



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

**CITY COUNCIL
REGULAR BUSINESS MEETING**

**AGENDA
AUGUST 22, 2022**

5:30 P.M.

COUNCIL CHAMBERS

CALL TO ORDER: Mayor Cole

PLEDGE OF ALLEGIANCE: Mayor Cole

INVOCATION: Councilmember Owen

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

MINUTES:

- July 25, 2022
- August 8, 2022

COURTESIES:

PROCLAMATIONS:

COUNCIL REPORTS:

ADMINISTRATOR REPORTS - CHRIS KUKULSKI

PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1 and 3b ONLY. Speaker sign-in required. (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments on items listed as public hearing items will be heard **ONLY** during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:

A. **Bid Awards:**

1. **WO 22-32: Riverfront Park Trail.** (Opened 8/2/22) Recommend K2 Civil, Inc.
2. **WO 22-43: Ponderosa Park Irrigation System.** (Opened 8/2/22) Recommend Good Earth Works Co., Inc.
3. **Landfill E-Waste Collection.** (Opened 8/2/2022) Recommend rejecting all bids.

B. **Contract with DOWL for WO 22-44: Zone 1 Water Storage Improvements.**

C. **Contract with Morrison-Maierle for WO 23-01: Contract 2, 2023 Sewer Main Replacement.**

D. **Contract with Performance Engineering, LLC for WO 23-07: Monad Road Sanitary Sewer Extension.**

E. **Amendment to FY23-FY27 Capital Improvement Plan (CIP).**

F. **Amendment No. 1, Montana Fish, Wildlife and Parks (FWP) for Land, Water Conservation Fund (LWCF)**

Grant for Central Park Tennis Court Replacement.

- G. **Amendment No. 4, WO 19-12: West End Reservoir**, HDR Engineering.
- H. **Land Lease** at the Billings Regional Landfill to Denson Technologies.
- I. **Limited Commercial Aviation Building and Ground Lease** with Alpine Aviation Express, Inc.
- J. **West End Ground Hangar Lease** with First Interstate Bank.
- K. **Recommendation of approval** of 2023 Unified Planning Work Program to the Policy Coordinating Committee.
- L. **Donation** to the Billings Fire Department from Lowe's.
- M. **Donation** to the Parks, Recreation and Public Lands Department for Landon's Miracle League Field Grand Opening at Poly Vista Park.
- N. **Perpetual Right-of-Way Easement Vacation** within Cardwell Ranch Subdivision, 1st Filing. ***Quasi-Judicial**
- O. **Preliminary Minor Plat** of Zimmerman Home Place Subdivision, 3rd Filing. Conditional approval and adoption of the findings of fact. ***Quasi-Judicial**
- P. **Second/Final Reading Ordinance** amending BMCC 22-500, Street Maintenance Districts.
- Q. **Bills for the Weeks of:**
 - 1. July 18, 2022
 - 2. July 25, 2022

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

REGULAR AGENDA:

- 2. **PUBLIC HEARING AND RESOLUTION** vacating a portion of 12th Avenue North and North Side Addition, 3rd Filing, Block 9 alley rights-of-way. Staff recommends conditional approval. (Action: approval or disapproval of staff recommendation.) ***Quasi-Judicial**
 - *Presented by:* Debi Meling, Public Works Director

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to conditionally approve the resolution vacating a portion of 12th Avenue North and North Side Addition, 3rd Filing, Block 9 alley rights-of-way, as recommended by staff.
- 3. **MARILLAC STREET:**
 - a. **PUBLIC HEARING AND RESOLUTION** vacating a portion of Marillac Street right-of-way. Staff recommends approval. (Action: approval or disapproval of staff recommendation.) ***Quasi-Judicial**
 - *Presented by:* Debi Meling, Public Works Director

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve the resolution vacating a portion of Marillac Street right-of-way, as recommended by staff.

b. **PRELIMINARY SUBSEQUENT MINOR PLAT** of Amended St. Vincent Healthcare Subdivision. Staff recommends conditional approval and adoption of the Findings of Fact. (Action: Approval or disapproval of staff recommendation.) ***Quasi-Judicial**

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

Recommended Motion: I move to conditionally approve the Preliminary Subsequent Minor Plat of Amended St. Vincent Healthcare Subdivision and adopt the Findings of Fact, as recommended by staff.

4. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1016:** located generally at 1400 South 24th Street West. Zoning Commission recommends approval and adoption of the 10 criteria. (Action: approval or disapproval of Zoning Commission recommendation.) *** Quasi-Judicial**

- *Presented by:* Nicole Cromwell, Zoning Coordinator

Recommended Motion: Having conducted a public hearing, considered written and spoken public testimony, I move to approve Zone Change 1016 and adopt the findings of the 10 criteria, as recommended by the Zoning Commission.

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

COUNCIL INITIATIVES:

ADJOURN:

Council Chambers are readily accessible to individuals with physical disabilities.

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

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

**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 22-32: Riverfront Park Trail, 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. 22-32: Riverfront Park Trail to K2 Civil, Inc. in the amount of \$431,193.00.

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

W.O. 22-32: Riverfront Park Trail is a project that will construct 3,300 lineal feet of new multi-use trail through the eastern part of Riverfront Park with a new pedestrian bridge across the City-County Drain. The trail provides a connection for planned future trail projects east of the City-County Drain that will ultimately tie into the existing Jim Dutcher trail. The project is mostly funded through the State of Montana, Natural Resource Damage Program from the Exxon oil spill.

The contract was advertised on July 15, 22, and 29, 2022, in *The Yellowstone County News* and on the City's website. Staff opened bids on August 2, 2022. Three bids were received, and K2 Civil submitted the lowest responsible bid.

**ALTERNATIVES**

City Council may:

- Award W.O. 22-32: Riverfront Park Trail, to K2 Civil in the amount of \$431,193.00; or,
- Do not award a contract and reject all bids. If the contract is not awarded, the multi-use trail and bridge will not be constructed and there will be no trail connection for future proposed trail connections east of the City-County Drain.

**FISCAL EFFECTS**

The following bids were received:

| Contractor         | Total Bid    |
|--------------------|--------------|
| K2 Civil, Inc.     | \$431,193.00 |
| Donnes, Inc.       | \$600,455.00 |
| Weave Construction | \$605,211.00 |

The project was budgeted in the amount of \$495,000 in FY23 using \$420,000.00 from Natural Resource Damage Program and \$75,000.00 from the Montana Trail Stewardship Program. The remaining budget will be used for engineering, construction contract administration, and any change orders.

**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 22-43, Ponderosa Park Irrigation System Replacement, 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. 22-43, Ponderosa Park Irrigation System Replacement, to the Good Earth Works Co. Inc. in the amount of \$260,550.

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

W.O. 22-43, Ponderosa Park Irrigation System Replacement, is intended replace the aging irrigation system at Ponderosa Park. Ponderosa Park is located east of Sam's Club and south of King Avenue East. The new improvements include installation of an irrigation system, pump station, and electrical upgrades.

The existing irrigation system is aging and is operated manually. The manual irrigation system requires a park attendant to operate the system and disrupts activities during the day. An automated system will free up the attendant to focus on other duties and enable irrigation operations to occur overnight, opening up more hours during the day for recreation and activities. Furthermore, irrigating overnight will save water due to daytime evaporation.

The project was advertised on July 15, July 22, and July 29, 2022, in the *Yellowstone County News* and on the City's website. Bids were opened on August 2, 2022, and one bid was received. The Good Earth Works Co. Inc. submitted the lowest, responsible bid. The bid was reviewed by staff and unit prices appear competitive given market labor and material conditions.

**ALTERNATIVES**

The Council may:

- Award W.O.22-43, Ponderosa Park Irrigation System Replacement to the Good Earth Works Co. Inc. in the amount of \$260,550; or
- Not award a contract and reject all bids. If the project is not awarded, Ponderosa Park will continue to be irrigated manually during the day causing large portions of the park to not be utilized. In addition, the irrigation system will continue to be maintenance and labor-intensive.

**FISCAL EFFECTS**

The following bid was received:

| Contractor                    | Base Bid  |
|-------------------------------|-----------|
| The Good Earth Works Co. Inc. | \$260,550 |

This project was budgeted in FY23 using Park District 1 funds. The amount budgeted for approved FY23 CIP Multiple Parks Irrigation Automation is \$924,750. There is adequate budget to award the project. Remaining funds will be used for subsequent park irrigation automation projects within other City parks.

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Rejection of Landfill Electronic Waste Disposal Bid  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends Council reject the bid for Landfill Electronic Waste disposal.

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

The Billings Regional Landfill collects and diverts from the landfill electronic waste (e-waste) brought to the site from residents. This includes computers, flat screens (no CRT's), small appliances, small power tools, etc. The bid was advertised on July 22 and July 29, 2022, in the Yellowstone County News and on the City's Website. The bid was opened on August 2, 2022, and only one bid was received from Green Technology Solutions. The bidder requested that the landfill open the e-waste collection center to businesses. The landfill currently does not allow businesses to utilize the facility due to the volume of material that businesses may bring. The landfill does not have adequate staff to handle the potential influx of material. Currently, businesses are directed to bring their e-waste collection directly to a private company. Staff will re-bid the project and clarify the expectations in the bid documents.

**ALTERNATIVES**

City Council may:

- Reject the bid for E-waste disposal. There is no viable alternative.

**FISCAL EFFECTS**

There is no significant financial impact with rejecting this bid.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 22-44 Zone 1 Water Storage Improvements, Professional Services Contract  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the City Council award a contract for W.O. 22-44 Zone 1 Water Storage Improvements, to DOWL in the amount of \$667,000.

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

Within the City of Billings' water distribution system, pressure zone #1 serves the downtown, including hospitals and industrial areas. Zone 1 is deficient in water storage to meet current demands under fire flow conditions to meet current standards and the desired level of service under emergency conditions. Additional storage is needed to supply fire flow, operational flow, and other emergency needs. This project will add a 3-million gallon storage tank to Zone 1, and includes a new water main connecting the new tank to Walter Pump Station. The new tank will be concrete, and will be constructed within a City-owned parcel located generally north and west of Sword's Park. The pipeline connecting the new tank with Walter Pump Station is approximately 2,200 feet long. This project is a programmed and budgeted CIP project to be designed in FY23 and constructed in FY24.

This professional services contract includes survey, determining the tank location and pipeline route, geotechnical evaluation of the tank site and pipeline route, design of the tank and pipeline, integration of the new infrastructure with the existing Walter Pump Station, design of SCADA and electrical systems, creation of contract plans and specifications for a bid package, and bidding services. Two different tank types will be designed and bid to create more bidding competition. Construction contract administration will be added by amendment after the design is complete when the construction contract duration is known.

Selection for this project was performed using the request for proposal (RFP) process. Requests for proposals were sent to seven firms, selected from the Statement of Qualifications list maintained by the City. Five firms submitted proposals: AE2S, Burns & McDonnell, DOWL, HDR Engineering, and KLJ Engineering. DOWL was selected on the basis of Project Team and Availability, Project Approach, and Firm Qualifications and Experience.

**ALTERNATIVES**

The Council may:

- Award a Professional Services contract for W.O. 22-44, Zone 1 Water Storage Improvements, to DOWL in the amount of \$667,000; or
- Not award a Professional Services contract. If a services contract is not awarded, the City will be delayed in establishing much needed water storage in Zone 1.

**FISCAL EFFECTS**

This project was budgeted in FY23 using Water funds and there is sufficient budget to award the contract in the amount of \$667,000.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 23-01: Contract 2 - 2023 Sewer Main Replacement Project, Consultant Agreement  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the City Council award a contract for W.O. 23-01 Contract 2, 2023 Sewer Main Replacement, to Morrison-Maierle in the amount of \$672,715.

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

The City replaces and upgrades its sewer mains as part of an annual maintenance program. This project will replace approximately 11,705 feet of existing sewer mains. The sewer mains being replaced with this project were selected based on age, video inspection condition assessment, root intrusion history, and sewer back up history. This project will replace sanitary sewer mains that are up to 115 years old made of clay tile. These sewer mains exhibit broken and cracked pipe and many sections need yearly root intrusion removal and maintenance.

The City requested proposals for professional engineering services from a prequalified list derived from the established Statement of Qualifications. Morrison-Maierle was selected for the project using the proposal process. Two other proposals were received from Sanderson Stewart and DOWL. The consultant selection was based on Project Team and Availability; Project Approach; and Firm Qualifications and Experience as they relate to the project needs.

**ALTERNATIVES**

City Council may:

- Approve awarding the Professional Engineering Services Contract to Morrison-Maierle, or;
- Not approve awarding the Professional Engineering Services Contract to Morrison-Maierle. If the project is not awarded, the City's sewer mains in these areas will continue to be unreliable and may experience ongoing maintenance problems and expenses.

**FISCAL EFFECTS**

The project was budgeted in FY23 using Wastewater funds. There is available budget to award the contract and remaining funds will be used for construction of the sewer main replacement and associated construction services.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 23-07 Monad Road Sanitary Sewer Extension, Professional Services Contract  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the City Council award a contract for W.O. 23-07 Monad Road Sanitary Sewer Extension to Performance Engineering, LLC. in the amount of \$597,818.

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

With continued growth on the west end of Billings, the Shiloh Crossing sanitary sewer lift station is nearing capacity. The Wastewater Master Plan recommends the construction of a 24 to 30-inch diameter sanitary sewer main to route flows from the service area around the Shiloh Crossing Lift Station rather than expanding the lift station, reducing the likelihood of increased operating costs and expansion upgrades. WO 23-07 will construct this new sanitary sewer main generally along the Monad Road corridor from Shiloh Road to 48th Street West and south along from 48th Street West to King Avenue. The new sewer main will allow gravity flow for system growth along the Monad Road corridor, along a portion of 48th Street West, and further west along King Avenue.

The scope of work includes preliminary and final design as well as construction contract administration, including full-time inspection during sanitary sewer installation. This project is an approved FY23 CIP design project. The project is anticipated to be constructed in fiscal year 2024.

The City requested proposals for professional engineering services from the prequalified list derived from the established Statement of Qualifications. Performance Engineering was selected for the project using the proposal process. Two other proposals were received from KLJ Engineering and Sanderson Stewart. The Consultant selection was based on Project Team and Availability, Project Approach, and Firm Qualifications and Experience related to the project needs.

**ALTERNATIVES**

City Council may:

- Approve award of Professional Services Contract with Performance Engineering; or,
- Not Approve a contract with Performance Engineering. If this agreement is not approved, this required work will be delayed, which could lead to increased operating costs and expansion upgrades of the Shiloh Crossing Lift Station.

**FISCAL EFFECTS**

The professional services contract is in the amount of \$597,818. The project is budgeted in the FY23 Wastewater Fund and there is adequate budget for the project.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** FY23-FY27 CIP Amendment - Move Riverfront Park Trail Project from FY24 to FY23  
**Presented by:** Wyeth Friday  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** No

**RECOMMENDATION**

The South Billings Urban Renewal Association (SBURA) Board and City staff recommend the City Council amend the FY23-FY27 CIP to move the Riverfront Park Trail project from FY24 to FY23 to take advantage of awarded grant funding as well as coordination with construction going on now along the trail alignment.

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

The City has an opportunity to move forward with design and construction of a major segment of the Riverfront Park Trail in FY23 and continue to close the remaining gaps in the Marathon Loop Trail around Billings. A series of events has necessitated staff asking the City Council to approve an amendment to the current adopted FY23-FY27 CIP to move the Riverfront Park Trail project from FY24 to FY23 so that design may begin immediately, and construction may begin in FY23. The events that have brought this to Council for action include:

- Recent TIF awards and development plans along the South Frontage Road, including the Torgerson, TPA and Compton properties
- The Billings Logistics Center One (TPA Group TIF application) warehouse project is under construction now
- The City was awarded a Recreational Trails Grant to help with construction of a trail connector from South Frontage Road to the Riverfront Park Trail corridor
- The City Parks, Recreation and Public Lands Department recently received bids to construct a trail segment from the improved portion of Riverfront Park to the Washington Street/Riverfront Park Trail intersection, a bridge over the City/County Drain, and trail head improvements at the Washington Street terminus
- Overall, there is a significant need to coordinate trail construction, grant timing and current the TPA construction to get the best project coordination and investment

The SBURA Board at its August meeting received a presentation from City staff on the opportunity to move the Riverfront Park Trail project up in the adopted CIP from FY24 to FY23. The SBURA Board voted to recommend to City Council that the CIP amendment be made to take advantage of the timing and construction coordination for this trail segment.

**ALTERNATIVES**

City Council may:

- Approve amending the FY23-FY27 CIP to move the Riverfront Park Trail project from FY24 to FY23; or,
- Not Approve amending the FY23-FY27 CIP to move the Riverfront Park Trail project from FY24 to FY23. Not approving this change in fiscal years will prevent City staff from taking advantage of awarded grant funding and the synergy of active construction in the area of the trail corridor, and delay the project, potentially increasing costs and not utilizing grant funds in a timely manner.

**FISCAL EFFECTS**

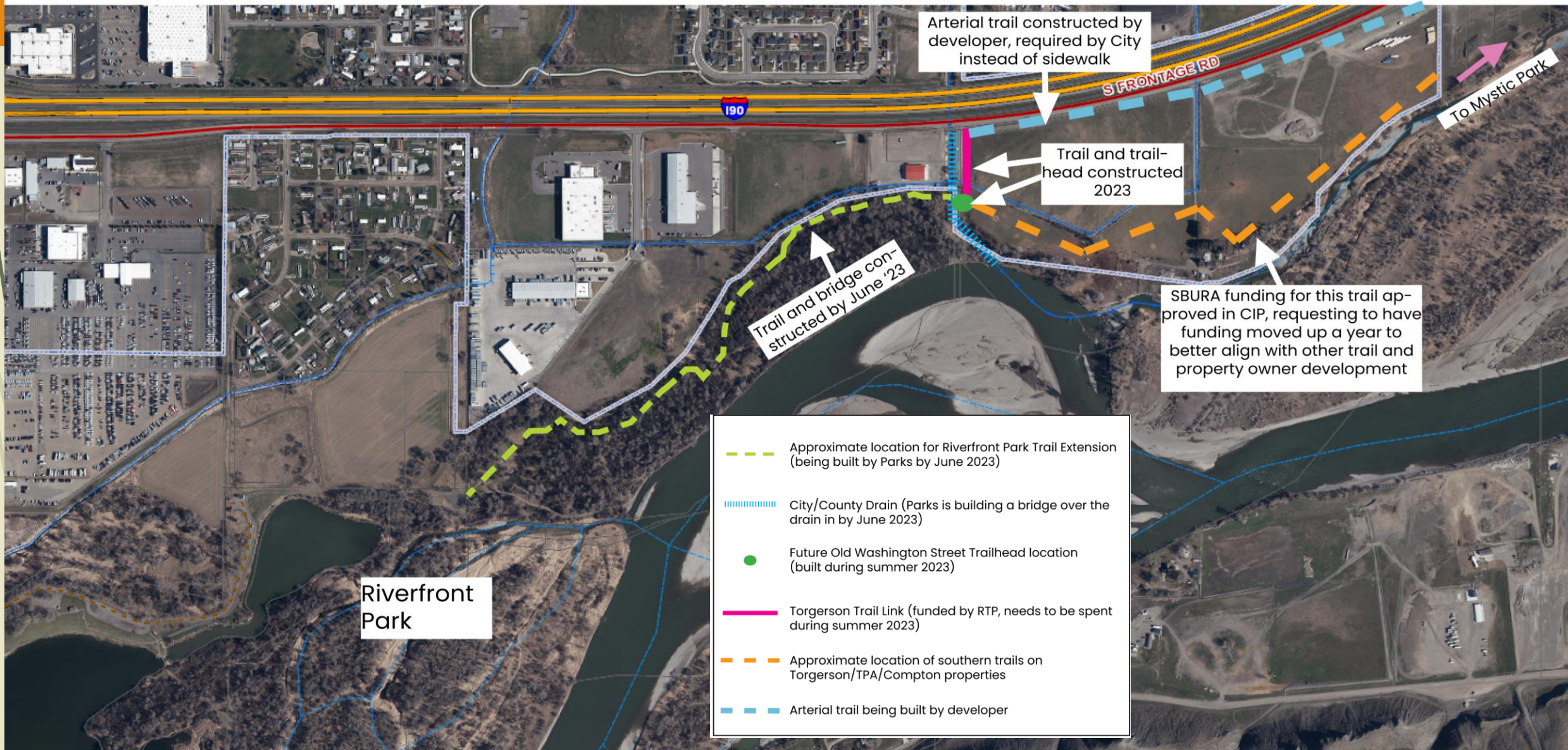
The Riverfront Park Trail Project is already in the City Council approved FY23-FY27 CIP. The Council approved the CIP on December 13, 2021. The proposed funding for the trail segment includes SBURA TIF funds, Recreational Trail Program (RTP) Grant funds, and Transportation Alternative Program (TAP) funding. While TAP funding has not been secured for this project at this time, the SBURA TIF funds and RTP funds will cover the cost of the trail segment design and construction to complete a significant amount of this project in one effort. If necessary, a budget amendment to the FY23 SBBURD Budget will be brought to Council at the time the contract for the trail project is finalized and the exact cost is determined.


