675	NorthWestern Energy	Parking	$ 118.77	3463478-2
05/31/2022	852675	NorthWestern Energy	Parks Maint	$ 45.20	1029192-0
05/31/2022	852675	NorthWestern Energy	Parks Maint	$ 129.17	1059093-3
05/31/2022	852675	NorthWestern Energy	Parks Maint	$ 46.46	1265177-4
05/31/2022	852675	NorthWestern Energy	Parks Maint	$ 46.34	1948667-9
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 428.11	0712537-0
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 214.98	0720840-8
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 540.94	0871546-8
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 285.35	1984150-1
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 177.34	1984155-0
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 1,808.49	3448739-7
05/31/2022	852675	NorthWestern Energy	Public Safety	$ 1,705.87	FIRE 1: 0100476-1 - MONTHLY ELECTRIC SERVICES
05/31/2022	852675	NorthWestern Energy	Radio	$ 267.88	0721580-9
05/31/2022	852675	NorthWestern Energy	Solid Waste	$ 1,204.04	3252194-0
05/31/2022	852675	NorthWestern Energy	Street/Traffic	$ 6.00	0723645-8
05/31/2022	852675	NorthWestern Energy	Street/Traffic	$ 45.43	1740357-7

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852675	NorthWestern Energy	Street/Traffic	$ 45.90	1748896-6
05/31/2022	852675	NorthWestern Energy	Transit	$ 24.21	0712764-0
05/31/2022	852675	NorthWestern Energy	Transit	$ 199.09	1784756-7
05/31/2022	852675	NorthWestern Energy	Wastewater	$ 824.58	0100606-3
05/31/2022	852675	NorthWestern Energy	Water	$ 712.94	0100485-2
05/31/2022	852675	NorthWestern Energy	Water	$ 5,460.97	0100540-4
05/31/2022	852675	NorthWestern Energy	Water	$ 62,667.75	0100606-3
05/31/2022	852675	NorthWestern Energy	Water	$ 2,473.72	0100606-3
05/31/2022	852675	NorthWestern Energy	Water	$ -	0722252-4
05/31/2022	852675	NorthWestern Energy	Water	$ 2,357.66	0722264-9
05/31/2022	852675	NorthWestern Energy	Water	$ 2,285.11	0723040-2
05/31/2022	852675	NorthWestern Energy	Water	$ 4,859.47	0723043-6
05/31/2022	852675	NorthWestern Energy	Water	$ 16.40	0723059-2
05/31/2022	852675	NorthWestern Energy	Water	$ 444.50	1116452-2
05/31/2022	852675	NorthWestern Energy	Water	$ 2,117.78	5809 Canyonwoods Dr- Zone 4
05/31/2022	852677	Polydyne Inc	Wastewater	$ 52,272.00	Clarifloc c-3289
05/31/2022	852680	Public Utilities	Parking	$ 93.57	102086
05/31/2022	852680	Public Utilities	Parking	$ 257.62	102980
05/31/2022	852680	Public Utilities	Parking	$ 10.65	102981
05/31/2022	852680	Public Utilities	Wastewater	$ 2,228.00	111176
05/31/2022	852680	Public Utilities	Wastewater	$ 2,608.80	WWTP water 02-0239 ; 2/28-3/31/22
05/31/2022	852681	RDO Equipment	Wastewater	$ 4,635.00	excavator rental for sewer project @ 5th Ave S & S 32nd St
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 1,110.00	22AprilRimrockAncillaryBJA
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 110.91	22AprilRimrockMentalHealthEval
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 3,595.94	22AprilRimrockNoInsurCoPayDedBJA
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 1,490.30	22AprilRimrockNoInsurCoPayDedSAMHSA
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 570.00	22AprilRimrockNoInsurCoPayDedSAMHSA
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 187.26	22AprilRimrockPsychotherapyBrun
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 157.05	22AprilRimrockPsychotherapyPitman
05/31/2022	852686	Rimrock Foundation	Court Grants	$ 200.00	22AprilRimrockScreening
05/31/2022	852689	Sanderson Stewart	Park Dist 1	$ 12,171.44	WO 22-32 Riverfront Park Trail; 52049/4
05/31/2022	852693	Shimadzu Scientific	Water	$ 4,760.00	onsite training agreement WTP
05/31/2022	852701	Steel In the Air Inc	Airport	$ 6,000.00	Cellular Site Leases Assessment Services
05/31/2022	852703	Steves Install LLC	Park Dist 1	$ 36,135.00	playground installation at Lillis Park

Check Date	Check#	Name	Fund Name	Amount	Item Desc
05/31/2022	852707	Terracon Consultants	Gas Tax	$ 2,502.50	WO 20-28 Songbird Dr
05/31/2022	852707	Terracon Consultants	Gas Tax	$ 1,122.50	WO2111 Annual Street Reconstruction - Highwood Dr
05/31/2022	852707	Terracon Consultants	Storm Sewer	$ 295.00	WO 21-17 Misc Storm Drain - Calhoun & Murphy
05/31/2022	852711	Town & Country Supply	Airport	$ 32,954.52	QTA Car Rental Fuel
05/31/2022	852711	Town & Country Supply	Fleet	$ 14,590.58	420723 PO NUM 314456
05/31/2022	852711	Town & Country Supply	Fleet	$ 23,083.08	424123 PO NUM 314456
05/31/2022	852711	Town & Country Supply	Public Safety	$ 872.56	426867 FIRE 5: DIESEL
05/31/2022	852711	Town & Country Supply	Public Safety	$ 1,090.70	426868 FIRE 1: DIESEL
05/31/2022	852711	Town & Country Supply	Public Safety	$ 1,154.20	426868 FIRE 1: UNLEADED
05/31/2022	852711	Town & Country Supply	Water	$ 42,493.65	WATER PARTS AND SUPPLIES PO NUM 314308
05/31/2022	852714	Tru Pipe	Water	$ 4,550.00	WO 22-40 Water Main Extension - Arlington Ave to Grey Eagle Ditch
05/31/2022	852717	Valmont Industries	Street/Traffic	$ 3,622.00	CD2203828 PO NUM 314156
05/31/2022	852718	Western Municipal Const	Wastewater	$ 623,277.65	WO 20-01 Phase 2 Sanitary Sewer Interceptor Replacement
05/31/2022	852718	Western Municipal Const	Wastewater	$ 224,146.92	WO 20-11 Lake Hills Station Rehabilitation
05/31/2022	852718	Western Municipal Const	Wastewater	$ 192,905.83	WO 22-10 Alkali Cr Water & Sewer Extension
05/31/2022	852719	Wilbur Ellis Co	Park Dist 1	$ 3,490.00	fertilizer for parks
05/31/2022	852725	Yellowstone Valley Elec	Light Maint	$ 364.67	SILMD 299 Vintage Estates
05/31/2022	852725	Yellowstone Valley Elec	Light Maint	$ 665.82	SILMD 313 Vintage Estates Sub Phase II
05/31/2022	852725	Yellowstone Valley Elec	Solid Waste	$ 2,533.97	Electricity Service Landfill
05/31/2022	852725	Yellowstone Valley Elec	Street/Traffic	$ 47.41	54th St W & Grand Signal
05/31/2022	852725	Yellowstone Valley Elec	Street/Traffic	$ 74.94	54th St W & Rimrock
05/31/2022	852725	Yellowstone Valley Elec	Street/Traffic	$ 58.87	Alkali Cr Rd & Interbelt Loop lights
05/31/2022	852725	Yellowstone Valley Elec	Street/Traffic	$ 30.23	Ben Steele School - 56th St W
05/31/2022	852723	Ylwstn County	Public Safety	$ 7,500.00	CodeRED for 12/24/21 - 12-23-22. Split between Fire and Police.
05/31/2022	852723	Ylwstn County	Public Safety	$ 7,500.00	CodeRED for 12/24/21 - 12-23-22. Split between Fire and Police.
05/31/2022	852722	Ylwstn County Finance	Building	$ 6,853.89	Miller Building; June Rent; Building Dept.
05/31/2022	852722	Ylwstn County Finance	CDBG	$ 5,330.52	Miller Building; June Rent; Community Development
05/31/2022	852722	Ylwstn County Finance	General	$ 2,132.82	Miller Building; June Rent; Code Enforcement
05/31/2022	852722	Ylwstn County Finance	Planning	$ 4,566.03	Miller Building; June Rent; Planning Dept.

City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Adoption of FY2023 Budget
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	Yes
Legal Review	No

RECOMMENDATION

Staff recommends City Council hold a public hearing and adopt the Fiscal Year 2023 Proposed Budget as presented and attached.

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

On May 2nd, 2022, the City Council was presented with the proposed budget for FY23. At that time, the budget and presentation were also made available to the public on the City's website at www.billingsmt.gov/finance. Over the course of 5 work sessions in May and June, the City Council was presented with detailed departmental budget information, and provided feedback and asked questions.

At the June 6 City Council Work Session staff was directed to add $100,000 of budget authority to the Capital Replacement Fund to purchase two Mobile Response Team vehicles for the Fire Department.

The attached, proposed FY23 budget contains the additional $100,000 of budget authority from the Capital Replacement Fund.

City Council also provided proposed amendments prior to budget adoption. The proposed amendments are attached and may be offered as amendments to be voted upon during the budget adoption. Additional amendments to the FY23 budget may be made by any Council Member during budget adoption.

ALTERNATIVES

City Council may:

- Approve the budget as proposed; or,
- Amend the budget as proposed; or
- Not Approve the proposed budget, and provide direction to staff to bring other options for Council to consider

FISCAL EFFECTS

The attached exhibit shows the fiscal impact per fund. The overall budget is $503,715,782.

FY23 Budget Category	Expense
Personal services	$103,398,306
Operation & maintenance	100,493,769
Capital	238,769,549
Debt service	24,049,337
Transfer to other funds	37,004,821
Total FY23 Budgeted Expenses	**$503,715,782**

FY23 Budget by Department

Department	FY23 Proposed Budget
Mayor & Council	$ 349,143
Parking	1,904,626
Fleet	2,045,825
Municipal Court	2,105,608
Legal	3,507,902
Information Technology	3,971,420
Library	4,194,563
Planning, Comm Dev, Code Enforcement	5,996,390
Finance	6,962,440
City Administration	10,099,768
Parks, Recreation, & Public Lands	10,211,941
Urban Renewal	11,258,906
Human Resources	19,960,635
Building & Facilities	21,659,094
Non-Departmental	25,076,490
Fire	27,315,231
Police	30,845,232
Aviation & Transit	39,242,267
Public Works	277,008,301
Total	**$ 503,715,782**

Attachments

Budget Adoption Resolution and Exhibit A
Proposed Council Amendments 6-20-22

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF BILLINGS, MONTANA FOR FISCAL YEAR 2023

WHEREAS, the City Administrator of the City of Billings has regularly and lawfully submitted to the City Council of the City of Billings, Montana, the budget for Fiscal Year 2023; and

WHEREAS, the proper notice was published stating that said City Council has completed the PRELIMINARY MUNICIPAL BUDGET for said Fiscal Year, and that said budget has been placed on file and is open to inspection in the office of the City Clerk; and that said City Council would meet for the purpose of annually determining, approving and adopting the budget, and any taxpayer might appear and be heard.

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

Section 1: That the City of Billings proposed budget for fiscal year 2023 as detailed in the budget report and as amended by the City Council and further detailed on EXHIBIT "A", be, and the same is hereby finally determined, approved, and adopted.

Section 2: Pursuant to Sections 7-6-4006 and 7-6-4012, M.C.A., the City Administrator is authorized to amend this budget for the expenditure of additional funds from the following: Debt Service Funds, Fee-based budgets; Trust funds; Federal, State Grants, special assessments and donations accepted and approved by the City Council.

Section 3: The City Council further authorizes and re-appropriates the unexpended balance of Capital Improvement Program items previously budgeted which have not been completed.

PASSED AND APPROVED by the City Council this 27th day of June, 2022.

CITY OF BILLINGS:

BY: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Exhibit A

Fund/Department	Original Proposal	Additions 6/6/2022	Deletions 6/6/2022	Final Budget
General Operating Fund:				
Mayor & City Council	324,143			324,143
City Administrator	1,130,521			1,130,521
Human Resources	1,033,269			1,033,269
City Attorney	2,921,497			2,921,497
Municipal Court	1,589,602			1,589,602
Finance	1,945,119			1,945,119
Code Enforcement	1,156,484			1,156,484
Parks, Recreation & Public Lands	4,797,802			4,797,802
Non-Departmental	25,076,490			25,076,490
Council Contingency	25,000			25,000
Total General Fund	**39,999,927**	**-**	**-**	**39,999,927**
Public Safety Fund:				
Police	28,839,593			28,839,593
Fire	25,005,486			25,005,486
Total Public Safety Fund	**53,845,079**	**-**	**-**	**53,845,079**
Special Revenue Fund:				
South Tax Increment	5,550,491			5,550,491
East Tax Increment	794,935			794,935
North 27th Street Tax Increment	4,091,693			4,091,693
Gas Tax	7,266,433			7,266,433
Building Inspection	3,320,604			3,320,604
Transportation Enhancement	-			-
Street & Traffic Operating	10,471,290			10,471,290
Fire Programs	473,090			473,090
EOC 9-1-1 Grant	1,194,804			1,194,804
City/County Planning	2,254,065			2,254,065
City Attorney Grants	586,405			586,405
Municipal Court Grants	516,006			516,006
Police Programs	1,624,300			1,624,300
City County Library	4,194,563			4,194,563
American Rescue Plan	8,969,247			8,969,247
Development Services Grants	2,523,271			2,523,271
Park Programs	150,445			150,445
Downtown Revolving Loan Program	821,787			821,787
Cemetery Improvement	-			-
Trail/Bike Path Donations	-			-
Street Maintenance Districts	13,371,279			13,371,279
Street Light Districts	2,913,208			2,913,208
Storm Sewer Operating	6,700,098			6,700,098
Park Maintenance District	1,236,341			1,236,341
Park District 1	3,418,741			3,418,741
Arterial Street Fees	14,116,049			14,116,049
Amend Park	31,018			31,018
Ballfield Stadium Donations	121,279			121,279
Road Maintenance Dist	584			584
Sidewalk Hazard Repair	150,000			150,000
Ballpark Repair Fund	30,744			30,744
Total Special Revenue Fund	**96,892,770**	**-**	**-**	**96,892,770**

Exhibit A cont.

Fund/Department	Original Proposal	Additions 6/6/2022	Deletions 6/6/2022	Final Budget
Debt Service Fund:				
Special Improvement Debt	1,241,100			1,241,100
Series 2004A Street Debt	351,908			351,908
Storm Sewer Debt	1,007,513			1,007,513
Sidewalk, Curb & Gutter Debt	527,700			527,700
Series 2015 Baseball Refunding	754,043			754,043
Series 2012 Library	1,007,944			1,007,944
Total Debt Service Fund	**4,890,208**	**-**	**-**	**4,890,208**
Capital Projects Fund:				
Urban Renewal Land Development	62,570			62,570
Sidewalk Construction	2,599,275			2,599,275
Special Improvement Districts	2,808,000			2,808,000
City Hall Construction	14,681,433			14,681,433
Capital Replacement	1,048,013	100,000		1,148,013
Dog Park Construction	5,000			5,000
Total Capital Project Fund	**21,204,291**	**100,000**	**-**	**21,304,291**
Enterprise Fund:				
Water	150,140,290			150,140,290
Wastewater	31,262,063			31,262,063
Parking	1,904,626			1,904,626
Solid Waste	28,452,441			28,452,441
Airport	28,166,748			28,166,748
Transit	11,075,519			11,075,519
Total Enterprise Fund	**251,001,687**	**-**	**-**	**251,001,687**
Internal Service Fund:				
Fleet Services	2,045,825			2,045,825
Central Services	124,498			124,498
Information Resources	3,506,274			3,506,274
City Health Benefits	15,808,653			15,808,653
Central Telephone	465,146			465,146
Radio Communications	292,179			292,179
Property Insurance	3,118,713			3,118,713
Facilities Management	3,966,183			3,966,183
Public Works Administration	3,010,339			3,010,339
Public Works Engineering	3,438,410			3,438,410
Total Internal Service Fund	**35,776,220**	**-**	**-**	**35,776,220**
Permanent Fund				
Cemetery Perpetual Care	5,600			5,600
Total Permanent Fund	**5,600**	**-**	**-**	**5,600**
Total All Funds	**503,615,782**	**100,000**	**-**	**503,715,782**

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Bill Cole
Fund Name:	General Fund/Mayor & City Council/Council Contingency
Amendment Number:	Mayor 1
Fiscal year	FY 2023

AMENDMENT TEXT:

No amendment is necessary if other charges against the General Fund/Mayor & City Council/Council Contingency account are expected to be $15,000 or less, leaving $10,000 to achieve the goal described below. If other such charges are expected to exceed $15,000, then the amendment would be to increase the proposed FY23 expenditures for this line item from the current $349,143 to $359,143. The appropriation increase, if required, would be financed using a combination of unused General Fund dollars, excess reserves, and private donations earmarked for this purpose.

Goal: Provide full or partial funding from the General Fund/Mayor & City Council/Council Contingency to pay for picking up litter two times per year (spring and fall) between the eastbound and westbound lanes of I-90 and the north and south fence lines of the right-of-way (not in the median) from the Zoo Drive exit to Lockwood Bridge, not to exceed $10,000 in total, with additional funds, if needed, to be provided by private donations made to the city. Labor would be provided by private vendors, non-profit entities, individuals, or other private contractors selected by City Administration or Public Works in response to a request for qualifications issued by City Administration or Public Works. All work to be done in cooperation with MDT and according to MDT instructions. Cost assumptions: 1 mile per hour x 3 people x 20 miles = 60 person-hours. Adding approximately 20 hours administration time = 80 hours per cleanup, times two cleanups = 160 person-hours per year. $10,000/160 = $62.50 per person-hour minus insurance, profit, minimal out-of-pocket costs, etc.

PURPOSE:

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	council contingency
Amendment Number:	Neese 1
Fiscal year	FY 2023

AMENDMENT TEXT: Eliminate the council contingency funds for FY23 and ongoing.

PURPOSE: The council has control of the budget and at any time can amend the budget for items council wants to spend money on. As was demonstrated recently the council was able to fund an imitative quickly not using contingency, but excess fund identified. There is not a justifiable reason for allocating a pool of taxpayer funds that often are not used. If an important issue arises the council can consider and amend the budget just as easily as spending money from the contingency fund.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	PD1 and Parks
Amendment Number:	Neese 2
Fiscal year	FY 2023

AMENDMENT TEXT: Move $1M of O&M expenses that was moved into PD1 some years ago and into the Parks General Funds.

PURPOSE: When the city moved $1M from General to Parks PD1 it was a temporary move to fill a budget shortfall in the general fund. It allowed public safety to be funded without closing the city pools. The city has passed two public safety mill levels since then and the budget has not been presented to have these fund moved back to the general fund. The PD1 amount would be lowered to $2million plus and inflation factor of 3% since council started adding an inflation factor. I estimate this would make PD1 fund amount to be $2,185,454 for this fiscal year (capital amounts for PD1 would not be changed).

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	General
Amendment Number:	Neese 3
Fiscal year	FY 2023

AMENDMENT TEXT: (1Mill = approx.. $200,000) Reduce the General Mill assessment $2M or 5 mills from 74 to 69 Mills.

PURPOSE: There are several new staff positions in a time that the city is having a difficult time hiring staff and often incurs a large vacancy savings. Many departments have large reserves that can be reduced or eliminated. With a difficult economy and steep inflation that has place a higher burden on the cost basic needs (such as the average family spending $5,000 more for the cost of gasoline, and double-digit inflation on many food costs. There are often larger vacancy savings and projects not completed due to labor community labor shortage and high bids. Much of the budget can be filled with departmental reserves and cost reductions without impacting public safety. A budget amendment can be presented by departments if a need arises.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	General-Admin-Council
Amendment Number:	Neese 4
Fiscal year	FY 2023

AMENDMENT TEXT: Eliminate Council P-Cards and Council discretionary funds.

PURPOSE: Council is paid $1000.00 for month, they can obtain and additional amount though city funded health insurance and benefits (approx. $800/mo.), they are provided parking and equipment which is sufficient to pay fulfill their role as council member and pay any minor expenses council may have in performing their duties.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	Public Works-Solid Waste
Amendment Number:	Neese 5
Fiscal year	FY 2023

AMENDMENT TEXT: Eliminate Pay to Throw

PURPOSE: Strict the 1st three sentences of the 3rd paragraph of the budget book on page 164 regarding the city moving to the Pay as you Throw (Pay-T) program. Direct the staff to work on improving current collection process and enforcement. Continue with a community-based pricing method that will make it easy to use disposal system with use variations based on existing rate structure. Pay-T programs force conservation when often is it not possible. It will hit young and poor families the hardest. It adds an excessive burden on residents to purchase tags and or bags to have permission or "ticket" to throw their garbage. This leads to a more arduous process. Trash should be easy to throw to ensure our community remains trash free. Trash should not be used as a tool to "encourage conservation". High user or abuses of the current system can be managed and charged without making the majority of the residents jump through one more hoop to dispose of their trash. The city already is forcing residents to hold onto their "extras" for a month. While this may save some money and alleviate the shortage of staff, it leaves piles of trash on the streets throughout the community for up to a month while the city's extra truck picks it up. Billings has started to look trashier with this new policy. Pay-T will add additional burden on the residents to follow the trash rules, add unforeseen consequences as residents trying to avoid or can't afford the cost to throw out their trash. This will lead to more alleys and vacant lot with a higher scale of illegal dumping than we see today (which the city can't stop from happening today).

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	Various
Amendment Number:	Neese 6
Fiscal year	FY 2023

AMENDMENT TEXT: Eliminate all 15 Other FY23 positions and adjust the department' budget expenses, rates and or fees according to the reduction. Use vacancy or budget amendments if the need arises midyear.

PURPOSE: This is a time when our economy is becoming very hard on our residents. Residents are tightening their budget while the city is growing its budget and increasing the tax burden. The residents agreed to provide the city with 43.5 new employees with the Public Safety Mill Levy during hard times and now the city is taking 15 more. This is a time to focus on helping residents with want the city said it would do by providing a safer city not growing the city personnel and raising more taxes. The city was blessed with a large amount of federal funds which has provided much relief it city expense and the provision of a future City Hall. We can wait on some of these increases or cover them with vacancy during the year.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	Non assigned
Amendment Number:	Neese 7
Fiscal year	FY 2023

AMENDMENT TEXT: Do not assess the 2 mills for mental health for FY23.

PURPOSE: While this money was granted for use by the voters, there needs to be a holistic plan coordinated with not only this money but other services and agencies such as the assessment residents pay to the county for this very issue. One or two proposals that only touch a segment of the issue with no measurable outcomes is not a complete plan. The residents need to have a plan that will show visible and measurable results, not "savings" that do not show up in reduced taxes. The city needs to have this revenue stream codified with a resolution with details on how this will be accomplished measured and evaluated for continuation and or changes of action. By preparing and planning for this the city will have the most effective and indented results when the funds are assessed.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Neese
Fund Name:	Non assigned
Amendment Number:	Neese 8
Fiscal year	FY 2023

AMENDMENT TEXT: Hold Cannabis tax revenue until resolution of use is developed.

PURPOSE: With the recent election there will be additional money coming to the city that needs to be, like the 2 mill mental health money planned for. This can be used to offset much of the public safety and will provide almost 4 mill that can be used to fund or reduce any increase that are needed in public safety or other uses. The city needs a plan with purpose and a longer-term direction and objectives to most effectively use this source of funds.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM

City of Billings, Montana

Council Member Name(s):	Jennifer Owen
Fund Name:	Public Safety Fund
Amendment Number:	Owen 1
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 231, reduce the PROPOSED FY23 revenue amount in the line "TAXES-levy 2" by an amount equal to 2 mills. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

This amendment will eliminate the 2 mill levy intended for substance abuse and mental health for FY23. The City of Billings is not yet ready to take clear action on substance abuse or mental health issues. No clear role for the City has been identified. Staff have been working on behavioral response teams, but the project is not yet ready for implementation. Further, there are additional proposals that may have a more direct impact on crime reduction, but have not yet been fully vetted. Funds should not be levied until a clear plan has been developed, shared with the public, and approved by Council. Given the current economic circumstances, it would be irresponsible to take funds now from taxpayers and hold them until the City has prepared a more comprehensive plan. If funds are needed for planning purposes, marijuana excise taxes can be used for such activities.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	Public Safety Fund
Amendment Number:	Owen 2
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 231, reduce the PROPOSED FY23 revenue amount in the line "TAXES-levy 2" by an amount equal to 1 mill. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

This amendment would reduce the number of mills levied for substance abuse and mental health issues from 2 mills, as proposed in the budget, to 1 mill. The City of Billings is not yet ready to take clear action on substance abuse or mental health issues. No clear role for the City has been identified. Staff have been working on behavioral response teams, but the project is not yet ready for implementation. Further, there are additional proposals that may have a more direct impact on crime reduction, but have not yet been fully vetted. This amendment will limit the impact to taxpayers during the planning and development stages of a comprehensive plan for addressing mental health and substance abuse issues in the community, while still allowing early stage implementation to continue. These funds may be supplemented with marijuana excise taxes, subject to Council approval.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	Public Safety Fund
Amendment Number:	Owen 3
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 231, add the following language at the bottom of the page:

"**PUBLIC SAFETY FUND BUDGET NARRATIVE**

"For Fiscal Year 2023, the 2 mill levied for the purposes of addressing substance abuse and mental health issues shall be administered on a fee-for-service, reimbursement basis only. Within 60 days of the start of FY2023, staff shall provide a proposal to Council on the administrative structure of such as program, as well as recommended substantive criteria for determining eligible mental health or substance abuse services. Such services shall be different from those already billable to Medicaid and shall ensure that providers do not seek reimbursement from both the State of Montana and the City of Billings for the same service. Criteria for eligibility must include demonstrating a direct link to crime prevention and reduction in the City of Billings."

PURPOSE:

This amendment would direct staff to work with Council to develop a fee-for-service structure for the dollars earmarked for substance abuse and mental health services (SUD/MH). The bulk of the conversation around SUD/MH has been focused on issuing a Request for Proposals to distribute funds. This amendment proposes an alternative approach, one in which qualified providers could seek reimbursement for specific services provided, as identified by the city. This approach would need to ensure that providers are not double-dipping with Medicaid. This approach would allow the City to clearly identify the desired priorities for public safety-related SUD/MH services and allow multiple providers to participate. The structure could include an RFQ process to qualify providers at the outset.

The State of Montana has employed fee-for-service structures in a variety of settings, so models exist as a reference tool.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	General Fund
Amendment Number:	Owen 4
Fiscal year	FY 2023

AMENDMENT TEXT:

Strike the following FTE from the FY23 Proposed Budget:

- Records Manager, City Clerk Department
- Grants Coordinator, Finance Department
- Payroll/HR Generalist, Human Resources Department

And reduce the general fund mill levy accordingly. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

This amendment will reduce proposed administrative positions. Taxpayers will face a significant increase in property taxes this year due to the public safety mill levy, as well as noticeable increases to assorted fees due to inflation. At the same time, taxpayers are feeling increased strain due to high gas prices and inflation in the private sector.

While the three proposed new administrative positions may be important, we owe a duty to the taxpayer to reduce spending where possible to allow taxpayers to absorb increased costs in uncertain economic times. These positions can be considered in a future budget year or, if truly essential, can be funded through proposed reductions in other budget line items or vacancy savings. Staff are encouraged to return to Council with proposals to reallocate funds if these positions are essential in FY23.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	General Fund
Amendment Number:	Owen 5
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 18 of the FY23 Proposed Budget, $25,000 from the Operations and Maintenance line item shall be used for the purpose of integrating Crime Prevention Through Environmental Design (CPTED) principles into the City operations. This shall include working with community partners to co-host at least one CPTED training for staff in the Public Works, Planning, and Parks Departments, as well as other appropriate staff and community members. In addition, the City Administrator shall, in conjunction with the Police Department and other appropriate Departments, evaluate the concept of Risk Terrain Modeling as a tool for identifying crime prevention priorities. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

CPTED is a proven model for crime prevention that has been gaining support throughout Billings. Consistent with the prioritization of public safety, this amendment would accelerate the adoption of CPTED as a part of the City's planning processes for capital investment as well as encourage use throughout the community to reduce risk of crime. This amendment would encourage the City Administrator to work with other partners to bring at least one CPTED training to the community for City Staff and local business owners. This amendment also seeks information on the possible use in our community of Risk Terrain Modeling, a data tool that can work in conjunction with CPTED to improve overall crime prevention activities. This amendment does not require adoption of RTM, only an evaluation of its possible utility. Further, this amendment does not increase or decrease funding; rather it directs the use of some funds in a specific way.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	Public Safety Fund
Amendment Number:	Owen 6
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 231, increase the Operations line item by $75,000, to be used for community-wide crime prevention activities including volunteer recruitment as defined in the Police Department Budget narrative. Funds from this increase shall be carryover funds from FY22. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

Public Safety is the Council's number one priority. Additional resources are needed to engage the entire community in crime prevention, so that the work of enforcement and prosecution is more manageable. This amendment puts additional resources into identified goals of the Police Department. Budget history, as documented in the FY23 Proposed Budget, shows that Animal Control expenditures are regularly under the budgeted amount and are projected to be underspent again in FY22. This amendment would shift dollars into a high-priority need rather than depositing those dollars into reserves, while leaving animal control activities adequately funded.

BUDGET AMENDMENT FORM

City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Jennifer Owen
Fund Name:	Public Safety Fund
Amendment Number:	Owen 7
Fiscal year	FY 2023

AMENDMENT TEXT:

On Page 231, increase the Investigations line item by $50,000, to be used to increase the resources for investigations related to domestic violence. Funds for this amendment shall come from FY22 unspent funds and from FY23 unspent funds in the Animal Control line item. Staff are authorized to make necessary technical and conforming changes to the budget to effect the purpose of the amendment.

PURPOSE:

Domestic Violence is a serious problem in the Billings community and providing additional resources for DV investigations will help take violent offenders off the streets, preventing future crimes. The 2021 BPD annual report documented 986 PMFAs, 116 PMFA-strangulations, 104 assaults on a minor, and 88 aggravated PMFAs in 2021. Generally, domestic violence incidents are dramatically underreported, indicating that these statistics may be only a small fraction of the violence happening in homes throughout our community. The 2020 Community Health Needs Assessment showed that 21.9% of Yellowstone County residents report experiencing domestic violence, well above the national average of 14.2%. The 2021 CPSM report makes multiple recommendations regarding the need to organize better and prioritize domestic violence investigations, as well as prevention and victim services. Among those recommendations is the establishment of a multi-jurisdictional Family Violence Unit. These funds may be used to support the creation of a FVU, or any other necessary expenditures for domestic violence investigations. This amendment will be funded through unspent FY22 funds (rather than placing them in reserves) as well as unused operations & maintenance dollars in the Animal Control line. This amendment is specifically not intended to reduce funds available for personnel in Animal Control.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Danny Choriki
Fund Name:	"PS Community Fund"
Amendment Number:	Choriki 1
Fiscal year	FY 2023

AMENDMENT TEXT:

I move that council tables the discussion about the 2 mils from the Public Safety Mill Levy for mental health and substance abuse and the FY2023 Cannabis Excise Tax until the next available working session after the FY 2023 budget is passed.

PURPOSE:

We need to set up this fund and define its usage. The cannabis excise tax fund should be directed here to the "Public Safety Community Fund".

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Danny Choriki
Fund Name:	General Fund
Amendment Number:	Choriki 2
Fiscal year	FY 2023

AMENDMENT TEXT:

I move to increase the Council contingency fund to $150K. Funds to come from the General Fund.

PURPOSE:

To be determined by council during FY 2023. Anticipating expenses for the housing strategy project and community building projects like a Heritage Day parade.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Danny Choriki
Fund Name:	"PS Community Fund"
Amendment Number:	Choriki 3
Fiscal year	FY 2023

AMENDMENT TEXT:

Fund the Behavioral Response Team request.

PURPOSE:

$200,000 to capital equipment fund set aside for a vehicle and other capital expenses for the Behavioral Response Team.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Danny Choriki
Fund Name:	"PS Community Fund"
Amendment Number:	Choriki 4
Fiscal year	FY 2023

AMENDMENT TEXT:

Allocate $150K to hire Mental Health, Public Health, Public Safety Expert.

This would include salary, benefits, capital expenditures, and an operating budget.

PURPOSE:

This position will provide the council and city staff with expertise on reducing crime by preventing crime. The incumbent will work with the city's partners to ensure the best use of city funds, they will attend relevant meetings with partner organizations. Will work to coordinate efforts. Will make recommendations to the city and council on funding projects that jump start these efforts.

Work with the county on sharing the position.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Danny Choriki
Fund Name:	"PS Community Fund"
Amendment Number:	Choriki 5
Fiscal year	FY 2023

AMENDMENT TEXT:

Create a budget for public education projects for public safety. Allocate $150K to this budget line for FY2023. Of these funds, $50,000 will be used for Traffic Safety public education and messaging on impaired driving issue.

PURPOSE:

Create a budget line for public safety, public health, and public information about public safety.

Funds will come from excise taxes from cannabis sales.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 1
Fiscal year	FY 2023

AMENDMENT TEXT:

Delete Contingency Fund from the budget

PURPOSE:

Pg. 41: If council members have expenses that are directly related to council business, council has control of the purse strings and could make a budget amendment to cover substantial expenses. Is the $1300/CM/year included in the Mayor and Council budget? Don't this has been confirmed. This would also eliminate the use of Council P-Cards.

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 2
Fiscal year	FY 2023

AMENDMENT TEXT:

I am opposed to Pay-to-Throw, but it is my understanding that this will be dealt with next budget season. Am I correct?

PURPOSE:

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 3
Fiscal year	FY 2023

AMENDMENT TEXT:

BOC Upgrades, $1m

PURPOSE:

Pg. 158 I am wondering the need for this at this time. Some of those $$ could be used for landfill trash containment?

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 4
Fiscal year	FY 2023

AMENDMENT TEXT:

Include the amount of the "reserved" 20% of landfill fee outside of Billings landfill improvements so Council is kept abreast of that fund. (pg. 164)

Pg. 158 There is an amount of $2.7m for composting facility, $300,00 for landfill scale upgrade plus scale house upgrade, and slope stabilization. Would the above monies be used for any of these projects?

PURPOSE:

To understand how our fees are assessed and used

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 5
Fiscal year	FY 2023

AMENDMENT TEXT:

Pg. 14, Council decisions. The 2-mills from Public Safety Mill Levy was not specifically addressed so I would suggest that funds are levied but not spent until a concrete plan is devised and presented to council.

PURPOSE: There are too many holes for on-going funding; eligibility of mental illness/substance abuse; Medicaid reimbursement services need to go out for RFP, fee-based with measurable outcome

scribe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	
Fund Name:	
Amendment Number:	Purinton 6
Fiscal year	FY 2023

AMENDMENT TEXT: pg. 6: Delete FTEs except records manager & payroll/generalist, IT for Airport.

Due to current financial implications, nationwide and locally, it is important that the city "tightens it belt" as all are affected by increased costs.

PURPOSE: Reduce levy to property owners

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Rupsis
Fund Name:	Park District 1
Amendment Number:	Rupsis 1
Fiscal year	FY 2023

AMENDMENT TEXT:

I propose the Parks Department use existing PD1 funds to hire a Park Planner / Project Manager.

PURPOSE:

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

The O&M side of the PD1 budget has historically experienced a $200k-$250k annual surplus. The annual surplus in this part of the budget has been a primary source of the reserve that the district holds. However, the reserves have been accrued at a cost of a slower delivery rate of parks capital projects. In addition, we are now using our Volunteer Coordinator to manage parks projects funded by CDBG funds, resulting in reduced volunteer projects in our parks. The department has needed a Project Manager to help in this delivery for many years but has never requested it. Last year, the department estimated $80k for the cost of this position. Now is the time to finally add this valuable resource.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Rupsis
Fund Name:	Park District 1
Amendment Number:	Rupsis 2
Fiscal year	FY 2023

AMENDMENT TEXT:

I propose we use existing PD1 funds to establish an annual $100k matching funds grant program. Further, I propose that we engage our parks foundation, Partners for Parks, with the grant program by encouraging them to cultivate relationships with private donors and by allowing them to help facilitate the projects with our Parks Department.

PURPOSE:

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

One of the significant challenges forming public-private partnerships for parks projects has been the lack of the City side of the partnership. With the rare exception of the Poly Vista / Landon's Legacy project, we have typically relied on private donors raising most or all of the funds, and the city's contribution primarily being to manage the work. Over the past 5 years, PD1 has always run at least $200k under budget on the O&M side. Besides hiring a Project Manager (see "Rupsis 1" amendment), we should set up a $100k matching funds program to incentivize small projects in our parks system. This program will also serve as a catalyst to activate the Partner for Parks foundation, allowing them to pursue donors with the promise of doubling their money as they donate to improve parks throughout our community.

BUDGET AMENDMENT FORM City of Billings, Montana

Complete all fields as appropriate, duplicate the form as many times as needed.

Council Member Name(s):	Rupsis
Fund Name:	Park District 1 and Arterial Fund / Street Maintenance District
Amendment Number:	Rupsis 3
Fiscal year	FY 2023

AMENDMENT TEXT:

I propose we restore the $336k in capital budget cuts under PD1. To offset the PD1 increase, I propose we delay the $300k project for engineering on 36th St W until FY24.

PURPOSE:

Describe the intended purpose of the amendment, how will appropriation increases be funded, be as specific as possible with respect to the amounts, sources of funds, and purpose.

The Highland Park playground replacement is a needed project in a vulnerable area of town. The water irrigation automation projects save the city time and money during a time when both are limited. It makes no sense to delay those projects while beginning engineering on a project of limited public benefit. 36th St W will provide no traffic improvements as 35th St W already serves as a collector for the neighborhood, and 35th St already provides a Central to Broadwater through route. In addition, I believe a project that only partially finishes these gravel roads is sub-optimal. We need to develop a program that completes all the gravel roads once and for all, and to do that we need a more comprehensive program. A program that respects the integrity of these established neighborhoods, recognizes the very limited traffic the roads need to support, and that allows property owners pay for the improvements over the same 30-year period that they likely would have been afforded if the roads were developed from the beginning. I would like to work with other Councilmembers and with Public Works over the next year to address this need. In the meantime, we should complete the scheduled parks projects.

City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Resolution for Fees Associated with Various Services Provided by the Planning and Engineering Divisions
Presented by:	Monica Plecker
Department:	Planning & Community Services
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends the City Council hold a public hearing and approve the proposed fee increases for FY23 and FY24.

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

The Planning Division is presenting an updated fee schedule and associated resolution to the City Council for Fiscal Years 2023 and 2024. The attached resolution and exhibit reflects increases in many existing fees in an effort to cover the costs of providing services to the community. These are proposed changes to fees within the City Limits only. Any changes to fees charged by the Planning Division in the County will be subject to approval by the Yellowstone County Board of County Commissioners (BOCC). The Planning Division will likely approach the BOCC in Fiscal Year 24 as the BOCC has already approved a 3-year increase schedule of which FY23 is part of.

The Planning Division is proposing an increase in most of its fees and has proposed a new fee for short term rental licenses.

In summary, there are a variety of ways in which we are trying to accommodate bringing costs for all applications and permits in line with services provided:

- All planning subdivision applications are proposed to increase by 3% in FY 23 and 3% in FY 24. Engineering fees are incorporated into the subdivision fees and have been increased at a different rate other than 3%.
- Zoning fees are proposed to increase based on the actual cost of service in FY 23 and will then increase by 3% in FY24.
- Postage fees are proposed for zoning applications -- 40 cents per mailing based on postcard postage.
- Sign deposits for zoning and annexation applications are no longer required.
- Some fees are now the same regardless of whether the application or permit is residential or commercial.

The Division proposes fee increases every two years to reduce the impact of larger increases on the community and to better keep up with increases in the costs of providing these services. These increases are specifically to offset increasing personnel and operating costs and reflect the true cost of review and processing applications. Collectively, the Divisions estimate about $40,000 in new revenues as a result of the proposed fee increases over the course of two fiscal years.

The Engineering Division charges fees for services as a part of the overall fee for each application and review it conducts. The fees as presented in the resolution are reflective of an increase in the existing Engineering fee to be closer to the actual cost of providing the services.

STAKEHOLDERS

The proposed fee increases have been shared with the Home Builders Association. Additionally, the information was provided in an information notify me email received by the development community. Further, this hearing at the City Council Meeting was advertised two times beginning June 10, 2022.

ALTERNATIVES

The Planning Division continues to strive to provide the best customer and application review services in a cost-effective and timely manner. At the direction of the City Council, the Division is proposing fee increases every two years to reduce the impact of larger increases on the community and to better keep up with increases in the costs of providing these services.

The fee increase proposed by the Planning Division for FY23 and FY24 is in response to the ongoing and increasing costs to provide services to the development community and the community at large. The increase in Planning Division fees for the next two years will specifically help offset increases in personal services and operations and

maintenance. The Division is careful to focus its fee increases on the costs for specific application and permit services completed by its staff and follows several guidelines:

- Fees should only cover permit and application processing
- Staff performs other duties funded from the County-Wide Planning Levy and the Federal Transportation Planning Program
- Many staff work on fee-based permits and applications, *and* transportation and community planning projects that are funded through the County-Wide Planning Levy and the Federal Transportation Planning Program, and this is a factor when estimating fee increases for the Division

Not all the Division's fees increase under this proposal. Sign permit fees and exempt plat processing fees will remain the same. Sign permit fees are calculated on a square foot basis per sign size and generally cover review costs. Exempt plat fees are set by State Law at $200 and can only be changed by the Legislature.

The Planning Division, in considering its fee proposal for FY23 and FY24, reviewed other jurisdictions in Montana to see how fees in Billings align with fees in places like Bozeman, Missoula, Kalispell and Great Falls. While fee structures are not all the same, and exact comparisons are not always possible even with the same types of applications, Billings fees are competitive - coming in lower than some communities in zoning fees and the same, or slightly higher, in some subdivision fees. A city fee comparison will be provided as part of the presentation for this agenda item to provide a basic look at the differences.

The City Council may approve of these fee increases and adjustments, and continue to enable the Planning and Engineering Divisions to recover costs of providing these development services to the community.

If the City Council does not approve of these fee increases and adjustments, the Planning and Engineering Divisions will be forced to look at other revenue sources to recover costs of providing these development services to the community, essentially subsidizing specific development projects with funding that should be allocated to community-wide planning efforts that benefit everyone.

FISCAL EFFECTS

The proposed fees will help cover the costs to the Planning and Engineering Divisions to provide services, resulting in additional revenues for the Divisions when services are delivered to customers for certain application types. The Divisions estimate about $40,000 in new revenues in FY23 under the new fee schedule based on the collected and estimated FY22 level of zoning, subdivision, and annexation applications, and general permit and compliance review activity.

Attachments

Resolution
Exhibit A of Resolution

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA PURSUANT TO §7-1-4123(7) MCA AND §3.01 OF THE CITY CHARTER AUTHORIZING AND ESTABLISHING FEES ASSOCIATED WITH VARIOUS APPLICATIONS AND SERVICES PROVIDED BY THE PUBLIC WORKS DEPARTMENT, AND PURSUANT TO ORDINANCE NO. 4314, AMENDED BY ORDINANCE NO. 4494, FOR FEES ASSOCIATED WITH VARIOUS APPLICATIONS AND SERVICES PROVIDED BY THE CITY PLANNING DIVISION.

WHEREAS, §7-1-4123(7) MCA provides that the imposition of a special assessment reasonably related to the cost of a special service or special benefit provided by a municipality or the imposition of a fee for the provision of a service is a legislative power of a municipality; and

WHEREAS, Ordinance No. 4314, amended by Ordinance No. 4494, provides that application fees shall be established by Resolution; and

WHEREAS, §3.01 of the City Charter vests all powers of the city in the Council and Mayor as the legislative branch;

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

1. PLANNING AND PUBLIC WORKS FEES. The following fees as shown in Exhibit A are hereby established and are payable upon application;

2. EFFECTIVE DATE. The fees established herein and shown on Exhibit A shall become effective July 1, 2022 and remain in effect thereafter until changed by resolution.

PASSED AND ADOPTED this 27th day of June, 2022.

THE CITY OF BILLINGS

BY:_____
William A. Cole, Mayor

ATTEST:

_____
Denise Bohlman, City Clerk

Exhibit A

FY 23 & 24 Planning Application Fees

Subdivision Application Review Fees		Existing Fee Combined PLN/ENG	Proposed **Engineering** Fee FY23/24	Proposed FY23 (3%) **PLN** only	FY23 Combined PLN/ENG	Proposed FY24 (3%) **PLN** only	FY24 Combined PLN/ENG
Preapplication Meeting		$ 702	240	$ 496.46	$ 736	$ 511	$ 751
Preliminary Major Plat	6 to 40 lots	$ 4,359	770	$ 3,763.62	$ 4,534	$ 3,877	$ 4,647
	41 to 200 lots	$ 7,090	770	$ 6,576.55	$ 7,347	$ 6,774	$ 7,544
	Over 200 lots	$ 7,090	770	$ 6,576.55	$ 7,347	$ 6,774	$ 7,544
Preliminary Minor Plat		$ 2,763	355	$ 2,511.14	$ 2,866	$ 2,586	$ 2,941
Preliminary Subsequent Minor Plat		$ 2,763	355	$ 2,511.14	$ 2,866	$ 2,586	$ 2,941
Subdivision Variances (Processed with Subdivision Applications)	Residential/Commercial	628		$ 647	$ 647	$ 666	$ 666
Phased Subdivision Opening		1732		$ 1,784	$ 1,784	$ 1,837	$ 1,837
Final Major Plat	6 to 40 lots	$ 1,987	280	$ 1,783.96	$ 2,064	$ 1,837	$ 2,117
	41 to 200 lots	$ 3,299	480	$ 2,944.77	$ 3,425	$ 3,033	$ 3,513
	Over 200 lots	$ 3,299	480	$ 2,944.77	$ 3,425	$ 3,033	$ 3,513
Final Minor Plat		$ 1,838	280	$ 1,630.49	$ 1,910	$ 1,679	$ 1,959
Final Subsequent Minor Plat		$ 1,838	280	$ 1,630.49	$ 1,910	$ 1,679	$ 1,959
Expedited Plat		$ 1,835	380	$ 1,529.55	$ 1,910	$ 1,575	$ 1,955
Exempt Plat		200		$ 200		$ 200	$ 200
Corrections or Vacations of Recorded Final Subdivision plats		309		$ 318	$ 318	$ 328	$ 328
Corrections or Adjustments to Plats, Conditions and Supporing Documents		309		$ 318	$ 318	$ 328	$ 328
Minor Adjustments		3309		$ 3,408	$ 3,408	$ 3,511	$ 3,511
Major Adjustments	6 to 40 lots	1540		$ 1,586	$ 1,586	$ 1,634	$ 1,634
	41 to 200 lots	4621		$ 4,760	$ 4,760	$ 4,902	$ 4,902
	Over 200 lots	6161		$ 6,346	$ 6,346	$ 6,536	$ 6,536
TAS/TIS Review		680	680		$ 740		$ 740
TAS/TIS Update Review		364	400		$ 400		$ 400

FY 23 & 24 CITY Planning Application Fees

Zoning and Other Applications		Existing Fee	Proposed FY23	Proposed FY24
Annexations		$ 1,307	$ 1,396	$ 1,438
Deannexations		$ 1,307	$ 1,396	$ 1,438
Limits of Annexation Map Amendment Urban Planning Study		$ 817	$ 1,346	$ 1,387
Zone Change + Postage (.40 per mailing)	Residential	$ 1,062	$ 1,514	$ 1,559
	Commercial	$ 1,470		
Planned Neighborhood Development + Postage (.40 per mailing)	Neighborhood	$ 1,400	$ 2,300	$ 2,369
	Comm/MU/TC	$ 2,250		
Land Use Contrary to Zoning + (.40 per mailing)		$ 121	$ 546	$ 563
Special Review + (.40 per mailing)	Residential	$ 1,062	$ 1,144	$ 1,178
	Commercial	$ 1,470	$ 1,564	$ 1,611
Variance + (.40 per mailing)	Residential	$ 531	$ 596.93	$ 615
	Commercial	$ 653	$ 850.00	$ 876
Planned Unit Development + (.40 per mailing)	<5 Acres	$ 1,223	$ 2,069	$ 2,131
	>5 Acres	$ 1,960		
Administrative Relief	Base	$ 175	$ 200	$ 206
	Additional Req.	$ 75	$ 75	$ 75
Landscape Plan	<1 Acre	$ 230	$ 237	$ 244
	1-3 Acres	$ 345	$ 355	$ 366
	3-5 Acres	$ 460	$ 474	$ 488
	5+ Acres	$ 575	$ 592	$ 610
Proportionate Compliance	Base	$ 115	$ 200	$ 206
	Site (Add)	$ 75	$ 75	$ 75
	Structure (Add)	$ 50	$ 50	$ 50
Concept Development Meeting (PND, MSP, Other Inquiries)		$ 482	$ 496	$ 511
Temporary Use Permit	Initial Review	$ 247	$ 254	$ 262
	Annual Review	$ 163	$ 168	$ 173
	Bond	$ 1,650	$ 1,650	$ 1,650
Short Term Rental License	Initial Review		$ 150	$ 155
	Annual Review		$ 75	$ 79
Zoning Clarification		$ 77	$ 81	$ 83
Zoning Compliance	Residential	$ 77	$ 150	$ 155
	Commercial	$ 115		
Master Site Plan Review (Includes $357 Eng. Fee)		$ 1,431	$ 1,576	$ 1,623
Plan Review	Residential	$ 77	$ 135	$ 139
	Commercial	$ 115	$ 225	$ 232
Signs	Application	$2/sq. ft.	$2/sq. ft.	$2/sq. ft.
	Permit	$1/sq. ft.	$1/sq. ft.	$1/sq. ft.
	Face Change	$ 28	$ 30	$ 30
Fence Permit		$ 30	$ 35	$ 36
Resubmittals Within 1 year of a withdrawal request, plus required postage .40 per mailing	Zone Change & PND	$ 817	$ 1,000	$ 1,030
	Special Review	$ 817	$ 1,000	$ 1,030
	Variance	$ 817	$ 1,000	$ 1,030
TAS/TIS		$ 680	$ 740	$ 740
TAS/TIS Update		$ 364	$ 400	$ 400
TAS/ Traffic and Queing Mitigation		$ 125	$ 135	$ 135

FY 23 & 24 Engineering Division Plan Review Fees

		Current Fee	Proppsed Fee
Plan Review	Comm/Multi (< 1 acre)	$220.00	$250.00
Plan Review	Comm/Multi (>= 1 acre)	$880.00	$1,000.00
Plan Review	Garage	$80.00	$85.00
Plan Review	Residential	$130.00	$140.00

City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Resolution Adopting Revised Right-of-Way Fees
Presented by:	Jennifer Duray
Department:	Public Works
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends that the City Council approve the resolution adopting the revised Public Works right-of-way fees.

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

Public Works is proposing an updated right-of-way fee schedule and Resolution to the City Council to modify the amounts for FY23. Right-of-way fees are typically updated every 2 years so the adopted fees will be in place for FY23 and FY24. Staff has performed an analysis of the costs of administration and inspection services incurred with regards to right-of-way permits and is recommending changes to the amounts to more appropriately assign costs to the services provided. The recommended fees are based on full cost recovery principles. On average, the proposed fees represent an 8.5% increase over the fees charged in FY21 and FY22.

STAKEHOLDERS

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ALTERNATIVES

City Council may:

- Approve the resolution to update the existing fee schedule for right-of-way fees, or;
- Disapprove the resolution to update the existing fee schedule of right-of-way fees, or:
- Modify and approve the resolution to update the existing fee schedule of right-of-way fees.

FISCAL EFFECTS

The modified right-of-way fees will provide approximately $43,000 of additional revenue to the Public Works Engineering Division in FY23.

Attachments

Resolution

RESOLUTION 22-_____

A RESOLUTION ADOPTING REVISED SCHEDULE OF RIGHT-OF-WAY FEES FOR THE PUBLIC WORKS DEPARTMENT

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Billings and its environs to provide adequate inspection and administration of operations within the City right-of-way and to provide adequate funding to meet the cost of providing said services incurred in the administration of right-of-way permits; and

WHEREAS, it has become necessary in the operation of City Engineering services to revise the right-of-way fees to levels to be consistent with the costs of administration and inspection incurred relating to the services provided; and

WHEREAS, said fees are established by resolution.

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

1. That the following schedule of fees are hereby established and shall become effective July 1, 2022 and remain in effect thereafter until changed by resolution.

Excavation				
	Utility Service	$265.00		
	All Others	$368.00		
Surface		First 100'	> 100'	
	Grass/Unimproved	$95.00	$1.20	per foot
	Asphalt	$217.00	$2.45	per foot
	Gravel Alley	$152.00	$1.10	per foot
	Concrete - Sidewalk	$250.00	$1.10	per foot
	Concrete - Curb & Gutter	$250.00	$1.10	per foot
	Concrete - Approach	$250.00		
	Concrete - Grinding	$65.00		
		$10.50	per each additional on-site	
Boring		$412.00	per project (plus excavation costs)	
Pothole or Monitoring Well		$120.00	per project location	

Staking	$375.00	First 150’ (> 150’ = $1.90 per foot)
Permit Renewal	$70.00	per 1-year extension
Encroachment Permit	$70.00	
Storm Drain Connection	$155.00	

2. NOTICE OF HEARING. On Monday, June 27, 2022, at 5:30 p.m., or as soon thereafter as the matter could be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News, as provided in Section 7-1-4127, MCA.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 27th day of June 2022.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise Bohlman, City Clerk

City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Resolutions Setting Annual Levy/Assessments for Fiscal Year 2023
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends that the City Council conduct one public hearing for all the levies/assessments and approve each individual resolution. These levies/assessments are listed as sub items under one agenda item. The Council may conduct one public hearing where anyone may speak about any of the levies/assessments. After the public hearing is closed, the Council will need to take action on each individual levy/assessment resolution. All resolutions may be approved by a majority vote.

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

The following property tax levy and annual assessment resolutions have been completed by the Finance Department and the levies and assessments are ready to be spread on the tax files.

- Mill Levy Rates for General, Transit, Library, Public Safety I,II and III
- Downtown Business Improvement District
- Tourism Business Improvement District

The mills will be set at 203 in FY 2023 for General, Transit, Library, and Public Safety I, II and III levies. The TBID assessment is $2 per rented room per night and will not change from last year. The DBID assessment is based on many factors which includes total square footage, count of all parcels, total taxable value, and total building square footage within the district. For FY 2023 the assessments for the DBID total $523,127.09.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve and provide additional guidance to staff
- Amend and approve the resolutions

FISCAL EFFECTS

Establishing these mills will allow the City's General, Transit, Library and Public Safety I, II & III to collect the maximum monies allowed by the Charter for the upcoming fiscal year.

Attachments

Resolution GENR, TRN,LIB,PS I, II
Resolution DBID
Resolution TBID

RESOLUTION NO. 22- _____

A RESOLUTION MAKING THE ANNUAL ALL-PURPOSE MILL LEVY AND MILL LEVIES FOR LIBRARY OPERATING, TRANSIT OPERATING, AND PUBLIC SAFETY FOR THE FISCAL YEAR 2022-2023.

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

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

1. That an All-Purpose Annual Mill Levy in the amount of 74 Mills is hereby imposed on all taxable property within the City of Billings, Montana, for the Fiscal Year July 1, 2022 through June 30, 2023. (BMCC 1.02)

2. That additional Mill Levies in the amounts stated are hereby imposed on all taxable property within the City of Billings, Montana, to provide payment for the following:

A.	5.00	Library Operating (BMCC 1.04)
B.	10.00	Transit Operating (BMCC 1.03)
C.	20.00	Public Safety (BMCC 1.05)
D.	60.00	Public Safety II (BMCC 1.05.1)
E.	34.00	Public Safety III (BMCC 1.05.2)

3. That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED by the City Council this 27th day of June, 2022.

CITY OF BILLINGS:

BY: _____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise R. Bohlman, CITY CLERK

RESOLUTION 22 - _____

A RESOLUTION LEVYING AND ASSESSING PROPERTIES FOR THE PURPOSE OF PROVIDING AND MAINTAINING THE COMMON AREA IMPROVEMENTS MADE IN DOWNTOWN, CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND ADOPTION.

WHEREAS, Billings, Montana City Code provides for assessment for public improvements and maintenance, including but not limited to public sidewalk sweeping, security, public sidewalk snow removal, litter control, graffiti removal, and abatement of other services that are requested by the downtown property owners.

WHEREAS, said Billings, Montana City Code provides that the City Council shall fix, levy, and assess said charge on or before the second Monday in August.

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

1. SERVICE CHARGE FOR FISCAL YEAR 2023. The Business Improvement District assessment for the fiscal year 2023 is hereby fixed, levied and assessed against each and every parcel of real property within the B.I. D. Each parcel shall pay to the City that portion of the total Business Improvement District assessment imposed annually. The assessment is a calculation based on square footage, taxable market value, and building square footage. See Exhibit A

2. NOTICE OF HEARING. On Monday, June 27, 2022, at 5:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda. The City Council will hear objections to the adoption of this resolution.

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

ADOPTED and APPROVED by the City Council on the 27th day of June, 2022.