## Attachments

Riverfront Park Trail Area Map  
Riverfront Park Trail CIP Page

# Riverfront Area Trail Development

\*Exact trail locations to be determined through design



| <b>Department:</b> <u>Planning</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             | <b>FY23 - FY27 CIP</b>                                                                                                       |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
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| <b>Project Category:</b> <u>(P) Transportation</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             | <b>Project Title:</b>                                                                                                        |                     | <u>Riverfront Park Trail</u>                                                        |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>Project Description/Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <p>This project is for a trail in Riverfront Park and connection to trail in Mystic Park. A feasibility study was completed for this project and it is expected to be completed in phases along the corridor. A trail easement has been secured across property owned by Knife River, Torgerson, Roth Interprises and property owned by Western Sugar. Additional discussions are underway with other property owners, enhancing the corridor options.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>Justification:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <p>Implementation of the Billings Bikeway and Trail Master Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>CIP Status</b><br><input type="checkbox"/> Modify Existing<br><input type="checkbox"/> New Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             | <b>Project Type</b><br><input type="checkbox"/> Renewal/ Replacement<br><input checked="" type="checkbox"/> Enhancement/ New |                     |  |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>Operating Budget Impact:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <p>Potential need for matching funds associated with grant funding.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>Comments:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <p>This project is not programmed with currently available funds and is dependent on future funding for completion. The identified future funding sources are available but some are tied to competitive grant programs the City will actively pursue. It is necessary to keep these projects in the CIP so when grants are applied for, or awarded, the City shows formal commitment to the project.</p> <p>Other potential funding sources include federal aid through a Build Grant. Planning and Public Works staff are researching options for applying for funding next cycle if the program continues.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Estimated Project Cost(s)</th> <th style="text-align: center;">Prior Years</th> <th style="text-align: center;">FY 2023</th> <th style="text-align: center;">FY 2024</th> <th style="text-align: center;">FY 2025</th> <th style="text-align: center;">FY 2026</th> <th style="text-align: center;">FY 2027</th> <th style="text-align: center;">Future</th> <th style="text-align: right;">Total Cost</th> </tr> </thead> <tbody> <tr> <td>Planning, Design, &amp; Engineering</td> <td></td> <td></td> <td style="text-align: right;">150,000</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ 150,000</td> </tr> <tr> <td>Land Acquisition</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Construction</td> <td></td> <td></td> <td style="text-align: right;">1,350,000</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ 1,350,000</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td>Other:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td><b>Total Project Cost</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: right;"><b>\$ 1,500,000</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: center;"><b>\$ -</b></td> <td style="text-align: right;"><b>\$ 1,500,000</b></td> </tr> </tbody> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |             |                                                                                                                              |                     |                                                                                     |             |             |             |                     | Estimated Project Cost(s) | Prior Years | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 | Future | Total Cost | Planning, Design, & Engineering |  |  | 150,000 |  |  |  |  | \$ 150,000 | Land Acquisition |  |  |  |  |  |  |  | \$ - | Construction                              |  |  | 1,350,000 |  |  |  |  | \$ 1,350,000 | Equipment  |  |  |  |  |  |  |  | \$ - | Other:                |  |  |  |  |  |  |  | \$ - | <b>Total Project Cost</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 1,500,000</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 1,500,000</b> |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Estimated Project Cost(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Prior Years | FY 2023                                                                                                                      | FY 2024             | FY 2025                                                                             | FY 2026     | FY 2027     | Future      | Total Cost          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Planning, Design, & Engineering                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                                                                                                                              | 150,000             |                                                                                     |             |             |             | \$ 150,000          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Land Acquisition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |             |                                                                                                                              | 1,350,000           |                                                                                     |             |             |             | \$ 1,350,000        |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Equipment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Other:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| <b>Total Project Cost</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>\$ -</b> | <b>\$ -</b>                                                                                                                  | <b>\$ 1,500,000</b> | <b>\$ -</b>                                                                         | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 1,500,000</b> |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
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| Project Funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Prior Years | FY 2023                                                                                                                      | FY 2024             | FY 2025                                                                             | FY 2026     | FY 2027     | Future      | Total Cost          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Billings Trailnet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Developer Match                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Federal Appropriations and/or Build Grant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| MDT Safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Private Contributions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |                                                                                                                              |                     |                                                                                     |             |             |             | \$ -                |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Recreation Trails Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |             |                                                                                                                              | 100,000             |                                                                                     |             |             |             | \$ 100,000          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| TIFD Revenues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |             |                                                                                                                              | 750,000             |                                                                                     |             |             |             | \$ 750,000          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
| Transportation Alternatives Program                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |             |                                                                                                                              | 650,000             |                                                                                     |             |             |             | \$ 650,000          |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |
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| <b>Total Project Funding</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>\$ -</b> | <b>\$ -</b>                                                                                                                  | <b>\$ 1,500,000</b> | <b>\$ -</b>                                                                         | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b> | <b>\$ 1,500,000</b> |                           |             |         |         |         |         |         |        |            |                                 |  |  |         |  |  |  |  |            |                  |  |  |  |  |  |  |  |      |                                           |  |  |           |  |  |  |  |              |            |  |  |  |  |  |  |  |      |                       |  |  |  |  |  |  |  |      |                           |             |             |                     |             |             |             |             |                     |               |  |  |         |  |  |  |  |            |                                     |  |  |         |  |  |  |  |            |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |      |                              |             |             |                     |             |             |             |             |                     |

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Central Park Tennis Court Replacement - Additional LWCF funding  
**Presented by:** Mark Jarvis  
**Department:** Parks/Rec/Public Lands  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends Council approve Amendment #1 LWCF Grant Program for an additional \$91,883.15 for the Tennis Court Replacement Project at Central Park.

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

In May 2021, Council approved the agreement with Montana Fish, Wildlife and Parks (FWP) for LWCF grant funding in the amount of \$147,420.00. In discussions with Montana FWP, staff requested additional funds through an amendment to the original grant in the amount of \$102,220.00. After administrative charges from the State and Federal agencies, the net amount is \$91,883.15. Staff is seeking council approval of Amendment #1 LWCF grant Program to receive these funds.

On March 8, 2022, bids were opened and due to an unfavorable bidding environment, primarily due to area contracting capacity, bids came in higher than the project budget. Therefore, on April 11, 2022, Council voted to reject all bids. Staff is re-bidding this project and with the additional funds from Amendment #1, it is anticipated they will allow the project to move forward.

**ALTERNATIVES**

City Council may:

- Approve Amendment #1 LWCF Grant Program; or,
- Not Approve and provide staff with additional guidance.

**FISCAL EFFECTS**

There will be no additional impacts to the City.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** W.O. 19-12: West End Reservoir Project, Amendment No. 4  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Not Applicable

**RECOMMENDATION**

Staff recommends that City Council approve Amendment No. 4 to the City's professional engineering services contract with HDR Engineering (HDR) for the W.O. 19-12: West End Reservoir Project in the amount of \$1,991,300.

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

HDR's preliminary design contract for the West End Reservoir in the amount of \$1,564,000 was approved by Council on March 25, 2019. Staff determined during preliminary design that a new river intake, pump station and pipeline is the only option that provides reliable year-round flow to the reservoir and offers the City complete control over the raw water source, pumping and delivery of water to the reservoir. Other options evaluated included various flow diversions from Canyon Creek and the BBWA Canal. In follow-up to this determination, Council approved Amendment No. 1 in the amount of \$2,096,200 on April 13, 2020 to conduct preliminary and final design of an expandable raw water intake structure and pump station at the Yellowstone River near the Duck Creek Bridge, a 4-mile long water transmission pipeline from the pump station to the West End Reservoir site, all required permitting, electrical, controls and instrumentation, and a shale material processing pilot study.

Amendment No. 2 for \$698,400 approved in April 2019 provided additional topographic survey and geotechnical services in support of the reservoir design, and Amendment No. 3 for \$73,900 approved in February 2022 provided additional permitting, geotechnical, and surge analysis services for the river intake, pump station and pipeline.

Amendment No. 4 now under consideration would add the following to HDR's scope of services:

Intake/Pump Station Project

- bidding, construction contract administration, field inspection, training, start-up, warranty and application software programming services based on a 21-month construction period to substantial completion,
- permitting and design assistance for a Fish, Wildlife and Parks (FWP) fishing access site (FAS) to be located adjacent to the intake/pump station on City-owned property. The US Army Corps of Engineers has required the FAS to be permitted with the City's project, but it will not be included in the City's construction contract. FWP will build the FAS under their own separate construction contract. City staff is currently developing a Memorandum of Understanding with FWP to outline compensation for the permitting and design assistance as well as FWP's future use and maintenance of the FAS, and
- boundary survey, geomorphology study, and permitting assistance in the area of proposed in-river rock structures to stabilize the main river channel near the intake/pump station.

Raw Water Pipeline Project

- construction contract administration, field inspection, close-out and warranty services for the Raw Water Pipeline project based on an 8.5 month construction period to substantial completion,
- General Contractor/Construction Manager (GC/CM) selection and coordination assistance. On August 23, 2021, City Council approved a Pre-construction contract with COP Construction and then approved a GC/CM construction contract with COP on July 25, 2022, and
- additional pipeline survey, permit coordination, and crossing assistance in the I-90/Montana Rail Link area.

Reservoir Project

- installation of 8 groundwater monitoring wells.

The majority of this work under this amendment was planned. When these projects are started, we are unable to determine a scope of services and associated fee until the design is completed to a certain point. This amendment includes the remainder of the planned work for both the intake, pump station and raw water pipeline. There will be at least one more amendment for the reservoir.

**ALTERNATIVES**

City Council may:

- Approve Contract Amendment No. 4 with HDR Engineering, or;
- Not approve Contract Amendment No. 4. If this amendment is not approved, the City will be unable to continue the work to construct the facilities needed to reliably supply raw water to the proposed Billings West End Reservoir.

#### **FISCAL EFFECTS**

The W.O. 19-12: West End Reservoir Project original professional services contract and three (3) amendments to date have a value of \$4,432,500. Proposed Amendment No. 4 in the amount of \$1,991,300 would increase the total contract amount to \$6,423,800. Water funds budgeted in FY23 are adequate and will be used for this project amendment.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** Land Lease at Landfill for Denson Technologies  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends that City Council approve the land lease at the Billings Regional Landfill to Denson Technologies.

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

Denson Technologies requested a land lease at the Billings Regional Landfill to install a 10-foot tall monopole. There are currently two other facilities at this location and the additional pole will not impact the operation of the landfill. The 10-foot pole will be located in the same general vicinity as the other two facilities. The agreement defines the condition of the lease. In addition to language for insurance and indemnification, the agreement defines the lessee's access to the site, required actions by the lessee if the facility negatively impacts the function of the other two communications facilities, and lease payment terms.

**ALTERNATIVES**

City Council may:

- Approve the land lease with Denson Technologies; or,
- Not Approve the land lease. If the lease is not approved, Denson Technologies will need to find another location to install their facilities.

**FISCAL EFFECTS**

It is difficult to determine a value for the lease given the use of the land. The land is an active landfill so using the appraised value is not useful in this situation. Staff considered the location and need and determined a lease rate of \$4,000 annually would offset the cost to administer the lease and the impact to having another facility located within the landfill.

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**Attachments**

Lease Agreement

COMMERCIAL GROUND LEASE  
FOR WIRELESS INFORMATION SERVICES SITE

THIS LEASE AGREEMENT, made and entered into this \_\_\_\_\_ day of 2022 by and been the following:

CITY OF BILLINGS, MONTANA, hereinafter designated "Lessor"

and

Daniel Denson, doing business under the assumed business name of Denson Technologies, 3940 Becraft Lane, Billings MT 59101 designated "Lessee"

RECITALS

- 1) Lessor owns and operates BILLINGS REGIONAL LANDFILL (hereinafter called the LANDFILL) situated in Yellowstone County in Billings, Montana, and
  - 2) Lessor deems it reasonable to lease to the Lessee a certain parcel of land hereinafter described together with certain privileges, rights, uses and interests, and
  - 3) Lessee, a sole proprietor doing business under the assumed business name of Denson Technologies, wishes to engage in certain wireless information services commercial activities and proposes to lease on a net basis from Lessor said parcel of land and to avail himself of the same privileges, rights, uses and interests contemplated herein and,
  - 4) Lessee has indicated a willingness and ability to properly keep, maintain and improve said land in accordance with standards established by Lessor.
- NOW THEREFORE, the Parties hereto covenant and agree as follows:

ARTICLE I PREMISES AND PRIVILEGES

- A. Description of the Premises. Lessor hereby leases to Lessee and Lessee hereby hires and takes from Lessor that certain parcel of real property consisting of 24 square feet (4 feet by 6 feet) together with improvements (hereinafter called the premises), for its exclusive use, specifically described in "Exhibit A," attached hereto and incorporated herein by reference as if fully set out.
- B. Construction of Improvements. Lessee may construct a 10-foot cell pole for mounting of wireless information services equipment on the part of land described above pursuant to the Plans hereto attached, marked "Exhibit B" and by reference specifically made a part of this Lease. Lessee shall not deviate from the plans in any

way without the prior written consent of Lessor. Construction shall be completed in accordance with all applicable City, county, and state regulations; and all associated construction costs shall be paid by the Lessee.

The Lessor shall review and approve all plans and location of improvements on the premises. Lessor hereby consents to the construction contemplated in Exhibit B hereto. Additionally:

- 1) The pole and associated equipment will be built in a workman like manner.
- 2) Lessee's Equipment. Article VII, Paragraph A, controls the disposition of Lessee's pole, equipment and personal property upon expiration or other termination of this Lease. Except as otherwise noted in Article VII, Paragraph A, Lessor acknowledges and agrees that all personal property, pole, equipment, apparatus, fittings, fixtures and trade fixtures installed or stored on the Premises constitute personal property, not real property, and shall continue to be the personal and exclusive property of Lessee, including without limitation, all wireless information services equipment including, but not limited to, antennas, microwave dishes, coaxial or fiber-optic cable, and regular and backup power supplies, switches, wiring and associated equipment or personal property (collectively, the "Equipment"). The Equipment shall remain at all times the personal property of Lessee, and neither Lessor nor any person claiming by, through or under Lessor shall have any right, title or interest (including without limitation a security interest) in the Equipment. Lessee, and Lessee's successors in interest, shall have the right to remove the Equipment at any time during the Term of this Lease or its earlier termination. Removal of equipment shall not damage, deface, or destroy Lessor's property in any way. With respect to the holder of any mortgage, deed of trust or other lien affecting Lessor's interest in the Premises whether existing as of the date hereof or arising hereafter, Lessor and Lessee hereby agree, acknowledge and declare that the Equipment is now and shall at all times hereafter remain the personal and exclusive property of Lessee. In the event of Lessee's default of a lease payment, however, the parties acknowledge and agree that Lessor shall have the right and authority to grant a lien upon or security interest in any of the Equipment.

C. General Privileges, Uses and Rights. Lessor hereby grants to Lessee the following general privileges, uses and rights, all of which shall be subject to the terms, conditions and covenants herein set forth.

- 1) The general use of the pole site access road and parking area, located on the pole site, on Landfill property, and improvements which are now or may hereafter be connected with or appurtenant to said property, except as hereinafter provided, to be used by Lessee and for commercial activities as herein defined. Said use shall be

subject to Federal and State Laws, rules, regulations and City Ordinances as now or may hereafter have application at the Landfill.

2) The right of ingress to and egress from the premises shall be limited to the common access road to the pole site from Hillcrest Road during hours of landfill operation. Access to the site outside of normal operating hours will be allowed via a gate at the south end of the landfill. After hours access will be utilized only in the event of an emergency and the right shall be revoked if issues arise such as the gate being left unlocked or other activities that negatively impact landfill operations. Said right shall be subject to such ordinances, rules, and regulations as now or may hereafter have application at the Landfill, including public hours of operation of the landfill.

D. Specific Privileges, Uses, and Rights. In addition to the general privileges, uses and rights described above and without limiting the generality thereof, Lessor hereby grants to Lessee the right to engage in commercial activities on the premises as defined in sub-paragraphs 1 through 2 below, subject to the conditions and covenants hereafter set out:

1) The construction of the pole and associated equipment and operation, repair, replacement and maintenance of on the premises described in "Exhibit A" necessary for the conduct of business.

2). The parking of vehicles conducting site maintenance in the designated parking area on the leasehold.

E. Reservation of Right-of-Way. Lessor hereby reserves a right-of-way easement for access purposes over the above- described leasehold. Said reserved right-of-way may be used by Lessor and Lessor's contractors pursuant to them carrying insurance set forth in.

F. Access/Inspection by Lessor. The Lessor or any person designated by the Lessor shall at all times have reasonable access to the premises, and in the event of any emergency the Lessor or its representatives shall have the right to take such action at the premises as they deem necessary for the protection of persons or property.

G. Renting Antenna Space. The Lessee is not authorized to rent pole space to others.

## ARTICLE II TERM OF LEASE

A. Term. The term of this Lease shall be for a period of five (5) years, commencing on the \_\_\_ day of \_\_\_\_\_, 2022.

B. First Right of Refusal. Provided Lessee is not then in default of this Lease and has kept and performed all of his obligations, at the end of the term hereof the Lessee shall have the first right to accept a new lease of the premises at the same rates and charges that the premises may be offered to any other person or entity, subject to City Council approval. Provided, that the Lessor shall have the sole discretion as to the use of said premises and whether or not it will be relet at the end of said term. Provided further, that 60 days prior to the end of the term Lessee shall give notice in writing to Lessor of intent to exercise the first right of refusal. Lessor upon election to relet said premises shall give Lessee notice in writing of its decision and the proposed terms. Lessee shall have 30 days in which to give Lessor notice in writing of acceptance.

### ARTICLE III RENTAL AND FEES

A. Ground Rental. For the land described in Article I, Paragraph A. Lessee shall pay to Lessor an annual rental of \$4,000 per annum for all ground included in this Lease. Said rental shall be payable annually in advance without billing on the 1st day of each new contract year in the amount equal to the total annual rental.

D. Annual Readjustment of Ground Rental and Use Fee. During the term of the Agreement the ground rental and use fee will be adjusted annually on the anniversary of the Agreement using the Consumer Price Index for the previous 12-month period. In no case shall the rates be less than the previous year.

### ARTICLE IV

#### OBLIGATIONS OF LESSOR

A. Lessor Warranties. Lessor warrants all things have happened and have been done to make its granting of said Lease effective and that Lessee shall have peaceful possession and quiet enjoyment of the leased premises during the term hereof, upon performance of Lessee's covenants herein.

B. Operation as Public Landfill. Lessor shall during the term hereof operate and maintain the Landfill and its public facilities, as defined hereinabove, as a public landfill.

C. Condition and Maintenance of Premises. Lessor shall assume no responsibility for the condition of the demised premises after delivery of premises to Lessee. Lessor shall remove snow from the access road as Lessor's resources permit. Snow removal on Lessee's premises will be the responsibility of the Lessee.

### ARTICLE V OBLIGATIONS OF LESSEE

A. Condition of Premises. It shall be the sole responsibility of the Lessee to develop, keep, maintain, and operate the entirety of the premises and all improvements and facilities placed thereon at Lessee's sole cost and expense. This Lease, in every

sense, shall be without cost or expense to the Lessor. Lessee accepts the premises in its as-is and present condition and will repair and maintain any installations thereon except as provided in Article IV, Paragraph B-C.

B. Improvements. Lessee shall have the right to and shall provide for the siting construction, erection, maintenance of its own improvements and installations, in any lawful manner, upon or in the premises, for carrying out any of the activities provided for herein, but all such activities shall require the prior review and written approval of Lessor.

C. Maintenance. Lessee shall, at its sole cost and expense, maintain the premises improvements, installations, equipment and appurtenances thereto in a presentable-condition free of refuse and debris consistent with good business practice.

D. Utilities. Lessee shall assume and pay for all costs or charges for utility services furnished to Lessee during the term thereof;

E. Trash, Garbage, Etc. Lessee shall provide a complete and proper arrangement for the adequate sanitary handling and disposal of all trash, garbage and other refuse occurring as a result of the construction of improvements and operation of his communications facility and equipment. Lessee shall remove all trash and other refuse from the site on a weekly basis. Piling of boxes, cartons, barrels, or other similar items in an unsightly or unsafe manner, or open storage of materials, personal property, salvage, junk or refuse on or about the premises, is forbidden. The Lessee will pay all disposal costs.

F. Lessee shall not maintain on the premises any billboards or advertising signs.

G. Federal, State, and Local Regulations. Lessee acknowledges that the right to use said pole site facilities in common with others authorized to do so shall be exercised subject to and in accordance with the laws of the United States of America, the State of Montana, and the City of Billings. Lessee shall comply with all Federal, Local and State laws, rules, regulations and ordinances, and all Rules and Regulations of Lessor now in force or hereafter prescribed or promulgated by authority or by law shall be closely observed during the full term of this Lease.

H. Hazardous Substances. Lessee will not introduce any hazardous substances to the site.

I. FCC Authorization. Prior to activating any communications equipment, the Lessee must possess a valid Federal Communications Commission (FCC) authorization and ensure that the operation of the equipment will be conducted in strict compliance with applicable requirements. A copy of each applicable license must be maintained by the Lessee for each transmitter being operated by Lessee. The Lessee must provide the City, when requested, with a current copy of each license for equipment in or on facilities covered by this Lease Agreement. When requested by the City the Lessee shall provide technical information concerning the equipment operated by Lessee under the terms of this Agreement.

J. Interference With Existing Signals. The Lessee must ensure that all equipment is operated in a manner, which will not cause interference with the operation of existing communication towers, poles and equipment located at the Landfill or near Lessee's

site. If the City determines that the Lessee's communications services, facility and equipment is interfering with existing telecommunications facilities and equipment located at the Landfill or near Lessee's site, the Lessee will have fifteen (15) days to eliminate the interference to the satisfaction of the City. If the interference is not corrected in fifteen (15) days the Lessee shall shutdown his equipment until the problem can be corrected. NOTE: If the City determines that the Lessee's equipment is interfering with critical City of Billings Communications or pre-existing telecommunications lessee, Lessee shall immediately shut down all communications systems until the interference is corrected.

K. Encumbrances, Mortgages, and Liens. Lessee shall not encumber in any way any part of the real property of the leasehold estate by assignment, hypothecation, security interest, mortgage, pledge, deed of trust or any other instrument given to or for the benefit of any bank, financing institution or to or for the benefit of any contractor or other third party. Further, Lessee shall keep the real property of the leasehold estate free and clear of all liens arising out of any work performed, materials furnished, or obligations incurred by Lessee.

## ARTICLE VI

### INSURANCE AND INDEMNIFICATION

A. Indemnification. Lessor shall stand indemnified by Lessee as herein provided. It is expressly understood and agreed that Lessee is and shall be deemed to be an independent contractor and operator responsible to all parties for his respective acts or omissions and that Lessor shall in no way be responsible therefore. It is further agreed that in the use of the pole site, in the erection and construction of any improvements thereon, and in the exercise or enjoyment of the privileges herein granted, Lessee shall indemnify and save harmless the Lessor from any and all losses that may result to the Lessor because of any negligence, act or omission on the part of the Lessee and his contractors, and shall indemnify Lessor against any and all mechanic's and material men's liens or any other types of liens imposed upon the premises.

B. Insurance. Lessee shall promptly, after the execution of this Lease, procure at his expense and deliver to Lessor a certificate of insurance in amounts as shown below. The City of Billings shall be named as co-insured. The policy of insurance shall also contain a provision requiring the issuer to notify Lessor, by at least thirty (30) days written notice, of any reduction in the face amount of the policy, cancellation or other adverse amendments to the risk covered.

Lessee shall maintain said insurance with insurance underwriters authorized to do business in the State of Montana and with a Best's rating satisfactory to Lessor. All policies shall name Lessor, its officers, servants and agents and employees as additionally insured as their interests shall appear. Lessee shall furnish Lessor with a certificate from the insurance-carrier showing such insurance to be in full force and

effect during the entire term of this Lease or shall deposit with Lessor copies of said. Policies immediately upon execution of this Agreement.

## MINIMUM INSURANCE REQUIREMENTS

Insure that Lessee, and his employees (should Lessee incorporate) as well as Lessee's contractors and their employees, have in effect Commercial General Liability Insurance, Workers' Compensation Insurance, Automobile Liability Insurance and Excess Liability Insurance with coverage limits, set forth, below.

### Workers Compensation and Employers Liability Insurance

Insure that all of your employees, as well as contractors and their employees, have in effect Commercial General Liability Insurance, Workers' Compensation Insurance, Automobile Liability Insurance and Excess Liability Insurance with coverage limits, set forth, below.

Lessee is required to comply with Workers Compensation laws of the State of Montana or obtain a private Worker's Compensation Policy in the amount of \$1,000,000. Otherwise, Lessee is required to show proof of a current Independent Contractor Exemption Certificate issued by the Department of Labor & Industry for the State of Montana to Lessor.