CITY OF BILLINGS:

BY: _____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise R. Bohlman, CITY CLERK

Attachment A

Tax ID	Assessment
A00001	584.53
A00649	1,049.27
A00650	1,129.74
A00635	1,149.30
A00651	1,982.34
A00365	2,086.74
A00815	1,401.84
A07281	515.04
A00838	1,829.05
A00835	1,731.27
A00836	1,583.62
A00066A	1,025.84
A00763	455.02
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A34225C	53.11
A34225D	53.11
A34225F	53.25
A34225I	53.25
A34225J	53.25
A34225L	53.25
A34225N	53.25
A34225O	53.25
A34225P	53.25
A34225Q	53.25
A34225R	53.25
A34225S	53.25
A34225T	53.25
A34225U	53.25
A34225V	53.25
A34225W	53.25
A34225X	53.25
A34226A	53.25
A34226B	53.25
A34226C	53.25
A34226I	53.25
A34226J	53.25
A34226K	53.25
A34226L	53.25
A34226N	53.25
A34226O	53.25

A34226P	53.25
A00258	774.49
A00276	231.44
A00282	599.02
A00409	173.88
A00410	92.45
A00050	250.55
A00580	117.38
A00583	143.02
A00584	159.38
A00585	103.60
A00606	455.26
A00607	1,211.54
A00673	221.01
A07283	238.07
A07295	175.27
A00663	136.24
A00664	339.30
A07225	1,775.06
A00075A	1,119.26
A07258	315.37
A00637	1,749.25
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A01170	201.39
A36413L	53.38
A01205	152.21
A01155	550.47
A00794B	127.86
A00400	271.88
A00202	137.53
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A00676	184.50
A00677	135.88
A00678	136.10
A00757	201.08
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A00641E	50.00
A00641F	50.00
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A00770	743.00
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A01545	259.71
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A34212K	58.35
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A34212N	67.72
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A34212P	67.81
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A34212U	63.17
A34212V	59.00
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A11586	128.55
A11589	105.66
A11614	103.21
A11615	116.50
A12216	324.33
A12229	214.81
A12255	105.52
A12256	105.59
A12257	105.52
A12264	105.57
A12233	1,177.75
A11588	127.79
A12226	1,194.65
A12244	105.97
A12245	105.82
A12248	97.73
A12249	105.67
A12254	105.59
A12261	105.65
A12262	105.57
A12246	161.25
A11563	120.49
A12176	868.70
A12250	105.59
A12251	105.74
A12252	105.52
A12253	105.52
A12258	105.82
A12259	105.57

A12260	105.57
A33974	1,403.50
A11355	159.87
A11585	112.16
A11587	112.27
A11592	360.58
A12203	105.99
A12218	351.90
A12263	105.65
A07376B	76.60
A01959	83.95
A01057	135.97
A01058	135.84
A01059	196.19
A07285	229.64
A07376S	60.10
A07376T	61.61
A07376U	61.61
A07376V	60.60
A07376W	62.61
A26800	65.04
A01145	141.28
A00926	126.03
A01280	270.05
A00886	584.39
A00887	393.94
A00920C	55.90
A00920D	55.91
A00920E	55.59
A07363	276.46
A00252	293.29
A07317	1,063.77
A01940	98.15
A00640A	205.33
A00640B	140.76
A00640C	173.30
A00640D	242.58
A00640E	122.88
A00640F	832.98
A00896	399.10
A01711	394.52
A11354	693.07
A01699	3,556.39

A01019	258.46
A01019A	191.32
A36413K	52.95
A00006	223.55
A01939	102.74
A07366	1,211.25
A07369	217.24
A01947	439.70
A00070	135.63
A00755	283.45
A00429	124.59
A00430	96.84
A00776	1,237.88
A00888	667.48
A00924	220.38
A00812	457.50
A00656	1,178.75
A26791	57.59
A00611	1,149.79
A00260	671.06
A01046	128.50
A01047	145.61
A01048	137.54
A00212	262.42
A07181	181.84
A01168	330.99
A01933B	894.49
A07286	144.00
A07335	151.48
A01960	233.89
A00759	864.44
A07230	332.87
A07229	157.63
A01204	133.54
A01310	149.33
A01311	152.55
A00640U	112.96
A00280	307.41
A00067	387.60
A00069	309.40
A00844	177.67
A07381	245.70
A00075B	194.70

I00199	106.91
I01104	1,022.07
A00641C	50.00
A01243	217.82
A34226D	53.25
A00073A	97.48
A01945	152.01
A01946	294.21
I00221	138.84
A00659	486.87
A00640L	118.45
A00011	1,399.51
A00016	656.65
A00041	957.15
A00042	1,215.24
A00375	3,604.20
A00671	316.69
A00073B	98.20
A00658	734.86
I00257	50.00
A01135	133.54
A01136A	92.45
A01137	177.89
A01138	535.98
A01142	136.17
A01144	179.28
A01554	554.07
A01560	768.26
A01193	137.56
A01246	1,264.00
A00923	225.53
I00236	795.51
A00769	326.94
A00431	159.36
A00247	769.26
A01308	85.50
A00796F	137.25
A00796G	158.03
A36413D	53.07
A00255	607.11
A00372	2,231.64
A00826	1,723.37
A00847	122.95

A00660	221.16
A00624	7,771.32
A01689	177.20
A01690	136.17
A01691	178.25
A07352	202.93
A00407	146.68
A29916B	146.57
A29916C	100.15
A00578	124.29
A01941	100.73
A00640H	161.21
A00642B	551.37
A00789F	95.41
A00789G	107.91
A00789H	235.92
A00357	657.14
A00063	1,600.48
A01963A	392.77
A00347	594.94
A00264	5,831.65
I00282	806.45
A00379	308.75
A00389	526.92
A00395	137.72
A00396	136.00
A00401	393.37
A00402	135.88
A00414	641.59
A01212	653.50
A01222	138.90
A01218	86.04
A01220	100.15
A01221	97.19
A01223	95.75
A01224	97.19
A00949	4,203.12
A00953	376.63
A00954	95.87
A00956	97.84
A00957	232.44
A00959	619.22
A00963	164.74

A01293	630.37
A00042A	812.83
A00638	1,000.29
A18737	158.61
A18738	252.58
A00648	691.83
A07267	161.54
A00360	5,189.26
A00366	3,352.78
A00794D	635.47
A00795	8,059.91
Total	523,127.09

RESOLUTION NO. 22 - ___

A RESOLUTION ASSESSING ALL HOTELS WITHIN THE BILLINGS TOURISM BUSINESS IMPROVEMENT DISTRICT WITH SIX (6) OR MORE ROOMS $2 PER OCCUPIED ROOM NIGHT

WHEREAS, the 2007 Montana Legislature and the Governor approved legislation that allows local governments to create Tourism Business Improvement Districts, effective October 1, 2007; and

WHEREAS, the Billings City Council created the Tourism Business Improvement District (Tourism Business Improvement District No. 0002) on August 27, 2007 by adopting Resolution No. 07-18593; and

WHEREAS, the Billings City Council created the Tourism Business Improvement District (Tourism Business Improvement District No. 0002) on April 10, 2017 by adopting Resolution No. 17-10614; and

WHEREAS, in May, 2013, the Billings Tourism Business Improvement District Board of Trustees petitioned the Billings City Council to increase the occupied room night assessment for hotels with 60 or more rooms, which was accomplished by the City Council's adoption of Resolution No. 13-19284; and

WHEREAS, the Billings Tourism Business Improvement District Board of Trustees petitioned the Billings City Council to amend Resolution 13-19284 by eliminating the two (2) classes of hotels established in the resolution and to charge the same occupied room night assessment to all eligible hotels; and

WHEREAS, the Billings City Council must amend Section 9 of Resolution No. 13-19284 in order to change the occupied room night assessment,

BE IT RESOLVED by the Billings Montana City Council that Resolution No. 13-19284, Section 9 is amended as follows:

Section 9. Assessments. All hotels, as defined in Section 8, that are within the District will be assessed for their proportionate share of the costs of maintaining the activities of the Tourism Business Improvement District as prescribed in Section 7-12-1133(2)(c) M.C.A. The assessments to fund the work plan for each fiscal year are to be collected from all hotels with six (6) or more rooms within the boundaries of the district and all such hotels shall be subject to an assessment of $2 per occupied room night. Stays by persons whom are otherwise exempt from paying a transient occupancy tax (a.k.a. lodging facility use tax), as provided in Sections 15-65-101 through 15-65-136 MCA, shall be exempt from the assessment.

The assessments may be modified annually by adoption of a resolution or adoption of the City's budget.

Section 12: Effective Date. The effective date for this resolution shall be June 27, 2022.

APPROVED by the City Council of the City of Billings, Montana this 27th day of June, 2022.

THE CITY OF BILLINGS:

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Resolution Road Maintenance District No. 6
Presented by:	Andy Zoeller, Finance Director
Department:	Finance
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends that the City Council hold a public hearing and approve the resolution setting the annual Road Maintenance District (RMD) No. 6 assessment.

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

RMD No. 6 was established by City Council in 2015. The purpose of the district is to maintain a permanent emergency access road for fire apparatus and emergency vehicles. This specific access road is located in the Briarwood subdivision located between Glengarry Lane and Colleen Drive. This road provides a secondary access point for the development which can be used during an emergency should the main access road become inaccessible. The fee will remain the same for FY 23 as it was for FY 22, $55.28 per lot.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve The district will not collect enough money to maintain the Briarwood Emergency Access Road and this would create a conflict with the Subdivision Improvement Agreement and the Fire Code.

FISCAL EFFECTS

The total assessment of $2,819 (51 properties at $55.28) reflects the cost of providing maintenance to meet Fire Code requirements.

Attachments

Resolution RMD6

RESOLUTION 22 -_____

A RESOLUTION LEVYING AND ASSESSING ROAD MAINTENANCE DISTRICT NO. 6 FEES FOR PROPERTIES WITHIN ROAD MAINTENANCE DISTRICT NO. 6 IN THE CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND ADOPTION.

WHEREAS, the City, by Resolution, has defined the boundaries and established a road maintenance district as provided by State Law, and

WHEREAS, Billings Montana City Code and Title 7, Chapter 12, Parts 41 and 44, as amended of the Montana Code Annotated authorizes the City of Billings to adjust the road maintenance district rate and charge to provide for the sufficient collection of revenues adequate for the payment of the reasonable expense of the district.

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

1. METHOD OF ASSESSMENT. The City hereby determines that each lot or parcel of land within Road Maintenance District No. 6 shall be assessed for that portion of the whole cost which each lot or parcel of land in the respective district bears.

2. ASSESSMENT. Each lot or parcel within the boundaries of Road Maintenance District No. 6, is hereby assessed **$55.28** per lot for fiscal year 2023.

3. LOTS AND PARCELS ASSESSED. A list which describes the legal description of each of the 51 lots or parcel of land assessed within the respective district,

and the amount levied thereon set is available in the office of the City Clerk, 210 North 27th St, Billings, Montana.

4. COLLECTION OF ASSESSMENTS. Said special assessments shall be placed upon the assessment rolls and collected in the same manner as other taxes.

5. NOTICE OF HEARING. On Monday, **June 27th, 2022** at 5:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda. City Council will hear objections to the adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

6. EFFECTIVE DATE. This resolution shall be effective upon final adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 27th day of June 2022**.**

BY:_____

William A. Cole, MAYOR

ATTEST:

BY:_____

Denise R. Bohlman, CITY CLERK

Exhibit A

Tax ID	Legal Description
A32132	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 1A, AMD 29382 SQ FT (08)
A32133	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 2, 16843 SQUARE FEET, (06)
A32134	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 3, 18688 SQUARE FEET, (06)
A32135	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 4, 19990 SQUARE FEET, (06)
A32136	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 5, 18532 SQUARE FEET, (06)
A32137	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 6, 18568 SQUARE FEET, (06)
A32138	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 7, 18605 SQUARE FEET, (06)
A32139	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 8, 18641 SQUARE FEET, (06)
A32140	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 9, 18678 SQUARE FEET, (06)
A32141	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 10, 20037 SQUARE FEET, (06)
A32142	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 11, 17170 SQUARE FEET, (06)
A32143	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 1, Lot 12, 21975 SQUARE FEET, (06)
A32144	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 2, Lot 1, 30665 SQUARE FEET, (06)
A32146	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 2, Lot 3, 22760 SQUARE FEET, (06)
A32147	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 2, Lot 4, 20152 SQUARE FEET, (06)
A32148	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 2, Lot 5, 13290 SQUARE FEET, (06)
A32149	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 2, Lot 6, ACRES 14129, (06)
A32150	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 3, Lot 1, 24360 SQUARE FEET, (06)
A32151	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 3, Lot 2, 22366 SQUARE FEET, (06)
A32152	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 3, Lot 3, 20430 SQUARE FEET, (06)
A32153	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 1
A32154	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 2, 33407 SQUARE FEET, (06)
A32155	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 3, 42372 SQUARE FEET, (06)
A32156	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 4, 46904 SQUARE FEET, (06)
A32157	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 5, 19276 SQUARE FEET, (06)
A32158	THE ESTATES AT BRIARWOOD 1ST FILING, S27, T01 S, R26 E, BLOCK 4, Lot 25, ACRES 17562, (06)
A35428	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 4
A35429	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 5
A35430	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 6
A35431	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 7
A35432	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 8
A35433	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 9
A35434	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 10
A35435	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 11
A35436	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 12
A35437	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 13
A35438	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 14
A35439	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 15
A35440	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 16
A35441	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 17
A35442	THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 18

A35443 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 19
A35444 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 20
A35445 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 21
A35446 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 3, Lot 22
A35447 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 26
A35448 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 27
A35449 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 28
A35450 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 29
A35451 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 30
A35453 THE ESTATES AT BRIARWOOD SUB 2ND FIL (15), S22, T01 S, R26 E, BLOCK 4, Lot 31

EXHIBIT "A"

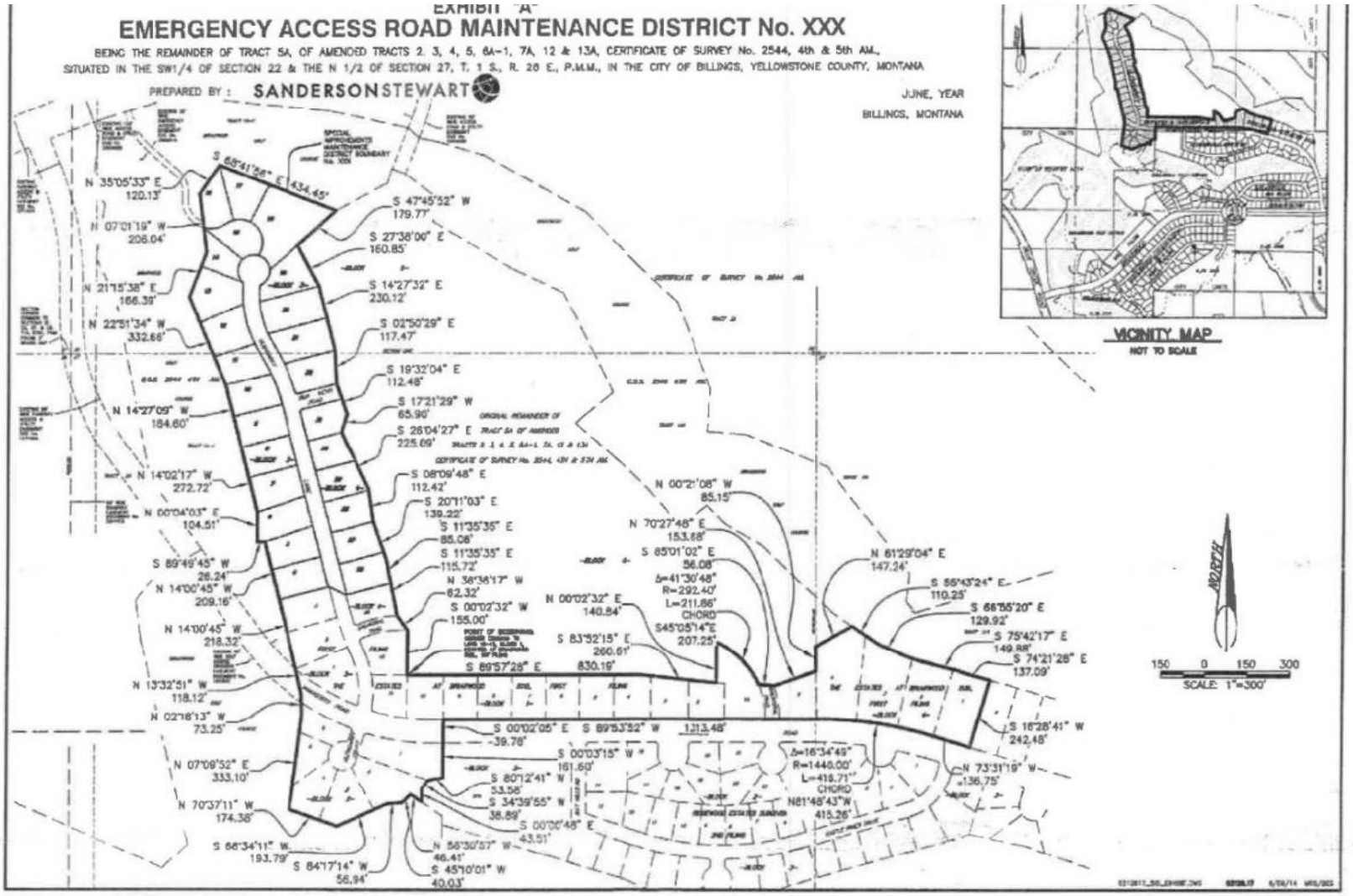
EMERGENCY ACCESS ROAD MAINTENANCE DISTRICT No. XXX

BEING THE REMAINDER OF TRACT 5A, OF AMENDED TRACTS 2, 3, 4, 5, 6A-1, 7A, 12 & 13A, CERTIFICATE OF SURVEY No. 2544, 4th & 5th AM.,
SITUATED IN THE SW1/4 OF SECTION 22 & THE N 1/2 OF SECTION 27, T. 1 S., R. 26 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED BY : SANDERSONSTEWART

JUNE, YEAR
BILLINGS, MONTANA

VICINITY MAP
NOT TO SCALE



City Council Regular

Date:	06/27/2022
Title:	Public Hearing and Resolution Setting Annual Storm Sewer Assessments for Fiscal Year 2023
Presented by:	Jennifer Duray
Department:	Public Works
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

Staff recommends that City Council conduct a public hearing and approve the proposed resolution setting storm sewer assessments rates for FY23.

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

Storm sewer assessments are set annually by resolution. Storm assessments are based on zoning and square footage to reflect the relative storm water runoff of various land uses. The existing rates are not adequate to provide for the capital investment and operating costs necessary to continue providing service at the current level. The attached resolution specifies the proposed rates that will result in an estimated overall 6% increase for FY23. During the Public Works budget presentation to Council in May 2022, staff discussed that most recent Construction Cost Index (CCI) was 8.9% and a 6% rate increase was proposed. Thus, the revenues produced under the proposed rates will not generate enough revenue to keep up with inflationary levels if these high levels of inflation continue, which will result in the need to cut or defer some planned construction projects utilizing storm funds that are in the approved FY23 - FY27 Capital Improvement Plan.

ALTERNATIVES

City Council may:

- Approve the recommended resolution
- Approve an amended resolution; or
- Not approve a resolution. If Council does not approve a resolution, an amended resolution to establish storm sewer assessments will need to be considered at a future City Council meeting to establish rates for FY23.

FISCAL EFFECTS

The proposed increase in the storm sewer assessment rates would increase an average 9,691 square foot residential lot by $3.20 from $53.20 per year to $56.40 per year and will generate approximately $288,000 for the storm sewer fund in FY23.

Attachments

FY23 Storm Sewer Fees

Attachment

RESOLUTION 22- _____

A RESOLUTION LEVYING AND ASSESSING STORM SEWER FEES FOR PROPERTIES WITHIN THE CITY OF BILLINGS, PROVIDING FOR NOTICE, HEARING AND FINAL ADOPTION

WHEREAS, under Section 7-13-4301, M.C.A, the City of Billings is authorized to construct, reconstruct, operate, and maintain a storm sewer system; and

WHEREAS, Billings, Montana City Code and Title 7, Chapter 13, Part 43 of the Montana Code Annotated authorizes the City of Billings to adjust storm sewer rates and charges to provide for the sufficient collection of revenues adequate for the payment of the reasonable expense of said system.

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

1. ANNUAL STORM SEWER FEE. That for the purpose of defraying the cost of upgrading, repairing and maintaining the City Storm Sewer System, an annual storm sewer fee is imposed for fiscal year 2023, upon all lots or portions of lots as identified in the City's property tax record files. Rates are hereby levied and assessed as listed and described on EXHIBIT “A” attached hereto and by this reference said exhibit is made a part hereof.

2. EXEMPTION. Storm Sewer Fee assessments shall not be paid by the City General Fund, Public Safety Fund, Library Fund, Airport Fund or MET Transit Fund.

3. DISPOSITIONS OF COLLECTIONS. Monies collected from assessments shall be paid into the Municipal Storm Sewer System Fund, of Billings, Montana.

4. NOTICE OF HEARING. On Monday, **June 27, 2022,** at 5:30 o'clock p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council will hear objections to the adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.

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

ADOPTED and APPROVED by the City Council of the City of Billings, Montana on the 27th day of June, 2022.

CITY OF BILLINGS:

BY: _____
William A. Cole, MAYOR

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK

Exhibit A

STORM SEWER FEE

ZONE	RATE	
VACANT	1,110.00	Cap
AT RATE	0.00180	per sq. ft.
CBD	0.01843	per sq. ft.
CMU1	0.01269	per sq. ft.
CMU2	0.01302	per sq. ft.
CX	0.01384	per sq. ft.
DX	0.01269	per sq. ft.
EBCW	0.01269	per sq. ft.
EBIS	0.01384	per sq. ft.
EBMS	0.01843	per sq. ft.
EBRMS	0.01843	per sq. ft.
EBRSV	0.01186	per sq. ft.
I1	0.01384	per sq. ft.
I2	0.01539	per sq. ft.
N1	0.00582	per sq. ft.
N2	0.00582	per sq. ft.
N3	0.00582	per sq. ft.
NMU	0.01186	per sq. ft.
NO	0.00999	per sq. ft.
NX1	0.01042	per sq. ft.
NX2	0.01059	per sq. ft.
NX3	0.01075	per sq. ft.
P1	0.00306	per sq. ft.
P2	0.00306	per sq. ft.
P3	0.01224	per sq. ft.
PD	0.00843	per sq. ft.
RMH	0.00687	per sq. ft.

City Council Regular

Date:	06/27/2022
Title:	Tax Increment Finance Assistance from SBBURD to WendBill (Wendy's Restaurant)
Presented by:	Wyeth Friday
Department:	Planning & Community Services
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

The South Billings Urban Renewal Association (SBURA) Board has reviewed this application for tax increment assistance and recommends the City Council approve, upon project completion, a maximum of $154,801.00 of funds from the South Billings Boulevard Tax Increment Finance District (TIFD) to Wendbill, LLC (dba Wendy's). Actual reimbursement will be based upon 100% of the actual costs incurred for qualified expenses for the improvements made to the property at 4720 King Ave East, subject to the following conditions:

1. The Applicant shall sign a development agreement with the City of Billings and SBURA within 180 days of City Council's approval.

2. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.

3. If funds are not available, reimbursement can be carried over to the next fiscal year

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

The SBURA board considered Wendbill, LLC's application for tax increment assistance at its May 3, 2022, board meeting and voted 5-1 to recommend the application to the City Council. Wendbill, LLC is seeking tax increment finance assistance to construct a sidewalk on the perimeter of its property along with a concrete curb ($76,911). Additionally, it is seeking tax increment assistance for the landscaping associated with the development ($77,889.95). This request is very similar to the request from Taco Johns (Ole Rentals, LLC) the Council approved November 8, 2021 for site development for its new restaurant in the same area of the Miller Crossing Subdivision. There has been renewed interest and subsequent development in the Miller Crossing Subdivision recently, and Taco John's and Wendy's are both part of this new activity.

The single dissenting vote by SBURA Board Member Andrew Houlihan for this application was not because he did not support the project or providing TIF funds to it. He noted several reasons for his vote, including the amount recommended for award was more than what had been recommended to Taco John's, an almost identical application request, the project per the applicants comments was going to be completed whether the TIF assistance was granted, and the SBURA was seeing significant other development interest and potential TIF funding needs in the future that need to be considered from a budget standpoint.

Wendbill LLC, a subsidiary of Wentana, LLC, operates 16 Wendy's restaurants in Montana. Wendbill, LLC is investing in the Miller Crossing area of the South Billings Boulevard Urban Renewal District primarily because of the recent growth in the District. This restaurant will employ approximately 50 people.

The SBURA Board supports the project and found it was a match for accessing urban renewal funds because:

- The public improvements proposed for reimbursement for the overall project exceeds the 5:1 private to public matching fund recommendation of the City's TIF Policy.
- The application aligns with City TIF Policy, MCA, and the SBBURD Urban Renewal Plan (See Table 1 below and attachments).

Table 1

Qualified Improvements	Estimated Cost	City TIF Policy	Urban Renewal Plan	MT Code Annotated
Sidewalks & Curbs	$76,911	Section 1(b)	Section 13	7-15-4288(4)

Landscaping	$77,890	Section 1(b)	Section 14	7-15-4288(4)

ALTERNATIVES

City Council may:

- Approve the recommendation from the SBURA board or the expenditure of these tax increment finance (TIF) funds that are consistent with elements of the South Billings Boulevard Urban Renewal Plan, or;
- Modify the recommendation from the SBURA board for the expenditure of these TIF before taking action, or;
- Disapprove the recommendations from the SBURA board for these expenditures of these TIF funds. If the Council chooses not to approve the TIF application, specific reasoning for the denial is helpful to provide further direction to the SBURA board and City Staff for future applications.

FISCAL EFFECTS

The recommendation is for a maximum of $154,801 to be reimbursed to Wendbill, LLC for the identified work (See SBURA recommendation attached to this memo). The estimated total project cost is approximately $2,434,670, making the private to public investment ratio for this project about 16:1. The funds are payable per the conditions of approval outlined in the SBURA recommendation and pending satisfactory submission of all paid invoices showing actual cost incurred for the project. Currently, the project is estimated for completion in late 2022. These payments are already incorporated into the FY23 budget.

Attachments

Wendy's TIF Application
SBURA TIF Recommendation Memo
Wendy's Site Location
City TIF Policy
SBBURD Urban Renewal Plan

SOUTH BILLINGS BOULEVARD TAX INCREMENT FINANCING ASSISTANCE APPLICATION

Project Name: WENDY'S Date Submitted: _____

APPLICANT INFORMATION

1. Name: WENDBILL, LLC / MIKE TRACY
2. Address: 2110 OVERLAND AVE STE 109
3. Telephone Number: 406-252-5125, CELL 406-690-4141

PROJECT INFORMATION

1. Building Address: 1610 KING AVE EAST BILLINGS, MT 59106
2. Legal Description: MILLER CROSSING SUB 2ND FIL (09), S16, T01S, R26E, BLOCK 1, LOT 3A, AMD
3. Ownership: WENDBILL LLC
4. Address: 2110 OVERLAND AVE, STE 109
5. If property is not owned by the Applicant, list leasehold interests (Attach evidentiary materials.)

   Lessor's Name: _____

   Lessor's Address: _____
6. Existing/Proposed Businesses: WENDY'S RESTAURANT
7. Business Description: QUICK SERVE RESTAURANT
8. Employment: Existing FTE jobs _____
9. New Permanent FTE jobs created by project _____ Construction FTE jobs _____
10. Architectural Firm: SCHUTZ FOSS ARCHITECTS

    Address: 3030 4TH AVE N BILLINGS, MT 59101

Representative: KYLE GILLETTE

8. Description of Project: (Attach narrative explanation.)

9. Rehabilitation/construction plans: (Attach schematics, site and landscaping plans.)

10. Project Schedule: (Attach time line or schedule through completion.)

CRITERIA FOR REVIEW

Materials contained in TIF Assistance applications are used to assess the merits of projects in relation to the goals and objectives of the South Billings Urban Renewal Master Plan and in relation to other District development and urban renewal projects. Projects will be evaluated based on the following criteria.

1. **Relevance to the South Billings Urban Renewal Master Plan** – This document is available on SBURA's website (www.southbillings.org).

2. **Economic Stimulus** – The amount of economic activity to be generated by the project.

3. **Tax Generation** – The increase in taxable value due to new construction/rehabilitation as estimated by the County Assessor's office.

4. **Employment Generation** – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.

5. **Elimination of Blight** – The project's direct and indirect impact on the physical and fiscal condition within the District.

6. **Special or Unique Opportunities** – The extent to which the project represents a unique opportunity, meets a special need, or addresses community goals. The provision of public space or workforce housing are examples of special and unique opportunities.

7. **Impact Assessment** – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.

8. **Financial Assistance** – Other forms of financing available to the Applicant i.e. lender participation and state and federal grant monies,

9. **Project Feasibility** – Demonstration of market demand for the project

10. **Developer's Ability to Perform** – Applicant's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.

11. **Timely Completion** – The feasibility of completing the project according to the Applicant's project schedule.

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	$ $850,000
2.	$
3.	$
4.	$
Subtotal	$ $850,000

Construction/Rehabilitation Costs (or attach separate statement)

1.	$
2. PLEASE SEE ATTACHED G.C. BID DOCUMENT	$
3.	$
4.	$
5.	$
6.	$
7.	$
8.	$
Subtotal	$

Fees

1. Architectural design/Supervision	$ $6,500
2. Permits	$

3. Other fees _____ $ _____

Subtotal $ _____

Total Project Development Costs $ _____

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested $ 2,500,000

Land & Buildings $ _____

Other (Specify) _____ $ _____

_____ $ _____

Subtotal $ _____

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
_____	$ _____	_____%	____yrs	$ _____/Month
_____	$ _____	_____%	____yrs	$ _____/Month

Total Loan Amount $ _____

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

Applicant

1. Name: _____

   Address: _____

2. If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of MONTANA.

3. The applicant is:

   _____ A corporation.

   _____ A nonprofit or charitable institution or corporation

   _____ A partnership known as LLC

   _____ Other (explain): _____

   Date of organization: _____

4. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the applicant.

Name and Address	Nature and Extent of Interest
Mike Tuss	DIRECTOR OF REST DEVELOPMENT
LEGLI JOHNSON	DIRECTOR OF OPERATIONS

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements.