### General Liability

Lessee is required to maintain General Liability insurance endorsing the City of Billings as an additional insured in the following amounts:

Bodily Injury \$750,000 Each Occurrence (Minimum)

Property Damage \$750,000 Each Occurrence (Minimum)

or

Bodily Injury and Property Damage \$1.5 million Combined Single Limit Each Occurrence

### Automobile Liability Insurance

Lessee is required to maintain Automobile Liability Insurance, which shall include coverage for all owned, non-owned and hired vehicles in the following amounts:

Bodily Injury \$750,000 Each Person (Minimum)

\$1.5 million Each Occurrence (Minimum)

Property Damage \$ 750,000 Each Occurrence (Minimum)

Or

Bodily Injury and

Property Damage \$1.5 million Combined Single Limit Each Occurrence (Minimum)

Lessee is required to maintain excess liability insurance in the following amount:  
Excess Umbrella Liability Coverage  
Bodily Injury and  
Property Damage  
(Minimum) \$1,000,000 Combined Single Limit Each Occurrence

## ARTICLE VII

### TERMINATION OF LEASE, CANCELLATION & TRANSFER.

A. Termination. This Lease shall terminate at the end of the full term hereof without any notice by either party. A holding over by the Lessee beyond the expiration of the term shall not be permitted without the written consent of the Public Works Director and then only on a month-to-month basis.

Upon expiration or other termination Lessee shall have the right to remove from the leasehold premises all moveable fixtures, machinery, equipment, apparatus, fittings, fixtures and trade fixtures, all telecommunication and information equipment, switches, cables, wiring and associated equipment, other personal property, and other structures owned or installed by Lessee on the premises. All expenses connected with such removal shall be borne by the Lessee. Said property shall be removed within thirty (30) days after expiration or other termination of the Lease. In the event the Lessee fails to remove any moveable fixtures, machinery, equipment, apparatus, fittings, fixtures and trade fixtures, telecommunication and information equipment, switches, cables, wiring and associated equipment, other personal property, structures or other property installed or located on the premises within thirty (30) days after expiration or other termination of the Lease, then Lessor shall acquire sole possession, right and title to said property. Lessor shall then have the right to remove or otherwise dispose of said property and charge to Lessee the actual cost of removal and restoration of the leasehold premises.

Lessee shall restore the premises to its original condition or to the satisfaction of the Lessor.

B. Cancellation by Lessee. This Lease shall be subject to cancellation by Lessee after the happening of one or more of the following events:

- 1) The lawful assumption of the United States Government or any other authorized agency thereof, of the operation, control, or use of the Landfill, or any substantial part or parts thereof, in such a manner that substantially restricts Lessee for a period of at least ninety (90) days from operating in a normal manner.
- 2) Issuance by any court of competent jurisdiction of an injunction in any way preventing or restraining the use of the Landfill, and the remaining in force of such injunction for a period of at least 90 days.

3) The default by Lessor in the performance of any covenant or agreement herein required to be performed by Lessor and the failure of Lessor to remedy such default for a period of ninety (90) days after receipt from Lessee or Written notice to remedy same.

Lessee may exercise such right of termination by written notice to Lessor at any time after the lapse of the above applicable periods and this Lease shall terminate as of that date. Rental due hereunder shall be payable only to the date of the happening of the event, which results in said termination. Upon termination under the provisions of this paragraph. Lessee shall have the same rights as described in the second paragraph of Article VII, Paragraph A herein.

C. Cancellation by Lessor.

1) This Lease shall be subject to cancellation by Lessor in the event

Lessee shall: -

a) Be in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period often (10) days after is due.

b) File a voluntary petition of bankruptcy.

c) Make a general assignment for the benefit of creditors.

d) Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Lessee, and such default continues for a period of thirty (30) days after written notice from Lessor of said default.

e) Use any portion of Lessor's properties in any way that interferes with the primary functions of the Landfill. Such interference shall be deemed a material breach by Lessee, and Lessee shall have the responsibility to terminate said interference. In the event any such interference does not cease promptly, the parties acknowledge that continuing interference will cause irreparable injury to Lessor and therefore Lessor shall have the right, in addition to any other rights that it may have at law or inequity, to elect to enjoin such interference or to terminate this Lease.

f) Abandon its conduct of business on the leased premises.

2) In the event of termination because of the happening of any of the aforesaid events, Lessor may take immediate possession of the premises and remove

Lessee's effects, forcibly if necessary, without being deemed guilty of trespassing: Upon said entry, this Lease shall terminate.

3) It is agreed that failure of Lessor to declare this Lease terminated or to re-enter and take possession upon the default of Lessee for any of the reasons set out shall not operate to bar or destroy the right of Lessor to declare this Lease null and void by reason of any subsequent violation of the terms of this Lease.

## ARTICLE VIII

### GENERAL PROVISIONS

A. **Attorney's Fees.** Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this Agreement, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorney's fees, including fees for in-house attorneys, expended or incurred in connection therewith.

B. **Taxes.** Lessee shall pay any taxes or assessments which may be lawfully levied against Lessee's occupancy or use of the premises or any improvements placed thereon as a result of Lessee's occupancy, but Lessee as an independent contractor reserves the right to contest the levy of any tax or assessment, which it feels, is unjust.

C. **Subordination of Lease.**

1) Notwithstanding any other prohibition or limitation of Lessee's right to sublease or assign its interest under this Lease, Lessor acknowledges and agrees that lessee shall have the right to grant a security interest in its rights and interest under this Lease, provided, however, the Lessor give its written consent. Lessor further agrees that any person foreclosing or otherwise realizing upon such a security interest granted by Lessee shall succeed to, and shall have the benefits of, all Lessee's rights, title and interest in, to and under this Lease.

Lessor in no event shall be liable for the payment of the sum secured by such mortgage or trust indenture, nor for any expenses in connection with the same. Furthermore, such mortgage or trust indenture shall expressly provide that the mortgagor or beneficiary will seek no money judgment against Lessor. Lessee will provide to Lessor immediate written notice by certified mail of each notice of breach of covenant, default, or foreclosure given to Lessee by a holder or trustee of any indebtedness, mortgage, or trust indenture affecting or applying to Lessee's interest under this Lease.

D. **Paragraph Headings.** The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provisions of this Lease or the particular paragraphs.

E. Notices. Notices to Lessor provided for herein shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Public Works Department  
2251 Belknap Ave  
Billings, MT 59101  
ATTN: Public Works Director

and notices to Lessee, if sent by certified mail, postage prepaid, addressed to:

Daniel Denson dba Denson Technologies  
3940 Becraft Lane  
Billings MT 59101  
ATTN: Dan Denson

or to such other addresses as the parties may designate to each other in writing from time to time.

F. Successors and Assigns. All of the terms, covenants, and agreements herein contained shall be binding upon and shall inure to the benefit of successors and assignees of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day of \_\_\_\_\_, 2022.

ATTEST

CITY OF BILLINGS

\_\_\_\_\_  
BY

\_\_\_\_\_  
BY

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
APPROVED AS TO FORM

\_\_\_\_\_  
BY

\_\_\_\_\_  
BY

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
DANIEL DENSON

## **Exhibit A**

1 pole that is a base section in concrete and a 10' section attached to the base.  
Approximately 3'x3' of ground space occupied

1 equipment box, approximately 24"x24" mounted on a pad, ground space  
approximately 3'x3'

1 power meter supplied by YVEC for their power delivery.

## Exhibit B



**City Council Regular**

**Date:** 08/22/2022  
**Title:** Limited Commercial Aviation Building and Ground Lease with Alpine Air Express, Inc. for Hangar IP-5  
**Presented by:** Kevin Ploehn, Director of Aviation and Transit  
**Department:** Airport  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends that City Council approve the Limited Commercial Aviation Building and Ground Lease with Alpine Air Express, Inc. for a five-year term beginning November 1, 2022, and ending October 31, 2027.

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

Alpine Immobilien, LLC, now known as Alpine Air Express, Inc. (Alpine) has leased the Airport's IP-5 hangar space since the 1990s. The current Lease expires on October 31, 2022. Alpine wishes to continue to lease its current space in IP-5, located in the Airport Business Park. The IP-5 Building is approximately 9,000 square feet, used for aircraft maintenance and storage, and is one of Alpine's busiest maintenance facilities in the Northwest. Staff has worked with Alpine on a new five-year lease that will expire on October 31, 2027.

**ALTERNATIVES**

City Council may:

- Approve the Limited Commercial Aviation Building and Ground Lease with Alpine Aviation Express, Inc.; or
- Not Approve the Limited Commercial Aviation Building and Ground Lease with Alpine Aviation Express, Inc.

**FISCAL EFFECTS**

The initial year of this Lease will generate \$55,504.80 of rental revenue for the Airport. Lease rentals in subsequent years will be adjusted on an annual basis on the anniversary date, using the average of the monthly percentage increases for the previous calendar year, as determined by the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics.

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**Attachments**

Lease

LIMITED COMMERCIAL AVIATION BUILDING AND GROUND LEASE

THIS LEASE, made and entered into on \_\_\_\_\_, by and between  
the following:

CITY OF BILLINGS, MONTANA, hereinafter  
designated "Lessor"

and

ALPINE AIR EXPRESS, INC., hereinafter  
designated "Lessee"

W I T N E S S E T H

RECITALS

- 1) Lessor owns and operates BILLINGS LOGAN INTERNATIONAL AIRPORT (hereinafter called the Airport) situated in the City of Billings, Montana, and
- 2) Lessor deems it advantageous to itself and the operation of the Airport to lease to the Lessee one (1) aircraft hangar, and a certain parcel of land hereinafter described together with certain privileges, rights, uses, and interests, and
- 3) Lessee wishes to engage in certain limited commercial aviation activities, proposes to lease on a net basis from Lessor said aircraft hangar and a certain parcel of land, and to avail itself of the same privileges, rights, uses, and interests contemplated herein, and
- 4) Lessee has indicated a willingness and ability to properly keep, maintain, and improve said building and land in accordance with standards established by Lessor.

NOW THEREFORE, the parties hereto covenant and agree as follows:

ARTICLE I

PREMISES AND PRIVILEGES

A. Description of the Premises. Lessor hereby leases to Lessee and Lessee leases from Lessor that certain real property, together with improvements (hereinafter called the premises), for its exclusive use, specifically described as follows:

Main Parcel – IP-5 – 501 North View Drive

Commencing at the Point of Beginning at the Southwest Corner of said parcel; thence N 21°06'08" E a distance of 271.00 feet; thence S 68°53'52" E a distance of 242.00 feet; thence S 21°06'08" W a distance of 271.00 feet; thence N 68°53'52" W a distance of 242.00 feet to the Point of Beginning.

The parcel of land to which the above description applies contains 65,582.00 square feet of ground space as set forth in Exhibit A, attached and made a part hereof.

IP-5 Building Space

8,648 square feet of hangar floor space; 1,755 square feet of office and storage area on the west side; 1,047 square feet of office and storage area on the east side; and 1,023 square feet of storage area on the east side of one (1) metal aircraft hangar referred to as Airport Business Park Hangar IP-5, for a total of 12,473 square feet as set forth on Exhibit A attached hereto and by this reference made a part hereof.

B. General Privileges, Uses, and Rights. Lessor hereby grants to Lessee the following general privileges, uses, and rights, all of which shall be subject to the terms, conditions, and covenants herein set forth. Said rights shall be subject to such Federal, State, or Local laws, ordinances, rules and regulations as now or may hereafter have application at the Airport. All use privileges granted herein can only be exercised in the event Lessee is the holder of the appropriate licenses for such limited commercial endeavors.

1) The general unrestricted use of all public Airport facilities and improvements, which are now or may hereafter be connected with or appurtenant to

said Airport, except as hereinafter provided, to be used by Lessee and its sublessees for limited commercial aviation activity as herein defined. For the purpose of this Lease, public airport facilities shall include all necessary landing area appurtenances including, but not limited to, approach areas, runways, taxiways, aprons, aircraft parking areas, roadways, sidewalks, navigational aids, lighting facilities, Terminal facilities, or other public facilities appurtenant to said Airport.

2) The right of ingress to and egress from the premises over and across public roadways serving the Airport for Lessee, Lessee's agents, employees, patrons and invitees, suppliers of service and furnishers of material.

C. Specific Privileges, Uses, and Rights. In addition to the general privileges, uses, and rights described above and without limiting the generality thereof, Lessor hereby grants to Lessee and sublessees the right to engage in limited commercial aviation activity on the premises as defined in subparagraphs 1 through 8 below, subject to the conditions and covenants hereafter set out:

1) The maintenance, storing, and servicing of aircraft, which shall include overhauling, maintenance, rebuilding, repairing, inspection, and licensing of same, and the purchase and sale of parts, equipment, and accessories therefore.

2) The right to use vehicles necessary for the servicing of aircraft.

3) The storage of aircraft not owned by the Lessee.

4) The inside storage of supplies, materials, equipment, and records.

5) The loading and unloading of aircraft in any lawful activity as incidental to the conduct of any services or operations outlined in this paragraph.

6) The operation of non-scheduled and charter transportation business for hauling passengers and freight by aircraft.

7) The maintenance of an office on the premises necessary for the conduct of the activities defined above.

8) The aforementioned rights shall apply to the persons, firms, or corporations having actual possession and occupancy of the premises described herein, and the agents, employees, and invitees of such persons, firms, or corporations.

D. Concessions, Services, and Uses Excluded. The following concessions, services, and uses and the establishment thereof shall be specifically excluded from this Lease:

- 1) Ground transportation for hire.
- 2) Equipment rental services.
- 3) Vehicle rental services.
- 4) Food sales (except the sale of confections, and refreshments through coin-operated vending machines).
- 5) Improper storage of all chemicals, solutions, solvents, or any potentially hazardous, explosive, or flammable materials or substances.
- 6) Fuel sales (aircraft or vehicle).
- 7) On-site fuel storage or fuel storage equipment.
- 8) Maintenance, repair, service, or storage of personal vehicles or equipment other than aircraft or aviation equipment.
- 9) The buying and selling of aircraft, parts, and accessories therefore, and aviation equipment of all descriptions either for retail, wholesale or as a dealer, except for use in Lessee's own aircraft or operations.
- 10) Flight schools and flight instruction, except that Lessee's Chief Pilot shall have the right to give private instructions to employees.

- 11) Aircraft repair and servicing except on Lessee's own aircraft.
- 12) Outside storage of oil or oil collection containers.
- 13) Outside storage of used, surplus, or discarded parts, equipment, vehicles, or portions thereof.
- 14) Storage of any personal vehicles, campers, boats, trailers, motor homes, other recreational vehicles, or parts for such.
- 15) Storage of any household items.
- 16) Off-premise parking.
- 17) Use of the premises in a residential capacity of any nature, whether temporary or otherwise.
- 18) On-premise use and storage of vehicles and ground equipment leaking fuel and oil without proper containment and cleanup
- 19) Any non-aviation or non-aeronautical activity.

E. Reservation of Right-of-Way. Lessor hereby reserves a right-of-way easement for access purposes over the above described leasehold, together with other necessary rights-of-way over said leasehold for access purposes. Said reserved right-of-way may be used by Lessor and all of Lessor's representatives, employees, agents, and tenants, employees of said tenants, and persons or entities serving said tenants.

## ARTICLE II

### TERM OF LEASE

- A. Term. The term of this Lease shall be for a period of five (5) years, commencing on the 1st day of November 2022, and terminating on the 31st day of October 2027.
- B. First Right of Refusal. At the end of the term hereof the Lessee shall have the

first right to accept a new lease of the premises at the same rates and charges that the premises may be offered to any other person or entity. Provided that the Lessor shall have the sole discretion as to the use of said premises and whether or not it will be relet at end of said term. Provided further, that sixty (60) days prior to the end of the term, Lessee shall give notice in writing to Lessor of intent to exercise the first right of refusal. Lessor, upon election to relet said premises, shall give Lessee notice in writing of its decision and the proposed terms. Lessee shall have thirty (30) days in which to give Lessor notice in writing of acceptance.

C. National Emergency. In the event the rights and privileges hereunder are suspended by reason of war or other national emergency, the term of this Lease shall be extended by the amount of the period of such suspension.

### ARTICLE III

#### RENTAL AND FEES

A. Rental. For the premises described in Article I, Paragraph A, Lessee shall pay to Lessor \$4.45 per square foot per annum for the 12,473 square feet of building space in IP-5 for an annual rental of \$55,504.80. Said rental shall be payable monthly in advance without billing on the first day of each month in an amount equal to one-twelfth of the annual rental, or \$4,625.40.

B. Interest Penalty. Without waiving any other right or action available to the Lessor, in the event of default in the payment of Lease rentals herein, or any other rentals, fees, or charges owed Lessor, the amount due shall accrue interest at the rate of one and one-quarter percent (1.25%) per month from the date such rentals, fees, or charges were due and payable, until paid in full. Said interest shall not apply with respect to items being contested in good faith by Lessee and which are resolved in Lessee's favor.

C. Annual Readjustment of Ground Rental. During the term of the Lease, the

rental rate will be adjusted annually on the anniversary date of the Lease using the average of the monthly percentage increases of the previous calendar year, as determined by the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics.

In no case shall the rates be less than the previous year. For the purposes of this Lease, the anniversary date shall be November of each year during the term of the Lease. The Lessor shall send Lessee a notice of the annual rental rate adjustment prior to each anniversary date of the Lease denoting the adjusted rental rates.

D. Rental Adjustments to Market Value. Beginning with the third anniversary of the Lease, and in the event the term is extended by amendment, every third year thereafter, Lessor may conduct an analysis of the then current lease rental rates for other on-Airport properties to determine the current market value of the property. Should the analysis identify that the then current Lease rental rate is below market value for other on-Airport properties, the Lessor will notify Lessee of an impending Lease rate increase.

#### ARTICLE IV

#### OBLIGATIONS OF LESSOR

A. Lessor Warranties. Lessor warrants all things have happened and have been done to make its granting of said lease effective, and that Lessee shall have peaceful possession and quiet enjoyment of the leased premises during the term hereof, upon performance of Lessee's covenants herein.

B. Operation as Public Airport. Lessor shall during the term hereof, operate and maintain the Airport and its public facilities, as defined hereinabove, as a public airport consistent with and pursuant to the sponsor's assurances given by Lessor to the United States Government under the Federal Airport Act.

C. Condition and Maintenance of Premises. Lessor shall repair any structural deficiencies in the building not caused by the Lessee and maintain all structural components of the building to include the roof, hangar door, exterior locks, windows, and the boiler and hot water heat components in the building. Lessor shall assume no other responsibility for the condition of the demised premises after delivery of premises to Lessee. Lessor shall maintain all existing roads on the Airport giving access to the leased premises in good and adequate condition for use by cars and trucks. Lessor shall remove snow from the access roads and taxiways as Lessor's resources permit.

Damage to the premises caused by Lessee, Lessee's employees, representatives, agents, or contractors, will be the sole responsibility of Lessee. Said damage shall be repaired immediately at Lessee's expense. Should Lessor identify damage to premises, Lessor shall give written notice to Lessee to repair said damage, and Lessee shall make the repairs to the identified damage, to Lessor's satisfaction, within fifteen (15) days of receiving the written notice. Should Lessee fail to correct the identified damage within the specified time following receipt of notice, Lessor may make the repairs to the damage and bill Lessee for all associated costs to make said repairs.

Damage requiring emergency repairs including, but not limited to, burst water lines, frozen water lines, natural gas leaks, or any other item that impacts the operations of other Airport tenants, or may result in additional damage to premises, may be immediately repaired by Lessor at Lessee's expense. Any repairs made to premises by Lessor and billed to Lessee, shall be paid by Lessee with fifteen (15) days of receipt of billing. Late payment will be subject to an interest penalty as prescribed in Article III, Paragraph B.

ARTICLE V

OBLIGATIONS OF LESSEE

A. Condition of Premises. It shall be the sole responsibility of the Lessee to develop, keep, maintain, and operate the entirety of the premises and all improvements and facilities placed thereon at Lessee's sole cost and expense. Lessee accepts the premises in its present condition and will repair and maintain any installations thereon except as provided in Article IV, Paragraphs B–C and will remove or cause to be removed any debris to the extent required for its continuing use thereof.

B. Improvements. Lessee shall have the right to and shall provide for future construction, alteration, expansion, and maintenance of its own improvements, in any lawful manner, upon or in the premises, for the purpose of carrying out any of the activities provided for herein. Lessee shall obtain the written approval of Lessor prior to beginning any such construction, alteration, or expansion, which approval shall not be unreasonably withheld.

C. Disability Access. Any disability access improvements desired by the Lessee, or required by some agency as a condition of conducting business in this building, will be at the sole cost of the Lessee. All such improvements to the premises must be approved in writing by the Lessor prior to construction of such improvements.

D. Maintenance. Lessee shall, at its sole cost and expense, maintain the premises, improvements, and appurtenances thereto in a presentable condition free of refuse and debris consistent with good business practice, and acceptable to the Lessor. Lessee's maintenance responsibilities shall include snow removal on the leased premises.

E. Utilities. Lessee shall assume and pay for all costs or charges for utility services furnished to Lessee during the term hereof. Lessor shall bill Lessee for natural gas, electrical, water

and sewer costs.

1) The Lessor shall bill the Lessee for electrical costs based on monthly metered electrical usage as billed by the utility provider for Lessee's premises.

2) The Lessor shall bill the Lessee for water and sewer costs based on monthly metered water usage and sewer as billed by the utility provider for Lessee's premises.

3) The Lessor shall bill the Lessee for natural gas costs based on the monthly metered natural gas usage as billed by the utility provider for Lessee's premises.

F. Trash, Garbage, Etc. Lessee shall provide, at Lessee's expense, a complete and proper arrangement for the adequate sanitary handling and disposal of all trash, garbage, and other refuse occurring as a result of Lessee's occupancy of the premises. Lessee shall provide and use Lessor approved receptacles for all garbage, trash, and other refuse, and shall place them on the premises in a location acceptable to the Lessor for their removal. Piling of boxes, cartons, barrels, pallets, crates, or other similar items in an unsightly or unsafe manner on or about the premises, is forbidden.

G. Signs. Lessee shall not maintain any billboards or advertising signs on the premises; provided, however, that Lessee may maintain on the outside of its building its name(s) or signs, the size, location, and design of which shall be subject to prior written approval of Lessor.

H. Federal, State, and Local Regulations. Lessee acknowledges that the right to use said Airport facilities in common with others authorized to do so shall be exercised subject to and in accordance with the laws, rules, regulations, and ordinances of the United States of America, the State of Montana, and the City of Billings, now in force or hereafter prescribed or promulgated by

authority or by law. Said laws, rules, regulations, and ordinances shall be closely observed during the full term of this Lease.

I. Hazardous Substances. Lessee assumes full responsibility for the proper and legal use, handling, storage, and disposal of any hazardous substances used or consumed in Lessee's occupancy or conduct of its business. "Hazardous substance" shall be interpreted broadly to mean any substance or toxic material, fuel or petroleum-based products, hazardous or toxic or radioactive substance, or other similar term by any Federal, State or Local environmental law, regulation or rule presently in effect or promulgated in the future, as such laws, regulations or rules may be amended from time to time; and it shall be interpreted to include, but not be limited to, any substance, which after release into the environment will or may reasonably be anticipated to cause sickness, death or disease. Lessee will hold Lessor harmless from and indemnify Lessor against and from any damage, loss, expenses, or liability resulting from any breach of these representations and warranty including all attorneys' fees and costs incurred as a result thereof.

J. Ramp. Lessee shall ensure that Lessee's aircraft and all sublessee's aircraft are not permitted to block the public use ramp located in the front of the Lessee's premises.

## ARTICLE VI

### INSURANCE AND INDEMNIFICATION

A. Indemnification. Lessor and Lessor's officers, directors, agents, representatives, and employees shall stand indemnified by Lessee as herein provided. It is expressly understood and agreed that Lessee is and shall be deemed an independent contractor and operator responsible to all parties for its respective acts or omissions and that Lessor shall in no way be responsible therefore. It is further agreed that in the use of the Airport, in the construction, alteration, or maintenance of any improvements thereon, and in the exercise or enjoyment of the privileges herein granted, Lessee shall

indemnify, save harmless, and defend the Lessor and Lessor's officers, directors, agents, representatives, and employees from any and all losses that may result to the Lessor and Lessor's officers, directors, agents, representatives, and employees because of any negligence, act, or omission on the part of the Lessee or Lessee's agents, representatives, and employees and shall indemnify Lessor against any and all mechanic's and materialmen's liens or any other types of liens imposed upon the premises.

Lessee expressly agrees that Lessor shall not be liable to Lessee, for personal injury, bodily injury, or for any loss or damage to real or personal property occasioned by flood, fire, earthquake, lightning, windstorm, hail, explosion, riot, strike, civil disobedience or commotion, aircraft, smoke, vandalism, malicious mischief, or acts of civil authority, unless caused by the fault or negligence of Lessor, its officers, directors, agents, representatives, or employees.

B. Insurance. Lessee shall provide and keep in force for the entire term of this Agreement the insurance coverages identified below. Insurance coverage shall be maintained with insurance underwriters authorized to do business in the State of Montana, and that are satisfactory to the Lessor. At the time of execution of this Agreement, and annually thereafter, Lessee shall furnish a Certificate of Insurance along with all associated and required policy endorsements showing that required insurance is current and in force. Required evidence of insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days prior to expiration or termination of the existing policy. Lessee shall provide notice to Lessor of any changes to insurance or cancellation of any or all insurance at least thirty (30) calendar days in advance of such change or cancellation. The Certificate of Insurance must include the following reference: City of Billings Logan International Airport, 1901 Terminal Circle, Room 216, Billings, MT 59105. If, in the Lessor's opinion, the minimum limits of the insurance coverage herein required become inadequate during the

term of this Agreement, Lessee agrees that it will increase such minimum limits by reasonable amounts upon request of the Lessor.

1) Breach of Agreement. The continuous maintenance by Lessee of all types of required insurance under this Agreement is mandatory. Failure of the Lessee to maintain such insurance is a material breach of this Agreement, and does not amend this Agreement, nor release the Lessee from any other obligations in this Agreement.

2) Commercial General Liability Insurance. Commercial General Liability Insurance on a standard occurrence form, providing coverage for personal injury, bodily injury, death, and property damage, in amounts not less than \$1,500,000 per occurrence; \$3,000,000 General Aggregate; the General Aggregate shall apply separately to each location. The required limits may be provided by a combination of Commercial General Liability Insurance and Excess or Commercial Umbrella Liability Insurance. The commercial general liability policy shall be endorsed to name the City of Billings, and City's officers, directors, agents, representatives, and employees as a **PRIMARY ADDITIONAL INSURED**. The City of Billings' general liability policy will be excess and noncontributory. The policy shall be endorsed to include a written waiver of insurer's right to subrogate against the City.

3) Workers' Compensation and Employers' Liability Insurance. Workers' Compensation and Employers' Liability Insurance is required if Lessee has employees. Workers' Compensation insurance limits in accordance with the State of Montana and administered by the Montana Department of Labor and Industry. Required limits are \$1,000,000 each accident, \$1,000,000 each employee, and \$1,000,000 for bodily injury by disease.

4) Automobile Liability. Automobile Liability insurance will be required for all owned and non-owned vehicles in an amount not less than \$1,000,000 combined single limit. If Lessee is providing the coverage amount with an automobile policy that provides full coverage for all of the Lessee's vehicle uses, the policy shall be endorsed to include a written waiver of insurer's right to subrogate against the City.

## ARTICLE VII

### TERMINATION OF LEASE, CANCELLATION, AND TRANSFER

A. Termination. This Lease shall terminate at the end of the full term hereof without any notice by either party. A holding over by the Lessee, its assigns or sublessees beyond the expiration of the term shall not be permitted without the written consent of the Director of Aviation and Transit and then only on a month-to-month basis.

Upon termination, Lessee shall have the right to remove all moveable furniture, fixtures, machinery, and equipment, and all other personal property owned or installed by Lessee on the premises. All expenses connected with such removal shall be borne by the Lessee, and said property shall be removed within thirty (30) days after termination of this Lease. In the event the Lessee elects not to remove its personal property, fixtures, machinery, and equipment upon termination of this Lease, the disposition of the personal property, fixtures, machinery, and equipment will be left to the sole discretion of the Lessor. If the Lessor is required to remove Lessee's personal property, fixtures, machinery, and equipment because of failure of Lessee to do so, all costs associated with removal of the personal property, fixtures, machinery, and equipment shall be at Lessee's sole expense.

This right to remove personal property does not extend to buildings and structures, pavement, water lines, sewer lines, electrical lines, utility poles, fencing, exterior light

poles, which improvements shall remain the property of the Lessor and shall not be removed.

B. Cancellation by Lessee. This Lease shall be subject to cancellation by Lessee after the happening of one or more of the following events:

- 1) The permanent abandonment of the Airport as an Air Terminal.
- 2) The lawful assumption of the United States Government or any other authorized agency thereof, of the operation, control or use of the Airport, or any substantial part or parts thereof, in such a manner that substantially restricts Lessee for a period of at least ninety (90) days from operating in a normal manner.
- 3) Issuance by any court of competent jurisdiction of an injunction in any way preventing or restraining the use of the Airport, and the remaining in force of such injunction for a period of at least ninety (90) days.
- 4) The default by Lessor in the performance of any covenant or agreement herein required to be performed by Lessor and the failure of Lessor to remedy such default for a period of ninety (90) days after receipt from Lessee or written notice to remedy same.

Lessee may exercise such right of termination by written notice to Lessor at any time after the lapse of the above applicable periods of time and this Lease shall terminate as of that date. Rental due hereunder shall be payable only to the date of the happening of the event(s) which result(s) in said termination. Upon termination under the provisions of this paragraph, Lessee shall have the same rights as described in the second paragraph of Article VII, Paragraph A herein.

C. Cancellation by Lessor.

- 1) This Lease shall be subject to cancellation by Lessor in the event Lessee shall:

a) Be in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of fifteen (15) days after payment is due.

b) File a voluntary petition of bankruptcy.

c) Make a general assignment for the benefit of creditors.

d) Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Lessee, and such default continues for a period of thirty (30) days after written notice from Lessor of said default.

2) In the event of termination because of the happening of any of the aforesaid events, Lessor may take immediate possession of the premises and remove Lessee's effects, forcibly if necessary, without being deemed guilty of trespassing. Upon said entry, this Lease shall terminate.

3) It is agreed that failure of Lessor to declare this Lease terminated or to reenter and take possession upon the default of Lessee for any of the reasons set out shall not operate to bar or destroy the right of Lessor to declare this Lease null and void by reason of any subsequent violation of the terms of this Lease.

D. Suspension of Lease. During the time of war or declared national emergency, Lessor shall have the right to lease the landing area or any part thereof to the United States Government for military use. If any such lease is executed, any provisions of this instrument, which are inconsistent with the provisions of the lease to the Government, shall be suspended, provided that the term of this Lease shall be automatically extended by the amount of the period of suspension.

E. Subleasing, Assigning, and Transferring. The Lessee shall have the right to

sublease, assign, or transfer all or any part of the Lessee's leasehold interest in the premises for the same purpose established in Article I, Paragraph C, provided written approval of the Lessor is obtained prior to any sublease, assignment, or transfer. Lessor reserves the right to alter the existing Lease as deemed necessary as a condition of approval. Any sublease, assignment, or transfer shall be subject to the same conditions, obligations, and terms as set forth herein and as may be subsequently amended. Lessee shall also be responsible for the observance by its tenants and sublessees for the terms and covenants of this Lease, and any subsequent lease amendments.

## ARTICLE VIII

### NONDISCRIMINATION

A. General. In the use and occupation of the Airport, Lessee shall not discriminate against any person or class of persons by reason of race, color, religion, sex, national origin or ancestry, age, or disability. Additionally, for the services provided during the use and occupation of the Airport, Lessee shall furnish said services on a reasonable and not unjustly discriminatory basis to all users thereof and charge reasonable and not unjustly discriminatory prices for each unit of service, provided that the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

B. Civil/Human Rights Laws. In the operation and use of the Airport, Lessee shall not, on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability, discriminate or permit discrimination against any person or group of persons in any manner prohibited by Part 21 of Title 49, Code of Federal Regulations, the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, the Rehabilitation Act of 1973, and such other Federal, State, or Local laws as may be applicable.

Without limiting the generality of the foregoing, Lessee agrees to not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry, age, or disability. Lessee agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin or ancestry, age, or disability. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and disciplinary actions and grievances. Lessee agrees to post, in conspicuous places available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

C. Lessee, for itself, its heirs, personal representatives, successors in interest, and assignees, as part of the consideration of this Lease, does hereby covenant and agree as a covenant running with the land that, in the event improvements are constructed, maintained, or otherwise operated on the Airport for a purpose for which a United States Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, Lessee shall maintain and operate such improvements and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation), as said regulations may be amended.

D. Lessee, for itself, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration of this Lease, does hereby covenant and agree as a covenant running with the land that:

1) No person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said improvements.

2) No person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the construction of any improvements on, over, or under such land and the furnishing of services thereon.

3) Lessee shall use the facilities in compliance with all other requirements imposed by, or pursuant to 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation), as said regulations may be amended.

Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to ensure that no person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E, or such employment activities covered in any applicable State or Local law. Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this Article VIII.

E. During the performance of this Lease, the Lessee, for itself, its assignees, and successors in interest, agrees to comply with the following nondiscrimination statutes and authorities, including, but not limited to:

1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);

2) 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964);

3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal aid programs and projects);

4) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

5) The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);

6) Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, § 47123) as amended (prohibits discrimination based on race, creed, color, national origin, or sex);

7) The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and § 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);

8) Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain

testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;

9) The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

10) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low income populations;

11) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Federal Regulations at 74087 – 74100);

12) Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

## ARTICLE IX

### GENERAL PROVISIONS

A. Attorney's Fees. Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this Lease, the nonprevailing party in any action pursued in a court of

competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorney's fees, including fees for in-house attorneys, expended or incurred in connection therewith.

B. Governing Law. This Lease and all disputes arising hereunder shall be construed and enforced in accordance with the laws of the State of Montana. Venue in any proceedings held hereunder shall be in the State of Montana Thirteenth Judicial District Court, Yellowstone County, Montana.

C. Taxes. Lessee shall pay any taxes or assessments which may be lawfully levied against Lessee's occupancy or use of the premises or any improvements placed thereon as a result of Lessee's occupancy, but Lessee as independent contractor reserves the right to contest the levy of any tax or assessment which it feels is unjust.

D. Subordination of Lease.

1) This Lease shall be subordinate to the provisions of any existing or future agreements between Lessor and the United States relative to the administration, operation, or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

2) Any mortgagee or beneficiary shall have the right to cure any default on the part of Lessee in the payment of rent hereunder and, in the event of default, to assume the Lessee's position under this Lease. Lessor, in no event, shall be liable for the payment of the sum secured by such mortgage or trust indenture, nor for any expenses in connection with the same. Furthermore, such mortgage or trust indenture shall expressly provide that the mortgagor or beneficiary will seek no monetary

judgment against Lessor. The mortgage or trust indenture shall also contain provisions requiring the holder of the indebtedness secured by such mortgage or trust indenture to mail to Lessor by certified mail a copy of each notice of breach of covenant, default, or foreclosure given by the holder or the trustee under such mortgage or deed of trust and a release when the indebtedness is satisfied.

E. Access/Inspection by Lessor. The Lessor, or any person designated by the Lessor, shall at all times have reasonable access to the premises for inspection purposes, and in the event of any emergency, the Lessor or its representatives shall have the right to take such action at the premises as they deem necessary for the protection of persons and property.

F. Modification and Amendments. Changes or modifications to this Lease shall be done in the form of a lease amendment prepared by the Lessor, to be agreed upon and signed by both Lessee and Lessor.

G. Paragraph Headings. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provisions of this Lease or the particular paragraphs.

H. Effect of Invalid Provision. If any term or provision of this Lease or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected hereby, and each term and provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

I. Notices. Notices to Lessor provided for herein shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Director of Aviation and Transit  
Billings Logan International Airport  
1901 Terminal Circle, Room 216  
Billings, MT 59105

and notices to Lessee, if sent by certified mail, postage prepaid, addressed to:

Mr. Michael Dancy, CEO  
Alpine Air Express, Inc.  
1777 Alpine Air Way  
Provo, UT 84601  
Phone: (801) 373-1508  
E-mail: reception@alpine-air.com

or to such other addresses as the parties may designate to each other in writing from time to time.

J. Successors and Assigns. All of the terms, covenants, and agreements herein contained shall be binding upon and shall inure to the benefit of successors, assignees and sublessees of the respective parties hereto.

IN WITNESS WHEREOF, this document has been duly executed by or on behalf of the parties hereto as of the date indicated below.

DATE: \_\_\_\_\_

ATTEST:

CITY OF BILLINGS

BY \_\_\_\_\_  
CITY CLERK

BY \_\_\_\_\_  
MAYOR

APPROVED AS TO FORM

ALPINE AIR EXPRESS, INC.

BY \_\_\_\_\_  
CITY ATTORNEY

BY \_\_\_\_\_  
MICHAEL DANCY, CEO

**City Council Regular**

**Date:** 08/22/2022  
**Title:** West End Hangar Ground Lease with First Interstate Bank  
**Presented by:** Kevin Ploehn, Director of Aviation and Transit  
**Department:** Airport  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends that City Council approve the West End Hangar Ground Lease with First Interstate Bank for a 25-year term commencing September 1, 2022, and ending August 31, 2047.

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

First Interstate Bank (FIB) has been an Airport tenant since 1997. FIB currently has a Lease on a parcel of ground located at 2451 Overlook Dr. and constructed a hangar on this parcel when FIB first became an Airport tenant. FIB's Lease on this parcel was approved by the City Council on November 13, 2017, and expires on August 31, 2027.

FIB desires to also lease a parcel in the West End Large Hangar Area and to construct a new 120' x 100' hangar on the parcel. Staff has worked with FIB on a new 25-year West End Hangar Ground Lease for the 59,985 square foot parcel that will be located at 2513 Altimeter Drive. The new Lease will commence on September 1, 2022, and ends on August 31, 2047.

**ALTERNATIVES**

City Council may:

- Approve the West End Hangar Ground Lease with First Interstate Bank for a 25-year term; or
- Not Approve the West End Hangar Ground Lease with First Interstate Bank for a 25-year term.

**FISCAL EFFECTS**

The initial year of this Lease will generate \$17,395.68 of rental revenue for the Airport. Lease rentals in subsequent years will be adjusted on an annual basis on the anniversary date, using the average of the monthly percentage increases for the previous calendar year, as determined by the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics.

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**Attachments**

Lease

WEST END HANGAR GROUND LEASE

THIS LEASE, made and entered into on \_\_\_\_\_, by and between  
the following:

CITY OF BILLINGS, MONTANA, hereinafter designated  
"Lessor"

and

FIRST INTERSTATE BANK, a Montana State chartered bank,  
hereinafter designated "Lessee"

W I T N E S S E T H

RECITALS

- 1) Lessor owns and operates BILLINGS LOGAN INTERNATIONAL AIRPORT (hereinafter called the Airport) situated in the City of Billings, Montana, and
- 2) Lessor deems it advantageous to itself and the operation of the Airport to lease to the Lessee a certain parcel of land hereinafter described together with certain privileges, rights, uses, and interests, and
- 3) Lessee wishes to engage in certain non-commercial aviation activities, and proposes to lease on a net basis from Lessor said parcel of land, and to avail itself of the same privileges, rights, uses, and interests contemplated herein, and
- 4) Lessee has indicated a willingness and ability to properly keep, maintain, and improve said land in accordance with standards established by Lessor.

NOW THEREFORE, the parties hereto covenant and agree as follows:

ARTICLE I

PREMISES AND PRIVILEGES

A. Description of the Premises: Lessor hereby leases to Lessee and Lessee hereby leases from Lessor that certain parcel of real property, together with improvements (hereinafter called the premises) for its exclusive use, specifically described as follows:

Main Parcel – 2513 Altimeter Drive

Commencing at the S.E. Corner of Section 25 (Iron Pipe), T. 1 N., R. 25 E., P.M.M., Yellowstone County, Montana; thence from said point, N 40°03'52" W a distance of 2,174.83 feet to the Point of Beginning; thence N 20°59'27" E a distance of 279.00 feet; thence N 69°00'33" W a distance of 215.00 feet; thence S 20°59'27" W a distance of 279.00 feet; thence S 69°00'33" E a distance of 215.00 feet to the Point of Beginning.

Said parcel containing 59,985 square feet.

Premises is further depicted on attached "Exhibit A," and by said reference made a part hereof.

B. Construction of Improvements. Lessee may construct a 120' x 100' hangar building on the aforementioned parcel of land pursuant to the submitted and approved plan, and by reference specifically made a part of this Lease as "Exhibit B." Necessary ramps, parking, and hangar entrance taxiways will be constructed by Lessee. The construction of the facilities shown on the "Exhibit B" building plans will be substantially started within twelve (12) months and completed within twenty-four (24) months of the signing of this Lease. Failure to complete the structure during said period shall constitute a default. If this default occurs, the Lease is canceled immediately and control of the property reverts to the Lessor.

C. General Privileges, Uses, and Rights. Lessor hereby grants to Lessee the following general privileges, uses, and rights, all of which shall be subject to the terms, conditions and

covenants herein set forth. Said rights shall be subject to such Federal, State, or Local ordinances, rules and regulations as now or may hereafter have application at the Airport.

1) The general unrestricted use of all public Airport facilities and improvements which are now or may hereafter be connected with or appurtenant to said Airport, except as hereinafter provided, to be used by Lessee and its sublessees for non-commercial aviation activity as herein defined. For the purpose of this Lease, public airport facilities shall include all necessary landing area appurtenances including, but not limited to, approach areas, runways, taxiways, aprons, aircraft and automobile parking areas, roadways, and navigational aids.

2) The right of ingress to and egress from the premises over and across public roadways serving the Airport for Lessee, Lessee's agents, employees, patrons and invitees, suppliers of service and furnishers of material.

D. Specific Privileges, Uses, and Rights. In addition to the general privileges, uses, and rights described above and without limiting the generality thereof, Lessor hereby grants to Lessee and sublessees the right to engage in non-commercial aviation activity on the premises as defined in subparagraphs 1 through 7 below, subject to the conditions and covenants hereafter set out:

1) The maintenance, storing and servicing of aircraft, which shall include minor repairs, inspection, and licensing of same, and the purchase of parts, equipment, and accessories therefore.

2) The right to use vehicles necessary for the servicing of aircraft.

3) The storage of aircraft not owned by the Lessee.

4) The storage of supplies, materials, and records.

5) The loading and unloading of aircraft in any lawful activity as incidental

to the conduct of any services or operations outlined in this paragraph.

6) The maintenance of an office on the premises necessary for the conduct of the activities defined above.

7) The aforementioned rights shall apply to the persons, firms, or corporations having actual possession, occupancy, and use of the leasehold structures described herein, and the agents, employees, and invitees of such persons, firms, or corporations.

E. Concessions, Services, Activities, and Uses Excluded. The following concessions, services, activities, uses, and the establishment thereof shall be specifically excluded from this Lease:

- 1) Ground and air transportation for hire.
- 2) Vehicle or equipment rental services.
- 3) Food sales (except the sale of tobacco, confections, and refreshments through coin-operated vending machines).
- 4) News and sundry sales.
- 5) Barber, valet, and personal services.
- 6) Fuel sales (aircraft or vehicle).
- 7) On site fuel storage and fuel storage facilities, including fueling vehicle parking.
- 8) The buying and selling of aircraft, parts, and accessories therefore, and aviation equipment of all descriptions either for retail, wholesale, or as a dealer, except for use in Lessee's own aircraft or operations.
- 9) Flight schools and flight instruction, except that Lessee or Lessee's

Chief Pilot shall have the right to give private instructions to Lessee's employees.

- 10) Aircraft repair and servicing except on Lessee's or sublessee's own aircraft.
- 11) Storage of personal vehicles, campers, boats, trailers, motor homes, other recreational vehicles, or parts and accessories for such.
- 12) The maintenance, repairing, or restoring of motorized vehicles.
- 13) Storage of any household items.
- 14) Use of the premises in a residential capacity of any nature, whether temporary or otherwise.
- 15) Improper storage of any chemicals, solutions, solvents, or any potentially hazardous, explosive, or flammable materials or substances.
- 16) Off premise parking.
- 17) Storage of any items outside of the hangar structure.
- 18) Any non-aviation or non-aeronautical activity.

F. Reservation of Right-of-Way. Lessor hereby reserves a right-of-way easement for access purposes over/on the above described leasehold, together with other necessary rights-of-way over said leasehold for access purposes. Said reserved right-of-way may be used by Lessor and all of Lessor's representatives, agents, employees, tenants, employees of said tenants, and persons or entities serving said tenants.

G. Access/Inspection by Lessor. The Lessor or any person designated by the Lessor, shall at all times have reasonable access to the premises, and in the event of any emergency, the Lessor or its representatives shall have the right to take such action at the premises as they deem necessary for the protection of persons or property.

## ARTICLE II

### TERM OF LEASE

A. Term. The term of this Lease shall be for a period of twenty-five (25) years, commencing on the 1st day of September 2022, and terminating on the 31st day of August 2047.

B. First Right of Refusal. At the end of the term hereof the Lessee shall have the first right to accept a new lease of the premises at the same rates and charges that the premises may be offered to any other person or entity. Provided that the Lessor shall have the sole discretion as to the use of said premises and whether or not it will be relet at end of said term. Provided further, that sixty (60) calendar days prior to the end of the term, Lessee shall give notice in writing to Lessor of intent to exercise the first right of refusal. Lessor, upon election to relet said premises, shall give Lessee notice in writing of its decision and the proposed terms. Lessee shall have thirty (30) calendar days in which to give Lessor notice in writing of acceptance.