2. Has the applicant or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?
   No X Yes _____ If yes, give date, place, and under what name:

   _____

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
   No X Yes _____ If yes, give date, charge, place, court and action taken for each case.

   _____

   _____

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

   Name: Cucanic Construction

   Address: 7310 Eastgate OR.

2. Has such contractor of builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
   No X Yes _____ If yes, explain.

   _____

CERTIFICATION

I (we), MIKE JUDY (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature _____ Signature _____

Title DIRECTOR OF RESTAURANT DEVELOPMENT Title _____

Address 2110 OVERLAND AVE STE 109 Address _____

BILLINGS, MT 59102

Date 3-1-2022 Date _____

CUCANCIC CONSTRUCTION, INC.
P.O. BOX 80307
BILLINGS, MT 59108-0307
Phone (406) 294-2440 Fax (406) 294-2444

PROJECT:

PROJECT NUMBER:
DATE OF ESTIMATE:
ESTIMATOR:

OWNER:
ARCHITECT:
PROJECT MGR:

	LABOR		MATERIAL	EQUIPMENT	SUBCONTRACTS	TOTAL
	HOURS	TOTAL				
DIVISION 1 GENERAL REQUIREMENTS	860	$60,200	$9,150	$15,000	$0	$84,350
DIVISION 2 SITEWORK	0	$0	$0	$0	$469,130	$469,130
DIVISION 3 CONCRETE	0	$0	$20,000	$1,500	$31,039	$52,539
DIVISION 4 MASONRY	0	$0	$0	$0	$0	$0
DIVISION 5 METALS	16	$1,120	$0	$0	$16,657	$17,777
DIVISION 6 CARPENTRY	0	$0	$0	$48,478	$76,000	$124,478
DIVISION 7 MOISTURE-THERMAL	0	$0	$0	$0	$90,864	$90,864
DIVISION 8 DOORS & WINDOWS & GLASS	8	$560	$3,500	$0	$75,000	$79,060
DIVISION 9 FINISHES	0	$0	$0	$0	$81,842	$81,842
DIVISION 10 SPECIALTIES	8	$560	$0	$0	$6,729	$7,289
DIVISION 11 EQUIPMENT	0	$0	$0	$0	$0	$0
DIVISION 12 FURNISHINGS	0	$0	$0	$0	$0	$0
DIVISION 13 SPECIAL CONSTRUCTION	0	$0	$0	$0	$0	$0
DIVISION 14 ELEVATOR ALLOWANCE	0	$0	$0	$0	$0	$0
DIVISION 15 MECHANICAL	0	$0	$0	$0	$204,372	$204,372
DIVISION 16 ELECTRICAL	0	$0	$0	$0	$140,400	$140,400
SUBTOTAL, COST	892	$62,440	$32,650	$64,978	$1,192,033	$1,352,101

MARKUP	8.0%	$108,168
SUBTOTAL		$1,460,269
BUILDING PERMIT	$11,000	
PLAN REVIEW FEES	$0	
LIABILITY INSURANCE	$13,402	
BUILDERS RISK INSURANCE	$0	
CONTRACT BOND	$0	
ALLOWANCES	$0	
SYSTEM DEV FEES	$0	
TOTAL MISC	$24,402	$24,402

TOTAL ESTIMATE $1,484,670

CLARIFICATIONS TO OUR BID: #DIV/0!

- Daytime work hours
- No overtime
- No asbestos removal or monitoring
- No winter protection

ALTERNATE #1	$0
ALTERNATE #2	$0
ALTERNATE #3	$0
ALTERNATE #4	$0
ALTERNATE #5	$0
ALTERNATE #6	$0

TOTAL COMBINED BID $1,484,670

Addition of Bond

A-1 LANDSCAPING
5445 Rustic Ave
Billings, MT 59106
406-656-1932

Proposal

Proposal Date:	3/14/2022
Proposal #:	2021-119
Project:	Wendy's

Proposal For:

Cucancic Construction, Inc
PO Box 80307
Billings, MT 59108-0307

Description	Est. Hours/Qty.	Rate	Total
Rock Mulch: 1" Crushed Granite Rock	20	75.00	1,500.00
Bark Mulch: Hardwood Natural	41	115.00	4,715.00
Boulder: 3' Granite	3	0.00	0.00
Sod	10,851	0.65	7,053.15

All material is guaranteed to be as specified. All work to be completed according to standard practices.

Total $77,889.95

PAYMENT TERMS: The contractor requires a down payment of 50%, with the balance due upon completion.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will increase the amount of the estimate. All agreements contingent upon strikes, accidents, or delay beyond our control. The contractor is not responsible for physical damage beyond his control or damage caused by an Act of God. Owners are required to carry all fire, hail-windstorm, and other necessary insurance.

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to perform the specified work. payment will be made as outlined above.

SIGNATURE _____

Shawn LaBaugh

From: Jeremiah McGee <jeremiahm@k2civilinc.com>
Sent: Thursday, March 17, 2022 10:59 AM
To: Shawn LaBaugh
Subject: Wendy's Southgate Proposal
Attachments: Wendys Southgate Proposal.pdf

Shawn,

Please find attached our proposal for the Wendy's project.

I have listed the concrete item breakout pricing below:

- Curb & Gutter: $34,925.00
- Sidewalks: $40,336.00
- Drive Approach: $1,650.00

$76,911

If you have any questions feel free to let me know.

Thanks,

Jeremiah McGee
Project Manager
K2 Civil, Inc.
6611 Trade Center Ave
Billings, Montana 59101
Office: 406.325.6001
Mobile: 406.670.5091
jeremiahm@k2civilinc.com

MEMORANDUM

Date: June 8, 2022

To: Billings City Council

From: Jim Tevlin
Consultant, South Billings Boulevard Urban Renewal District

Subject: Wendbill LLC Application for Tax Increment Assistance

---

Project: Wendy's Restaurant Curb, Gutter, Sidewalk, Landscaping
Location: Miller Crossing Subdivision
Entity: Wendbill LLC
Recommendation: The South Billings Urban Renewal Association recommends approval.

Qualified Improvements	City TIF Policy	Urban Renewal Plan	MT Code Annotated
Sidewalks	Section 1(b)	Section 13	7-15-4288(4)
Curbs	Section 1(b)	Section 13	7-15-4288(4)
Landscaping	Section 1(b)	Section 4	7-15-4288(4)

Recommended Tax Increment Assistance: $ 154,801

Total Project Cost: $2,434,670
Expected Increase in Taxable Value $1,947,736 **(A)**
Annual Commercial Tax (1.89%) $ 36,812
Annual Tax Increment (69 mills) $ 25,400
Payback Period (years) 6.0

Public Benefit:

- Project includes installation of curb, gutter, and sidewalks along undeveloped land in an area that will likely experience significant commercial growth.
- Project includes installation of landscaping on undeveloped land.
- Project will result in additional jobs.
- Project will likely spur additional development in the Miller Crossing subdivision.

(A) The expected increase is 80% of those expenses that are likely to result in tax increment.


MURPHY AVE
KENHOLLAND DR
NEWMAN LN
CALHOUN LN
KING AVE E
CWA County Drain
Wend'y's
Site

RESOLUTION NO. 18-10750

A RESOLUTION OF THE CITY OF BILLINGS FORMING A POLICY FOR THE ADMINISTRATION OF URBAN RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

(1) To carry out and effectuate the purposes and provisions of this part and part 43;

(2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;

(3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;

(4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

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

That the City Council now makes and adopts the following TIF Policy:

CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
   a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
   b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
   c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.

2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
   a. A minimum of $\geq$ $5 of private investment for every $1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than $100,000, and for publicly owned projects, properties or facilities.
   b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
   c. Bonding may be available at the discretion of the City Council.
   d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.

3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
   a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
   b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.

d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.

e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9th day of July, 2018.

CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

CITY OF BILLINGS SEAL YELLOWSTONE COUNTY, MONTANA

ATTEST

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

Urban Renewal Plan for the South Billings Boulevard Urban Renewal District



Prepared by the Planning & Community Services Department
Adopted by the Billings City Council on December 8, 2008
Amended by the Billings City Council on July 22, 2019
Amended by the Billings City Council on July 26, 2021

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Acknowledgements

2008 Participants and Stakeholders

City of Billings

Ron Tussing, Mayor

City Council Members:

- Richard (Dick) Clark
- Mark Astle
- Peggie Denney Gaghen
- Jim Ronquillo
- Vince Ruegamer
- Chris "Shoots" Veis
- Ed Ulledalen
- Jani McCall
- Denis Pitman
- Larry Brewster

Planning and Community Services Department

Southwest Corridor Task Force Officers

- Tom Ruschkewicz, Chair
- Floyd Martin, Vice Chair
- Alan Pomick, Treasurer
- Debbie Rowe, Secretary

Big Sky Economic Development Authority

Downtown Billings Partnership

Stakeholders

Alene Malloy	Casey Ryan	Edyth Davis
Allen Krenz	Charles Deunow	Elanor Aukshun
Alta Dean	Cindy Linse	Elissa Linse
Arlene Bierwagen	Cindy Reid	Elsie Arntzen
Barbara Kipp	Clarence Perkins	Floyd Martin
Barbara Prewett	Clifton Burns	Gary Cooper
Barry Wilson	Coleen Apps	Gary Tipton
Beth Kirkwood	Connie Wagner	Gene Frank
Betty Hofstad	Connie Wittman	Gerald Apps
Betty Kegley	Cris Ruckman	Georgia Kembel
Beverly Bennetts	Dale Kiel	Glen Kibbee
Bob Franks	Daryle Young	Gloria Krenz
Brandy Pmter	David Mora	Greg Sennett
Brenda Estill	Dean Haley	Harriet Conklin
Brenda Ryan	Dean Miller	Ida Stuart
Brian Reid	Dennis Randall	Irene Aure
Bruce Burrows	Don Pell	James Lasater
Candice Reinschmidt	Dorothy Plouffe	Jay Hanson
Carl Howard	Doug Toomey	Jean Randall
Carol Atchley	Duane Bender	Jeannine Swoboda

Stakeholders Continued

Carol Dale
Jerald Mohr
Jerry Driscoll
Jimmie Frasch
Joan Dosch
JoAnne Moffet
Joe Morin
John Hoffman
John Hurless
Jon Gowan
Jon Rupprecht
Joyce Kenney
Joyce Pirrie
Judy Coles
Judy Mmiin
Julie Bender
Karen Hergett
Katherine Gowan
Kathy Doty
Kathy Wilkinson
Kelly Handley
Kerri Tallerico
Paul Hendershot
Richard Ruff
Robert Neal
Roger Mollett
Ron Kirkwood
Sammy Handley
Shanna Fredrickson
Ed Gabbo
Kevin Nelson
Lany Estill
Leonard Bierwagen
Linda Furlong
Linda Hayworth
Linda Pettengill
Linda Vansky
Loren Bice
Louis Plouffe
Lynn Toomey
Marc Swoboda
Margaret Schantz
Margo Allen
Margo Smith
Marian Leligdowizc
Marjorie Bishop
Marlene Anderson
Marlis Boadsack
Marlis Bufford
Martha Sheldon
Marvin Forquer
Rebekah Wales
Rick Leuthold
Robert Propelka
Ron Herget
Ronald Schultz
Sandra Fiscus
Sharon Franks
Jed Porter
Mary Ann Kraske
Mary Duenow
Maurice Muth
Mavis Schultz
Mavis Wilkinson
Mel Maier
Michele Johnson
Michelle Grasswick
Mike Kenney
Mike Vinton
Neal Armfield
Nelda Reimschmidt
Paige Tipton
Patrice Schuman
Pat Jensen
Pat Morin
Pat Newbury
Pat Perkins
Patsy Kahler
Patty Nordlund
Paul Hartman
Richard Deis
Robbin Ostrum
Robyn Rupprect
Ron Kaneski
Roy Linse
Shane Keehn
Sharon Young

2019 Participants and Stakeholders

City of Billings
- Bill Cole, Mayor

City Council Members:
- Brent Cromley
- Mike Yakawich
- Frank Ewalt
- Roy Neese
- Denise Joy
- Chris Friedel
- Reg Gibbs

Penny Ronning
Richard Clark
Shaun Brown

South Billings Urban Renewal Association
Carolyn Rukstad
Scott Hanser
Debbie Keller
Chuck Barrett
Sam Hadley
Mike Mayott
Jeff Muri
Zeier Consulting
City Administration
City Finance Department
Planning and Community Services Department
Billings Police Department

2021 Participants and Stakeholders
City of Billings
Bill Cole, Mayor

City Council Members:
Kendra Shaw
Mike Yakawich
Frank Ewalt
Roy Neese
Denise Joy
Danny Choriki
Pam Purinton
Penny Ronning
Mike Boyett
Shaun Brown

South Billings Urban Renewal Association
Carolyn Rukstad
Scott Hanser
Debbie Keller
Andrew Houlihan
Dick Zier
Mike Mayott
Jeff Muri
Tevlin Consulting
City Administration
Planning and Community Services Department

Section 1 – Introduction

On May 12, 2008, the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted. Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan:

- Served as a framework for the official urban renewal plan.
- Fulfilled Montana state law.
- Updated and define district boundaries.
- Classified blight
- Set forth the protocol for its authorization, execution, and management.
- Illustrated the development opportunities.
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan:

- Identified future projects and programs.
- Ensured the City has the option to bond future projects.
- Updated the 2008 Plan to reflect the 2019 amendment process.

The July 2021 amendment of the urban renewal plan expands the boundary of the SBBURD to add five new properties to the District (see Appendix I).

Section 2 - Definitions

The following terms have the following meanings unless a different meaning is clearly indicated by the context:

1. "Agency" or "urban renewal agency" means a public agency created by Section 7-15-4232 of the Montana Code Annotated.
2. "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

a. The substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
b. Inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
c. Inappropriate or mixed uses of land or buildings;
d. High density of population and overcrowding;
e. Defective or inadequate street layout;
f. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
g. Excessive landcoverage;
h. Unsanitary or unsafe conditions;
1. Deterioration of site;
J. Diversity of ownership;
k. Tax or special assessment delinquency exceeding the fair value of the land;
I. Defective or unusual conditions of title;
m. Improper subdivision or obsolete platting;
n. The existence of conditions that endanger life or property by fire or other causes; or
o. Any combination of the factors listed in the subsection (2).

3. "Bonds" means any bonds, notes, or debentures (including refunding obligations) authorized to be issued pursuant to Section 7-15-4300 MCA.
4. "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
5. "Local governing body" means the council or other legislative body charged with governing the municipality.
6. "Mayor" means the chief executive of a city or town.
7. "Municipality" means any incorporated city or town in the state.
8. "Redevelopment" may include:
   a. acquisition of a blighted area or portion of the area;
   b. demolition and removal of buildings and improvements;
   c. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions in accordance with the urban renewal plan; and
   d. making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.
9. "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project or projects.
10. "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:
    a. must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and;
    b. must be sufficiently complete to indicate, on a yearly basis or otherwise:
       i. any land acquisition, demolition, and removal of structures; redevelopment;

improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;

ii. zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, Chapter 1;

iii. land uses, maximum densities, building requirements; and

iv. the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Section 3 – Background

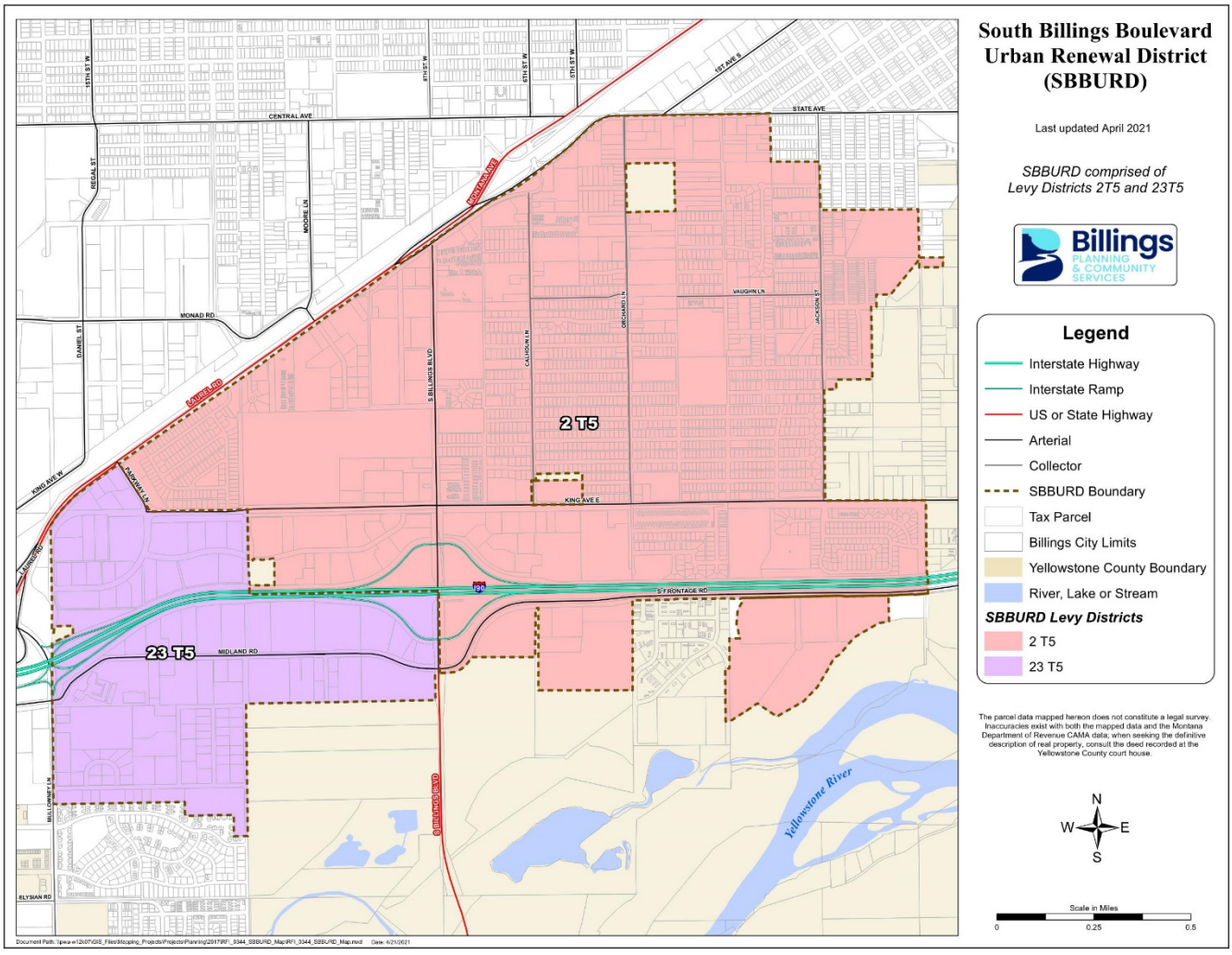
The South Billings Boulevard Urban Renewal District (the "District") lies within the City of Billings (the "City'), is situated between major transportation routes, and stretches from the east side of the King Avenue Overpass east to Washington Street and from State Avenue South to the city limit boundaries. Located within the district is Interstate Highway 90 and the major railway line through the city. Map 1 shows the boundary of the SBBURD.

The District lies within the Southwest Corridor Neighborhood Task Force. The task force was created in the early 1990's in response to the growing problem with the roadway interchanges and associated issues. For a while, the Task Force was a more diverse body that handled many issues for the Southwest Billings community. The Task Force has not been active for the past several years (2019-2021). Existing land uses and current zoning are shown on Maps 2 and 3.

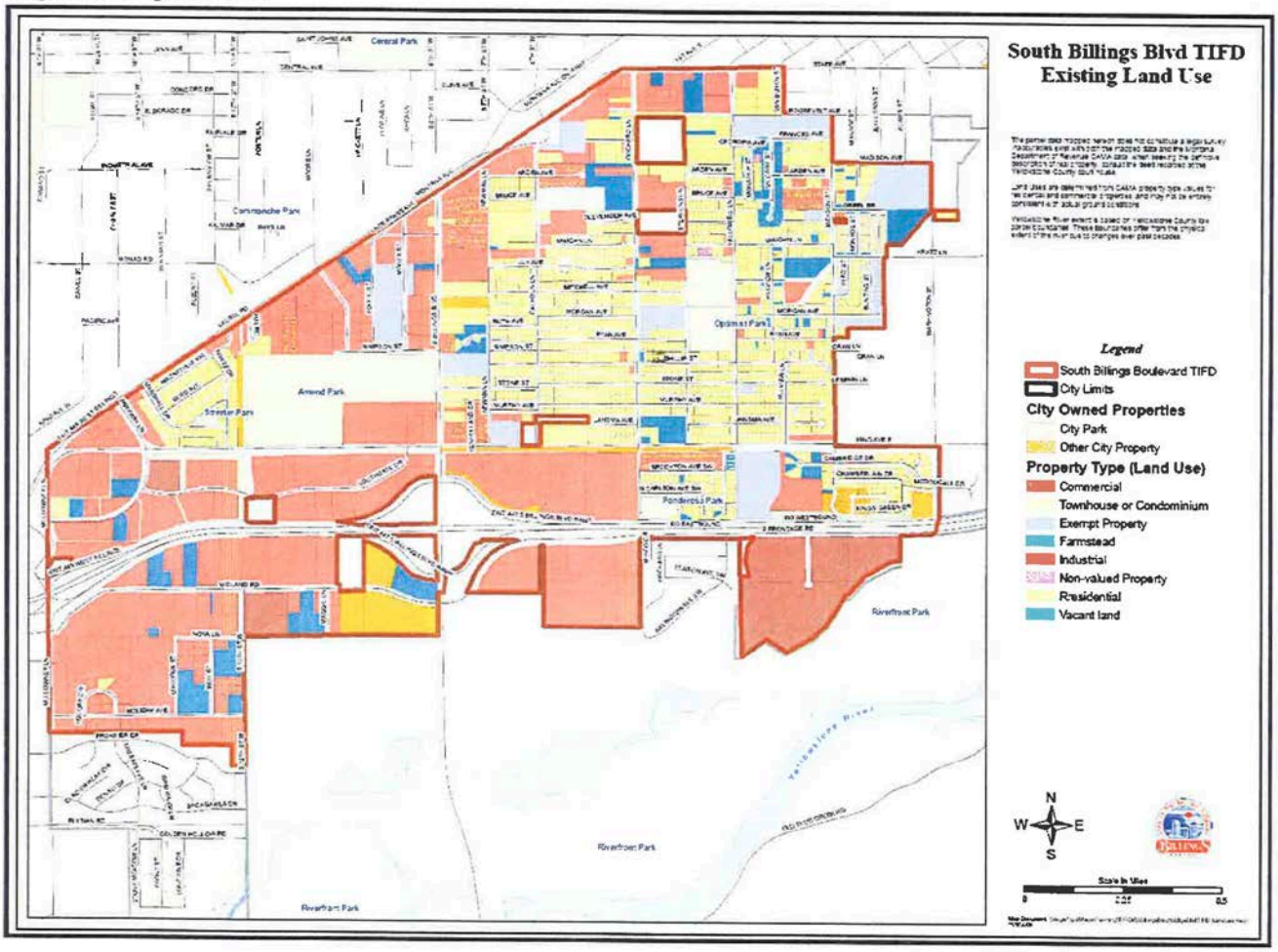
A closer look at this neighborhood shows an established area of mixed residential and commercial uses. This area also includes three elementary schools and one middle school. Some areas include unimproved streets with no sidewalk, curb, or gutter. In addition, many areas were not served by municipal water and sewer or there was old, inadequate water and sewer infrastructure. Many of the concerns raised by residents within the district center around routes for children to get to school, including bus routes that run on unimproved streets and children walking down the street instead of sidewalks to get to school. Many of these infrastructure deficits have been addressed as evidenced by the project list updates in Section 13 of this Plan.

Due to the location, the South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a major economic force. With the interstate corridor located in this district, the potential exists for this area to become a major destination place for retail, goods and services, manufacturing, and entertainment.

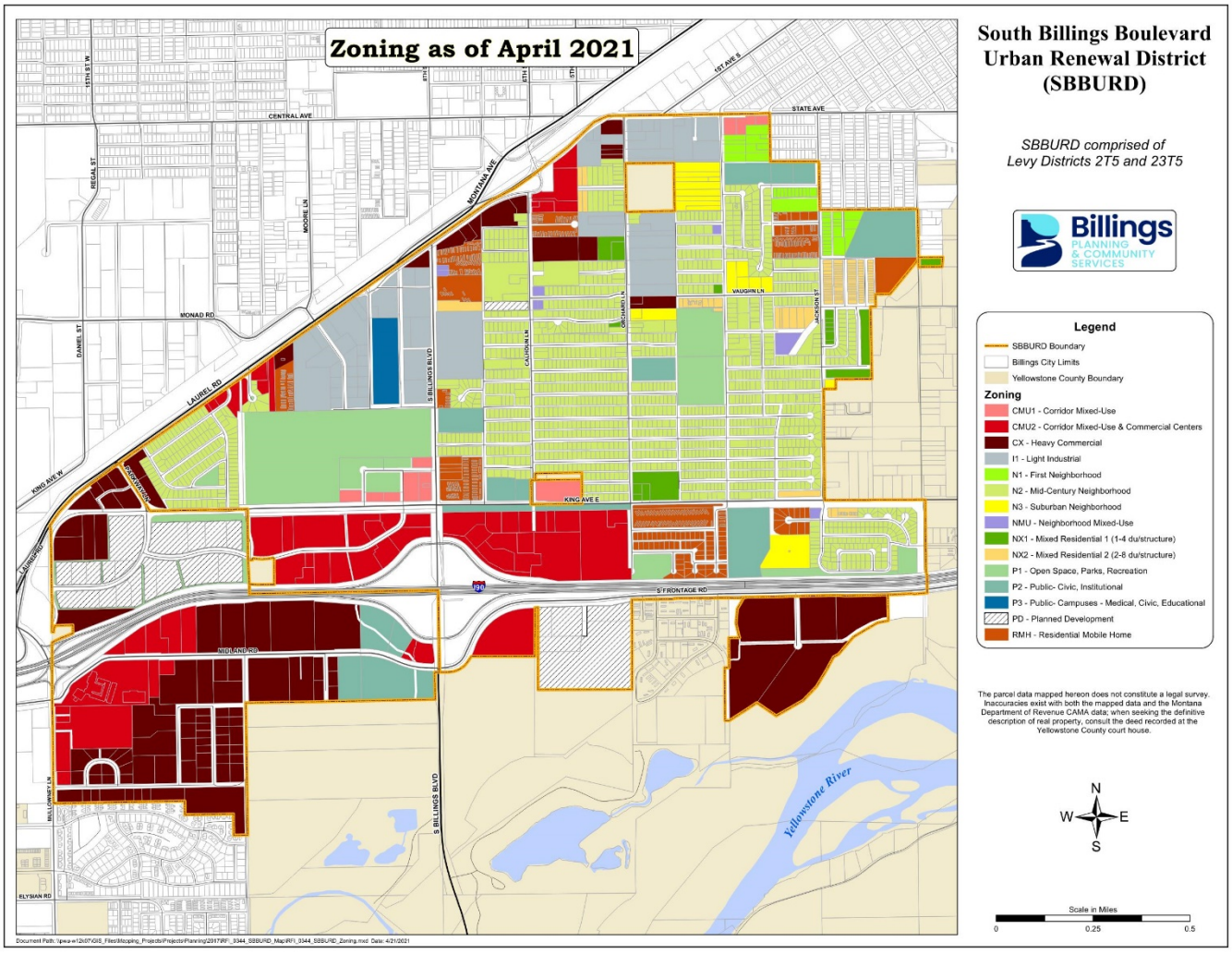
Map 1. South Billings Boulevard Urban Renewal District



Map 2 – Existing Land Uses



Map 3. South Billings Boulevard Urban Renewal District Existing Zoning



Section 4 - Description of Blight

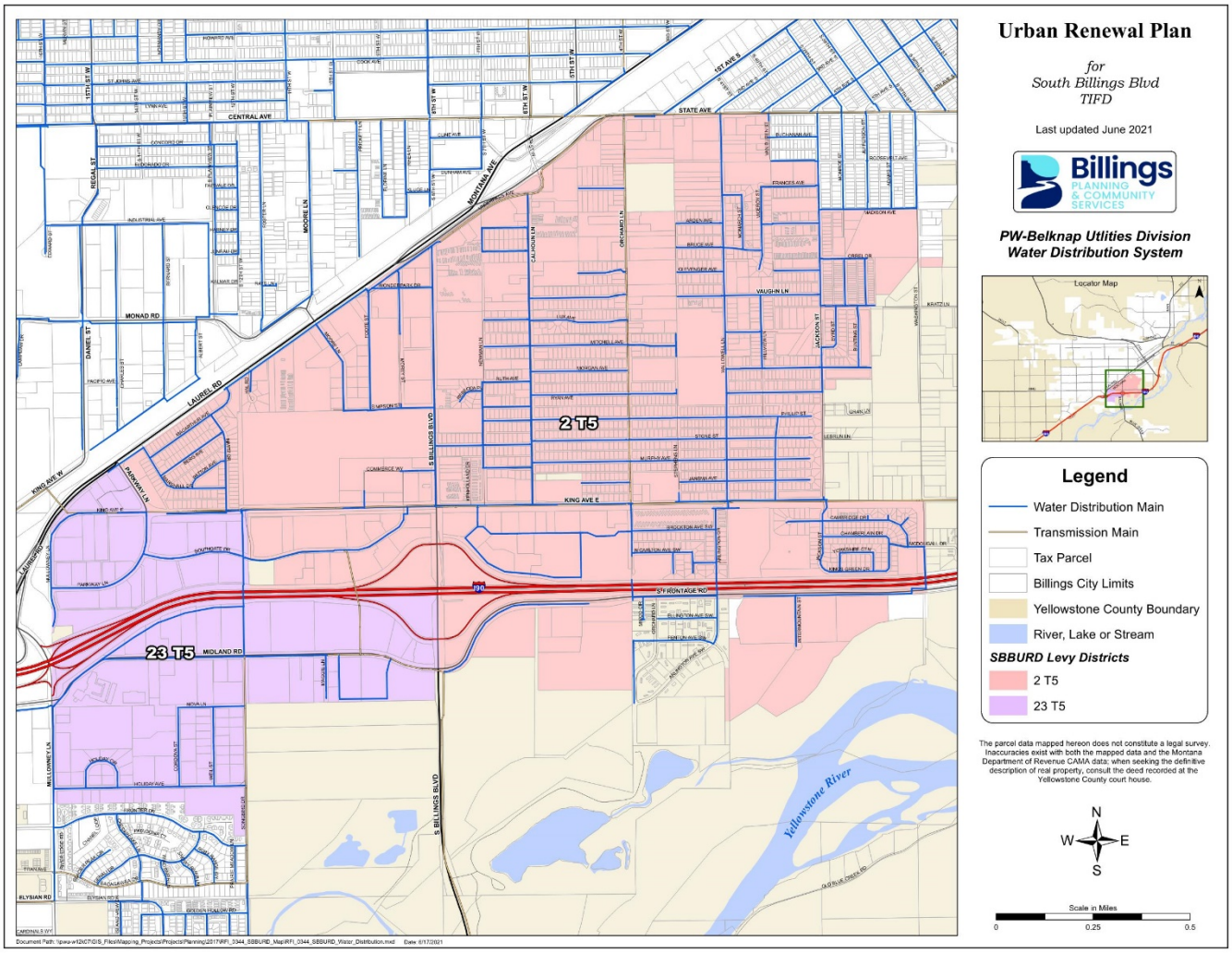
A requirement of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, is to justify an urban renewal plan supported through a tax increment finance district through the determination of blight. Blight is defined as an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodation; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- high density of population and overcrowding;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- excessive land coverage;
- unsanitary or unsafe conditions;
- deterioration of site;
- diversity of ownership
- tax or special assessment delinquency exceeding the fair value of the land;
- defective or unusual conditions of title;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;
- any combination of the factors listed

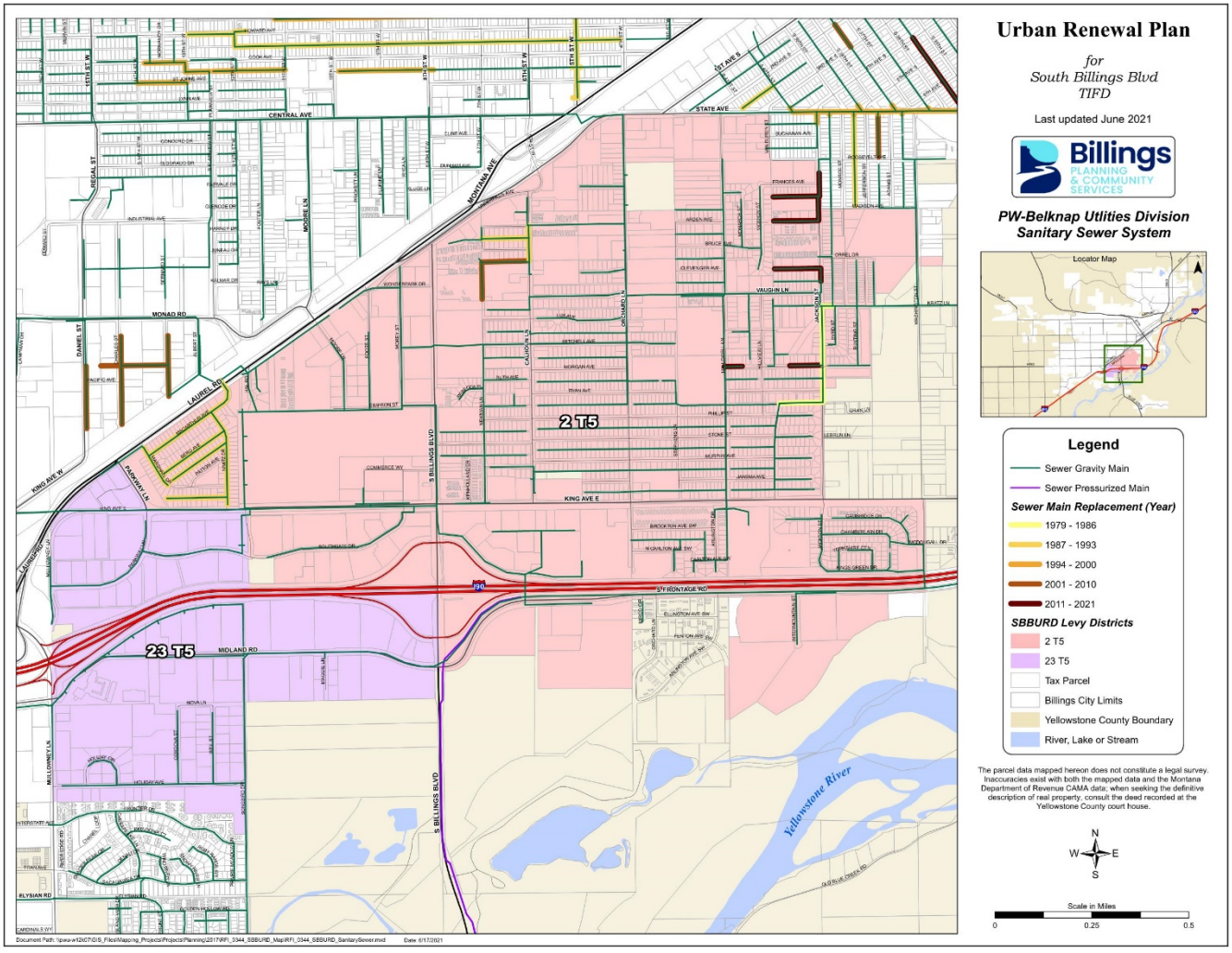
Section 5 - Summary of Blight

The area in the proposed district contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Several of the commercial buildings in the district are vacant or deteriorated and need demolition. Many of the sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below City standards. In contrast to the above, there are certain properties within the District in good repair but included in the District to allow for a contiguous block of land within the district; and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without continued managed urban renewal, even these success stories will once again decline in taxable value. Portions of the District fall into the blighted, neglected, and under-utilized categories. Maps 4 and 5 show the past infrastructure conditions within the district.

Map 4. Water Distribution System.



Map 5. Sewer System



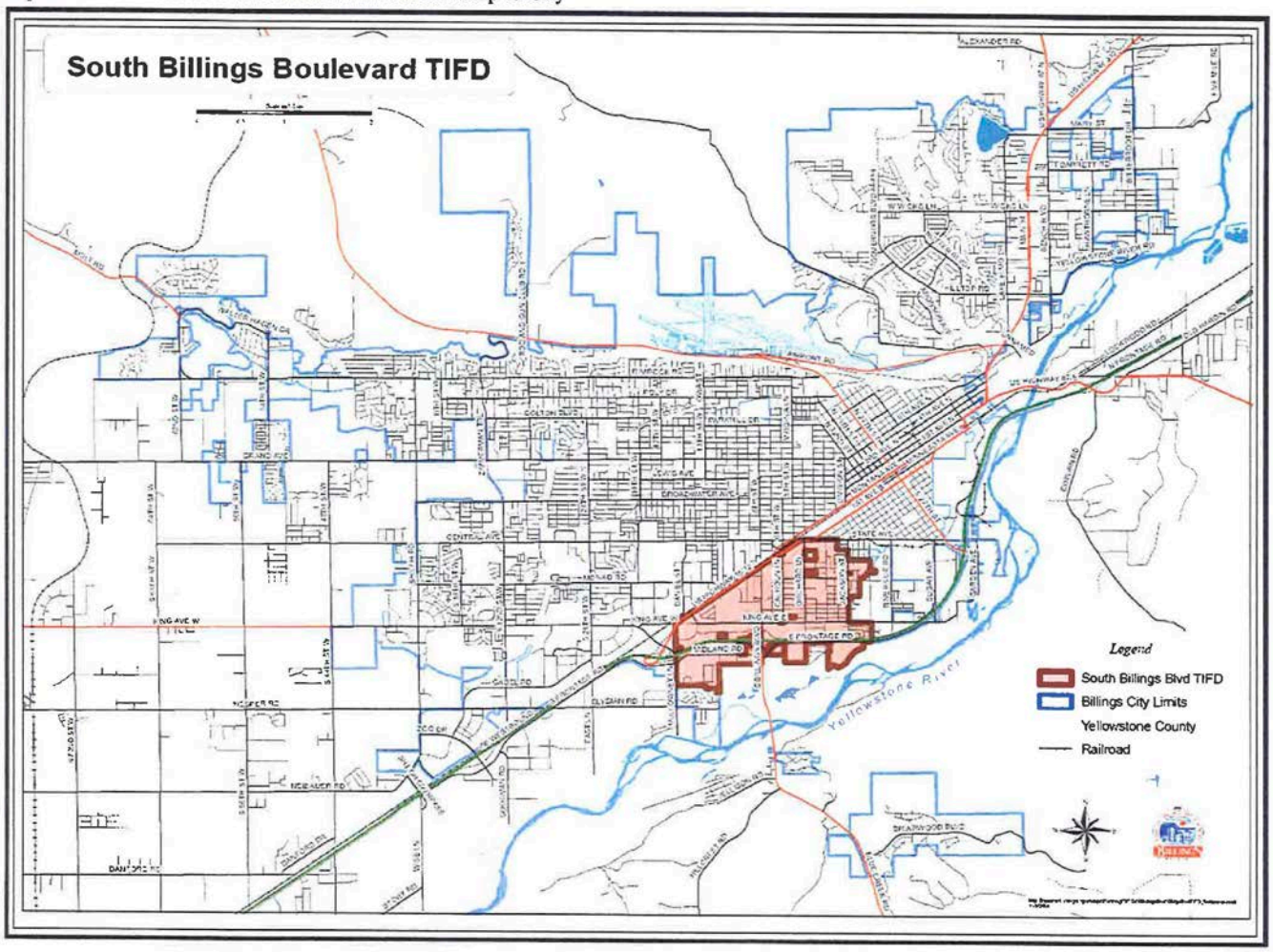
Section 6 - The Site and Its Relationship to the City

The South Billings Boulevard Tax Increment Finance District ("TIFD') and Urban Renewal District is located in the south-center region of the City of Billings. Bordered by the Interstate corridor, the main railroad line and principal transportation routes, it is an area where economic development opportunities are numerous. In addition, numerous service-related, commercial, industrial, parks and recreation and housing choices are located within the District. Map 6 shows the TIFD boundary in relationship to the rest of the city.

Section 7 - Description of the District Boundary *(To be updated after Council action to add new properties to the District)*

Starting at the intersection of State Avenue and Van Buren Street, extending south down the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, extending east down the centerline of Roosevelt Avenue to the intersection of Roosevelt Avenue and Jackson Street, extending south down the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, extending east down the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, extending south down the centerline of Washington Street to the intersection of the centerline of Washington Street and the extension of the northern boundary of Lot 7, Willis Subdivision, extending east along said boundary to the eastern boundary of said lot, extending south along said boundary to the southern boundary of said lot, extending westerly along said boundary and its extension to the centerline of Washington Street, extending north to the existing City of Billings city limit boundary, extending southerly and westerly along the existing city limit boundary to the intersection of Jackson Street and King Avenue East, extending east along the centerline of King Avenue East to the intersection of King Avenue East and Washington Street, extending south along the centerline of Washington Street and its projection across the Interstate 90 right-of-way, to its intersection with South Frontage Road, thence in a westerly direction following the south right-of-way boundary of the South Frontage Road to the intersection of an extension of the east boundary of Riverfront Business Park Subdivision, extending south along eastern boundary of said subdivision to the south boundary of said subdivision, extending southerly and westerly along said boundary to the west boundary of said subdivision, extending northerly and easterly along said boundary and its extension to the south right-of-way boundary of South Frontage Road, extending westerly to the northeast corner of Lot 1, Block 1, Willowbrook Subdivision, thence in a southerly and westerly direction following the existing city limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, then west along said southern boundary of Tract 1, C/S 2834 and southern boundary of Block 4 of Weil Subdivision to the intersection with the centerline of Mullowney Lane, extending north along the centerline of Mullowney Lane and its projection to the centerline of Laurel Road, extending northeast along the centerline of Laurel Road to its intersection with State Avenue, extending northeast and east along the centerline of State Avenue to the ending point at the intersection of State Avenue and Van Buren Street. Excluding all unincorporated land within the boundary.

Map 6 – Tax Increment Finance District in Relationship to City



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Section 8 - Planning Process

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority, and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the City began an urban renewal plan modification process to include three additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019, the City, in coordination with the South Billings Urban Renewal Association, began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

In summer 2020, City staff in coordination with the South Billings Urban Renewal Association and its consultant, began discussion of expanding the District Boundary to include additional properties. The proposed expansion as brought to the City Council at a December 2020 Work Session for review and discussion. The Council at that meeting directed staff to move the process to expand the District forward in 2021. All property owners who property was proposed to be included in the District expansion were notified of the public hearing on the Urban Renewal Plan held July 12, 2021.

Urban Renewal Plan

The Urban Renewal Plan is the tool that governs what public improvements are needed and desired within the District. Through public meetings and meetings at the Southwest Corridor Task Force, neighborhood needs, and projects were identified.

With input from property owners and the identification of goals and objectives, the City of Billings moved forward with the completion of the Urban Renewal Plan. A draft was reviewed with the property owners and the Southwest Corridor Task Force prior to review by the City of Billings City Council.

The high level of transparency and frequency of meetings has ensured that a large local constituency

has been involved, and as many stakeholders as possible participate and approve of the plan.

Eminent Domain

In no case shall eminent domain be used as a tool in the redevelopment of the South Billings Boulevard Urban Renewal District except as a last resort in the case of needed public infrastructure improvements and/or rights-of way.

Residential Relocation Plan

If a residential structure requires relocation as a result of right-of-way acquisition and/or a public infrastructure construction project, that is partially or fully funded with federal assistance (Housing and Urban Development, Federal Highway, etc.), the City of Billings shall abide by the Uniform Relocation Assistance Act.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the City Council before the end of 2007. The Urban Renewal Plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this Plan.

The Plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's conformity to the City's 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

A modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the Plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the Plan.

The City initiated an amendment to the Plan in May 2019 to ensure future projects contemplated by the City and via public comments and recommendations would be possible if funded by bonding or directly through tax increment funds generated by the SBBURD. The process to amend the Plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2016 Growth Policy on June 25, 2019. The

affected property owners were notified by mailed postcard of the Plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the Plan amendment.

The City initiated an expansion to the SBBURD boundary in December 2020 to include additional properties in the District. The process to expand the District has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2016 Growth Policy on April 13, 2021. The City Council acted upon a Resolution of Intent to expand the boundaries of the District on May 10, 2021 and set a public hearing date to act on an ordinance to expand the District in July 12, 2021. The affected property owners were notified by mailed letter of the District expansion, and public hearing notices were published for the first reading and public hearing set for July 12, 2021.

Financial Programming

The City of Billings, to ensure a sound and adequate financial program to fund projects, has concluded the following: For every $1 million dollars of increased market value, assuming Class 4 (commercial) property @ 3.01 % taxable rate and a mill levy of $0.55, it is anticipated that an increment value of approximately $14,500 will be generated yearly.

Modification of SBBURD Plan

The SBBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this Plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may only be mailed to those owners whose properties are situated within the area of expansion or contraction of the Urban Renewal District boundaries. In cases where the boundaries are not modified, but the contents of the urban renewal plan are substantially modified, notification shall be mailed to all owners of property within the District area.

Section 9 - Housing (Conservation of Existing Affordable H ousing)

Housing is an important element to the District. Providing the District with housing opportunities is vital to the sustainability of the District. With housing opportunities, individuals and families can live and work within the District. This provides a dual benefit; first, the commute to work for individuals will be reduced and second, the businesses within the District will have a local work force to draw from.

Current housing in the area consists of single-family, duplex, and multi-family units and include rental units and owner-occupied. Also, manufactured home parks are located within the District. The main concentration of housing is in the central and eastern portion of the District. During the summer of 2007, the Planning Division developed a map of existing housing conditions within the City of

Billings. The information was generated through the Yellowstone County CAMA (Computer Assisted Mass Appraisal) detail system. Properties were queried that were labeled as either unsound, poor, fair, or incomplete. This resulted in approximately 2,390 properties within the city limits that met this query. Out of the 2,390 city properties, 562 or 24% were located in the SBBURD. Of the 562 residential structures, seven were rated as unsound, 184 as poor and 371 as fair.

Future housing for the District is encouraged to be developed for the goal of ownership. When rental housing occurs, such facilities shall be developed in connection with mixed-uses and managed by a company that will provide active policy measures to eliminate crime and blight. Approval of multi-family housing will require either a Zone Change or Special Review request that requires approval by the City Council.

Housing in the area shall also be designed to cater to a variety of income demographics as well. All current affordable housing needs in the District shall be accounted for through the development of owned and rental housing that remain within the District. Housing for mid- and higher-level income groups shall also be encouraged. To avoid creation of substandard housing or encourage future blight, mixed-use housing developments shall incorporate all income demographics within the same project in a safe and positive way.

Section 10 - Transportation and Pedestrian Circulation

The transportation and circulation situation in the TIF District should be a major focus during redevelopment of the area. Traffic patterns and access issues can affect the function and livability of a community or neighborhood.

During discussions and public meetings, it was apparent the current street conditions and lack of adequate transportation and pedestrian facilities was a high priority for property owners. The majority of traffic that comes into the District is either pass-through or destination traffic to the major transportation routes located within the District. In addition, the lack of sidewalk and pedestrian routes is a concern with the number of schools and parks located in the District. Safe and attractive pedestrian amenities, such as sidewalks, boulevards, crosswalks, improved signage and shelters or benches would greatly enhance pedestrian experiences.

Section 11 - Public Services and Facilities

Currently there are four public schools located within the District; three elementary schools and one middle school. A concern mentioned many times by residents was the lack of sidewalks for school children to get to school. It was observed that many students are walking directly in the street due to a lack of sidewalks. The creation of a Safe Routes to School Plan should be created to address this concern. In addition to schools, there are several developed parks located in the District. Amend Park provides a multi-use facility for soccer and rugby as well as picnic sites and shelters. Optimist Park has a variety of amenities that include basketball courts, jogging trails, playground, softball and baseball fields and picnic areas. Ponderosa Park provides horseshoe courts, playground, softball and baseball fields and soccer and rugby fields. The City of Billings also provides services to the District with MET Transit and the Southgate Cop Shop. Currently two MET routes serve the neighborhood; the Central and the Southside Loop. Both of these routes travel to and from the Stewart Park and Downtown Transfer Centers. The Southgate Cop Shop was reopened in May of 2007 and operates on

Monday, Wednesday and Friday from 4 - 7 p.m. The station is a neighborhood police contact center currently staffed by volunteers. Residents are encouraged to use the Cop Shop to report crimes, suspicious activities or obtain information and assistance.

Section 12 - Infrastructure and Utilities

The District has infrastructure and utilities deficiencies that need to be addressed prior to any large influx of redevelopment or new building construction. Water and sewer conditions need to be addressed due to out of date installations, inadequate lines, or increases in impacts to existing structures.

The storm water drainage situation is particularly troublesome as many areas either have inadequate storm water facilities or none at all.

By upgrading infrastructure and utilities, therein lies the opportunity for more attractive development opportunities.

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the District during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use tax increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through, but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new project recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

Project: Traffic calming measures on Calhoun and Orchard Streets. (Completed)

Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter. (Completed)

Project: Pave, curb, and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave Calhoun the full length. (Completed)

Project: Widen, curb and gutter (where needed) and repave Orchard the full length. (Completed)

Project: Widen, curb and gutter (where needed) and repave Hallowell the full length. (Under Construction 2021)

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive. (Completed to Jackson Street)

Project: Safety to school plan. (SRTS Maps Updated, Plan Update in 2021/2022)

Project: Crosswalks within the District (where needed).(In Progress)

Project: Sidewalks within the District (where needed). (In Progress)

Project: Street lights along King Avenue East. (In Progress)

Project: Street widening at Optimist Park. (Addressed with Hallowell Lane Project)

Project: 4100 Block of Vaughn Street - sidewalk. (Included in FY22 CIP – Jackson to Hallowell)

Project: 4100 Block of Vaughn - public sewer needed, drain fields failing. (Included in FY22 CIP – Jackson to Hallowell)

Project: Bike/pedestrian routes along King Avenue. (Mostly Completed, section east of Jackson Street)

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development. (Completed)

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, streetlights. (Included in FY22 CIP)

Project: Install public sewer along Morgan Avenue that includes storm water improvements. (Included in FY22 CIP)

Project: More bike trails throughout neighborhood. (In Progress)

Project: Park improvements for Little League and soccer leagues. (Amend Park and Optimist Park projects addressing this need)

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood. (Coordination between SD#2 and City PD is ongoing)

Project: Pave Newman Lane behind Newman Elementary School. (Completed)

Project: Storm water improvement at the Northeast comer of Phillip and Hallowell. (Addressed with Hallowell Lane Project)

Project: Need school zone signage at Newman Elementary School. Completed)

Project: Installation and improvement of municipal water and sewer lines within the District. (Completed)

Project: Installation of sidewalks on Jackson Street (where needed). (In Progress)

Project: Stop light at South Billings Boulevard and Midland Road. (Completed)

Project: Neighborhood wide traffic study for traffic calming strategies. (In Progress through SRTS and Complete Streets efforts)

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed. (Not Completed)

Project: Traffic light at State Avenue and Hallowell Lane. (Completed)

Project: Continuation of streetlights on Jackson to King Avenue. (Not Completed)

In addition to property owner identification of projects for the District, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- **Orchard Lane** - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. (Completed)

- **Calhoun Lane** – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. (Completed)

- **Jackson Street** - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides of Jackson Street from State Avenue to Kratz Lane. (Completed)

- **Newman Lane and Bruce Avenue** - Sanitary sewer rehabilitation work was completed in the TIF District in 2007 at Newman Lane and Bruce Avenue.

2021 SBBURD Gravel Street Inventory – Programming in Current or Future CIP

Branch Name	To	From
ARDEN AVE	JACKSON STREET	VICEROWY STREET
BRUCE Ave	HALLOWELL	STEPHENS
CLEVENGER AVENUE	600' W OF JACKSON ST	JACKSON ST
FRANCES AVENUE	ORCHARD LANE	END W. ORCHARD LANE
HILLVIEW LANE	MORGAN AVE	ALLEY N OF PHILLIP STREET
HILLVIEW LANE	VAUGHN LANE	MITCHELL AVENUE
HOLIDAY AVENUE	SONGBIRD DRIVE	WELL STREET
MCDOUGALL DRIVE	CUL-DE-SAC E OF WASHINGTON STREET	WASHINGTON STREET
MITCHELL AVENUE	HILLVIEW	HALLOWELL
MONROE STREET	MADISON AVENUE	371'S. MADISON AVE
MOREY STREET	UNDERPASS AVENUE	WONDERPARK DRIVE
MOREY STREET	END OF GRAVEL	SIMPSON STREET
MULLOWNEY LANE	320' N/O PARKWAY LN	130' S/O PARKWAY LANE
NEWMAN LANE	LUX AVENUE	RUTH LANE
NOVA LANE	SONGBIRD DRIVE	WELL STREET
RYAN AVENUE	JACKSON STREET	HALLOWELL LANE
SONGBIRD DRIVE	MIDLAND ROAD	FRONTIER DRIVE
STEPHENS LANE	ARDEN AVENUE	VAUGHN LANE
STEPHENS LANE	SIMPSON STREET	RYAN AVENUE
STEPHENS LANE	ALLEY N OF JANSMA AVENUE	ALLEY S OF JANSMA AVE
VAUGHN LANE	JACKSON	HALLOWELL

FY 2022 SBURD Project
FY 2021 City Project and SID
Proposed Future CIP Inclusion

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails, and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings Growth Policy

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. On April 13, 2021, the Yellowstone County Board of Planning acted affirmatively on a recommendation to the City Council as to the SBBURD expansion's consistency with the 2016 City of Billings Growth Policy. The 2016 City of Billings Growth Policy ("Growth Policy") refers to and promotes economic development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the Growth Guidelines identified in the Growth Policy in the following areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
- Public transit and commercial air service are critical to ensure access to and around the City.
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors.
- Infill development and development near existing City infrastructure may be the most cost effective.
- The history and heritage of Billings are cornerstones of our community.

- Neighborhoods that are safe and attractive and provide essential services are much desired.
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community.

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable.
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community.
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings.
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.
- Outdoor public spaces provide casual and relaxing gathering areas for people.
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.

Strong Neighborhoods (livable, safe, sociable, and resilient neighborhoods)

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools, and public gathering spaces foster health, good will and social interaction.
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces.
- Implementation of the Infill Policy is important to encourage development of underutilized properties.

Home Base (healthy, safe, and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important.

- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy, and safe.
- Homes that are safe and sound support a healthy community.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses, and visitors.
- Safe and accessible transportation systems benefit everyone's quality of life.
- Affordable public transit is much desired.
- Development oriented to transit routes will provide more transportation choices and is preferred.
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation.
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings.

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled, and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

Section 15 - Neighborhood Planning

Another tool that is expected to be used in the future to address current conditions within the District and the identification of neighborhood needs will be accomplished through the creation of a Neighborhood Plan. A neighborhood plan may be drafted for this area of Billings in the next three or four years based on available funding. The purpose of the neighborhood plan is to assist residents, governing agencies, planners, and developers in making the right choices when determining future growth patterns and development within the neighborhood. The plan also encourages local government, developers, and businesses to discuss future land use decisions with neighborhood residents and business owners prior to the proposed land use change. The neighborhood plan is not a regulatory document; instead, it is adopted by the City Council and the Board of County Commissioners as an implementation strategy and is part of the City of Billings and Yellowstone County Growth Policy as an advisory document. The neighborhood plan would be implemented through the City's Capital Improvement Program Planning and by the Southwest Corridor Neighborhood Task Force.

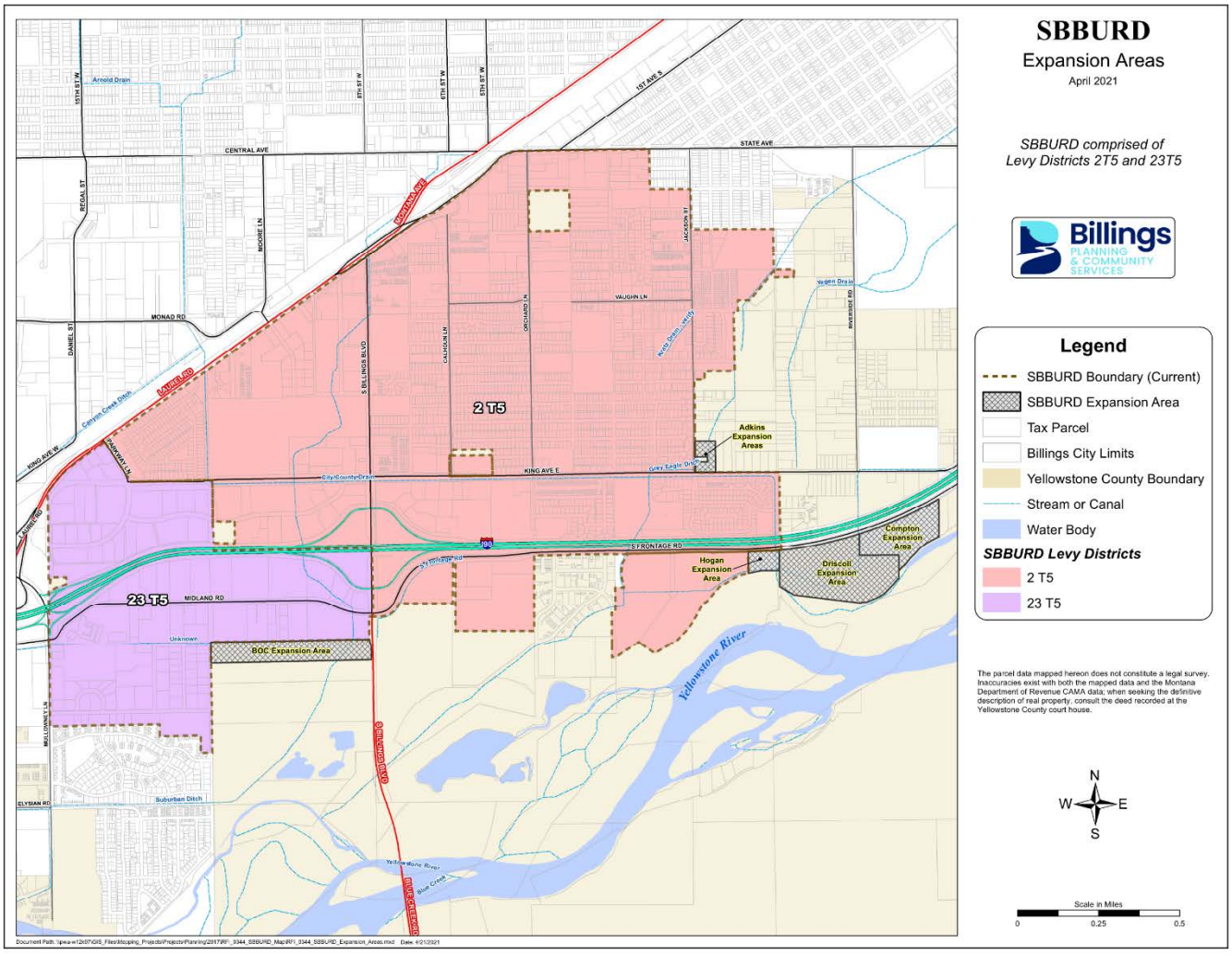
The plan would include general and specific recommendations that reflect the values of the community, encourage sound decision-making, and empower people to take action. The plan also

includes realistic implementation strategies that involve both private and public actions, as well as regulatory decisions.