C. National Emergency. In the event the rights and privileges hereunder are suspended by reason of war or other national emergency, the term of this Lease shall be extended by the amount of the period of such suspension.

## ARTICLE III

### RENTAL AND FEES

A. Ground Rental. For the land described in Article I, Paragraph A., Lessee shall pay to Lessor \$0.29 per square foot per annum for all ground included in this Lease, for an annual rental of \$17,395.68. Said initial rental shall be payable either annually in advance or monthly in advance, without billing, on the first day of each month in an amount equal to one-twelfth of the annual rental, or \$1,449.64 each month.

B. Interest Penalty. Without waiving any other right or action available to the

Lessor, in the event of default in the payment of Lease rentals herein, or any other rentals, fees, or charges owed Lessor, the amount due shall accrue interest at the rate of one and one-quarter percent (1.25%) per month from the date such rentals, fees, or charges were due and payable, until paid in full.

Said interest shall not apply with respect to items being contested in good faith by Lessee and which are resolved in Lessee's favor.

C. Annual Readjustment of Ground Rental. During the term of the Lease, the rental rate will be adjusted annually on the anniversary date of the Lease using the average of the monthly percentage increases of the previous calendar year, as determined by the Department of Labor Consumer Price Index for All Urban Consumers (CPI-U), published by the Bureau of Labor Statistics. In no case shall the rates be less than the previous year. For the purposes of this Lease, the anniversary date shall be September 1 of each year during the term of the Lease. The Lessor shall send Lessee a notice of the annual rental rate adjustment prior to each anniversary date of the Lease denoting the adjusted rental rates.

D. Rental Adjustments to Market Value. Beginning on the fifth anniversary, then on each successive five-year anniversary of the Lease, the Lessor may conduct an analysis of the then current lease rental rates for other on-Airport properties to determine the current market value of the property. Should the analysis identify that the then current Lease rental rate is below market value for other on-Airport properties, the Lessor will notify Lessee six (6) months in advance of an impending Lease rental rate increase.

#### ARTICLE IV

#### OBLIGATIONS OF LESSOR

A. Lessor Warranties. Lessor warrants all things have happened and have been done to make its granting of said Lease effective and that Lessee shall have peaceful possession and

quiet enjoyment of the leased premises during the term hereof, upon performance of Lessee's covenants herein.

B. Operation as Public Airport. Lessor shall during the term hereof, operate and maintain the Airport and its public facilities, as defined hereinabove, as a public airport consistent with and pursuant to the sponsor's assurances given by Lessor to the United States Government under the Federal Airport Act.

C. Condition and Maintenance of Premises. Lessor shall assume no responsibility for the condition of the demised premises after delivery of premises to Lessee. Lessor shall maintain all existing roads on the Airport giving access to the leased premises and Lessor shall remove snow from the access roads as Lessor's resources permit.

## ARTICLE V

### OBLIGATIONS OF LESSEE

A. Condition of Premises. It shall be the sole responsibility of the Lessee to develop, keep, maintain, and operate the entirety of the premises and all improvements and facilities placed thereon at Lessee's sole cost and expense. This Lease in every sense shall be without cost or expense to the Lessor. Lessee accepts the premises in its present condition and will repair and maintain any installations thereon, except as provided in Article IV, Paragraphs B.-C., and will remove or cause to be removed any debris to the extent required for its continuing use thereof.

B. Improvements. Lessee shall have the right to and shall provide for the construction, alteration, expansion, and maintenance of its own improvements, in any lawful manner, upon or in the premises, for the purpose of carrying out any of the activities provided for herein, but shall obtain the written approval of Lessor prior to beginning any such construction, alteration, or expansion.

C. Maintenance. Lessee shall, at its sole cost and expense, maintain the premises, improvements, and appurtenances thereto in a presentable condition free of refuse and debris consistent with good business practice, and acceptable to the Lessor. Repairs identified and required by the Lessor, and sent to Lessee via a written notice, shall be completed within a reasonable time as agreed to by both parties. Lessee's maintenance responsibilities shall include snow removal on the premises, maintenance of any separate water collection system on the premises utilized to collect wash water from aircraft, and maintenance of the ramp/apron and access/entrance to the hangar structure.

D. Utilities. Lessee shall assume and pay for all costs or charges for utility services furnished to Lessee during the term thereof; provided, however, that Lessee shall have the right to connect to any available storm and sanitary sewers, water, electrical, or other utilities at Lessee's own cost and expense; and Lessee shall pay for any/service charges incurred therefore. Lessee shall also provide an external meter reading device in an external location of the leasehold structure; said meter reading device type shall be specified by the Lessor. In the event Lessee wishes to wash aircraft inside the leasehold structure, Lessee shall provide and maintain a separate water collection system for the wash water and shall not discharge the wash water into any available storm and sanitary sewers.

E. Trash, Garbage, Etc. Lessee shall provide, at Lessee's expense, a complete and proper arrangement for the adequate sanitary handling and disposal of all trash, garbage and other refuse occurring as a result of Lessee's occupancy and use of the premises. Lessee shall provide and use Lessor approved receptacles for all garbage, trash, and other refuse and shall place them on the premises in a location acceptable to the Lessor for their removal. Piling of boxes, cartons, barrels, pallets, crates, or other similar items in an unsightly or unsafe manner on or about the premises, is forbidden. All disposal costs shall be paid by the Lessee.

F. Signs. Lessee shall not maintain any billboards or advertising signs on the premises; provided, however, that Lessee may maintain on the outside of its building its name(s) or signs, the size, location, and design of which shall be subject to prior written approval of Lessor.

G. Federal, State, and Local Regulations. Lessee acknowledges that the right to use said Airport facilities in common with others authorized to do so shall be exercised subject to and in accordance with the laws, rules, regulations, and ordinances of the United States of America, the State of Montana, and the City of Billings, now in force or hereafter prescribed or promulgated by authority or by law and shall be closely observed during the full term of this Lease.

H. Taxiways/Taxilanes. Lessee shall ensure that Lessee's and/or sublessee's aircraft, vehicles, or other equipment do not block the public use taxiway/taxilane that passes the front of Lessee's leasehold. Ramp area included in the premises shall not be used for the tie down of aircraft for any extended period of time.

I. Hazardous Substances. Lessee assumes full responsibility for the proper and legal use, handling, storage, and disposal of any hazardous substances used or consumed in the Lessee's occupancy, use, or conduct of its business. "Hazardous substance" shall be interpreted broadly to mean any substance or toxic material, fuel or petroleum-based products, hazardous or toxic or radioactive substance, or other similar term by any Federal, State, or Local environmental law, regulation or rule presently in effect or promulgated in the future, as such laws, regulations or rules may be amended from time to time; and it shall be interpreted to include, but not be limited to, any substance which after release into the environment will or may reasonably be anticipated to cause sickness, death or disease. Lessee will hold Lessor harmless from and indemnify Lessor against and from any damage, loss, expenses, or liability resulting from any breach of these representations and warranty including all attorneys' fees and costs incurred as a result thereof.

## ARTICLE VI

### INSURANCE AND INDEMNIFICATION

A. Indemnification. Lessor and Lessor's officers, directors, agents, representatives, and employees shall stand indemnified by Lessee as herein provided. It is expressly understood and agreed that Lessee is and shall be deemed an independent contractor and operator responsible to all parties for its respective acts or omissions and that Lessor shall in no way be responsible therefore. It is further agreed that in the use of the Airport, in the construction, alteration, or maintenance of any improvements thereon, and in the exercise or enjoyment of the privileges herein granted, Lessee shall indemnify, save harmless, and defend the Lessor and Lessor's officers, directors, agents, representatives, and employees from any and all losses that may result to the Lessor and Lessor's officers, directors, agents, representatives, and employees because of any negligence, act, or omission on the part of the Lessee or Lessee's agents, representatives, and employees and shall indemnify Lessor against any and all mechanic's and materialmen's liens or any other types of liens imposed upon the premises.

Lessee expressly agrees that Lessor shall not be liable to Lessee, for personal injury, bodily injury, or for any loss or damage to real or personal property occasioned by flood, fire, earthquake, lightning, windstorm, hail, explosion, riot, strike, civil disobedience or commotion, aircraft, smoke, vandalism, malicious mischief, or acts of civil authority, unless caused by the fault or negligence of Lessor, its officers, directors, agents, representatives, or employees.

B. Insurance. Lessee shall provide and keep in force for the entire term of this Lease the insurance coverages identified below. Insurance coverage shall be maintained with insurance underwriters authorized to do business in the State of Montana, and that are satisfactory to the Lessor. At the time of execution of this Lease, and annually thereafter, Lessee shall furnish a

Certificate of Insurance along with all associated and required policy endorsements showing that required insurance is current and in force. Required evidence of insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days prior to expiration or termination of the existing policy. Lessee shall provide notice to Lessor of any changes to insurance or cancellation of any or all insurance at least thirty (30) calendar days in advance of such change or cancellation. The Certificate of Insurance must include the following reference: City of Billings Logan International Airport, 1901 Terminal Circle, Room 216, Billings, MT 59105. If, in the Lessor's opinion, the minimum limits of the insurance coverage herein required become inadequate during the term of this Lease, Lessee agrees that it will increase such minimum limits by reasonable amounts upon request of the Lessor.

1) Breach of Lease. The continuous maintenance by Lessee of all types of required insurance under this Lease is mandatory. Failure of the Lessee to maintain such insurance is a material breach of this Lease, and does not amend this Lease, nor release the Lessee from any other obligations in this Lease.

2) Commercial General Liability Insurance. Commercial General Liability Insurance on a standard occurrence form, providing coverage for personal injury, bodily injury, death, and property damage, in amounts not less than \$1,500,000 per occurrence; \$3,000,000 General Aggregate; the General Aggregate shall apply separately to each location. The required limits may be provided by a combination of Commercial General Liability Insurance and Excess or Commercial Umbrella Liability Insurance. The commercial general liability policy shall be endorsed to name the City of Billings, and City's officers, directors, agents, representatives, and employees as a **PRIMARY ADDITIONAL INSURED**. The City of Billings' general liability policy

will be excess and noncontributory. The policy shall be endorsed to include a written waiver of insurer's right to subrogate against the City.

3) Automobile Liability. Automobile Liability insurance will be required for all owned and non-owned vehicles in an amount not less than \$1,000,000 combined single limit. If Lessee is providing the coverage amount with an automobile policy that provides full coverage for all of the Lessee's vehicle uses, the policy shall be endorsed to include a written waiver of insurer's right to subrogate against the City.

## ARTICLE VII

### TERMINATION OF LEASE, CANCELLATION, AND TRANSFER

A. Termination. This Lease shall terminate at the end of the full term hereof without any notice by either party, except as indicated in Article II, Paragraph A. A holding over by the Lessee, its assigns or sublessees beyond the expiration of the term shall not be permitted without the written consent of the Director of Aviation and Transit and then only on a month-to-month basis.

Lessee shall have the right to remove all moveable furniture, fixtures, machinery and equipment and all other personal property owned or installed by Lessee on the premises, and all expenses connected with such removal shall be borne by the Lessee. Said property shall be removed within thirty (30) calendar days after termination of Lease.

In addition, Lessee has the right to remove, at Lessee's expense, all buildings and other structures owned by Lessee located upon the premises within thirty (30) calendar days upon the termination of this Lease. Lessee shall remove from the premises all debris resulting from the removal of the building or structures, and Lessee shall generally leave the premises in a clean and orderly condition, acceptable to Lessor.

This right to remove personal property, buildings and structures does not extend

to pavement, water lines, sewer lines, electrical lines, utility poles, fencing, exterior light poles, which improvements shall remain the property of the Lessor and shall not be removed.

In the event the Lessee elects not to remove the buildings and other structures, personal property, fixtures, machinery and equipment, and other improvements upon termination of the Lease, the disposition of the buildings and structures, personal property, fixtures, machinery and equipment, and other improvements will be left to the sole discretion of the Lessor. If Lessor elects to remove the buildings and structures, personal property, fixtures, machinery and equipment, and other improvements because of failure of Lessee to do so, the cost of removal, demolition, and other related actions shall be at Lessee's expense.

B. Cancellation by Lessee. This Lease shall be subject to cancellation by Lessee after the happening of one or more of the following events:

- 1) The permanent abandonment of the Airport as an Air Terminal.
- 2) The lawful assumption of the United States Government or any other authorized agency thereof, of the operation, control or use of the Airport, or any substantial part or parts thereof, in such a manner that substantially restricts Lessee for a period of at least ninety (90) calendar days from operating in a normal manner.
- 3) Issuance by any court of competent jurisdiction of an injunction in any way preventing or restraining the use of the Airport, and the remaining in force of such injunction for a period of at least ninety (90) calendar days.
- 4) The default by Lessor in the performance of any covenant or agreement herein required to be performed by Lessor and the failure of Lessor to remedy such default for a period of ninety (90) calendar days after receipt from Lessee or written notice to remedy same.

Lessee may exercise such right of termination by written notice to Lessor at any time after the lapse of the above applicable periods of time and this Lease shall terminate as of that date. Rental due hereunder shall be payable only to the date of the happening of the event which results in said termination. Upon termination under the provisions of this Paragraph, Lessee shall have the same rights as described in Article VII, Paragraph A. herein.

C. Cancellation by Lessor.

1) This Lease shall be subject to cancellation by Lessor in the event Lessee shall:

a) Be in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of fifteen (15) calendar days after payment is due.

b) File a voluntary petition of bankruptcy.

c) Make a general assignment for the benefit of creditors.

d) Default in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Lessee, and such default continues for a period of thirty (30) calendar days after written notice from Lessor of said default.

2) In the event of termination because of the happening of any of the previously mentioned events, Lessor may take immediate possession of the premises and remove Lessee's effects, without being deemed guilty of trespassing. Upon said entry, this Lease shall terminate.

3) It is agreed that failure of Lessor to declare this Lease terminated or to reenter and take possession upon the default of Lessee for any of the reasons set out

shall not operate to bar or destroy the right of Lessor to declare this Lease null and void by reason of any subsequent violation of the terms of this Lease.

D. Suspension of Lease. During the time of war or declared national emergency, Lessor shall have the right to lease the landing area or any part thereof to the United States Government for military use. If any such lease is executed, any provisions of this instrument, which are inconsistent with the provisions of the lease to the Government shall be suspended, provided that the term of the Lease shall be automatically extended by the amount of the period of suspension.

E. Subleasing, Assigning, and Transferring. The Lessee shall have the right to sublease, assign, or transfer all or any part of Lessee's leasehold interest in the premises for the same purpose established in Article I, Paragraph D., provided that written approval of the Lessor is obtained prior to any sublease, assignment, or transfer. As a condition of said approval, Lessor reserves the right to alter this Lease in any manner deemed necessary by Lessor. Any sublease, assignment, or transfer shall be subject to the same conditions, obligations and terms as set forth herein and as may be subsequently amended, and Lessee shall be responsible for the observance by its tenants and sublessees for the terms and covenants of this Lease and any subsequent lease amendments. Lessee shall provide Lessor with a copy of any sublease it has on the Lessee's leasehold.

## ARTICLE VIII

### NONDISCRIMINATION

A. General. In the use and occupation of the Airport, Lessee shall not discriminate against any person or class of persons by reason of race, color, religion, sex, national origin or ancestry, age, or disability. Additionally, for the services provided during the use and occupation of the Airport, Lessee shall furnish said services on a reasonable and not unjustly discriminatory basis to all users thereof and charge reasonable and not unjustly discriminatory prices for each unit of service,

provided that the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

B. Civil/Human Rights Laws. In the operation and use of the Airport, Lessee shall not, on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability, discriminate or permit discrimination against any person or group of persons in any manner prohibited by Part 21 of Title 49, Code of Federal Regulations, the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, the Rehabilitation Act of 1973, and such other Federal, State, or Local laws as may be applicable.

Without limiting the generality of the foregoing, Lessee agrees to not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry, age, or disability. Lessee agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin or ancestry, age, or disability. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and disciplinary actions and grievances. Lessee agrees to post, in conspicuous places available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

C. Lessee, for itself, its heirs, personal representatives, successors in interest, and assignees, as part of the consideration of this Lease, does hereby covenant and agree as a covenant running with the land that, in the event improvements are constructed, maintained, or otherwise operated on the Airport for a purpose for which a United States Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits,

Lessee shall maintain and operate such improvements and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation), as said regulations may be amended.

D. Lessee, for itself, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration of this Lease, does hereby covenant and agree as a covenant running with the land that:

1) No person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said improvements.

2) No person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the construction of any improvements on, over, or under such land and the furnishing of services thereon.

3) Lessee shall use the facilities in compliance with all other requirements imposed by, or pursuant to 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation), as said regulations may be amended.

Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to ensure that no person on the grounds of race, color, religion, sex, national origin or ancestry, age, or disability shall be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E, or such employment activities covered in any applicable State or Local law. Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this Article VIII.

E. During the performance of this Lease, the Lessee, for itself, its assignees, and successors in interest, agrees to comply with the following nondiscrimination statutes and authorities, including, but not limited to:

1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);

2) 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964);

3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal aid programs and projects);

4) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

5) The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);

6) Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, § 47123) as amended (prohibits discrimination based on race, creed, color, national origin, or sex);

7) The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and § 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or

activities of the Federal aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);

8) Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;

9) The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

10) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low income populations;

11) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Federal Regulations at 74087 – 74100);

12) Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

## ARTICLE IX

### GENERAL PROVISIONS

A. Attorney's Fees. Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this Lease, the nonprevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorney's fees, including fees for in-house attorneys, expended or incurred in connection therewith.

B. Governing Law. This Lease and all disputes arising hereunder shall be construed and enforced by the laws of the State of Montana. Venue in any proceedings held hereunder shall be in the State of Montana Thirteenth Judicial District Court, Yellowstone County, Montana.

C. Taxes. Lessee shall pay any taxes or assessments which may be lawfully levied against Lessee's occupancy or use of the premises or any improvements placed thereon as a result of Lessee's occupancy or use, but Lessee as independent contractor reserves the right to contest the levy of any tax or assessment that it feels is unjust.

D. Subordination of Lease.

1) This Lease shall be subordinate to the provisions of any existing or future agreements between Lessor and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

2) Notwithstanding any other prohibition or limitation of Lessee's right to sublease or assign its interest under this Lease, Lessor acknowledges and agrees that

Lessee shall have the right to grant a security interest in its rights and interest under this Lease, with Lessor's prior written consent. Any mortgagee or beneficiary shall have the right to cure any default on the part of Lessee in the payment of rent hereunder and, in the event of default, to assume the Lessee's position under this Lease. Lessor in no event shall be liable for the payment of the sum secured by such mortgage or trust indenture, nor for any expenses in connection with the same. Furthermore, such mortgage or trust indenture shall expressly provide that the mortgagor or beneficiary will seek no monetary judgment against Lessor. The mortgage or trust indenture shall also contain provisions requiring the holder of the indebtedness secured by such mortgage or trust indenture to mail to Lessor by certified mail a copy of each notice of indebtedness, any breach of covenant, default, or foreclosure given by the holder or the trustee under such mortgage or deed of trust, and a copy of a release of any mortgage or deed of trust.

E. Modification and Amendments. Changes or modifications to this Lease shall be done in the form of a lease amendment to be agreed upon and signed by both Lessee and Lessor.

F. Paragraph Headings. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provisions of this Lease or the particular paragraphs.

G. Effect of Invalid Provision. If any term or provision of this Lease or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such terms or provisions to persons or circumstances other than those to which it is invalid or unenforceable, shall not be affected hereby, and each term and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

H. Notices. Notices to Lessor provided for herein shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Director of Aviation and Transit  
Billings Logan International Airport  
1901 Terminal Circle, Room 216  
Billings, MT 59105

and notices to Lessee, if sent by certified mail, postage prepaid, addressed to:

Brian D. Bergler, SVP Corporate Real Estate  
First Interstate Bank  
P.O. Box 30918  
Billings, MT 59116  
Telephone: (541) 330-7541  
E-mail: brian.bergler@fib.com

Copy to Secondary Lease Contact:  
Matt Pressley  
Corporate Real Estate  
First Interstate Bank  
1070 NW Bond Street, Suite 301  
Bend, OR 97703  
Telephone: (541) 617-6814  
E-mail: matt.pressley@fib.com

or to such other addresses as the parties may designate to each other in writing from time to time.

I. Successors and Assigns. All of the terms, covenants, and agreements herein contained, or subsequently amended from time to time, shall be binding upon and shall inure to the benefit of successors, assigns and sublessees of the respective parties hereto.

IN WITNESS WHEREOF, this document has been duly executed by or on behalf of the parties hereto as of the date indicated below.

DATE: \_\_\_\_\_

ATTEST:

CITY OF BILLINGS

BY \_\_\_\_\_  
CITY CLERK

BY \_\_\_\_\_  
MAYOR

APPROVED AS TO FORM

FIRST INTERSTATE BANK

BY \_\_\_\_\_  
CITY ATTORNEY

BY \_\_\_\_\_  
BRIAN D. BERGLER, SVP  
CORPORATE REAL ESTATE

**City Council Regular**

**Date:** 08/22/2022  
**Title:** 2023 Unified Planning Work Program (UPWP)  
**Presented by:** Scott Walker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** No

**RECOMMENDATION**

Staff recommends the City Council approve the 2023 UPWP and instruct PCC Designee Mayor Cole to take its recommendation to PCC for final local approval.

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

The City-County Planning Division is presenting the 2023 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for City Council review and recommendation to the Billings Policy Coordinating Committee (PCC). The City Council heard a presentation of this document at its August 15th Work Session. The City Council is scheduled at this meeting to take action on the UPWP and forward that recommendation to the PCC. The PCC will hold its meeting August 30 for final local approval.

The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program and provides coordination between the Billings MPO, MDT, FHWA and FTA. This UPWP proposes planning activities for Federal Fiscal Year 2023, which runs from October 1, 2022, through September 30, 2023. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include continuing to update to the 2018 Long Range Transportation Plan, Phase II of the Safe Routes to School Plan, inclusion of transportation elements of neighborhood planning studies, as well as beginning to update the Bikeway and Trail Master Plan. The Transit section is Chapter II of the UPWP. The document is consistent with past programs in its content and format.

**STAKEHOLDERS**

Local review of the UPWP each year goes through public discussion sessions, work sessions and regular business meetings of the City Council, Board of County Commissioners, and Yellowstone County Board of Planning (Planning Board). The Planning Board also conducts a legally advertised public hearing at one of its meetings to review the UPWP. The public is able to provide comment or questions at any of the meetings, as well as provide formal public testimony at the Planning Board. No public comment had been received by the Planning Division staff at the time this memo was drafted.

**ALTERNATIVES**

City Council may:

Approve the UPWP as drafted and instruct Mayor Cole to give a positive recommendation PCC; or  
 Make amendments to the program document, approve it, and instruct Mayor Cole to give a positive recommendation to PCC; or

Reject the program and instruct Mayor Cole to give a negative recommendation to PCC. Rejection of the UPWP would conflict with the operations of the Billings MPO, mean a significant reduction in funding to complete planning activities in Billings and Yellowstone County, and would affect staff, resources, future transportation planning processes and programs.