Section 16- Conclusion

The South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a viable and reliable economic engine. The District has a great potential to become a destination place where Billings residents, business owners, and visitors will purposefully go to conduct business, have goods and services manufactured and enjoy recreation and leisure activities. At the end of the life of this TIFD program it is the hope of all involved that this area of Billings will be a wonderful place to live, work and play far into the future.

Appendix I – 2021 Expansion



ORDINANCE 19-5725

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL PLAN FOR THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT (SBBURD), FORMED BY THE CITY IN NOVEMBER 2007 AND EXPANDED IN NOVEMBER 2008, BE AMENDED BY REVISING SECTIONS 1, 8, 13 AND 14, PROVIDING FOR ADDITIONAL PROJECTS TO BE FUNDED AND CONSTRUCTED IN THE FUTURE IN THE SBBURD, AS WELL AS UPDATING THE PLAN TO REFLECT THE AMENDMENT PROCESS.

WHEREAS, this Council on May 12, 2008, established the South Billings Boulevard Urban Renewal District and adopted the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5462,

WHEREAS, this Council on December 8, 2008, modified the South Billings Boulevard Urban Renewal District and modified the South Billings Boulevard Urban Renewal Plan under Ordinance 08-5484,

WHEREAS, opportunities have been presented to the City that make it desirable for the City to amend the South Billings Boulevard Urban Renewal Plan to enable further development and redevelopment of properties, demolishing blighted structures, improving such properties with, landscaping, utilities, and other similar improvements, assembling such properties, and making the properties so improved available for private redevelopment.

WHEREAS, the City Council has made amendments to the South Billings Boulevard Urban Renewal Plan as outlined in this Ordinance and as attached as Exhibit A.

WHEREAS, the South Billings Boulevard Urban Renewal Plan has been reviewed and approved by the Yellowstone County Board of Planning, as evidenced by the Board's letter provided to the City Council and the meeting minutes of June 25, 2019.

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

Section 1. That Section 1 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

On May 12, 2008 the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted.

Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood

Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan ~~will~~:

- Served as a framework for the official urban renewal plan
- Fulfilled Montana state law
- Updated and define district boundaries
- Classifiedy blight
- Set forth the protocol for its authorization, execution, and management
- Illustrated the development opportunities
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan will:

- Identify future projects and programs
- Ensure the City has the option to bond future projects
- Update to the 2008 Plan to reflect the 2019 amendment process

Section 8. That Section 8 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District

process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the city began an urban renewal plan modification process to include 3 additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019 the City in coordination with the South Billings Urban Renewal Association began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the city council before the end of 2007. The urban renewal plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this plan.

The plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's confo1mity to the 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

The modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the plan.

The City initiated an amendment to the SBBURD plan in May 2019 to ensure future projects contemplated by the City and also provided by public comments and recommendations would be possible if funded by bonding or directly through tax

increment funds generated by the SBBURD. The process to amend the plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council with regard to the plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the plan amendment.

Section 13. That Section 13 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the district during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019.; Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use Tax Increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

Project: Traffic calming measures on Calhoun and Orchard Streets.

Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter.

Project: Pave, curb and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave

Calhoun the full length. Project: Widen, curb and gutter (where

needed) and repave Orchard the full length. Project: Widen, curb

and gutter (where needed) and repave Hallowell the full length.

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive.

Project: Safety to school plan.

Project: Crosswalks within the district (where

needed). Project: Sidewalks within the district

(where needed).

Project: Street lights along King

Avenue East. Project: Street

widening at Optimist Park.

Project: 4100 Block of Vaughn Street - sidewalk.

Project: 4100 Block of Vaughn - public sewer needed,

drainfields failing. Project: Bike/pedestrian routes along

King Avenue.

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development.

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, street lights.

Project: Install public sewer along Morgan Avenue that includes storm

water improvements. Project: More bike trails throughout neighborhood.

Project: Park improvements for Little League and soccer leagues.

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood.

Project: Pave Newman Lane behind Newman Elementary School.

Project: Storm water improvement at the Northeast comer of Phillip

and Hallowell. Project: Need school zone signage at Newman

Elementary School.

Project: Installation and improvement of municipal water and sewer lines

within the district. Project: Installation of sidewalks on Jackson Street

(where needed).

Project: Stop light at South Billings Boulevard and

Midland Road. Project: Neighborhood wide traffic study

for traffic calming strategies.

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed.

Project: Traffic light at State Avenue and

Hallowell Lane. Project: Continuation of street

lights on Jackson to King Avenue.

In addition to property ~~1iy~~ owner identification of projects for the district, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- Orchard Lane - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. This project is scheduled for the spring or fall of 2009.
- Calhoun Lane – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. This project could be scheduled for 2010 or 2011.
- Jackson Street - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides

of Jackson Street from State Avenue to Kratz Lane. These phases are programmed in the FY 2009 Budget

- Newman Lane and Bruce Avenue - Sanitary sewer rehabilitation work was completed in the TIF district in 2007 at Newman Lane and Bruce Avenue.

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14. That Section 14 of the South Billings Boulevard Urban Renewal Plan be amended so that such section shall read as follows:

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings ~~County~~ Growth Policy ~~Plan~~

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. The ~~Yellowstone County and~~ 2016 City of Billings ~~2003~~ Growth Policy ~~Plan~~ ("Growth Policy") refers to and promotes economic

development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the ~~goals~~ Growth Guidelines identified in the Growth Policy in the following ~~elements~~areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans
- Public transit and commercial air service are critical to ensure access to and around the City
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors
- Infill development and development near existing City infrastructure may be the most cost effective
- The history and heritage of Billings are cornerstones of our community
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings

- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods
- Outdoor public spaces provide casual and relaxing gathering areas for people
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors

Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale street lights, street trees and walkable access to public spaces
- Implementation of the Infill Policy is important to encourage development of underutilized properties

Home Base (healthy, safe and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Homes that are safe and sound support a healthy community

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
- Safe and accessible transportation systems benefit everyone's quality of life
- Affordable public transit is much desired
- Development oriented to transit routes will provide more transportation choices and is preferred
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation

- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers
- Successful businesses that provide local jobs benefit the community
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses
- Retaining and supporting existing businesses helps sustain a healthy economy

PASSED by the City Council on first reading this 8th day of July, 2019.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of July, 2019.

CITY OF BILLINGS:

CITY OF BILLINGS • SEAL • YELLOWSTONE COUNTY, MONTANA

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

ATTEST:

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

City Council Regular

Date:	06/27/2022
Title:	Tax Increment Finance Assistance from SBBURD to Billings School District #2 (Riverside Middle School)
Presented by:	Wyeth Friday
Department:	Planning & Community Services
Presentation:	Yes
Legal Review	Not Applicable

RECOMMENDATION

The South Billings Urban Renewal Association (SBURA) Board has reviewed this application for tax increment assistance and recommends the City Council approve, upon project completion, a maximum of $100,000 of Tax Increment Finance (TIF) funds from the South Billings Boulevard Urban Renewal District (SBBURD) to Billings School District #2 (SD2). Actual reimbursement will be based upon 100% of the actual costs incurred for qualified expenses for the improvements made to property at 3700 Madison Avenue south of the existing Riverside Middle School subject to the following conditions:

1. The Applicant shall sign a development agreement with the City of Billings and SBURA within 180 days of City Council's approval.
2. This TIFD reimbursement is the maximum that can be received pending satisfactory submission of all paid invoices showing the completion of expenditures related to this project.
3. If funds are not available, reimbursement can be carried over to the next fiscal year.

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

The SBURA board considered SD2's application for tax increment assistance at its May 3, 2022, board meeting and voted unanimously to recommend the application to the City Council. SD2 plans to make approximately $1.3 million of schoolyard improvements to property it acquired south of Riverside Middle School (See aerial view and site plan attached to this memo). These improvements are intended to place Riverside Middle School on par with other SD2 middle schools. The improvements will help eliminate blight by developing a previously vacant property that was used by transients and was an attractive nuisance in the neighborhood. The infrastructure/amenities include:

· A new parking lot area to expand the existing school's main parking area
· A girls softball field
· Track & field facilities
Â· Two stormwater retention ponds
middot; A walking path for school and community use

SD2's application for TIF assistance identifies a total project cost, including the land acquisition, of $1.3 million. The land purchase was $275,000 and the remaining improvement costs include fencing, tree removal and trimming, and the major facility improvements listed above. The District requested consideration for $217,149 in TIF funds. The SBURA Board reviewed the application and is recommending $100,000 in funds be awarded. The recommended reimbursement is about 10% of the total project cost after the property acquisition is removed from the project. The SBURA Board found the project aligns with its SBBURD Urban Renewal Plan in supporting school and community services. Specifically in Section 13 of the Plan, it states: "School and Community Services -- Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services."

Table 1 below outlines the alignment of this request with specific sections of the City's TIF Policy, SBBURD Urban Renewal Plan and Montana Code.

Table 1

Qualified Improvements	Recommended TIF Reimbursement	City TIF Policy	Urban Renewal Plan	MT Code Annotated
School grounds infrastructure	$100,000	Section 1(b)	Section 11 Section 12	7-15-4288(4)

			Section 13 Section 14	

ALTERNATIVES

City Council may:

· Approve the recommendation from the SBURA board for the expenditure of these tax increment finance (TIF) funds that are consistent with elements of the South Billings Boulevard Urban Renewal Plan, or;
· Modify the recommendation from the SBURA board for the expenditure of these TIF before taking action, or;
· Disapprove the recommendations from the SBURA board for these expenditures of these TIF funds. If the Council chooses not to approve the TIF application, specific reasoning for the denial is helpful to provide further direction to the SBURA board and City Staff for future applications.

FISCAL EFFECTS

The recommendation is for a maximum of $100,000 to be reimbursed to SD2 for the identified work (See SBURA recommendation attached to this memo). The estimated total project cost is approximately $1,302,636. The funds are payable per the conditions of approval outlined in the SBURA recommendation and pending satisfactory submission of all paid invoices showing actual cost incurred for the project. Currently, the project is estimated for completion in late 2022. These payments are already incorporated into the FY23 budget.

Attachments

School District #2 TIF Application
SBURA TIF Recommendation Memo
Riverside Middle School Expansion Area Aerial
Riverside Middle School Expansion Site Plan
City TIF Policy
SBBURD Urban Renewal Plan

SOUTH BILLINGS BOULEVARD TAX INCREMENT FINANCING ASSISTANCE APPLICATION

Project Name: Riverside Middle School Land Purchase Date Submitted: 2/2/21

APPLICANT INFORMATION

1. Name: Billings Public Schools Elementary District
2. Address: 415 N. 30th Street Billings, MT 59101
3. Telephone Number: 406-281-5017

PROJECT INFORMATION

1. Building Address: Vacant lot, land adjacent to Riverside Middle School
2. Legal Description: S10, T01S, R26E, FRAC W of Draing SES WNW, 3.86 acres
3. Ownership: Billings Public Schools Elementary District
4. Address: Vacant lot. SE¼SW¼NW¼ of Section 10, Township 26 East, of the Principal Montana Meridian, in the City of Billings
5. If property is not owned by the Applicant, list leasehold interests (Attach evidentiary materials.)

   Lessor's Name: N/A

   Lessor's Address: N/A
6. Existing/Proposed Businesses: None, Vacant lot
7. Business Description: N/A
8. Employment: Existing FTE jobs: None
9. New Permanent FTE jobs created by project: None Construction FTE jobs: None
10. Architectural Firm: Stahly Engineering

    Address: 2223 Montana Ave #201, Billings, MT 59101

    Representative: Greg Montgomery

8. Description of Project: Purchase of land adjacent to Riverside Middle School. Site will be used to develop one softball field and one soccer field for use by the school.

9. Rehabilitation/construction plans: See attached

10. Project Schedule: Summer of 2022

CRITERIA FOR REVIEW

Materials contained in TIF Assistance applications are used to assess the merits of projects in relation to the goals and objectives of the South Billings Urban Renewal Master Plan and in relation to other District development and urban renewal projects. Projects will be evaluated based on the following criteria.

1. **Relevance to the South Billings Urban Renewal Master Plan** – This document is available on SBURA's website (www.southbillings.org).

2. **Economic Stimulus** – The amount of economic activity to be generated by the project.

3. **Tax Generation** – The increase in taxable value due to new construction/rehabilitation as estimated by the County Assessor's office.

4. **Employment Generation** – Total employment generated by the project assessed in terms of new permanent and part-time jobs, and construction jobs.

5. **Elimination of Blight** – The project's direct and indirect impact on the physical and fiscal condition within the District.

6. **Special or Unique Opportunities** – The extent to which the project represents a unique opportunity, meets a special need, or addresses community goals. The provision of public space or workforce housing are examples of special and unique opportunities.

7. **Impact Assessment** – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.

8. **Financial Assistance** – Other forms of financing available to the Applicant i.e. lender participation and state and federal grant monies,

9. **Project Feasibility** – Demonstration of market demand for the project

10. **Developer's Ability to Perform** – Applicant's capability to undertake the relative complexities of the project based on past performance on similar or comparable projects.

11. **Timely Completion** – The feasibility of completing the project according to the Applicant's project schedule.

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	$275,000
2.	$_____
3.	$_____
4.	$_____
Subtotal	$_____

Construction/Rehabilitation Costs (or attach separate statement)

1. Jares Fence	$75.00
2. CM Tree Service	$33,600.00
3. Knive River	$993,960.90
4. Land Purchase	$275,000.00
5 Subtotal :	$1,302,635.90

Fees $217,149 requested assistance

8. Architectural design/Supervision

2. Permits _____

3. Other fees _____

Subtotal

Total Project Development Costs: $1,302,635.90

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested

Land & Buildings

Other (Specify) TIF Finance Assistance

_____

Subtotal

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
_____	$ _____	_____%	____yrs	$ _____/Month
_____	$ _____	_____%	____yrs	$ _____/Month

Total Loan Amount $_____

DEVELOPER STATEMENT OF QUALIFICATIONS AND FINANCIAL RESPONSIBILITY

Applicant

1. Name: ___Billings Public Schools_____

   Address: __415 N. 30th St. Billings, MT 59101_____

2. If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of the Montana Code Annotated.

3. The applicant is:

   _____ A corporation.

   _____ A nonprofit or charitable institution or corporation

   _____ A partnership known as _____

   _____X_ Other (explain): K-12 School District _____

   Date of organization: _____

4. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal shareholders, investors, or partners of the applicant.

Name and Address	Nature and Extent of Interest
Greg Upham	Superintendent, Billings Public Schools
Dr. Greta Besch Moen	Board Chair, Billings Public Schools
Craig VanNice	CFO & District Clerk

Financial Condition

1. Provide a current financial statement for each private entity involved in the project. Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements. N/A - no private entities involved

2. Has the applicant or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?
   No __X__ Yes _____ If yes, give date, place, and under what name:

   _____

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past ten years:
   No __X__ Yes _____ If yes, give date, charge, place, court and action taken for each case.

   _____

   _____

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

   Name: Knife River

   Address: 1927 Dover Road, Billings, MT 59105

2. Has such contractor of builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last ten years?
   No _____ Yes _____ If yes, explain.

   _____

CERTIFICATION

I (we), Billings Public Schools Elementary District (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature _____

Title Superintendent

Address 415 N. 30th St

Billings, MT 59101

Date 3/22/22

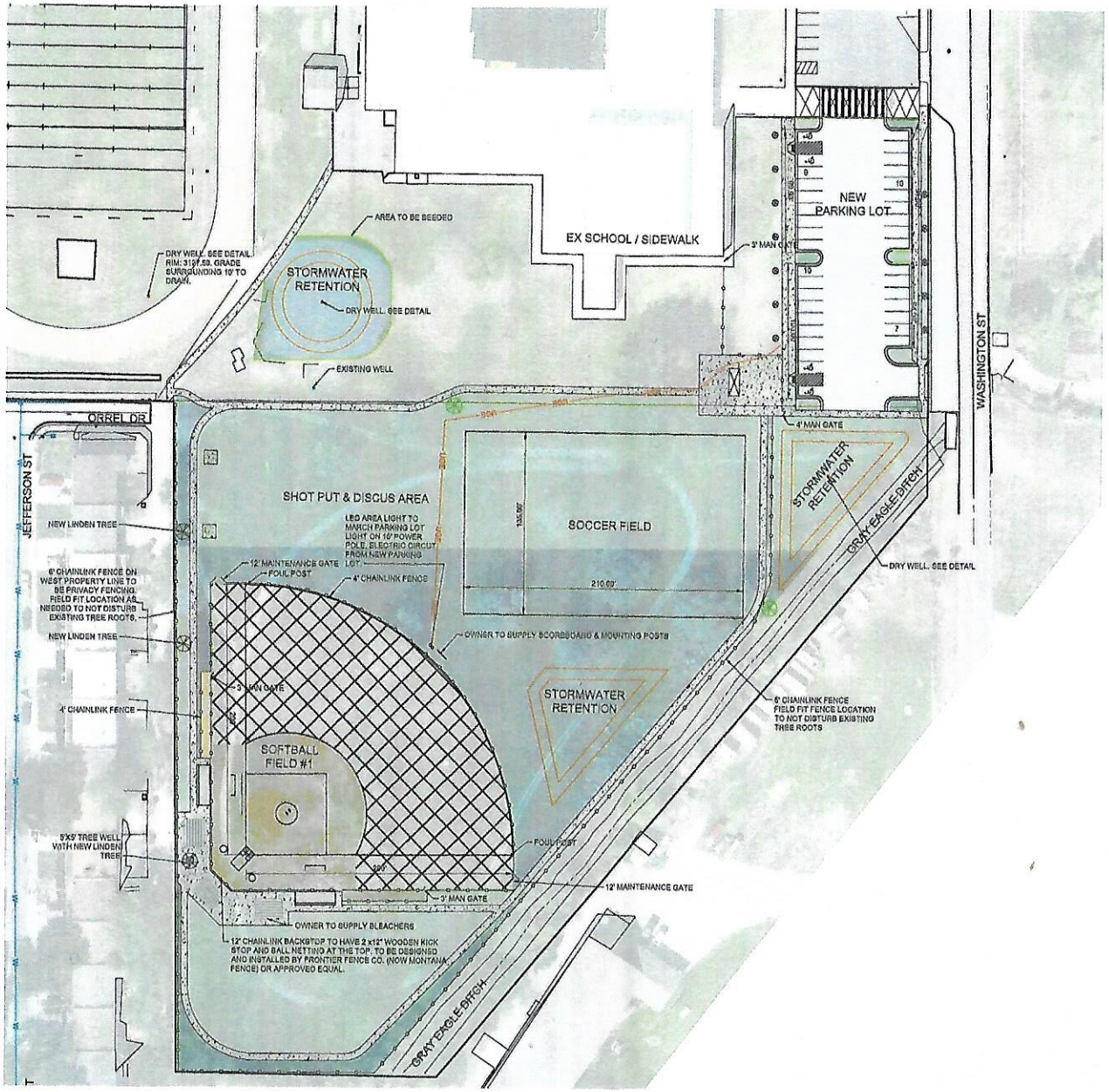
Signature _____

Title CFO & District Clerk

Address 415 N. 30th St.

Billings, MT 59101

Date 3/22/22



STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS & SURVEYORS
www.seaeng.com
2223 MONTANA AVE. STE. 201
BILLINGS, MT 59101
Phone:(406)651-4055
3530 CENTENNIAL DR.
HELENA, MT 59601
Phone:(406)442-8594
851 BRIDGER DR. STE. 1
BOZEMAN, MT 59715
Phone:(406)522-9526

ISSUE/REVISION					
No.	DATE	DESCRIPTION	EDR	CCR	
#####	#####	#####			

PRELIMINARY NOT FOR CONSTRUCTION

RIVERSIDE MIDDLE SCHOOL ATHLETIC FIELDS
BILLINGS PUBLIC SCHOOL DISTRICT No.2

SITE PLAN

SHEET
C1.1

MEMORANDUM

Date: June 8, 2022

To: Billings City Council

From: Jim Tevlin
Consultant, South Billings Boulevard Urban Renewal District

Subject: Billings School District 2 Application for Tax Increment Assistance

---

Project: SD2 Riverside Middle School Land Improvements
Location: Washington Street South of Riverside Middle School
Entity: Billings School District 2
Recommendation: The South Billings Urban Renewal Association recommends approval.

Recommended Tax Increment Assistance: $ 100,000
Total Project Cost: $1,302,636

Qualified Improvements	City TIF Policy	Urban Renewal Plan	MT Code Annotated
School ground infrastructure	Section 1(b)	Section 11 Section 12 Section 13	7-15-4288(4)

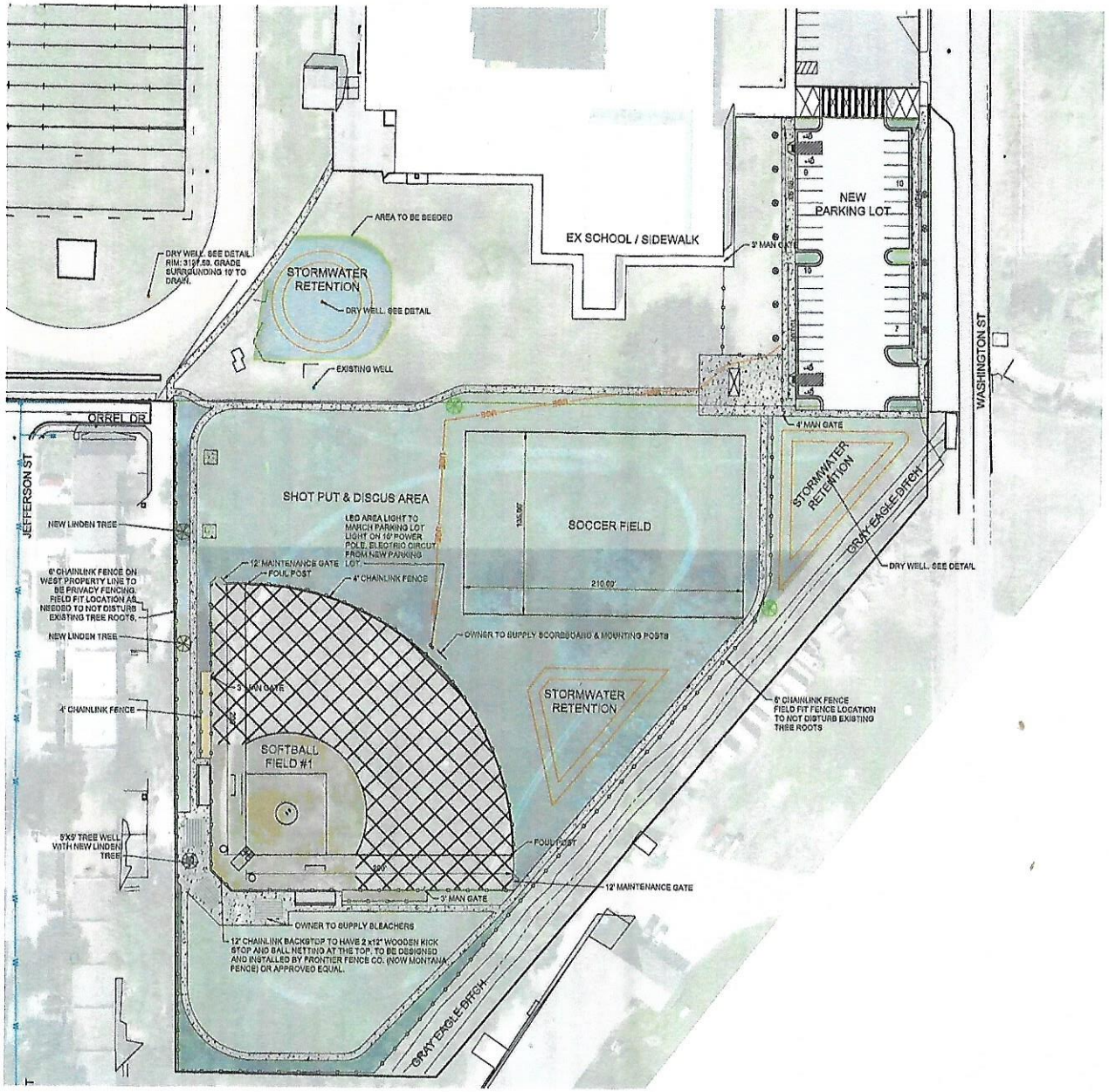
Public Benefit

- Project includes installation of improvements to land purchased immediately south of Riverside Middle School. These improvements will provide additional infrastructure to the school and add amenities that will place Riverside Middle School on par with other SD2 middle schools.

- Infrastructure/Amenities include:
  - A new parking lot
  - A girls softball field
  - Track & field facilities
  - 2 stormwater retention ponds
  - Walking path

- Elimination of blight (the vacant land has been used by homeless persons)


FRANCES AVE
MADISON AVE
ADAMS ST
ARDEN AVE
JACKSON ST
WASHINGTON ST
ORREL DR
CLEVENGER AVE
MONROE ST
JEFFERSON ST
VAUGHN LN
KRATZ LN
Expansion
Area



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Phone:(406)522-9526

ISSUE/REVISION					
No.	DATE	DESCRIPTION	EDR	CCR	
#####	#####	#####			

PRELIMINARY NOT FOR CONSTRUCTION

RIVERSIDE MIDDLE SCHOOL ATHLETIC FIELDS
BILLINGS PUBLIC SCHOOL DISTRICT No.2

SITE PLAN

SHEET
C1.1

RESOLUTION NO. 18-10750

A RESOLUTION OF THE CITY OF BILLINGS FORMING A POLICY FOR THE ADMINISTRATION OF URBAN RENEWAL AREAS OR DISTRICTS (URD) IN THE CITY.

WHEREAS, MCA, Title 7, Chapter 15, Part 42, Section 51 declares: General powers of municipalities in connection with urban renewal. Every municipality shall have all the power necessary or convenient:

(1) To carry out and effectuate the purposes and provisions of this part and part 43;

(2) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part and part 43, and to disseminate blight clearance and urban renewal information;

(3) To organize, coordinate, and direct, within the municipality, the administration of the provisions of this part and part 43 as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively;

(4) To exercise all or any part or combination of powers granted in this part or part 43; and

WHEREAS, the City of Billings reviews and adopts Urban Renewal Plans for each of its Urban Renewal Districts, and those Plans specify goals for each Urban Renewal District; and

WHEREAS, the City of Billings may establish local policies that guide the establishment, operations, funding and governance of urban renewal districts; and

WHEREAS, development of TIF (Tax Increment Financing) Policies would be in the best interest of the City.

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

That the City Council now makes and adopts the following TIF Policy:

CITY OF BILLINGS TAX INCREMENT FINANCE POLICY

1. PERMITTED USES OF TIF FUNDS. TIF funds may be used for costs outlined in MCA, Title 7, Chapter 15, Part 42, Section 88. Urban Renewal Plans adopted by the City may limit what TIF funds may be spent on in any Urban Renewal District. Eligible costs may include, but are not limited to:
   a. Land acquisition and assemblage, demolition and removal of structures, relocation of occupants, analysis to determine needs of an urban renewal area, administrative cost for redevelopment activities.
   b. Public infrastructure, including, but not limited to: streets, storm drains, parking, public buildings, water and sewer lines, sidewalks, utility connections.
   c. Private infrastructure with public benefit, including, but not limited to, building façades, windows, doors, fire suppression or alarm systems, storm drainage, environmental remediation, parking, and ADA access.

2. FINANCIAL ASSISTANCE THROUGH TIF. All financial assistance must be approved by the City Council prior to any activity receiving funding. Financial assistance should be requested prior to beginning construction. All activity (design and construction) must be completed prior to issuance of TIF funds from the City Finance Department. Financial thresholds and assistance tools are as follows:
   a. A minimum of $\geq$ $5 of private investment for every $1 of public investment is the preferred threshold to be met for each TIF application. The City Council reserves the right to approve any application that does not meet this minimum. The City Council also may make exceptions for projects of less than $100,000, and for publicly owned projects, properties or facilities.
   b. Grants may be made for uses listed in Part 1 above benefitting any government owned-land or buildings and for profit and non-profit businesses.
   c. Bonding may be available at the discretion of the City Council.
   d. All TIF grants will be formalized by a development agreement that must be signed by the grantee before the City will reimburse eligible expenses.