**FISCAL EFFECTS**

Approval of the 2023 UPWP allows the City to access Federal funds for transportation planning in the community. Federal and local funds are combined to provide most of the planning work done by the Planning Division for the City and the County. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited. The breakdown of funding sources for the FY 2023 UPWP is estimated below:

- \$300,000 Planning Dept. Fee Revenue (City of Billings)

- \$160,000 Planning Dept. Fee Revenue (Yellowstone County)
  - \$525,000 Yellowstone County Planning Levy
  - \$2,007,135 Federal Planning (PL) Allocation
- \$2,992,135 Total Local and Federal Program Funding (UPWP)

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## Attachments

Draft 2023 UPWP

# **Billings Urban Area**

## **Unified Planning Work Program**

**(UPWP)**

**Federal Fiscal Year**

# **2023**

## **DRAFT**

Prepared By:

Billings/Yellowstone County Planning Division  
2825 3rd Avenue North, 4th Floor  
Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation  
Federal Highway Administration  
Federal Transit Administration



# UNIFIED PLANNING WORK PROGRAM

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## INTRODUCTION

The Billings Urban Area planning process is organized and conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering the planning process. Under federal regulations, an MPO must be established for urban areas with populations greater than 50,000 in order to receive federal funds for construction projects and transportation planning. This document, the Billings Urban Area Unified Planning Work Program (UPWP), and a companion document, the Prospectus, is the foundation upon which the planning process is based.

The UPWP is developed each year, and once adopted and approved by FHWA and FTA, is in effect from October 1 to September 30. The UPWP contains a task by task discussion of projects, which are to be undertaken during the program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP undergoes a comprehensive review at the local, state, and federal levels each year.

This year, Federal Fiscal Year 2023, the format for work program activities conforms to Federal Transit Administration (FTA) Circular 8100.1C, specifically Chapter IV. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

The UPWP is a detailed description of projects, which occur on a routine basis. Once adopted, the document is only amended if there is a change in the planning process. The UPWP also contains information pertaining to the organization of the planning process, agencies involved, and agreements between agencies involved in the process.

Cost overrun guidelines have been established by the Montana Department of Transportation, and agreed to by the Yellowstone County Board of Planning. Those guidelines will determine the allowable overruns for any work program element. Overruns that surpass those outlined in the guidelines will require a UPWP amendment.

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning and transit staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to provide funding for non-PL eligible activities. Priorities this year include continuing the 2023 Long Range Transportation Plan Update, beginning an update to the 2017 Bike and Pedestrian Plan, an MPO-wide School Safe Routes to School Study, Neighborhood Planning Transportation Elements, grant application development, and other projects.

### **DATES OF LOCAL APPROVAL**

TAC -7/28/22  
PLANNING BOARD -8/23/22  
COUNTY COMMISSION -8/23/22  
CITY COUNCIL -8/22/22  
PCC -8/30/22  
FWHA-September 2022

# CHAPTER I

## YELLOWSTONE COUNTY BOARD OF PLANNING

### SECTION I UNIFIED PLANNING WORK PROGRAM

#### 41.11.100 PROGRAM SUPPORT & ADMINISTRATION

#### **100 PROGRAM ADMINISTRATION (4301)**

##### **OBJECTIVE**

- To administer the area-wide planning process.
- To support the Board of Planning and other Boards, Commissions, and the City Council and County Commissioners in decision-making activities in the planning process.
- To engage in administrative and financial actions related to identified planning activities and to prioritize those activities.
- To enhance staff skills and maintain staff exposure to the "state-of-the-art" in planning practice and computer software.
- To maintain contact with, provide input to, and receive feedback from various local, state and federal agencies, committees and groups during the planning process.

##### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

Conformance with federal, state, and local administrative and regulatory requirements, as well as maintenance of planning operations was achieved for FY22.

Members of the planning staff attended various professional meetings, workshops, and conferences at which planning, transportation, transit, bicycle/pedestrian and related topics were presented and discussed.

Specifically, the City-County Planning Division (Planning Division) and members of other local, state and federal departments and agencies actively participated in a diverse set of local meetings, including the Billings Technical Advisory Committee (TAC), Policy Coordinating Committee (PCC), Billings & Yellowstone County Zoning Commissions and Boards of Adjustment, Board of Planning, City Annexation Committee, City Development Process Review Committee, Community Development Board, Public Works (formerly the Traffic Control) Board, Bicycle and Pedestrian Advisory Committee, Historic Preservation Board and others. Grant writing for the Division was completed under this work element. Staff also participates in meetings with MDT and the other two MPO's quarterly to discuss activities and issues. Billings MPO also meets with MDT to discuss project coordination and issues.

Planning staff received updates in computer software programs for the geographic information system and its application to mapping data layers such as streets, land use, TAZ data information, address, ownerships and environmental data. This GIS information is vital to provide to consultants for local plan development. Staff regularly utilizes an application tracking and project management software system that integrates the existing City building permit, finance and land management software, as well as coordinated subdivision and development project reviews across City and County departments. This software allows for electronic submittal of building, sign, fence and exempt plats for local review. Staff also reviewed/updated the City Annexation Policy and Limits of Annexation Map, and assisted in updates to the City's Capital Improvement Plan (CIP). Implementation of the City's Complete Streets Policy is ongoing with the continued collection of data to be incorporated into the Complete Streets Status Report that is

updated and published every three years, including in calendar year 2020. Implementation of the Billings Community Transportation Safety Plan will continue with reporting to MDT as required. The 2023 UPWP outlines an update to the Community Transportation Safety Plan, that project is discussed in more detail in the Transportation Planning Studies.

Online permitting continues to have a positive impact on development.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

All administrative functions of the Planning Division will be performed under this work element. Program management activities will include, but not be limited to the following:

1. Correspondence
2. Public Relations
3. Employee Guidance, Supervision, and Training
4. Program Organization and Management
5. Consultant Liaison Activities
6. Staff Meetings
7. Negotiations
8. Preparation of Contracts
9. Staff Training
10. Performance Monitoring
11. Office Equipment Acquisition
12. Budget Management and Administration

Federal regulations require that performance measures and goals be established to monitor the performance of the region's transportation system.

The MPO will work with federal, state and local agencies to improve current performance tracking methods. Performance measures will be tracked on the MPO website and regular reporting will be provided to the Transportation Policy Coordinating Committee, MPO committees and the general public depending on the availability of related data.

With the refilling of the Planner 1 positions, senior staff has the ability to undertake a few neighborhood planning efforts. Staff is looking for other funds to assist with some consultant lead neighborhood activities on larger sub-area plans. With development and implementation of the new Zoning Code, higher emphasis on the transportation system, including road classification, safety and connectivity is vital to how the adjacent land uses for residential and commercial development are built. The road system emphasizes location and setting of any structures. The Planner I will be responsible for using the new code and existing transportation documents for review of land use applications, building permits and zoning clarification forms.

### **PL Eligible Activities**

- As per the MPO's public participation plan and ongoing public outreach efforts, the planning staff will make available the documents and guidelines for transportation planning activities to the community, as well as keep abreast of federal and state requirements as they relate to the overall planning processes. These activities may include distribution of the Billings Area Bikeway and Trail Master Plan to community organizations or individuals, distribution of the current Billings Area Tour Map for bicycle and pedestrian users and visitors, distribution and explanation of the latest Billings Urbanized Area Traffic Count Map and Bicycle Count Map, explanation and distribution of the MPO's public participation plan to groups involved or interested in transportation planning processes in the community, and explanation and information dissemination of the TA or other grant programs to possible project applicants in the community.

- Staff will update the PL & Memorandum of Agreement as necessary to meet the requirements of the IJA or any new legislation they may be approved in the upcoming fiscal year.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support.
- The FY 2023 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary.
- The Fiscal Year 2024 UPWP will be developed under this work element.
- The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and its progress in completing the approved UPWP.
- Staff will be involved in update and implementation of the Community Safety Plan for the Billings Urban Area.
- All planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, webinars and conferences.
- Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs.
- The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.
- The TA Program administration will be funded through this work element.
- Infrastructure Investment and Jobs Act (IJA) will be reviewed so staff may become familiar with changes affecting the metropolitan planning process.
- Grant writing services will continue to be incorporated within the department.
- Planning activities pertaining to Bicycle-Pedestrian in this work element will include:
  - Work field inspections, handle complaints and investigate problem areas of the Bike/Pedestrian system.
  - Presentations as needed.

### **Locally Funded Activities**

- General administrative activities will include maintenance of files, library documents, daily correspondence and preparation of necessary periodic reports.
- Interagency committee participation is included in this work element.
- All staff members will continue to participate in and encourage increased cooperation between state and local agencies, departments and governing bodies.
- The Planning Division will serve both as a coordinator of and a participant in meetings and committees.
- Planning Division involvement will include participation with such agencies as the Housing Authority, Big Sky Economic Development (BSED), Air Pollution Control Board, RiverStone Health (City-County Health Department), Healthy by Design, legislative study committees, and other agencies.
- Staff will continue to implement long-term document storage through virtual servers and cloud storage platforms.

### **STAFFING**

28 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

The Planning Division will be responsible for administering the area-wide planning process for the City and County.

### **PRODUCT**

- An ongoing administrative program focused primarily at effective and expeditious implementation of this UPWP.

- The continual enhancement of the Planning Division staff skills and knowledge.
- Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.
- The development of the FY24 UPWP.

**FUNDING SCHEDULE - ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | \$247,500 | \$202,500    | \$450,000**  |
| <b>TOTAL</b>  | \$247,500 | \$202,500    | \$450,000**  |

**DISBURSEMENT PERCENTAGE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | 55        | 45           | 100          |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL*</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|------------|--------------|--------------|
| MPO           | \$264,000  | \$216,000    | \$480,000**  |
| <b>TOTAL</b>  | \$264,000  | \$216,000    | \$480,000**  |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\* Record Keeping via virtual servers and cloud storage, scanning - \$8,000, 3 Computer Upgrades - \$7,500.

## **101 SERVICE (4302)**

### **OBJECTIVE**

- To coordinate the dissemination of information and exchange of ideas between planning agencies and the interested public, decision-makers, and other departments, agencies, and organizations as related to the Billings MPO.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2018 Transportation Plan Update and the Billings Area Bikeway and Trails Master Plan, City of Billings 2016 Growth Policy, the Lockwood Growth Policy and various neighborhood and community plans.

Staff presented transportation planning information to its organization and agency partners as needed for educational and decision-making purposes. Planning staff also shared information with the community and stakeholders throughout the development of several planning efforts. The Billings MPO hosts monthly webinars covering a variety of topics including transportation and mobility related topics.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- Staff will continue the very successful series of webinars and “brown bag lunch” seminars on a wide range of planning topics, including multi-modal transportation planning and funding, collaborative community planning techniques and planning for sustainability as well as various Institute of Transportation Engineers, Project for Public Spaces, Sustainable Communities, and Federal Highway Administration webinars.
- Staff is also targeting webinars which educate staff and public on the transportation planning process and funding as related to the operation of the MPO.
- The Planner I positions will also be working within this element. These positions will provide transportation and related planning information to the general public and interested organizations.

#### **Locally Funded Activities**

- Staff will continue to develop and use website tools to enable citizens to access information on upcoming planning activities, board and commission meetings, and recent land use applications, as well as interact with various planning processes through email notification and online comment programs. Staff will look at implementing citizen access to the Questys System software for access to historical data related to transportation, zoning and other planning applications.
- Continue increasing community and agency awareness of the interrelationships between land use development and transportation needs through dissemination of information and drafting of planning documents that incorporate both elements together.

### **STAFFING**

3.5 Staff Months – City/County Planning

## FUNCTIONAL AGENCY RESPONSIBILITY

As Assigned.

## PRODUCT

- A responsive and flexible planning process utilizing staff capable of providing short-term findings and recommendations, as well as ongoing customer service to the public on all levels of planning projects and regulations.
- Provide transportation related webinars to staff, local officials and general public to educate on current transportation issues. These webinars are scheduled on a monthly basis and anticipate 5-10-person viewings per showing. This number can fluctuate depending on the topic. Staff participation is anticipated to be 4-5 persons at these viewings.
- In addition to the transportation specific webinars, staff also provides general planning webinars that are advertised to all city staff, local officials and the general public. These webinars are scheduled routinely and can include up to 3 webinars a month. Participation anticipated at these webinars is 5-10 person per viewing. This number can fluctuate depending on the topic. Staff participation is approximately 3-5 per viewing contingent on scheduling.

## FUNDING SCHEDULE - SERVICE

### FUNDS PROGRAMMED - FISCAL YEAR 2022

#### FUNDING SOURCE

| AGENCY | PL       | LOCAL    | TOTAL    |
|--------|----------|----------|----------|
| MPO    | \$25,000 | \$25,000 | \$50,000 |
| TOTAL  | \$25,000 | \$25,000 | \$50,000 |

#### DISBURSEMENT PERCENTAGE

| AGENCY | PL | LOCAL | TOTAL |
|--------|----|-------|-------|
| MPO    | 50 | 50    | 100   |

### FUNDS PROGRAMMED - FISCAL YEAR 2023

#### FUNDING SOURCE

| AGENCY | PL*      | LOCAL    | TOTAL    |
|--------|----------|----------|----------|
| MPO    | \$30,000 | \$30,000 | \$60,000 |
| TOTAL  | \$30,000 | \$30,000 | \$60,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **102 CITIZEN INVOLVEMENT (4303)**

### **OBJECTIVE**

- To solicit information concerning community values and goals and to receive community input into the development of plans and projects.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board used extensive public input to review and receive comments on a wide range of planning issues throughout the City and County. Meetings of neighborhood task force organizations and neighborhood advisory committees were also attended as requested to answer questions and review long-range planning issues, particularly related to transportation planning and projects, as well as code enforcement complaints. Projects specifically related to citizens and citizen boards included the Community Transportation Safety Plan Update, the Billings Bypass Corridor Study and the development of the Safe Routes to School Plan Update.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- Outreach to the public and all affected jurisdictions for ongoing transportation projects, including but not limited to several MDT planning and construction projects such as the North Billings Bypass, short- and long-term planning for rail traffic mitigation in downtown Billings, 6<sup>th</sup> Street Underpass project and several MPO projects. The MPO has several projects that will be completed and initiated this upcoming year including the completion of the Community Transportation Safety Plan Update, the Safe Routes to School Plan and the Billings Bypass Corridor Study. The 2023 Long Range Transportation Plan Update will carry over to this year as well as the new transportation planning studies identified in this UPWP.
- The staff will continue to support the Bicycle and Pedestrian Advisory Committee. The Committee is responsible for forwarding recommendations to the Planning Board and governing bodies on bicycle safety, bike lanes, pedestrian safety and access, and other matters. The group will be involved in the nomination and review of TA Program eligible projects, bicycle and pedestrian signing and safety projects, grant applications for non-motorized transportation projects, and community education and outreach on bicycle and pedestrian safety within the MPO.
- The MPO has several large planning efforts this year and next, as part of our continuous efforts to engage the public in these transportation planning efforts, staff will be actively engaged with the City of Billings Public Information Officer (PIO) to push information and public participation opportunities to the community. The PIO is new to the City and has already had significant impact on planning efforts.
- TAC and PCC meetings will be held and meeting information disseminated as necessary.
- Staff will continue to update and maintain the MPO's website to provide the most current up to date information to the community.
- Staff will utilize web-based GIS and web mapping software for assistance in transportation planning.
- Some of the specific projects that will involve community participation include the completion of the North Billings Bypass Corridor Study, and the Community Transportation Safety Plan Update. New projects include updating the 2018 Long Range Transportation Plan and a second phase of a Safe Routes to School Study that will review Middle Schools, urban County Elementary Schools and Private Schools. Both of these projects will include extensive public participation and solicitation.

- The Planner I will also act in this position through transportation and general planning efforts to engage the community in a broad range of MPO planning projects.

**Locally Funded Activities**

- Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County.
- Community participation using new tools and techniques will also be included in all planning studies proposed within this document.
- Staff will utilize web-based GIS and Web mapping software for assistance in land-use planning.

**STAFFING**

4.0 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- A comprehensive and coordinated solicitation and collection of public opinions in order to accurately reflect the preferences and priorities of the citizens within the Billings Urban Area.
- An enhanced integrated web-based public participation software that includes MPO and general planning projects and procedures and other pertinent information.

**FUNDING SCHEDULE - CITIZEN INVOLVEMENT**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| AGENCY | PL       | LOCAL    | TOTAL    |
|--------|----------|----------|----------|
| MPO    | \$40,000 | \$40,000 | \$80,000 |
| TOTAL  | \$40,000 | \$40,000 | \$80,000 |

**DISBURSEMENT PERCENTAGE**

| AGENCY | PL | LOCAL | TOTAL |
|--------|----|-------|-------|
| MPO    | 50 | 50    | 100   |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| AGENCY | PL*      | LOCAL    | TOTAL    |
|--------|----------|----------|----------|
| MPO    | \$47,500 | \$47,500 | \$95,000 |
| TOTAL  | \$47,500 | \$47,500 | \$95,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## 41.12.200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

### 200 Community Planning (4304)

#### OBJECTIVE

- To maintain records and make projections of population and dwelling unit data, land use information, employment data, and to maintain adequate financial records, files and reports.
- To provide current, accurate information pertaining to the quantity of residential, commercial, industrial, and public land in the MPO and across the County.
- To summarize and analyze development trends and to provide visual information to the City Council, County Commission, Planning Board and the public during the public input process for transportation and land-use decision making.
- To recommend implementation of the goals, policies, and strategies of the adopted 2016 City of Billings and Lockwood Growth Policies.
- Implementation of Long-Range Transportation Plans and Planning Studies.
- The current ten planning factors have been reviewed and incorporated in this UPWP. The factors are:
  - 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
  - 2) Increase the safety of the transportation system for motorized and non-motorized users;
  - 3) Increase the security of the transportation system for motorized and non-motorized users;
  - 4) Increase the accessibility and mobility of people and for freight;
  - 5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
  - 6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
  - 7) Promote efficient system management and operation;
  - 8) Emphasize the preservation of the existing transportation system.
  - 9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
  - 10) Enhance travel and tourism.

#### ACCOMPLISHMENTS - FISCAL YEAR 2022

Staff is reviewing and analyzing the 2020 Census and most recent American Community Survey (ACS) data. Current ACS data is updated and placed in various databases as it has become available. Data gathered and updated included annual information related to population estimates for city and counties within the State of Montana. This annual information is used by the public and public agencies for planning purposes. The ACS is accessed for review and dissemination, and updated information released by the US Census Bureau in regards to commuting patterns. Other data gathered includes:

- Building Permits, Demolition Permits, Electrical Permits, Subdivision Applications, Zoning Applications, Special Reviews, Variances, temporary use permits, sign permits, zoning compliance permits and zoning clarification documents, annexation data, population trends, land use trends, school enrollment, employment data and general economic indicators.

The planning staff continues to review the most current ACS data and slowly released information from the 2020 Census data and estimates for population and demographic data. Census information is made available to various local agencies and organizations and to the general public. The data is used for developing reports, grant applications and planning documents such as Transportation and Land Use Plans and for projects like the Recreational Trails Program Grant and other grants as needed.

The City-County Planning Division, on behalf of the Billings MPO, is responsible for preparing a Complete Streets Progress Report every three years. This direction was outlined in the City of Billings Complete Streets Policy: “The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy.” This effort was completed with the first-ever Billings Complete Streets Benchmark Report prepared in 2013. The Report is updated on a 3-year cycle with the most current update occurring in 2020. This [Progress Report](#) includes comparison of various data sets related to motorized and non-motorized transportation.

Zoning data developed in element 204 for the entire City and County zoning jurisdictions was provided to neighborhood task force groups and others as requested.

Numerous other special purpose maps were prepared for meeting purposes including bicycle trail maps, annexation maps, estimated development density maps and tables for the Limits of Annexation Map area, and other project influence areas. Natural resource, 2020 Census, and jurisdictional boundary information was updated or developed. Traffic count station locations were geo-positioned and linked with the City-County traffic count matrix. The City also upgraded its internal mapping system with an ArcGIS product that makes access to the most current property data and aerial photography better and easier for staff when researching existing conditions of transportation corridors and adjacent property. The new system provides a robust City GIS base map for use in application reviews, transportation planning efforts, and general customer inquiries. Ongoing review and implementation of sub-area neighborhood and transportation plans, and other planning documents was carried out by staff.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

### **PL Eligible Activities**

- The new web-based GIS software is compatible with available datasets and utilizes the existing data sets more effectively. The GIS will be utilized to develop a series of maps, including existing and proposed pedestrian trail routes and projects in the community, maps to implement the Long-Range Transportation Plan, updates to a preferred growth area map in conjunction with the City’s Limits of Annexation Map, mapping of focus areas for implementation of the City’s Infill Development Policy, and others. This ability of the new GIS allows for anticipating and planning for the transportation network in areas of annexation and infill. This will assist in the development of our LRTP and project planning for future plans and studies.
- The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, the continuing implementation of the South Billings Master Plan, the 2018 Long Range Transportation Plan Update, and the 2016 Bikeway and Trails Master Plan.
- Senior staff will be undertaking development of one neighborhood planning project to assist our neighborhoods in local planning specific to their area. This is possible due to the hiring of two additional Planner I’s. In addition to staff leading this effort, staff will be looking at grant funds to hire consulting services to assist with larger sub-area plans.
- The addition of two new Planners will allow the senior staff to take a more active role in long range planning. It is anticipated that the Planner I’s will undertake the review of:
  - Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.

- Site development plans to address clear vision and controlled and shared access points.
- Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
- Site orientations that allow for internal traffic and other services, for example, drive through locations.

Work related to Bicycle-Pedestrian activities in this work element will include:

- Work with staff to insure a bike/pedestrian friendly community.
- Review of proposed subdivisions for non-motorized transportation connectivity.

### **Locally Funded Activities**

- Staff also will continue to work with the Big Sky Economic Development (BSED) to implement the Master Plan for the East Billings Urban Renewal District (EBURD), the Hospitality Corridor Planning Study, the Exposition Gateway Concept Plan and the South Billings Boulevard Urban Renewal District (SBBURD) Master Plan. The plans include detailed analysis of the transportation and land use connections in the area and promote sustainable development projects.
- Staff plans to work with the City, County, BSED, and neighborhood groups to identify planning needs in various parts of the urbanized area.
- Continued maintenance and update of socio-economic and land use data for both transportation and comprehensive planning activities will continue in 2023, with 2020 data and the 2020 American Community Survey data.
- Various GIS databases and layers will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans.
- The new web-based system tracking and managing projects will include application information on zoning and subdivision applications.
- Neighborhood planning activities will be initiated to identify local issues and strategies to assist neighborhood groups and organizations with neighborhood sustainability, equity, and safety.

### **STAFFING**

24 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, as well as support of City/County economic development activities.
- An ongoing GIS database/mapping system for the City of Billings and Yellowstone County.
- Ongoing updates to the preferred growth areas mapping and analysis for the City, implementation of the City Infill Development Policy, SBBURD Master Plan, the 2018 Long Range Transportation Plan Update, 2018 Public Participation Plan, the Downtown Area Traffic Circulation and Safety Study, Wayfinding Sign Plan, and the Heritage Trail Tour Map and App.