3. URD MANAGEMENT. Each URD in the City of Billings will be managed as follows:
   a. Each URD should maintain a non-profit advisory board to make recommendations to the City Council regarding TIF expenditures. Unless specifically authorized by a Memorandum of Understanding (MOU) referenced in 3(b) below, a majority of board members must own or lease property within the district, or must represent such owner or lessee, and may include representation from residential or commercial property owners or lessees. Advisory Boards must carry insurance for their members and provide proof of insurance to the City.
   b. A MOU must be executed between the advisory board and the City Council that defines the board's roles, responsibilities, authority, and processes, including for hiring and maintaining board support staff. The MOU must

contain language addressing conflict of interest situations for board members whose property may directly benefit from a TIF expenditure and for board support staff. The MOU also must include language that if there is the appearance of a conflict of interest the issue will be reviewed by City legal staff before moving forward.

c. Training for all URD advisory boards will be conducted biannually in coordination with City staff and URD support staff. The training must include, but is not limited to: review of URD and TIF laws, Administrative Rules, ethics, conflicts of interest, meeting management, and maintenance of minutes and records.

d. URD financial reporting will be consistent across all URDs and be set by coordination between the City Finance Director and the Planning and Community Services Director, and URD support staff.

e. TIF application review and City Council staff report preparation will be conducted by the Planning and Community Services Department Director, in coordination with the Assistant City Administrator, Finance Director, and URD support staff.

PASSED by the City Council and APPROVED this 9th day of July, 2018.

CITY OF BILLINGS

BY: William A Cole
William A. Cole, Mayor

CITY OF BILLINGS SEAL YELLOWSTONE COUNTY, MONTANA

ATTEST

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

Urban Renewal Plan for the South Billings Boulevard Urban Renewal District



Prepared by the Planning & Community Services Department
Adopted by the Billings City Council on December 8, 2008
Amended by the Billings City Council on July 22, 2019
Amended by the Billings City Council on July 26, 2021

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Acknowledgements

2008 Participants and Stakeholders

City of Billings

Ron Tussing, Mayor

City Council Members:

- Richard (Dick) Clark
- Mark Astle
- Peggie Denney Gaghen
- Jim Ronquillo
- Vince Ruegamer
- Chris "Shoots" Veis
- Ed Ulledalen
- Jani McCall
- Denis Pitman
- Larry Brewster

Planning and Community Services Department

Southwest Corridor Task Force Officers

- Tom Ruschkewicz, Chair
- Floyd Martin, Vice Chair
- Alan Pomick, Treasurer
- Debbie Rowe, Secretary

Big Sky Economic Development Authority

Downtown Billings Partnership

Stakeholders

Alene Malloy	Casey Ryan	Edyth Davis
Allen Krenz	Charles Deunow	Elanor Aukshun
Alta Dean	Cindy Linse	Elissa Linse
Arlene Bierwagen	Cindy Reid	Elsie Arntzen
Barbara Kipp	Clarence Perkins	Floyd Martin
Barbara Prewett	Clifton Burns	Gary Cooper
Barry Wilson	Coleen Apps	Gary Tipton
Beth Kirkwood	Connie Wagner	Gene Frank
Betty Hofstad	Connie Wittman	Gerald Apps
Betty Kegley	Cris Ruckman	Georgia Kembel
Beverly Bennetts	Dale Kiel	Glen Kibbee
Bob Franks	Daryle Young	Gloria Krenz
Brandy Pmter	David Mora	Greg Sennett
Brenda Estill	Dean Haley	Harriet Conklin
Brenda Ryan	Dean Miller	Ida Stuart
Brian Reid	Dennis Randall	Irene Aure
Bruce Burrows	Don Pell	James Lasater
Candice Reinschmidt	Dorothy Plouffe	Jay Hanson
Carl Howard	Doug Toomey	Jean Randall
Carol Atchley	Duane Bender	Jeannine Swoboda

Stakeholders Continued

Carol Dale
Jerald Mohr
Jerry Driscoll
Jimmie Frasch
Joan Dosch
JoAnne Moffet
Joe Morin
John Hoffman
John Hurless
Jon Gowan
Jon Rupprecht
Joyce Kenney
Joyce Pirrie
Judy Coles
Judy Mmiin
Julie Bender
Karen Hergett
Katherine Gowan
Kathy Doty
Kathy Wilkinson
Kelly Handley
Kerri Tallerico
Paul Hendershot
Richard Ruff
Robert Neal
Roger Mollett
Ron Kirkwood
Sammy Handley
Shanna Fredrickson
Ed Gabbo
Kevin Nelson
Lany Estill
Leonard Bierwagen
Linda Furlong
Linda Hayworth
Linda Pettengill
Linda Vansky
Loren Bice
Louis Plouffe
Lynn Toomey
Marc Swoboda
Margaret Schantz
Margo Allen
Margo Smith
Marian Leligdowizc
Marjorie Bishop
Marlene Anderson
Marlis Boadsack
Marlis Bufford
Martha Sheldon
Marvin Forquer
Rebekah Wales
Rick Leuthold
Robert Propelka
Ron Herget
Ronald Schultz
Sandra Fiscus
Sharon Franks
Jed Porter
Mary Ann Kraske
Mary Duenow
Maurice Muth
Mavis Schultz
Mavis Wilkinson
Mel Maier
Michele Johnson
Michelle Grasswick
Mike Kenney
Mike Vinton
Neal Armfield
Nelda Reimschmidt
Paige Tipton
Patrice Schuman
Pat Jensen
Pat Morin
Pat Newbury
Pat Perkins
Patsy Kahler
Patty Nordlund
Paul Hartman
Richard Deis
Robbin Ostrum
Robyn Rupprect
Ron Kaneski
Roy Linse
Shane Keehn
Sharon Young

2019 Participants and Stakeholders

City of Billings
- Bill Cole, Mayor

City Council Members:
- Brent Cromley
- Mike Yakawich
- Frank Ewalt
- Roy Neese
- Denise Joy
- Chris Friedel
- Reg Gibbs

Penny Ronning
Richard Clark
Shaun Brown

South Billings Urban Renewal Association
Carolyn Rukstad
Scott Hanser
Debbie Keller
Chuck Barrett
Sam Hadley
Mike Mayott
Jeff Muri
Zeier Consulting
City Administration
City Finance Department
Planning and Community Services Department
Billings Police Department

2021 Participants and Stakeholders
City of Billings
Bill Cole, Mayor

City Council Members:
Kendra Shaw
Mike Yakawich
Frank Ewalt
Roy Neese
Denise Joy
Danny Choriki
Pam Purinton
Penny Ronning
Mike Boyett
Shaun Brown

South Billings Urban Renewal Association
Carolyn Rukstad
Scott Hanser
Debbie Keller
Andrew Houlihan
Dick Zier
Mike Mayott
Jeff Muri
Tevlin Consulting
City Administration
Planning and Community Services Department

Section 1 – Introduction

On May 12, 2008, the City of Billings adopted an ordinance creating the South Billings Boulevard Urban Renewal District (SBBURD) and established a Tax Increment Finance District. As part of this ordinance, an urban renewal plan and the boundaries of the tax increment finance district were adopted. Public participation for preparing the urban renewal plan involved public meetings and participation with the City of Billings, the Southwest Corridor Neighborhood Task Force, residents and property owners, Downtown Billings Partnership, and Big Sky Economic Development Authority.

In October of 2008, the City began a modification of the SBBURD to include three additional properties. Two of these properties were recently annexed and contiguous to the existing SBBURD; therefore, the properties are now eligible to be included within the SBBURD. The third property is contiguous and requested an expansion of the district boundary. The modification of the urban renewal plan will reflect the addition of those properties.

The December 2008 modification of the urban renewal plan:

- Served as a framework for the official urban renewal plan.
- Fulfilled Montana state law.
- Updated and define district boundaries.
- Classified blight
- Set forth the protocol for its authorization, execution, and management.
- Illustrated the development opportunities.
- Documented baseline taxable property values and potential areas for redevelopment

The July 2019 amendment of the urban renewal plan:

- Identified future projects and programs.
- Ensured the City has the option to bond future projects.
- Updated the 2008 Plan to reflect the 2019 amendment process.

The July 2021 amendment of the urban renewal plan expands the boundary of the SBBURD to add five new properties to the District (see Appendix I).

Section 2 - Definitions

The following terms have the following meanings unless a different meaning is clearly indicated by the context:

1. "Agency" or "urban renewal agency" means a public agency created by Section 7-15-4232 of the Montana Code Annotated.
2. "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

a. The substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
b. Inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
c. Inappropriate or mixed uses of land or buildings;
d. High density of population and overcrowding;
e. Defective or inadequate street layout;
f. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
g. Excessive landcoverage;
h. Unsanitary or unsafe conditions;
1. Deterioration of site;
J. Diversity of ownership;
k. Tax or special assessment delinquency exceeding the fair value of the land;
I. Defective or unusual conditions of title;
m. Improper subdivision or obsolete platting;
n. The existence of conditions that endanger life or property by fire or other causes; or
o. Any combination of the factors listed in the subsection (2).

3. "Bonds" means any bonds, notes, or debentures (including refunding obligations) authorized to be issued pursuant to Section 7-15-4300 MCA.
4. "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
5. "Local governing body" means the council or other legislative body charged with governing the municipality.
6. "Mayor" means the chief executive of a city or town.
7. "Municipality" means any incorporated city or town in the state.
8. "Redevelopment" may include:
   a. acquisition of a blighted area or portion of the area;
   b. demolition and removal of buildings and improvements;
   c. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions in accordance with the urban renewal plan; and
   d. making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.
9. "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project orprojects.
10. "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:
    a. must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and;
    b. must be sufficiently complete to indicate, on a yearly basis or otherwise:
       i. any land acquisition, demolition, and removal of structures; redevelopment;

improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;

ii. zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, Chapter 1;

iii. land uses, maximum densities, building requirements; and

iv. the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

Section 3 – Background

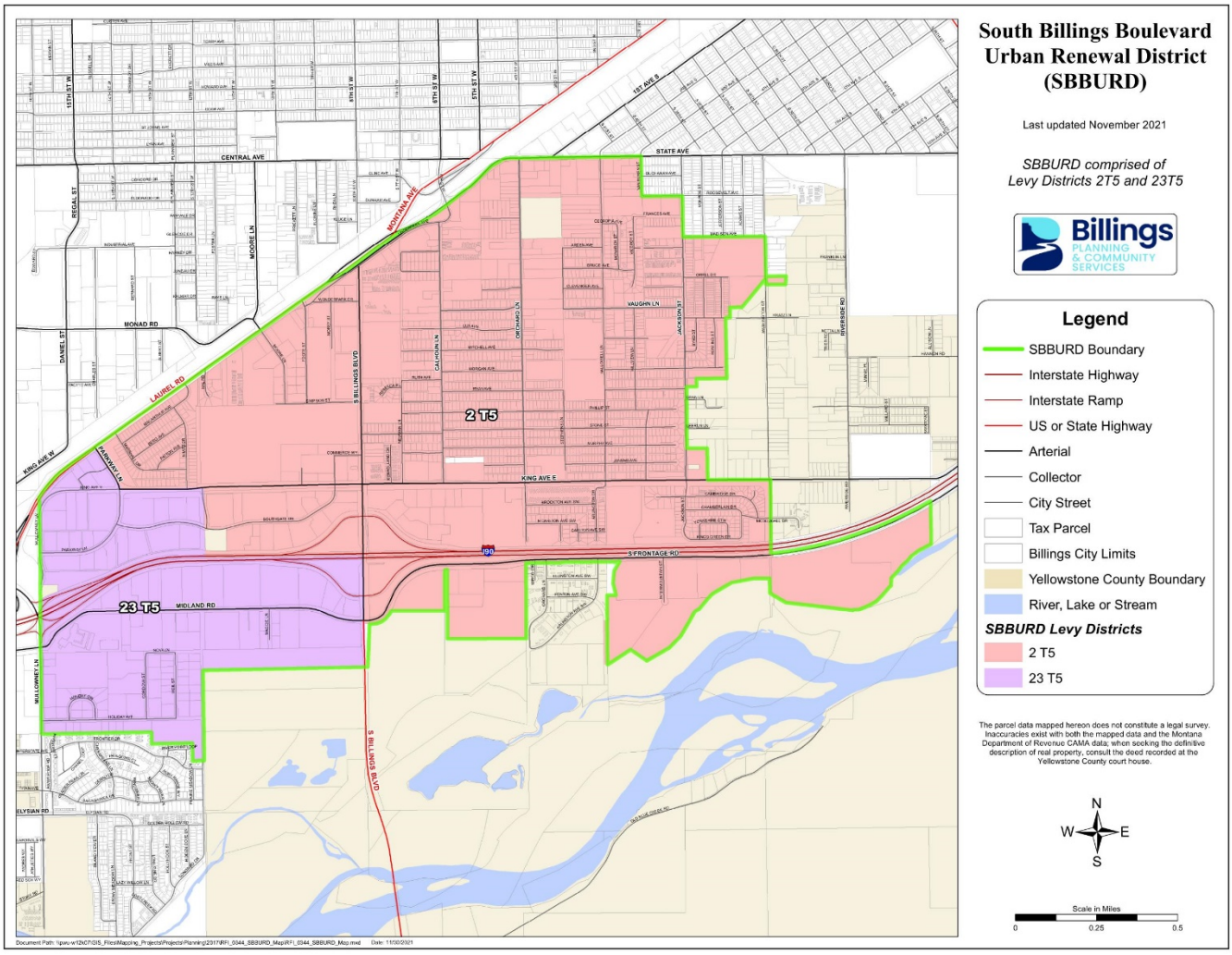
The South Billings Boulevard Urban Renewal District (the "District") lies within the City of Billings (the "City'), is situated between major transportation routes, and stretches from the east side of the King Avenue Overpass east to Washington Street and from State Avenue South to the city limit boundaries. Located within the district is Interstate Highway 90 and the major railway line through the city. Map 1 shows the boundary of the SBBURD.

The District lies within the Southwest Corridor Neighborhood Task Force. The task force was created in the early 1990's in response to the growing problem with the roadway interchanges and associated issues. For a while, the Task Force was a more diverse body that handled many issues for the Southwest Billings community. The Task Force has not been active for the past several years (2019-2021). Existing land uses and current zoning are shown on Maps 2 and 3.

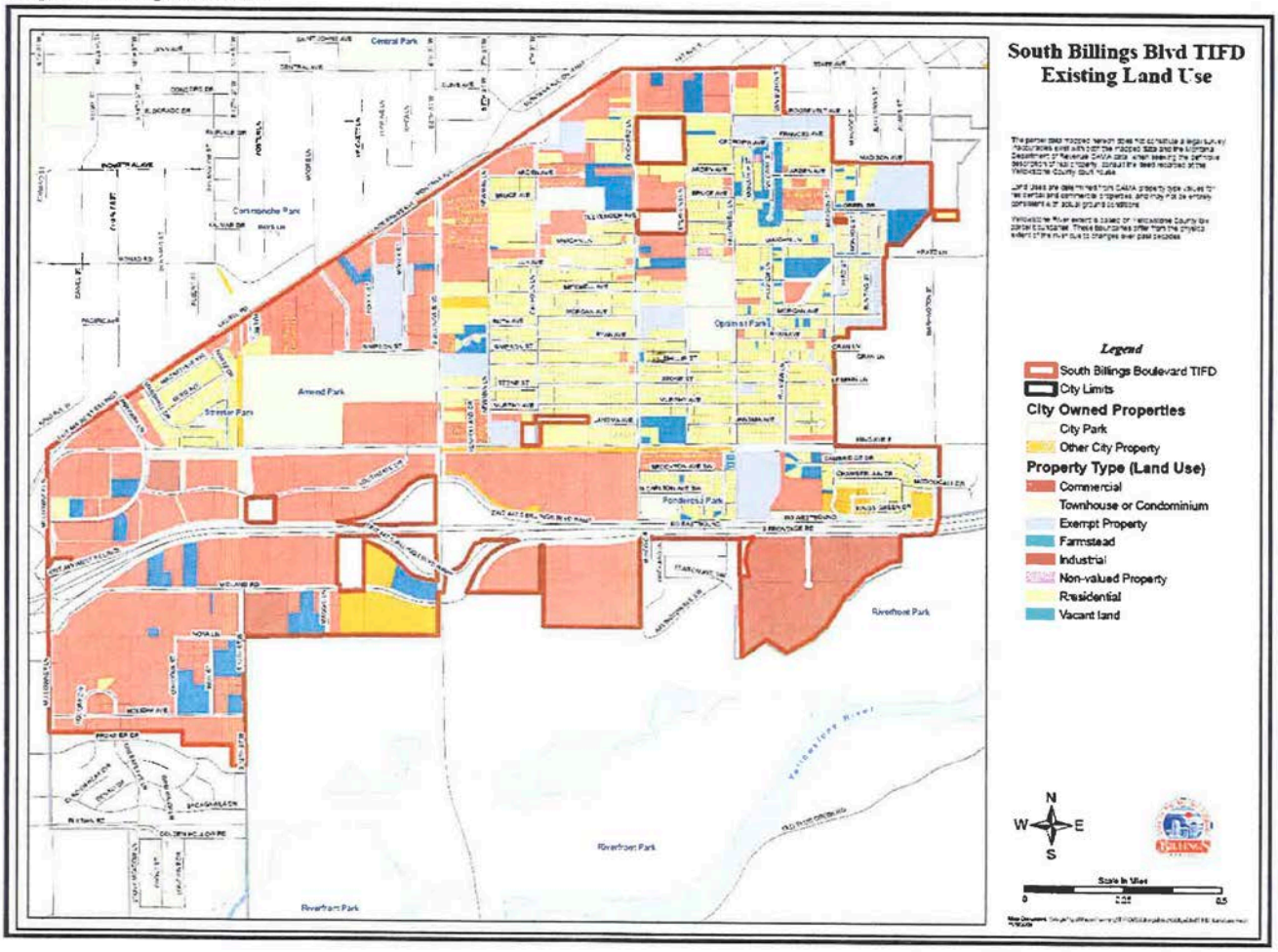
A closer look at this neighborhood shows an established area of mixed residential and commercial uses. This area also includes three elementary schools and one middle school. Some areas include unimproved streets with no sidewalk, curb, or gutter. In addition, many areas were not served by municipal water and sewer or there was old, inadequate water and sewer infrastructure. Many of the concerns raised by residents within the district center around routes for children to get to school, including bus routes that run on unimproved streets and children walking down the street instead of sidewalks to get to school. Many of these infrastructure deficits have been addressed as evidenced by the project list updates in Section 13 of this Plan.

Due to the location, the South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a major economic force. With the interstate corridor located in this district, the potential exists for this area to become a major destination place for retail, goods and services, manufacturing, and entertainment.

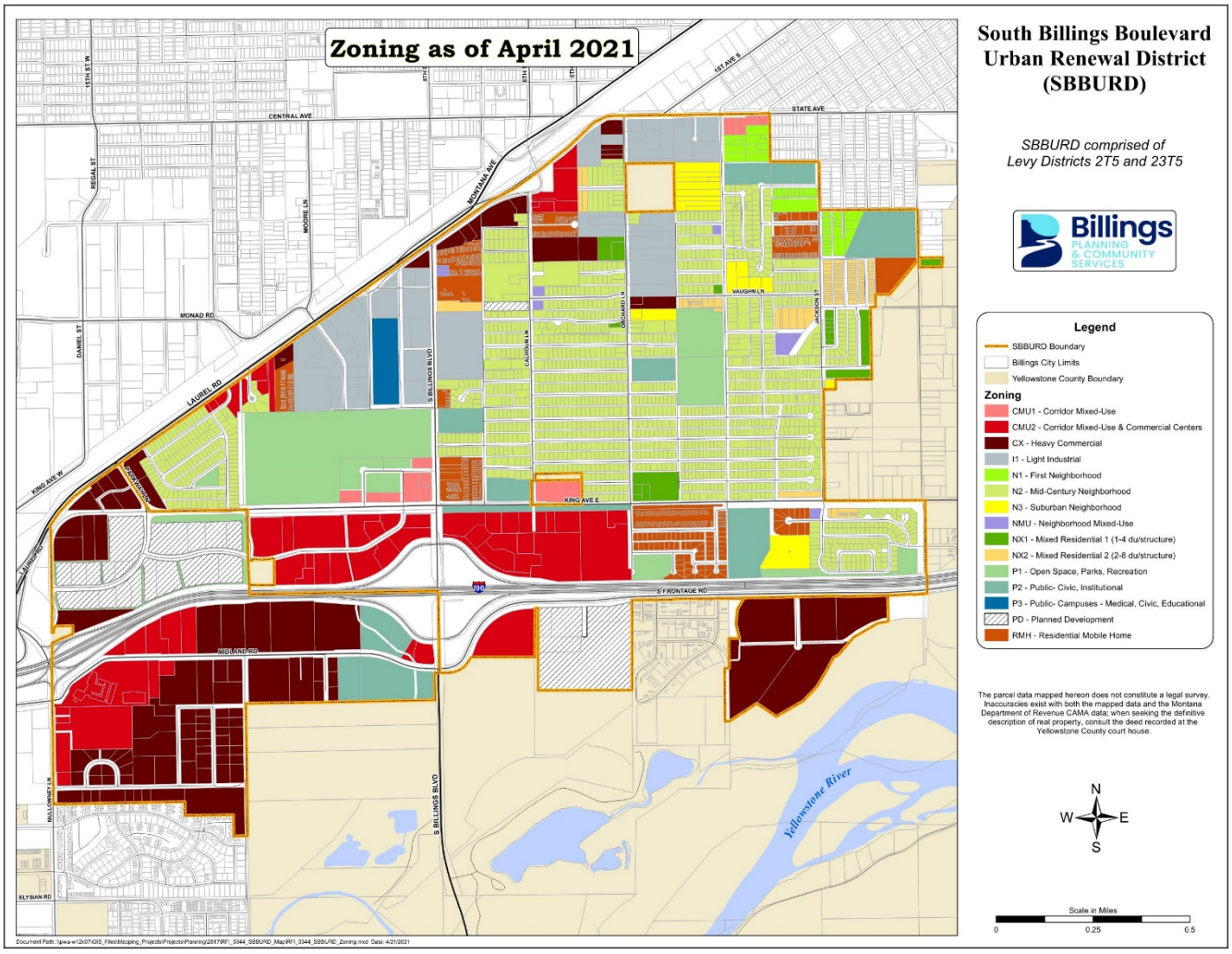
Map 1. South Billings Boulevard Urban Renewal District



Map 2 – Existing Land Uses



Map 3. South Billings Boulevard Urban Renewal District Existing Zoning



Section 4 - Description of Blight

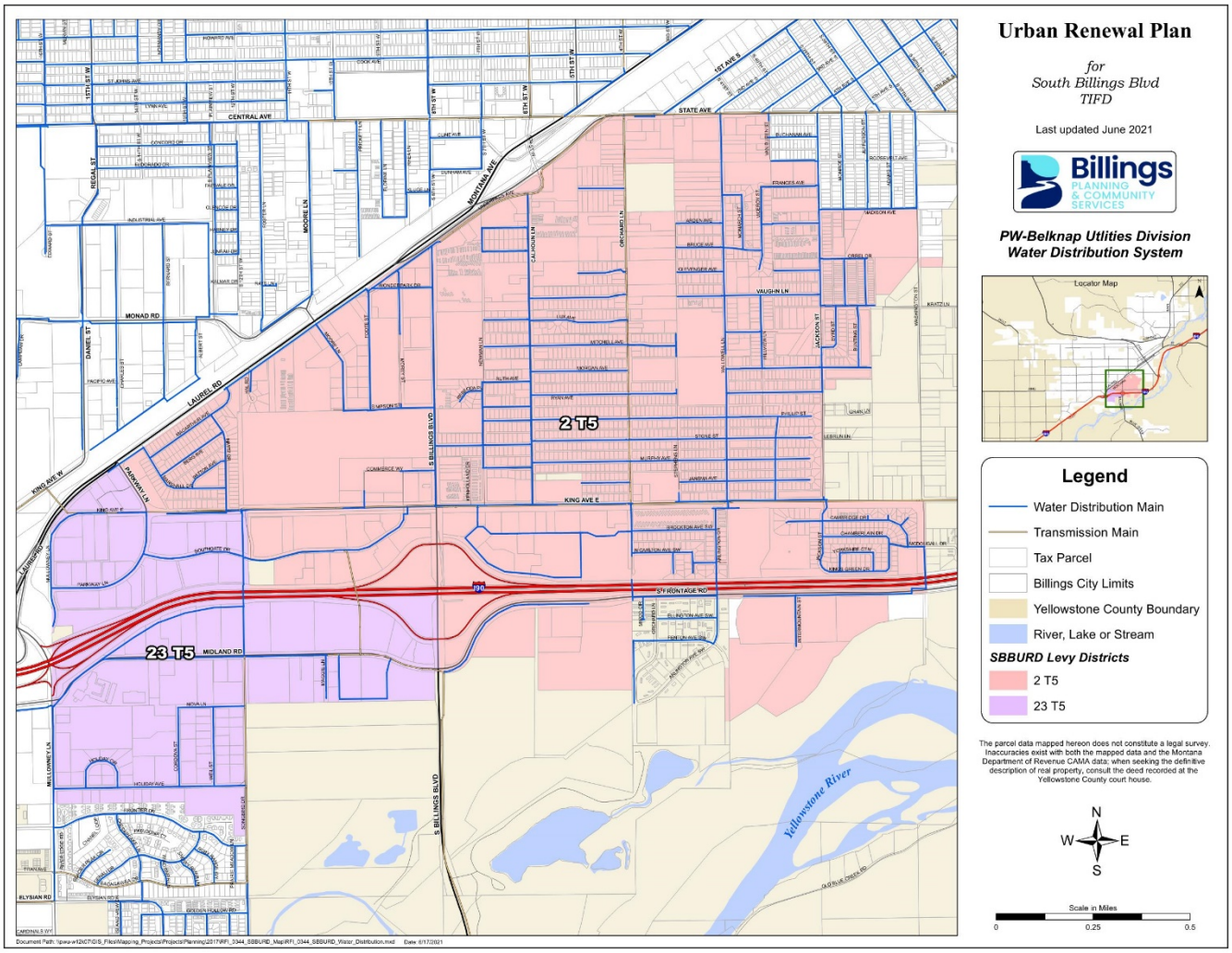
A requirement of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, is to justify an urban renewal plan supported through a tax increment finance district through the determination of blight. Blight is defined as an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs the sound growth of the city or its environs; retards the provision of housing accommodation; or constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- high density of population and overcrowding;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- excessive land coverage;
- unsanitary or unsafe conditions;
- deterioration of site;
- diversity of ownership
- tax or special assessment delinquency exceeding the fair value of the land;
- defective or unusual conditions of title;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;
- any combination of the factors listed

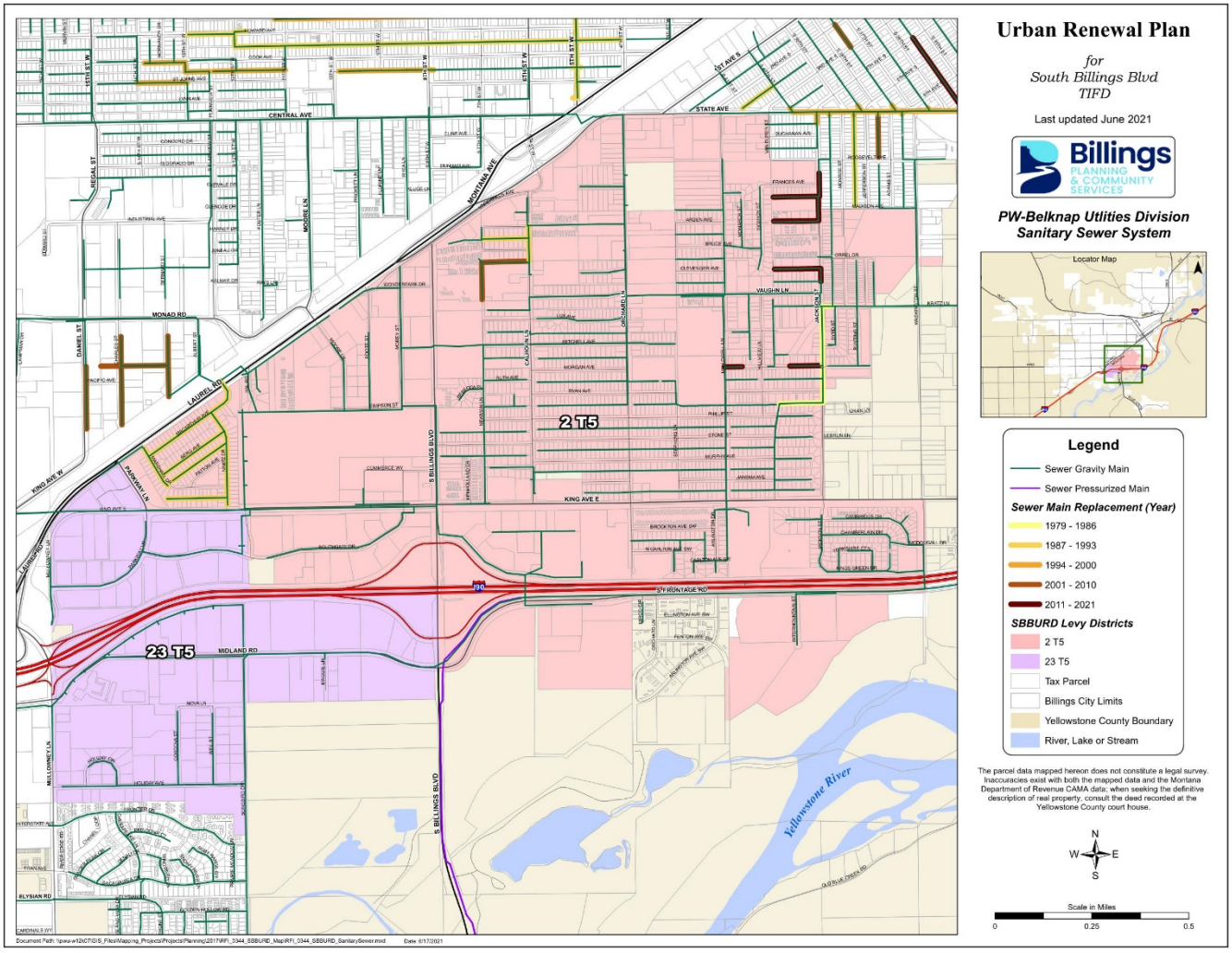
Section 5 - Summary of Blight

The area in the proposed district contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Several of the commercial buildings in the district are vacant or deteriorated and need demolition. Many of the sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below City standards. In contrast to the above, there are certain properties within the District in good repair but included in the District to allow for a contiguous block of land within the district; and because pockets of revitalization cannot be sustained if areas of neglect and blight surround them. Over time, without continued managed urban renewal, even these success stories will once again decline in taxable value. Portions of the District fall into the blighted, neglected, and under-utilized categories. Maps 4 and 5 show the past infrastructure conditions within the district.