# FUNDING SCHEDULE - COMMUNITY PLANNING

## FUNDS PROGRAMMED - FISCAL YEAR 2022

### FUNDING SOURCE

| AGENCY | PL       | LOCAL     | TOTAL     |
|--------|----------|-----------|-----------|
| MPO    | \$90,000 | \$210,000 | \$300,000 |
| TOTAL  | \$90,000 | \$210,000 | \$300,000 |

### DISBURSEMENT PERCENTAGE

| AGENCY | PL | LOCAL | TOTAL |
|--------|----|-------|-------|
| MPO    | 30 | 70    | 100   |

## FUNDS PROGRAMMED - FISCAL YEAR 2023

### FUNDING SOURCE

| AGENCY | PL*      | LOCAL     | TOTAL     |
|--------|----------|-----------|-----------|
| MPO    | \$99,000 | \$231,000 | \$330,000 |
| TOTAL  | \$99,000 | \$231,000 | \$330,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **204 ZONING ADMINISTRATION (4308)**

### **OBJECTIVE**

- To oversee, interpret and enforce current City and County zoning regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.
- To maintain current zoning and land use information for all zoned property within the jurisdiction of the Billings Metropolitan Planning Organization to use in long-range transportation planning studies, traffic analysis, and transportation projects.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

During the past year, even during the height of COVID, all applications for zone changes, special reviews, variances, and planned developments were reviewed and processed by the planning staff in a timely manner. Reports and recommendations were prepared on each case to the various boards, commissions, and governing bodies. Digital photos are now incorporated into all zoning reports and Microsoft Power Point presentations are given to all boards and commissions. Staff is in the process of ongoing scanning of historic zoning files in preparation of future citizen access through a new archiving system software. All applications for building permits were also reviewed for compliance with City and County zoning regulations. Special zoning studies and ordinance updates were prepared as requested by the governing bodies. These included making a series of zoning code amendments to bring the regulations into compliance with changes in State Law and changes driven by community interests.

Staff coordinated with the County GIS Department to ensure that all zone changes within the Billings MPO area were reflected on GIS online and printed maps to ensure land use information was current.

A significant amount of time was also spent assisting the public with general zoning questions. The status of all active zoning applications is now posted on the City/County Planning websites.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- Zoning, Special Review, and Variance applications will be reviewed for land use compatibility, traffic, access, and overall site design.
- Staff will continue to maintain its zoning maps and land use information so that it is applicable to long-range transportation planning efforts in the Billings MPO. This information is regularly applied to a variety of MPO functions, including corridor analysis efforts like those involved in the Billings Bypass project, specific road projects, TA program applications and non-motorized grant applications.
- Staff will continue implementing the new Zoning Code. Staff will be reviewing and trouble-shooting any inconsistencies or inaccuracies in the new code with the intent to make any needed amendments within the next 2-years. As stated earlier, the Zoning Code places a higher emphasis on the transportation system, including road classification; safety and connectivity is vital to how the adjacent land uses for residential and commercial development are built. The road system emphasizes location and setting of any structures.
- The addition of two new Planners will allow the senior staff to take a more active role in long range planning. It is anticipated that the Planner I's will undertake the review of:

- Zoning applications. The development and adoption of Project Re:Code now ties land uses and land patterns to the road and street network.
- Site development plans to address clear vision and controlled and shared access points.
- Site development plans to address newly implemented build to zones which prevent traffic flow in front of buildings.
- Site orientations that allow for internal traffic and other services, for example, drive through locations.

### **Locally Funded Activities**

- Carrying out the day to day activities required to effectively administer the zoning regulations as well as ensure that land use information is current and available for all long-range transportation planning efforts, including Transportation Plan updates, specific road projects, corridor studies and the North Bypass project.
- Activity in 2022 will include ordinance updates as required by State law or requested by the public or governing bodies.
- All zone change applications will be reviewed for compliance with local plans.
- Staff will continue the update to Zoning Code based on fulfilling policy goals set by the local governing body including Growth Policy, Neighborhood Plans, Complete Streets and Infill Policies.

### **STAFFING**

13 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- Effective zoning regulations and administration for the City of Billings and Yellowstone County. Effective enforcement of the zoning regulations for Yellowstone County.
- Online submittal capability for certain zoning permits, i.e. sign and fence will increase efficiency and convenience for applicants.

# FUNDING SCHEDULE - ZONING ADMINISTRATION

## FUNDS PROGRAMMED - FISCAL YEAR 2022

### FUNDING SOURCE

| AGENCY | PL       | LOCAL     | TOTAL     |
|--------|----------|-----------|-----------|
| MPO    | \$37,000 | \$148,000 | \$185,000 |
| TOTAL  | \$37,000 | \$148,000 | \$185,000 |

### DISBURSEMENT PERCENTAGE

| AGENCY | PL | LOCAL | TOTAL |
|--------|----|-------|-------|
| MPO    | 20 | 80    | 100   |

## FUNDS PROGRAMMED - FISCAL YEAR 2023

### FUNDING SOURCE

| AGENCY | PL*      | LOCAL     | TOTAL     |
|--------|----------|-----------|-----------|
| MPO    | \$40,000 | \$160,000 | \$200,000 |
| TOTAL  | \$40,000 | \$160,000 | \$200,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **205 SUBDIVISION ADMINISTRATION (4309)**

### **OBJECTIVE**

- To maintain the current City and County subdivision regulations and ensure that they are updated when changes in State law occur.
- To effectively administer the regulations and provide efficient service to developers, engineers and surveyors, elected officials, and the community.
- To ensure that development is occurring with minimal negative impacts to the community and that subdivisions are designed to be safe and long lasting in the community.
- To evaluate traffic accessibility studies, general circulation data, and ensure conformity with the Functional Classification Map and associated elements of the Long-Range Transportation Plan when a subdivision application is submitted.
- To collect, manage, and apply subdivision development information for long-range transportation planning activities for the MPO – including but not limited to updates to the transportation plan and maintenance of inputs for traffic modeling.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

The Board of Planning and the planning staff reviewed all preliminary major and minor plat applications. Numerous conceptual and pre-application meetings were coordinated and attended by staff. All final plats were reviewed and processed. Also, a significant amount of time was spent assisting the public with general subdivision questions. Updates to the City and County Subdivision Regulations due to legislative changes were drafted and approved.

Staff collected and compiled information on the details of each new subdivision in terms of numbers of lots and land area slated for development. This information is integral to any transportation plan updates or long-range transportation planning efforts undertaken by the MPO in the community to determine population growth and location of residents and commercial services that affect the transportation system. This involved monthly subdivision activity reporting and periodic reviews of new development locations. This is also considered in relation to the TA program and when the MPO pursues grants for non-motorized transportation projects in the community.

The MPO continues to implement and enforce the Suburban Subdivision Regulations that require property currently outside the city limits but within the County Zoning Jurisdiction that may be annexed in the future to develop at city standards for infrastructure such as sidewalk, storm water management and future utility access. This procedure has been a positive to residential development on the city fringe areas.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- Staff will review all subdivisions for compliance with the Billings Area Long Range Transportation Plan, and for conformity with the Billings Area Bikeway and Trails Master Plan, Lockwood Transportation Plan, Blue Creek Transportation Plan, and other neighborhood and community transportation plans as applicable.
- Staff also will continue to collect information on the details of each new subdivision as an integral data source for long-range transportation planning efforts undertaken by the MPO. The MPO expects to use this data in 2023 for a variety of projects, including the implementation of the Long-Range Transportation Plan, the Bike/Ped Plan and continued analysis for the North Bypass.

- The newly added Planner I to the UPWP will take an active role in reviewing subdivision applications for compliance with the various transportation and planning documents overseeing land use within the MPO and Planning jurisdictional area.

**Locally Funded Activities**

- All subdivision applications will be reviewed for compliance with local and state subdivision law.
- Staff will continue to carry out the day to day activities required to effectively administer the subdivision regulations, and to keep the regulations current.
- Continued implementation of the Suburban Subdivision Regulations within the County Zoning Jurisdiction area.

**STAFFING**

14.5 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- An effective subdivision review process with regard to local and state law, the Growth Policy, and the Billings Area Transportation Plan.
- Correctly identified street segments in alignment with the 2018 Transportation Plan Functional Classification Map.

**FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | \$55,500  | \$129,500    | \$185,000    |
| <b>TOTAL</b>  | \$55,500  | \$129,500    | \$185,000    |

**DISBURSEMENT PERCENTAGE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | 30        | 70           | 100          |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL*</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|------------|--------------|--------------|
| MPO           | \$60,600   | \$140,400    | \$202,000    |
| <b>TOTAL</b>  | \$60,600   | \$140,400    | \$202,000    |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **41.13.300 LONG RANGE TRANSPORTATION PLANNING**

### **300 TRANSPORTATION SYSTEM DATA (4310)**

#### **OBJECTIVE**

- To develop and maintain current transportation system data files and records.
- To provide transportation planning and data information to City and County staff, elected officials, developers, engineering firms, and the general public.

#### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

The traffic count program for FY 2022 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. This data was used for various planning and engineering projects throughout the year. In addition, the public commonly requests this data for land use planning.

Staff participated in the update of the City of Billings Capital Improvement Plan (CIP). Crash information was compiled and analyzed. Crash data is also used in many of the planning studies undertaken by the MPO. The staff also continued to utilize the trail scanners that were purchased and found new and better ways to both use the scanners in more trail locations in the community and display the data for various applications. The MPO also took over collection and distribution of the data from the Lockwood sidewalk counters purchased through the Lockwood Pedestrian Safety District.

The transportation data is also being used for our current Planning Studies including the Billings Bypass Corridor Study, Safe Routes to School Plan Update and the Community Transportation Safety Plan (CTSP).

#### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

##### **PL Eligible Activities**

- The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY2023. All traffic count data will be submitted to the MDT by February 1, 2023.
- Staff will update, where appropriate, the City's Capital Improvement Program.
- Continue with the contract position with City Engineering to continue traffic and trail counts.
- Staff will collect and maintain bike/pedestrian information through the trail census and use of the trail-bike/pedestrian scanners. The information from the bike/pedestrian counts links directly to the development of the LRTP and the MPO's non-motorized planning studies. These counts also contribute to other planning projects such as the Complete Streets Progress Report. This activity is in conjunction with MPO region wide planning.
- The traffic count data archive will be maintained and accessible for other agencies and the public.
- Data will also be used during proposed FY23 Planning Studies.
- The Bicycle-Pedestrian activities will continue. Duties will include but not limited to:
  - Maintain Bike/pedestrian data bases in conjunction with MPO region wide planning purposes.
  - Maintain data base for easement acquisition.

#### **STAFFING**

13.5 Staff Months – City/County Planning

11.0 Staff Months - City Engineering (Contract Position)

## FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning/MDT

## PRODUCT

- Documentation as necessary, support of transportation grant programs, transportation system modeling, updated Traffic Count Program, and research and integration of traffic information into planning projects and development review activities.
- Current traffic count data. Traffic counts are vital for any long-range planning efforts and during development of commercial and residential projects. Traffic counts also directly relate to the development of projects in the LRTP and ultimately for programming in the TIP.
- Current bike/pedestrian counts. MPO uses these counts for the development of the non-motorized network. This information is used for the development of the Bikeway and Trails Master Plan as well as for applications for various grants.

## FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA

### FUNDS PROGRAMMED - FISCAL YEAR 2022

#### FUNDING SOURCE

| AGENCY | PL        | LOCAL | TOTAL     |
|--------|-----------|-------|-----------|
| MPO    | \$266,000 | \$0   | \$266,000 |
| TOTAL  | \$266,000 | \$0   | \$266,000 |

#### DISBURSEMENT PERCENTAGE

| AGENCY | PL  | LOCAL | TOTAL |
|--------|-----|-------|-------|
| MPO    | 100 | 0     | 100   |

### FUNDS PROGRAMMED - FISCAL YEAR 2023

#### FUNDING SOURCE

| AGENCY | PL*       | LOCAL | TOTAL       |
|--------|-----------|-------|-------------|
| MPO    | \$250,000 | \$0   | \$250,000** |
| TOTAL  | \$250,000 | \$0   | \$250,000** |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\*This Includes - \$25,000 for Maintenance of the Billings MPO Travel Demand Model.

## **301 TRANSPORTATION PLAN (4311)**

### **OBJECTIVE**

- Implement the Goals and Objectives in the Billings Long Range Transportation Plan.
- Develop (where necessary) and maintain data for the urban area in order to effectively monitor and evaluate the validity of the Transportation Plan.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

Staff continued to implement the 2018 Long Range Transportation Plan. Elements in the Plan include Goals and Objectives, a Transit section, an analysis of the railroad interface with the community, and a review of current projects listed in the Plan.

Staff will continue to implement the 2017 Billings Area Bikeway and Trail Master Plan. This will include working with MDT, City and County Public Works and other organizations with the continued development of the non-motorized transportation system.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- The MPO initiated an update to the 2018 Long Range Transportation Study in FY22. This project will span FY22 and FY23.
- Staff will work to implement the 2017 Billings Area Bikeway and Trails Master Plan.
- Staff will be undertaking the development of two consultant lead neighborhood planning efforts. Staff is actively pursuing grant funds to assist with two large sub-area neighborhood plans that will include a deeper dive into neighborhood transportation issues and strategies. The goal of the transportation element of these plans is to ensure safe, sustainable and equity level transportation elements and policies.
- Staff will also integrate the 2018 Transportation Plan with the City's Capital Improvement Program to ensure consistency.
- Projects will continue to be reviewed for future implementation in the City's CIP and the MPO's TIP.

### **STAFFING**

9.0 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- Implementation of transportation projects identified in the Billings Area Bikeway and Trails Master Plan, the Transportation Improvements Program, Transportation Plan and the Capital Improvements Program.

### **FUNDING SCHEDULE - TRANSPORTATION PLAN**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | \$381,000 | \$0          | \$381,000    |
| <b>TOTAL</b>  | \$381,000 | \$0          | \$381,000    |

**DISBURSEMENT PERCENTAGE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | 100       | 0            | 100          |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL*</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|------------|--------------|--------------|
| MPO           | \$575,000  | \$0          | \$575,000    |
| <b>TOTAL</b>  | \$575,000  | \$0          | \$575,000    |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\*Approximately 50% or \$137,500 of the cost of the LRTP Update and \$100,000 (50%) for the Bike Plan Update is included here. Also \$75,000 each for the Heights Neighborhood Plan (Transportation Element) and the West End Neighborhood Plan (Transportation Element) is included here.

## **302 PLANNING STUDIES (4312)**

### **OBJECTIVE**

- To update and develop site-specific plans and transportation studies where appropriate.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

- The North Bypass Corridor Study began in January 2021, to date, the Consultant, Dowl has been preparing study development content and developing options for public outreach. A public website, [www.billingsbypasscorridor.com](http://www.billingsbypasscorridor.com) is live. Staff anticipates that this study will wrap up later this summer.
- The Safe Route to School Plan Update is completed and received final adoption on July 19, 2022. This project has several elements related to identifying and providing safe routes for children to get to school.
- The update to the Billings Community Transportation Safety Plan is also slated to be completed later this summer. Emphasis area strategies are being reviewed and tied into a final draft.
- The 2018 Long Range Transportation Plan Update was kicked off in July. This project is projected to carry over into FY23.
- Initiated the Phase II of the Safe Routes to School Plan that will study Billings Middle, County Urban Elementary, and Private Schools interested in participating in the development of a Safe Routes to School Plan.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- Continue the update to the LRTP. This update will include all regulatory elements required including Goals and Objectives, a Transit section, and a review of current projects.
- Develop and release the RFP for the 2017 Bike Plan Update. This will include Vision, Goals, and Objectives; Existing Conditions; Needs Assessment; Recommendations; and Implementation strategies. This project is scheduled to carryover to FY23.
- The MPO will continually research grant opportunities. Consultant services will be solicited to assist the MPO is preparing for a submittal of a larger federal grant. This process will help narrow and fine tune the project to the correct funding source. In addition, the consultant will assist the MPO in preparation of the grant, this could include the identification of local match sources, determining right-of-way needs, and other federal grant requirements.
- Continue to update and distribute the MPO Heritage Trail Bike/Pedestrian Tour Maps.
- Implement and promote the web-based interactive Bike and Pedestrian Mobile Application.
- Continue and complete the second phase of a Safe Routes to School Plan by addressing Billings Middle, County Urban Elementary, and Private Schools.
- The Planner I will be active in this work element as part of transportation planning elements within sub-area/neighborhood plans, as well as assisting with the development and information gathering on Transportation Planning Studies.

#### **Locally Funded Activities**

- Staff will be involved in the coordination through completion of all planning studies undertaken. This includes contract negotiations, coordination of citizen advisory groups, public meetings, overseeing contract deliverables and project wrap-up.

**STAFFING**

6.5 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- Completed Urban Area-wide transportation studies for the 2018 LRTP Update, Bike Plan Update, Phase II of the Safe Routes to School Plan, Transportation study for sub-area planning, development of a grant application package.

**FUNDING SCHEDULE – PLANNING STUDIES**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| AGENCY | PL        | LOCAL     | TOTAL     |
|--------|-----------|-----------|-----------|
| MPO    | \$180,000 | \$120,000 | \$300,000 |
| TOTAL  | \$180,000 | \$120,000 | \$300,000 |

**DISBURSEMENT PERCENTAGE**

| AGENCY | PL | LOCAL | TOTAL |
|--------|----|-------|-------|
| MPO    | 60 | 40    | 100   |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| AGENCY | PL*       | LOCAL    | TOTAL       |
|--------|-----------|----------|-------------|
| MPO    | \$140,400 | \$93,600 | \$234,000** |
| TOTAL  | \$140,400 | \$93,600 | \$234,000** |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\* Safe Routes to School Plan Phase II \$125,000; Grant Writing \$100,000.

## **41.15.500 TRANSPORTATION IMPROVEMENT PROGRAM**

|                                                      |
|------------------------------------------------------|
| <b>500 TRANSPORTATION IMPROVEMENT PROGRAM (4313)</b> |
|------------------------------------------------------|

### **OBJECTIVE**

- To maintain a viable five-year program of transportation improvements for the Billings Urban Area.

### **ACCOMPLISHMENTS - FISCAL YEAR 2022**

The MPO completed three TIP amendments in FY22. These updates included updating projects, project costs and project timing. The last amendment was approved on July 19, 2022.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

#### **PL Eligible Activities**

- A new Transportation Improvement Program (TIP) will be completed in FY23 as needed to reflect current project status. A certification statement will be included, as appropriate, to conform to the planning regulations. Based on the Transportation Plan, projects will be evaluated and ranked in accordance with the Priority Ranking Procedures, and in accordance with consistency/conformity procedures. Necessary data will be gathered from primary and secondary sources by the planning staff based upon the Memorandum of Understanding with the City of Billings Public Works Department, establishing areas of data responsibility. Conformity determinations will be prepared as necessary to ensure conformity with the Clean Air Act.

### **STAFFING**

2.5 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- A current transportation improvement program which reflects conformity with FHWA, the Clean Air Act, and local priorities.

# FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

## FUNDS PROGRAMMED - FISCAL YEAR 2022

### FUNDING SOURCE

| AGENCY | PL       | LOCAL | TOTAL    |
|--------|----------|-------|----------|
| MPO    | \$36,000 | \$0   | \$36,000 |
| TOTAL  | \$36,000 | \$0   | \$36,000 |

### DISBURSEMENT PERCENTAGE

| AGENCY | PL  | LOCAL | TOTAL |
|--------|-----|-------|-------|
| MPO    | 100 | 0     | 100   |

## FUNDS PROGRAMMED - FISCAL YEAR 2023

### FUNDING SOURCE

| AGENCY | PL*      | LOCAL | TOTAL    |
|--------|----------|-------|----------|
| MPO    | \$37,000 | \$0   | \$37,000 |
| TOTAL  | \$37,000 | \$0   | \$37,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## 41.16.600 SPECIAL PROJECTS

|                                                |
|------------------------------------------------|
| <b>600 ENVIRONMENTAL CONSIDERATIONS (4314)</b> |
|------------------------------------------------|

### OBJECTIVE

- Maintain current records of monitored air pollution levels and obtain other environmental data as necessary within the Metropolitan Planning Area.
- Review proposed development and transportation system improvements with respect to environmental considerations within the MPO influence area.

### ACCOMPLISHMENTS - FISCAL YEAR 2022

The MPO was notified that in July of 2021 the Billings Urban Area was removed from the Air Quality's "Not Classified" list. The MPO is now designated as an Attainment Area and will move the update of the LRTP from 4-years to 5-years.

Air quality monitoring information was obtained from the County Air Pollution Control Board. Air quality mapping for the State Air Quality Bureau was revised. The Congestion Mitigation Air Quality (CMAQ) program was implemented. Staff continues to monitor carbon monoxide (CO) information in the Urbanized Area.

The Socio-Economic and Environmental (SEE) effects guidelines were used to review proposed developments and transportation system improvements.

### PROPOSED ACTIVITIES - FISCAL YEAR 2023

#### PL Eligible Activities

- The planning staff will continue to utilize the SEE effects guidelines to evaluate all major development proposals in terms of transportation systems. This would include the CMAQ program.
- Work will continue to maintain the Billings air quality designation.
- Staff will continue to review the MOVES Program and others like it and their relationship to the MPO.

### STAFFING

2.5 Staff Months – City/County Planning

### FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

## PRODUCT

Current environmental data as well as a comprehensive planning and transportation planning process that will substantially address the socio-economic and environmental consequences associated with growth and development.

### FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

#### FUNDS PROGRAMMED - FISCAL YEAR 2022

##### FUNDING SOURCE

| AGENCY | PL       | LOCAL | TOTAL    |
|--------|----------|-------|----------|
| MPO    | \$35,000 | \$0   | \$35,000 |
| TOTAL  | \$35,000 | \$0   | \$35,000 |

##### DISBURSEMENT PERCENTAGE

| AGENCY | PL  | LOCAL | TOTAL |
|--------|-----|-------|-------|
| MPO    | 100 | 0     | 100   |

#### FUNDS PROGRAMMED - FISCAL YEAR 2023

##### FUNDING SOURCE

| AGENCY | PL*      | LOCAL | TOTAL    |
|--------|----------|-------|----------|
| MPO    | \$36,000 | \$0   | \$36,000 |
| TOTAL  | \$36,000 | \$0   | \$36,000 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

**41.17.700 OTHER ACTIVITIES**

**700 UN-PROGRAMMED FUNDS (4315)**

**OBJECTIVE**

- To provide for the accounting of available un-programmed funds in the current UPWP.

**ACCOMPLISHMENTS - FISCAL YEAR 2022**

N/A

**PROPOSED ACTIVITIES - FISCAL YEAR 2023**

**PL Eligible Activities**

- This work element will be utilized for accounting purposes only. No specific work activity will be charged to this work element.