Map 4. Water Distribution System.



Map 5. Sewer System



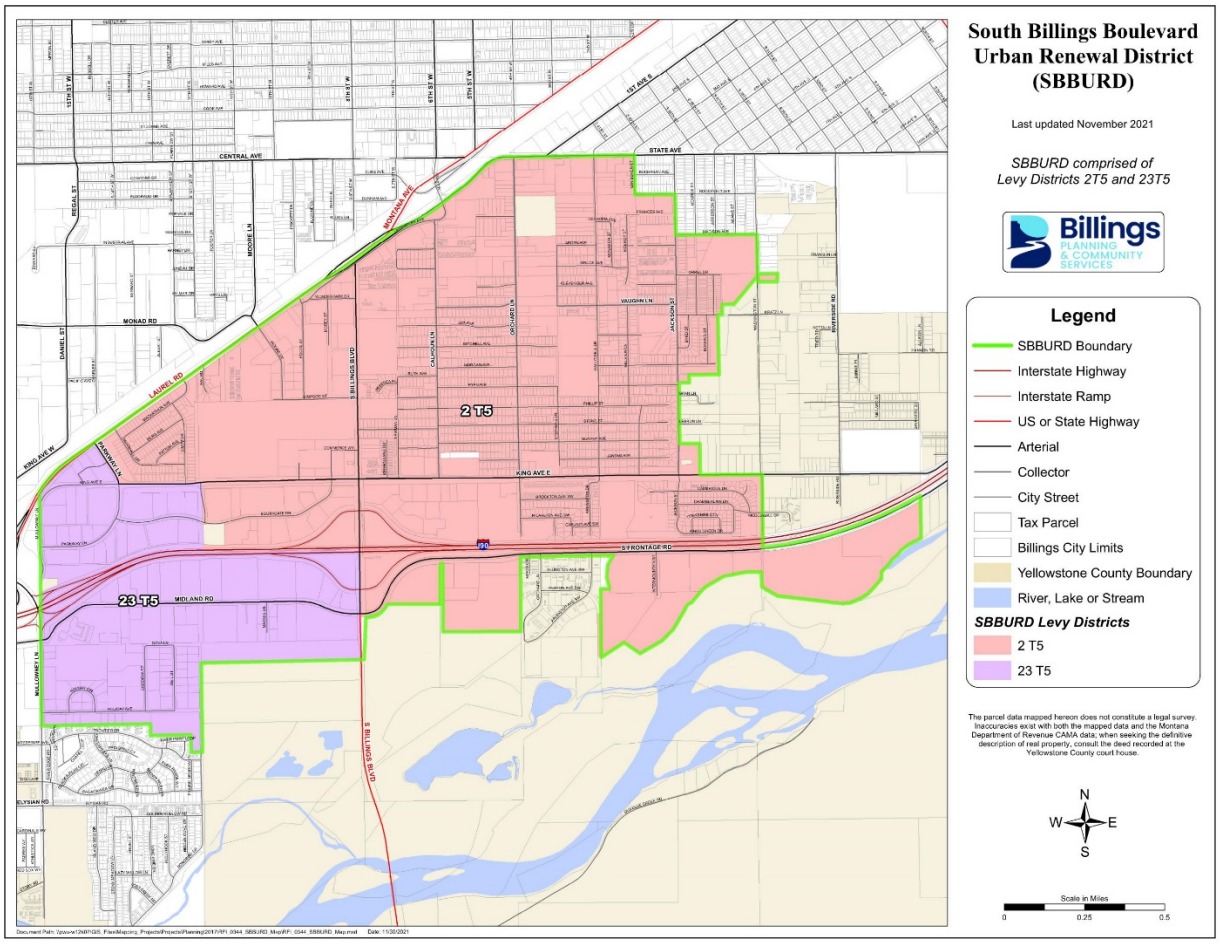
Section 6 - The Site and Its Relationship to the City

The South Billings Boulevard Tax Increment Finance District ("TIFD') and Urban Renewal District is located in the south-center region of the City of Billings. Bordered by the Interstate corridor, the main railroad line and principal transportation routes, it is an area where economic development opportunities are numerous. In addition, numerous service-related, commercial, industrial, parks and recreation and housing choices are located within the District. Map 6 below shows the TIFD boundary in relationship to the rest of the city.

Section 7 - Description of the District Boundary

Starting at the intersection of State Avenue and Van Buren Street, thence in a southerly direction along the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, thence in an easterly direction along the centerline of Roosevelt Avenue to the intersection of Roosevelt Avenue and Jackson Street, thence in a southerly direction along the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, thence in an easterly direction along the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, thence in a southerly direction along the centerline of Washington Street to the intersection of the centerline of Washington Street and the extension of a line 10 feet north and parallel to the north line of the northern boundary of Lot 7, Willis Subdivision, thence in an easterly direction to the existing City of Billings city limit boundary, thence along said existing City of Billings city limit boundary to the north Right-Of-Way line of Interstate 90, thence in a southerly direction and crossing said Right-Of-Way to the south Right-Of-Way line of Interstate 90, thence in an easterly direction and along said south right-of-way to the extended east line of Certificate of Survey No. 1591, thence in a southerly and crossing South Frontage Road to the northeast corner of said Certificate of Survey point also being on the existing City of Billings city limit boundary, thence in a southerly and westerly direction and following said existing City of Billings limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, thence in a westerly and northerly direction along said southern boundary of Tract 1, C/S 2834 and southern boundary of Block 4 of Weil Subdivision to the intersection with the centerline of Mullowney Lane, thence in a northerly direction and along said centerline of Mullowney Lane and its projection to the centerline of Laurel Road, thence in a northeasterly direction and along said centerline of Laurel Road to its intersection with State Avenue, thence in an easterly direction and along said centerline of State Avenue to the point of beginning of intersection of State Avenue and Van Buren Street. Excluding all unincorporated land within the boundary.

Map 6. SBBURD Boundary in relation to City and County Limits in the area.



Section 8 - Planning Process

Stakeholder and Community Participation

The initial concept of developing a Tax Increment Finance District and an Urban Renewal Plan in the South Billings Boulevard area was brought forward by the City of Billings, Big Sky Economic Development Authority, and the Downtown Billings Partnership. After discussions and meetings with the Southwest Corridor Task Force, it was determined that a steering committee would be established to move forward with the development of an Urban Renewal Plan for the creation of the South Billings Boulevard TIF District. After discussions with the participating members, it was apparent that direct communication with business owners, landowners and public participation was critical for the project to be a success. Two public meetings were scheduled to open dialogue on the proposed Urban Renewal Plan and TIF District process, and to set goals and objectives of the project. It also became clear that a grass-roots effort conducted and led by the property owners themselves was needed.

In October of 2008, the City began an urban renewal plan modification process to include three additional properties to the district pursuant to Montana Code section 7-15-4221. All property owners affected by the urban renewal plan modification were notified by mail of the public hearing on the Urban Renewal Plan held November 24, 2008.

In May 2019, the City, in coordination with the South Billings Urban Renewal Association, began the process to amend the South Billings Urban Renewal Plan. All property owners affected by the urban renewal plan amendment were notified by mail of a public meeting to discuss and receive public comment on the Plan amendment on May 30, 2019. All property owners affected by the urban renewal plan amendment were also notified of the public hearing on the Urban Renewal Plan held July 8, 2019.

In summer 2020, City staff in coordination with the South Billings Urban Renewal Association and its consultant, began discussion of expanding the District Boundary to include additional properties. The proposed expansion as brought to the City Council at a December 2020 Work Session for review and discussion. The Council at that meeting directed staff to move the process to expand the District forward in 2021. All property owners who property was proposed to be included in the District expansion were notified of the public hearing on the Urban Renewal Plan held July 12, 2021.

Urban Renewal Plan

The Urban Renewal Plan is the tool that governs what public improvements are needed and desired within the District. Through public meetings and meetings at the Southwest Corridor Task Force, neighborhood needs, and projects were identified.

With input from property owners and the identification of goals and objectives, the City of Billings moved forward with the completion of the Urban Renewal Plan. A draft was reviewed with the property owners and the Southwest Corridor Task Force prior to review by the City of Billings City Council.

The high level of transparency and frequency of meetings has ensured that a large local constituency has been involved, and as many stakeholders as possible participate and approve of the plan.

Eminent Domain

In no case shall eminent domain be used as a tool in the redevelopment of the South Billings Boulevard Urban Renewal District except as a last resort in the case of needed public infrastructure improvements and/or rights-of way.

Residential Relocation Plan

If a residential structure requires relocation as a result of right-of-way acquisition and/or a public infrastructure construction project, that is partially or fully funded with federal assistance (Housing and Urban Development, Federal Highway, etc.), the City of Billings shall abide by the Uniform Relocation Assistance Act.

Planning, City Administration and Legal Review

During the many meetings with the local property owners and the Southwest Neighborhood Task Force, it was decided to begin the process of finalizing the urban renewal plan and take it to the City Council before the end of 2007. The Urban Renewal Plan was sent to the City Legal Department and City Administration for review and comments. Comments and recommendations from both City Legal and City Administration were taken into account and incorporated into this Plan.

The Plan was also sent to the Yellowstone County Board of Planning for its review and recommendations regarding the plan's conformity to the City's 2003 Growth Policy Plan. A recommendation of approval was passed by the Planning Board on October 23, 2007. The plan was then presented at a City Council Work Session on November 5, 2007. The public hearing and first reading of the Ordinance was held by the City Council on November 26, 2007 with the second reading and final adoption on December 10, 2007.

A modification to the SBBURD plan began in October of 2008. On November 10, 2008, the Billings City Council passed a Resolution Declaring Blight, Intent to Modify the District, and Setting a Public Hearing Date. The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2003 Growth Policy on November 12, 2008. The affected property owners were notified of the Plan's modification and public hearing notices were published on November 6, 2008 and November 13, 2008 for the first reading and public hearing on the modification of the Plan.

The City initiated an amendment to the Plan in May 2019 to ensure future projects contemplated by the City and via public comments and recommendations would be possible if funded by bonding or directly through tax increment funds generated by the SBBURD. The process to amend the Plan has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2016 Growth Policy on June 25, 2019. The affected property owners were notified by mailed postcard of the Plan's modification, and public hearing notices were published on June 28, 2019 and July 5, 2019 for the first reading and public hearing on the Plan amendment.

The City initiated an expansion to the SBBURD boundary in December 2020 to include additional properties in the District. The process to expand the District has followed the process described in Montana Code as follows: The Yellowstone County Board of Planning reviewed the modified Urban Renewal Plan and made recommendations to the City Council regarding the Plan's conformity with the 2016 Growth Policy on April 13, 2021. The City Council acted upon a Resolution of Intent to expand the boundaries of the District on May 10, 2021 and set a public hearing date to act on an ordinance to expand the District in July 12, 2021. The affected property owners were notified by mailed letter of the District expansion, and public hearing notices were published for the first reading and public hearing set for July 12, 2021.

Financial Programming

The City of Billings, to ensure a sound and adequate financial program to fund projects, has concluded the following: For every $1 million dollars of increased market value, assuming Class 4 (commercial) property @ 3.01 % taxable rate and a mill levy of $0.55, it is anticipated that an increment value of approximately $14,500 will be generated yearly.

Modification of SBBURD Plan

The SBBURD may be modified at any time by the City Council as necessary to eliminate and prevent the development or spread of blighted areas and encourage urban rehabilitation. The process for plan modification shall follow the procedures set forth in 7-15-4212 through 7-15-4219 MCA, with respect to initial adoption of this Plan. For purposes of urban renewal district boundary changes only, the notice of public hearing, as described in 7-15-4215 MCA, may only be mailed to those owners whose properties are situated within the area of expansion or contraction of the Urban Renewal District boundaries. In cases where the boundaries are not modified, but the contents of the urban renewal plan are substantially modified, notification shall be mailed to all owners of property within the District area.

Section 9 - Housing (Conservation of Existing Affordable H ousing)

Housing is an important element to the District. Providing the District with housing opportunities is vital to the sustainability of the District. With housing opportunities, individuals and families can live and work within the District. This provides a dual benefit; first, the commute to work for individuals will be reduced and second, the businesses within the District will have a local work force to draw from.

Current housing in the area consists of single-family, duplex, and multi-family units and include rental units and owner-occupied. Also, manufactured home parks are located within the District. The main concentration of housing is in the central and eastern portion of the District. During the summer of 2007, the Planning Division developed a map of existing housing conditions within the City of Billings. The information was generated through the Yellowstone County CAMA (Computer Assisted Mass Appraisal) detail system. Properties were queried that were labeled as either unsound, poor, fair, or incomplete. This resulted in approximately 2,390 properties within the city limits that met this query. Out of the 2,390 city properties, 562 or 24% were located in the SBBURD. Of the 562 residential structures, seven were rated as unsound, 184 as poor and 371 as fair.

Future housing for the District is encouraged to be developed for the goal of ownership. When rental housing occurs, such facilities shall be developed in connection with mixed-uses and managed by a company that will provide active policy measures to eliminate crime and blight. Approval of multi-family housing will require either a Zone Change or Special Review request that requires approval by the City Council.

Housing in the area shall also be designed to cater to a variety of income demographics as well. All current affordable housing needs in the District shall be accounted for through the development of owned and rental housing that remain within the District. Housing for mid- and higher-level income

groups shall also be encouraged. To avoid creation of substandard housing or encourage future blight, mixed-use housing developments shall incorporate all income demographics within the same project in a safe and positive way.

Section 10 - Transportation and Pedestrian Circulation

The transportation and circulation situation in the TIF District should be a major focus during redevelopment of the area. Traffic patterns and access issues can affect the function and livability of a community or neighborhood.

During discussions and public meetings, it was apparent the current street conditions and lack of adequate transportation and pedestrian facilities was a high priority for property owners. The majority of traffic that comes into the District is either pass-through or destination traffic to the major transportation routes located within the District. In addition, the lack of sidewalk and pedestrian routes is a concern with the number of schools and parks located in the District. Safe and attractive pedestrian amenities, such as sidewalks, boulevards, crosswalks, improved signage and shelters or benches would greatly enhance pedestrian experiences.

Section 11 - Public Services and Facilities

Currently there are four public schools located within the District; three elementary schools and one middle school. A concern mentioned many times by residents was the lack of sidewalks for school children to get to school. It was observed that many students are walking directly in the street due to a lack of sidewalks. The creation of a Safe Routes to School Plan should be created to address this concern. In addition to schools, there are several developed parks located in the District. Amend Park provides a multi-use facility for soccer and rugby as well as picnic sites and shelters. Optimist Park has a variety of amenities that include basketball courts, jogging trails, playground, softball and baseball fields and picnic areas. Ponderosa Park provides horseshoe courts, playground, softball and baseball fields and soccer and rugby fields. The City of Billings also provides services to the District with MET Transit and the Southgate Cop Shop. Currently two MET routes serve the neighborhood; the Central and the Southside Loop. Both of these routes travel to and from the Stewart Park and Downtown Transfer Centers. The Southgate Cop Shop was reopened in May of 2007 and operates on Monday, Wednesday and Friday from 4 - 7 p.m. The station is a neighborhood police contact center currently staffed by volunteers. Residents are encouraged to use the Cop Shop to report crimes, suspicious activities or obtain information and assistance.

Section 12 - Infrastructure and Utilities

The District has infrastructure and utilities deficiencies that need to be addressed prior to any large influx of redevelopment or new building construction. Water and sewer conditions need to be addressed due to out of date installations, inadequate lines, or increases in impacts to existing structures.

The storm water drainage situation is particularly troublesome as many areas either have inadequate storm water facilities or none at all.

By upgrading infrastructure and utilities, therein lies the opportunity for more attractive development opportunities.

Section 13 - Urban Renewal Projects and Programs

The Urban Renewal Projects were identified by property owners within the District during the public meetings at the time the Plan was first adopted in 2008 and also during the amendment process in 2019. Information for the 2008 Plan adoption process utilized the Southwest Corridor Task Force meetings and delivery through comments mailed to the Planning Division. For the 2019 amendment process, a public meeting was held at Orchard Elementary School on May 30, 2019 where projects ideas and comments were collected, as well as at the South Billings Urban Renewal Association meeting on June 4, 2019. It is the City's intent to use tax increment to finance public improvement projects. In addition to TIF financing, the City may also use Special Improvement District financing as well as grant funding through, but not limited to, the Community Development Block Grant Program. By combining funding opportunities, more projects will be able to be completed.

The project and program list below encompasses both items included in the 2008 Plan as well as the new project recommendations for the 2019 Plan amendment. The items are identified by the year:

2008 Project and Program Recommendations:

Project: Traffic calming measures on Calhoun and Orchard Streets. (Completed)

Project: Street improvements on Newman Drive between Simpson and Stone Streets, install curb and gutter. (Completed)

Project: Pave, curb, and gutter on Simpson from Calhoun to Newman.

Project: Widen, curb and gutter (where needed) and repave Calhoun the full length. (Completed)

Project: Widen, curb and gutter (where needed) and repave Orchard the full length. (Completed)

Project: Widen, curb and gutter (where needed) and repave Hallowell the full length. (Under Construction 2021)

Project: Widen, curb and gutter and install bike path or sidewalk the full length of King Avenue East from Parkway to Riverside Drive. (Completed to Jackson Street)

Project: Safety to school plan. (SRTS Maps Updated, Plan Update in 2021/2022)

Project: Crosswalks within the District (where needed).(In Progress)

Project: Sidewalks within the District (where needed). (In Progress)

Project: Street lights along King Avenue East. (In Progress)

Project: Street widening at Optimist Park. (Addressed with Hallowell Lane Project)

Project: 4100 Block of Vaughn Street - sidewalk. (Included in FY22 CIP – Jackson to Hallowell)

Project: 4100 Block of Vaughn - public sewer needed, drain fields failing. (Included in FY22 CIP – Jackson to Hallowell)

Project: Bike/pedestrian routes along King Avenue. (Mostly Completed, section east of Jackson Street)

Project: Sewer improvements on South Billings Boulevard from Mitchell north to Underpass Road. Sewer line currently runs east under adjoining residential development. (Completed)

Project: Repave Morgan Avenue between Hallowell Lane and Jackson Street include sidewalks, streetlights. (Included in FY22 CIP)

Project: Install public sewer along Morgan Avenue that includes storm water improvements. (Included in FY22 CIP)

Project: More bike trails throughout neighborhood. (In Progress)

Project: Park improvements for Little League and soccer leagues. (Amend Park and Optimist Park projects addressing this need)

Project: Community Resource Officer within the neighborhood to steer kids away from drugs and promote a safe neighborhood. (Coordination between SD#2 and City PD is ongoing)

Project: Pave Newman Lane behind Newman Elementary School. (Completed)

Project: Storm water improvement at the Northeast comer of Phillip and Hallowell. (Addressed with Hallowell Lane Project)

Project: Need school zone signage at Newman Elementary School. Completed)

Project: Installation and improvement of municipal water and sewer lines within the District. (Completed)

Project: Installation of sidewalks on Jackson Street (where needed). (In Progress)

Project: Stop light at South Billings Boulevard and Midland Road. (Completed)

Project: Neighborhood wide traffic study for traffic calming strategies. (In Progress through SRTS and Complete Streets efforts)

Project: Assess adequacy of fire hydrants throughout the neighborhood and add fire hydrants as needed. (Not Completed)

Project: Traffic light at State Avenue and Hallowell Lane. (Completed)

Project: Continuation of streetlights on Jackson to King Avenue. (Not Completed)

In addition to property owner identification of projects for the District, the City of Billings Public Works Department has several ongoing or future infrastructure projects scheduled. These projects include the following:

- **Orchard Lane** - Replacement of a water main in Orchard Lane from just south of King Avenue East to Underpass Avenue. (Completed)

- **Calhoun Lane** – Replacement of water main in Calhoun Lane from King Avenue East to Underpass Avenue. (Completed)

- **Jackson Street** - Jackson Street is split into two phases. The first phase will provide sidewalk and drive approaches on the west side of Jackson Street from King Avenue East to Ryan Avenue. The second phase will provide drive approaches, sidewalk, curb and gutter, and ADA ramps along both sides of Jackson Street from State Avenue to Kratz Lane. (Completed)

- **Newman Lane and Bruce Avenue** - Sanitary sewer rehabilitation work was completed in the TIF District in 2007 at Newman Lane and Bruce Avenue.

2021 SBBURD Gravel Street Inventory – Programming in Current or Future CIP

Branch Name	To	From
ARDEN AVE	JACKSON STREET	VICEROWY STREET
BRUCE Ave	HALLOWELL	STEPHENS
CLEVENGER AVENUE	600' W OF JACKSON ST	JACKSON ST
FRANCES AVENUE	ORCHARD LANE	END W. ORCHARD LANE
HILLVIEW LANE	MORGAN AVE	ALLEY N OF PHILLIP STREET
HILLVIEW LANE	VAUGHN LANE	MITCHELL AVENUE
HOLIDAY AVENUE	SONGBIRD DRIVE	WELL STREET
MCDOUGALL DRIVE	CUL-DE-SAC E OF WASHINGTON STREET	WASHINGTON STREET
MITCHELL AVENUE	HILLVIEW	HALLOWELL
MONROE STREET	MADISON AVENUE	371'S. MADISON AVE
MOREY STREET	UNDERPASS AVENUE	WONDERPARK DRIVE
MOREY STREET	END OF GRAVEL	SIMPSON STREET
MULLOWNEY LANE	320' N/O PARKWAY LN	130' S/O PARKWAY LANE
NEWMAN LANE	LUX AVENUE	RUTH LANE
NOVA LANE	SONGBIRD DRIVE	WELL STREET
RYAN AVENUE	JACKSON STREET	HALLOWELL LANE
SONGBIRD DRIVE	MIDLAND ROAD	FRONTIER DRIVE
STEPHENS LANE	ARDEN AVENUE	VAUGHN LANE
STEPHENS LANE	SIMPSON STREET	RYAN AVENUE
STEPHENS LANE	ALLEY N OF JANSMA AVENUE	ALLEY S OF JANSMA AVE
VAUGHN LANE	JACKSON	HALLOWELL

FY 2022 SBURD Project
FY 2021 City Project and SID
Proposed Future CIP Inclusion

2019 Project and Program Recommendations:

Parks & Recreational Amenities – Construct and enhance public facilities that will increase the quality or quantity of parks and recreational activities within the District. This may include, but is not limited to, a recreation center, swimming pool, ice arena, indoor and outdoor park development, and other amenities.

Public Safety – Construction of Police or Fire facilities within the District, to include necessary furnishings for such facilities.

Railroad Infrastructure – Coordinate with BNSF Railway and Montana Rail Link on safety and long-term viability of railroad crossings and corridors in the District and cooperate on projects with the railroads and City of Billings.

Walking Paths and Trails – Construct sidewalks, trails, and pathways throughout the District with landscaping to ensure the safety of children and all pedestrians, as well as provide access to neighborhoods and services.

Transportation Corridor Improvements – Construct and reconstruct transportation infrastructure in the District to include streets, sidewalks, lighting, traffic control, multi-purpose side paths, landscaping, water, sewer, stormwater, and transit access projects.

School and Community Services – Assist in funding projects and programs in the District to enhance school playgrounds and athletic fields, health and wellness programs, access to community meeting and activity spaces, and other efforts that improve access to school and community services.

Section 14 - Identified Projects and Programs in Relationship to the Goals and Objectives Respective to the 2016 City of Billings Growth Policy

One of the requirements of Montana's Urban Renewal Law (Title 7, Chapter 15, Parts 42 and 43, MCA) is that the urban renewal plan must conform to the community's growth policy. On April 13, 2021, the Yellowstone County Board of Planning acted affirmatively on a recommendation to the City Council as to the SBBURD expansion's consistency with the 2016 City of Billings Growth Policy. The 2016 City of Billings Growth Policy ("Growth Policy") refers to and promotes economic development and urban renewal in a variety of ways. The preceding list of urban renewal goals listed in Section 13 are relevant to the Growth Guidelines identified in the Growth Policy in the following areas:

Growth Guidelines

Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
- Public transit and commercial air service are critical to ensure access to and around the City.
- Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.
- Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.
- Landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.
- Public health and safety and emergency service response are critical to the well-being of Billings' residents, businesses, and visitors.
- Infill development and development near existing City infrastructure may be the most cost effective.
- The history and heritage of Billings are cornerstones of our community.

- Neighborhoods that are safe and attractive and provide essential services are much desired.
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable
- A supportive school system that inspires, motivates, and prepares students for meaningful employment is important for ensuring a high quality, competitive community.

Place Making (Enhance, maintain, preserve, and improve existing public places)

- A multi-use community recreation facility is desirable.
- Enhancement and maintenance of public spaces and buildings through City stewardship is integral to a vibrant community.
- Park master plans and transportation plans are important to facilitate the preservation and improved public access to the Yellowstone River and the Rims
- Public and private partnerships are valuable for creating enhanced entryways into Billings.
- Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City.

Community Fabric (attractive, aesthetically pleasing, uniquely Billings)

- Developed landscape areas in commercial areas encourage more pedestrian activity and vibrant commercial activity.
- Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.
- Outdoor public spaces provide casual and relaxing gathering areas for people.
- Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.
- Cost-effective landscaping of public rights-of-way and entryways makes Billings more visually appealing to residents and visitors.

Strong Neighborhoods (livable, safe, sociable, and resilient neighborhoods)

- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools, and public gathering spaces foster health, good will and social interaction.
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces.
- Implementation of the Infill Policy is important to encourage development of underutilized properties.

Home Base (healthy, safe, and diverse housing options)

- A mix of housing types that meet the needs of a diverse population is important.

- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy, and safe.
- Homes that are safe and sound support a healthy community.

Mobility and Access (transportation choices in places where goods and services are accessible to all)

- Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses, and visitors.
- Safe and accessible transportation systems benefit everyone's quality of life.
- Affordable public transit is much desired.
- Development oriented to transit routes will provide more transportation choices and is preferred.
- "Safe Routes to Schools" promotes physical health and reduces vehicle trips, earning parents more time and less costs for transportation.
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.
- On-street bike facilities promote predictability for all users
- Technology can reduce congestion and facilitate emergency vehicle travel at railroad crossings.

Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled, and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

Section 15 - Neighborhood Planning

Another tool that is expected to be used in the future to address current conditions within the District and the identification of neighborhood needs will be accomplished through the creation of a Neighborhood Plan. A neighborhood plan may be drafted for this area of Billings in the next three or four years based on available funding. The purpose of the neighborhood plan is to assist residents, governing agencies, planners, and developers in making the right choices when determining future growth patterns and development within the neighborhood. The plan also encourages local government, developers, and businesses to discuss future land use decisions with neighborhood residents and business owners prior to the proposed land use change. The neighborhood plan is not a regulatory document; instead, it is adopted by the City Council and the Board of County Commissioners as an implementation strategy and is part of the City of Billings and Yellowstone County Growth Policy as an advisory document. The neighborhood plan would be implemented through the City's Capital Improvement Program Planning and by the Southwest Corridor Neighborhood Task Force.

The plan would include general and specific recommendations that reflect the values of the community, encourage sound decision-making, and empower people to take action. The plan also

includes realistic implementation strategies that involve both private and public actions, as well as regulatory decisions.

Section 16- Conclusion

The South Billings Boulevard Urban Renewal District has a tremendous amount of potential to become a viable and reliable economic engine. The District has a great potential to become a destination place where Billings residents, business owners, and visitors will purposefully go to conduct business, have goods and services manufactured and enjoy recreation and leisure activities. At the end of the life of this TIFD program it is the hope of all involved that this area of Billings will be a wonderful place to live, work and play far into the future.

Appendix I – 2021 Expansion