**STAFFING**

N/A

**FUNCTIONAL AGENCY RESPONSIBILITY**

N/A

**PRODUCT**

N/A

**FUNDING SCHEDULE - CONTINGENCY**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | \$326,181 | \$109,400    | \$435,581    |
| <b>TOTAL</b>  | \$326,181 | \$109,400    | \$435,581    |

**DISBURSEMENT PERCENTAGE**

| <b>AGENCY</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|-----------|--------------|--------------|
| MPO           | 100       | 100          | 100          |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

**FUNDING SOURCE**

| <b>AGENCY</b> | <b>PL*</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------|------------|--------------|--------------|
| MPO           | \$388,035  | \$39,100     | \$427,135    |
| <b>TOTAL</b>  | \$388,035  | \$39,100     | \$427,135    |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## SECTION II -- FUNDING

### TABLE I FUNDING SUMMARY FEDERAL FISCAL YEAR 2023

| WORK ELEMENT              | FUNDING SOURCES FY 2023 |                  |                    |
|---------------------------|-------------------------|------------------|--------------------|
|                           | PL*                     | LOCAL            | EST. COST          |
| 100 Administration        | \$264,000               | \$216,000        | \$480,000          |
| 101 Service               | 30,000                  | 30,000           | 60,000             |
| 102 Citizen Involvement   | 47,500                  | 47,500           | 95,000             |
| 200 Community Planning    | 99,000                  | 231,000          | 330,000            |
| 204 Zoning                | 40,000                  | 160,000          | 200,000            |
| 205 Subdivision           | 60,600                  | 141,400          | 202,000            |
| 300 Transportation System | 250,000                 | 0                | 250,000            |
| 301 Transportation Plan   | 575,000                 | 0                | 575,000            |
| 302 Planning Studies      | 180,000                 | 120,000          | 300,000            |
| 500 T.I.P.                | 37,000                  | 0                | 37,000             |
| 600 Environmental         | 36,000                  | 0                | 36,000             |
| 700 Un-Programmed Funds   | 388,035                 | 39,100           | 427,135            |
| <b>TOTAL</b>              | <b>\$2,007,135</b>      | <b>\$985,000</b> | <b>\$2,992,135</b> |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

### TABLE II FUNDING COMPARISONS

| WORK ELEMENT                     | FY 2023<br>ESTIMATED COST | FY 2022<br>ESTIMATED COST |
|----------------------------------|---------------------------|---------------------------|
| 100 Administration               | \$480,000                 | \$450,000                 |
| 101 Service                      | 60,000                    | 50,000                    |
| 102 Citizen Involvement          | 95,000                    | 80,000                    |
| 200 Community Planning           | 330,000                   | 300,000                   |
| 204 Zoning Administration        | 200,000                   | 185,000                   |
| 205 Subdivision Administration   | 202,000                   | 185,000                   |
| 300 Transportation System Data   | 250,000                   | 266,000                   |
| 301 Transportation Plan          | 575,000                   | 381,000                   |
| 302 Planning Studies             | 300,000                   | 234,000                   |
| 500 T.I.P.                       | 37,000                    | 36,000                    |
| 600 Environmental Considerations | 36,000                    | 35,000                    |
| 700 Un-Programmed Funds          | 427,135                   | 435,581                   |
| <b>TOTAL</b>                     | <b>\$2,992,135</b>        | <b>\$2,637,581</b>        |

**TABLE III  
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2023**

| <b>WORK ELEMENT</b>       | <b>RECIPIENT</b> | <b>PL</b> | <b>LOCAL</b> | <b>TOTAL</b> |
|---------------------------|------------------|-----------|--------------|--------------|
| 100 Administration        | MPO              | 55        | 45           | 100          |
| 101 Service               | MPO              | 50        | 50           | 100          |
| 102 Citizen Inv.          | MPO              | 50        | 50           | 100          |
| 200 Community Planning    | MPO              | 30        | 70           | 100          |
| 204 Zoning Administration | MPO              | 20        | 80           | 100          |
| 205 Subdivision Admin.    | MPO              | 30        | 70           | 100          |
| 300 Trans. System Data    | MPO              | 100       |              | 100          |
| 301 Transportation Plan   | MPO              | 100       |              | 100          |
| 302 Planning Studies      | MPO              | 60        | 40           | 100          |
| 500 T.I.P.                | MPO              | 100       |              | 100          |
| 600 Environmental         | MPO              | 100       |              | 100          |
| 700 Un-Programmed Funds   | MPO              | 100       |              | 100          |

**TABLE IV  
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2023**

| <b>WORK ELEMENT</b> | <b>DIRECTOR</b> | <b>SENIOR PLANNER (TRANS)</b> | <b>PLANNER I</b> | <b>PLANNING MANAGER</b> | <b>PLANNER II</b> | <b>CLERK</b> | <b>PLANNER II</b> | <b>PLANNER I</b> | <b>PLANNER I</b> | <b>SENIOR PLANNER (ZONING)</b> | <b>Active Trans. Planner I</b> | <b>TOTAL M.M.</b> |
|---------------------|-----------------|-------------------------------|------------------|-------------------------|-------------------|--------------|-------------------|------------------|------------------|--------------------------------|--------------------------------|-------------------|
| 100                 | 7               | 1.5                           | 2.5              | 5.5                     | .5                | 1.5          | .5                | .5               | 2                | 1                              | 5.5                            | 28                |
| 101                 | .5              |                               | 1                |                         |                   |              | .5                | .5               |                  | 1                              |                                | 3.5               |
| 102                 | .5              |                               | .5               | .5                      | .5                | .5           | 1                 | .5               |                  |                                |                                | 4                 |
| 200                 | 1.5             |                               | 5                | 2                       | 1                 | 2            | 1                 | 5                | 3                | 1                              | 2.5                            | 24                |
| 204                 |                 |                               | .5               | .5                      |                   | .5           | .5                | 2                | 3                | 6                              |                                | 13                |
| 205                 |                 |                               | .5               | 1                       |                   | .5           | 7.5               |                  | 3                | 2                              |                                | 14.5              |
| 300                 |                 | 2.5                           | .5               | .5                      | 5                 | 2            |                   |                  |                  |                                | 3                              | 13.5              |
| 301                 | .5              | 4                             |                  | .5                      | 2                 | 2            |                   |                  |                  |                                |                                | 9                 |
| 302                 | .5              | 1                             |                  | .5                      | 1                 | 1            |                   | 2.5              |                  |                                |                                | 6.5               |
| 500                 | .5              | 1                             |                  |                         | .5                | .5           |                   |                  |                  |                                |                                | 2.5               |
| 600                 |                 | 1                             | .5               |                         | .5                | .5           |                   |                  |                  |                                |                                | 2.5               |
| <b>TOTAL</b>        | <b>11</b>       | <b>11</b>                     | <b>11</b>        | <b>11</b>               | <b>11</b>         | <b>11</b>    | <b>11</b>         | <b>11</b>        | <b>11</b>        | <b>11</b>                      | <b>11</b>                      | <b>121</b>        |

\*This table indicates approximately how many man months individual staff members work in each work element.

| <b>WORK ELEMENT</b> | <b>CITY TRAF. TECHNICIAN</b> |
|---------------------|------------------------------|
| 300                 | 11                           |
| <b>TOTAL</b>        | <b>11</b>                    |

## SECTION III

### INDIRECT COST PLAN

#### **INTRODUCTION**

The Office of Management and Budget Circular 2 CFR Part 200 is used as governing criteria for establishing the allowed costs.

#### **IDENTIFICATION OF COSTS**

The costs are delineated below by type:

| DIRECT           | INDIRECT      | BENEFITS               |
|------------------|---------------|------------------------|
| Salaries & Wages | Maintenance   | FICA                   |
| Legal Notices    | Reproduction  | PERS                   |
| Travel           | Supplies      | Workmen's Compensation |
| Printing         | Postage       | Accident Insurance     |
| Training         | Subscriptions | Health Insurance       |
| Consultants      | Telephone     | Sick Leave             |
| Equipment        | Utilities     | Vacation               |
| Mileage          | Rent          | Holidays               |
| Moving/Interview | Audit         | Maternity              |
|                  | Messenger     | Military               |
|                  |               | Life Insurance         |
|                  |               | Dental Insurance       |

#### **ALLOCATION OF COSTS**

Direct costs will be charged to the work program line item to which they apply.

An indirect cost rate of **9%** of the City and County's direct salaries and wages is proposed. The **9%** rate will be applied to the direct wages and salaries of each line item within the work program to cover all indirect expenses.

Benefits will be calculated at a rate of **55%** of the City and County's direct salaries and wages charged to each line item.

## **FUNDING SOURCES**

The degree of participation by each funding agency is based on the prorations which have been determined for each line item. Each agency will be billed their share of the total charges made against each line item according to the approved prorations.

Funding sources and amounts contained in the UPWP are as follows:

|                                        |             |
|----------------------------------------|-------------|
| Planning Dept. Fees (City of Billings) | \$300,000   |
| Planning Dept. Fees (Yellowstone Co.)  | \$160,000   |
| Yellowstone County (Mill)              | \$525,000   |
| PL*                                    | \$2,007,135 |
| TOTAL                                  | \$2,992,135 |

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **SUMMARY**

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2021 through June 30, 2022. The calculated rate is applicable to the grant period, which is October 1, 2022 through September 30, 2023.

# CHAPTER II

## CITY OF BILLINGS TRANSIT DIVISION

### SECTION I UNIFIED PLANNING WORK PROGRAM ELEMENTS

#### 44.21.00 PROGRAM SUPPORT & ADMINISTRATION

|                                |
|--------------------------------|
| <b>44.21.01 ADMINISTRATION</b> |
|--------------------------------|

#### OBJECTIVE

- To provide program support, general administration, and grant administration
- To provide training in support of transit planning activities.

#### ACCOMPLISHMENTS - FISCAL YEAR 2022

Conformance with federal, state, and local administrative and regulatory requirements for maintenance of transit planning and development as well as execution of developed plans.

Staff remained informed of Federal and State requirements concerning all federal funding sources including, but not limited to, sections 5303, 5307, 5310, and 5339. Staff also adjusted grants in response to the CARES Act, the American Rescue Plan, and additional allocation from state sources.

Staff continued to manage and execute programmed aspects of awarded 5339, closing out multiple grants.

Staff attended training opportunities to enhance knowledge and skills, including the Montana Transit Association conference, safety trainings, and other education opportunities and webinars focusing on various federal requirements.

Staff maintained and updated the Transit Asset Management (TAM) Plan with upcoming and in-process capital projects, as well as fleet and facility metrics to ensure accurate capital and asset planning.

Updated the Public Transit Agency Safety Plan for MET Transit; this included additional training program development for operator and dispatch staff, additional mitigation strategies, and expanded safety promotion strategies.

Updated the MET Transit Title VI and Public Participation Plans.

Staff analyzed, recommended and implemented two new Road Supervisor personnel positions. These positions support the ongoing implementation and execution of the public transit agency safety plan as well as support daily operations.

Staff managed FTA Section 5303 grant activities and prepared the transit aspect of Unified Planning Work Program.

Transit members attended and participated in a diverse range of transit-related and general community meetings including the Billings Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), City of Billings Transportation Team meetings, Healthy By Design Coalition meetings, and various project specific coordinating committees for transportation related projects. As the lead agency on the Coordinated Human Services Transportation Plan Committee, staff also provided guidance and updates to the plan.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2023**

All administrative functions necessary in support of transit planning and development will be performed under this work element. Activities will include:

- Continuing to assess data-keeping and gathering practices with focus on further technology utilization and process improvement.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain funding requirements.
- The FY 2023 UPWP will be monitored and revised as necessary.
- The FY 2024 UPWP for transit activities will also be developed within this element.
- Staff will execute grant administrative functions; staff will continue research and development regarding the utilization of FTA funding, including furthering innovative funding practices and partnerships.
- Maintenance of coordination agreements with 5310 providers and, as the lead agency, updates to the Billings Area Human Services Transportation Coordination Plan.
- Research feasibility and make recommendations for capital grants as advised by the Transportation Coordination Plan Committee.
- Research feasibility and make recommendations for capital grants in the 5339 Bus and Bus Facilities programs and other funding opportunities utilizing the TAM plan as well as the City Equipment Replacement plan.
- Participation in recognized and approved training programs in order to improve skills and capabilities including Grant Management programs as recommended.
- Division policy assimilation of documents, regulations, codes, and practices to ensure compliance with federal, state, and local requirements as they relate to the transit planning process.
- Participate with the TAC, Transportation Coordination Plan Committee, citizen advisory boards and other committees throughout the community as needed.
- Staff will continue updating and maintaining the FTA mandated Transit Asset Management Plan

- Staff will continue to update and implement required Public Transit Agency Safety Plan including annual updates as well as further research and development of best practices.
- Assists in development of improved transit integrations in the local area Emergency plan including regular participation on committee meetings.

**STAFFING**

180.00 Transit Manager Staff Hours  
 120.00 Transit Planner Staff Hours  
 230.00 Grants and Admin Coordinator Staff Hours  
 60.00 Transit Supervisor Staff Hours (3 positions)  
 60.00 Marketing and Outreach Coordinator Staff Hours  
 20.00 Aviation/Transit Director Staff Hours

**670.00 Total Staff Hours**

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**PRODUCT**

- An ongoing administrative program to carry out the transit elements identified within this UPWP
- Administrative oversight and execution of transit planning and development functions including federally required plans.
- Enhancement of transit division skills and knowledge.
- Proper maintenance and administration of grant related activities.

**FUNDING SCHEDULE - ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

| <b>FUNDING SOURCE</b> |                |                 |                 |
|-----------------------|----------------|-----------------|-----------------|
| <b>AGENCY</b>         | <b>LOCAL</b>   | <b>FTA</b>      | <b>TOTAL</b>    |
| MET                   | \$5,535        | \$22,139        | \$27,674        |
| <b>TOTAL</b>          | <b>\$5,535</b> | <b>\$22,139</b> | <b>\$27,674</b> |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

| <b>FUNDING SOURCE</b> |                 |                 |                 |
|-----------------------|-----------------|-----------------|-----------------|
| <b>AGENCY</b>         | <b>LOCAL</b>    | <b>FTA</b>      | <b>TOTAL</b>    |
| MET                   | \$15,171        | \$60,684        | \$75,855        |
| <b>TOTAL</b>          | <b>\$15,171</b> | <b>\$60,684</b> | <b>\$75,855</b> |

**44.24.00      SHORT RANGE TRANSPORTATION PLANNING**

**01      FUTURE SERVICE ANALYSIS AND ENHANCEMENTS**

**OBJECTIVE**

To facilitate considerations of means to ensure citizens will have acceptable and improved public transportation alternatives in the future.

**ACCOMPLISHMENTS FISCAL YEAR 2022**

Members of the transit division updated projections of future revenues and expenses and directed annual budget and financial resources analysis, including multi-year forecasts.

Staff arranged for and ensured execution of on-going data gathering and analysis efforts to monitor current system effectiveness and efficiency. This assisted in identification of operating and capital needs required to ensure a reliable and effective system into the future.

Transit Division members, in conjunction with SRF Consulting, performed operational analysis of the transit system including development of identified goals and route restructures for implementation; this, as well as other recommendations, will be compiled into a finalized Transit Development Plan with anticipated plan approval to occur in Q4 of FFY2022.

Staff researched, recommended, and procured additional software solutions to blocking, run cutting, and rostering to assist in implementation of routing and schedule changes resulting from the Transit Development Plan.

Staff continued development and recommendation of alternative service models for fixed-route systems in anticipation of changing ridership demands.

Assessed feasibility of additional capital projects utilizing apportionment funds as CARES Act and ARP funds were available for operational expenses.

Staff tracked and compiled on-going ridership metrics by route and mode to support planning practices.

Staff provided information and comments related to transit at meetings geared toward development, annexation, and traffic projects. Staff also received and responded to system inquiries, concerns, complaints, and suggestions.

**PROPOSED ACTIVITIES FISCAL YEAR 2023**

Functions necessary in support of future transit planning and development will be performed under this work element, including continuation of activities undertaken in FY 2021. These activities

necessitate the ongoing cloud-based software costs, including the addition of a run cutting module, for route development and planning, which is split between this element and current service enhancements. Activities are as follows:

- Continue investigating feasibility of expanding service beyond existing city limits and engage county stakeholders in discussion regarding potential for service to outlying areas; include analysis of possible funding models, interlocal agreement requirements, changes in governance, and other related items.
- Analyze and evaluate current City and other area government practices for right of way requirements regarding future bus stop locations; analyze potential land acquisition and easement requirements supporting future transit infrastructure.
- Continued financial analysis and planning in support of further modified frequency and service in conjunction with TDP routing overhaul implementation.
- Assessing ongoing and future capital and operating requirements based upon projected demand and growth. Continue to assess financial and infrastructure requirements of transitioning eligible fleet vehicles to electric or alternative fuel sources. Assess feasibility of adding additional green technology to facility locations.
- Continue research on feasibility of, and make recommendations for, additional technology conveniences for passengers including modifications to established electronic fare system and amenities at transfer centers.
- Continuation of planning efforts regarding public and stakeholder involvement and input opportunities, including recruiting involvement from key partners.
- Facilitation of public meetings to support system improvements as well as specialized services for seniors and disabled.
- Perform analysis of current fare structure including comparisons to similar systems and populations to ensure equitable and sustainable fare generation.
- Analyze and make recommendations on overall ITS development within the urbanized area in conjunction MPO staff and City departments.
- Analyze, develop, and recommend opportunities for MPO and Transit collaboration on projects eligible for multiple funding sources, including flex funding, to support integration of transit and overall surface transportation structure.

## **STAFFING**

|        |                                                |
|--------|------------------------------------------------|
| 125.00 | Transit Manager Staff Hours                    |
| 500.00 | Transit Planner Staff Hours                    |
| 80.00  | Grants and Admin Coordinator Staff Hours       |
| 130.00 | Transit Supervisor Staff Hours (3 positions)   |
| 100.00 | Marketing and Outreach Coordinator Staff Hours |
| 40.00  | Aviation/Transit Director Staff Hours          |

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**975.00 Total Staff Hours**

**PRODUCT**

- Identification of and plans for efficient and effective transit service into the future.
- Financial and capital analyses for future transit enhancements.
- Identification and assistance in implementation of future system modifications.

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**FUNDING SCHEDULE – FUTURE SERVICE EVALUATION AND ANALYSIS**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$16,909     | \$67,635   | \$84,544     |
| TOTAL                 | \$16,909     | \$67,635   | \$84,544     |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$16,390     | \$65,562   | \$81,952     |
| TOTAL                 | \$16,390     | \$65,562   | \$81,952     |

## **02 CURRENT SERVICE ENHANCEMENT**

### **OBJECTIVE**

To improve service, ridership, and effectiveness of the existing transit system.

### **ACCOMPLISHMENTS FISCAL YEAR 2022**

Staff implemented the recommended Advertising, Marketing, and Outreach Coordinator position including significant development of marketing and outreach programs.

Recommended changes to and implemented an updated agency website to increase ease of use as well as improve overall communication to the public. Developed and implemented a significantly improved social media presence for public engagement.

Analyzed and recommended the internalization of the bus bench and vehicle advertising program; recommended, developed, and implemented internal program, including procurement of inventory, to support transit operations as well as opportunities for capital support.

Division members assessed upcoming and immediate operational needs and made recommendations on capital and operational projects.

Staff researched, analyzed, and recommended the procurement of ticket vending machines and electronic fare interfaces to support the previously implemented Cubic electronic fare system for fixed-route operations.

Continued to leverage data gained from the electronic fare system to make recommendations to admin regarding metric tracking and budget structure.

Analyzed and implemented a transition of the AVL system to the Transloc system away from the deprecated DoubleMAP system; TransLoc purchased DoubleMAP and assisted with the transition.

Staff analyzed and developed a planned capital project converting a vacant lot connected to the main METroplex into a dedicated training space to assist MET in meeting the requirements of the Entry Level Driver Training regulations implemented by the Federal Motor Carriers Services Administration regarding CDL holders. This will further support MET's hiring of non-CDL holders into trainable positions.

Staff reviewed ridership data in analysis of system functioning and passenger miles travelled metrics; members also provided monthly ridership analysis (including ADA lift use and bike rack use), assessed ridership trends, and prepared other information on system functioning as requested.

Staff prepared National Transit Database reports for monthly submission of required metrics as well as annual reporting requirements.

Staff members regularly participated in group meetings and committee meetings (both in person and virtual) to solicit partner and public feedback on current system usage, demands, successes and shortfalls.

### **PROPOSED ACTIVITIES FISCAL YEAR 2023**

Functions necessary in support of planning and development of enhancements to the current systems will be performed under this work element, including continuation of activities undertaken in FY2020. These activities necessitate the ongoing cloud-based software costs, including the addition of a run cutting module, for route development and planning, which is split between this element and future service enhancements. Activities are as follows:

- Prepare for and implement route restructure resulting from FY2022 Transit Development Plan; final routing changes anticipated to be placed in service in July, 2023.
- Develop a bus stop master plan for transitioning the system to designated stops in conjunction with the route refresh; this will be completed prior to route restructure implementation. Develop and implement criteria for stop amenities and other required items.
- Continue development and implementation of education and outreach strategies to guide market research, promote public awareness and engagement to increase ridership.
- Develop and implement further education and outreach programs to increase partnerships and other forms of participation.
- Investigate, analyze, and recommend methods for bringing existing technology solutions into a single portal to streamline customer engagement with and use of the transit system; research feasibility of a single white label smartphone app to integrate AVL, fare payment, and other customer facing items.
- Procurement and implementation of further technology enhancements to the existing technology solutions system to gather data, improve efficiency, provide further customer conveniences, and enhance safety.
- Research and make recommendations on internal technology support systems to streamline staff access and use of existing systems; research, analyze, and make recommendations on technology implementations to support transition from outdated or non-existent software solutions including items for customer account management and fleet/facility maintenance.
- Finalize automated passenger counter implementation and audit plan for approval of data reporting with the National Transit Database.
- Develop further marketing strategies including opportunities for increased revenue generation through amenity expansion and innovative concession programs. Include analysis of potential concession for retail space and other revenue generators at the Downtown Transfer Center.
- Assessment of current personnel usage for areas of improvement in utilization of resources and effectiveness.
- Maintain monthly ridership figures and summary figures for effective decision-making; complete related National Transit Database reports.
- Solicit and record public reaction to any modified routes, schedules, education efforts, and technology enhancements.
- Assessment of current budgetary impact of recommended improvements.

**STAFFING**

- 190.00 Transit Manager Staff Hours
- 655.00 Transit Planner Staff Hours
- 150.00 Grants and Admin Coordinator Staff Hours
- 250.00 Transit Supervisor Staff Hours (3 positions)
- 200.00 Marketing and Outreach Coordinator Staff Hours
- 40.00 Aviation/Transit Director Staff Hours

**975.00 Total Staff Hours**

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**PRODUCT**

- Information relating to potential enhancements for existing service and system.
- Recommendations for immediate improvements.
- Information and recommendations on passenger education and outreach
- Analyses of current system functions.
- Budget alternatives.

**FUNDING SCHEDULE – CURRENT SERVICE ENHANCEMENTS**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$15,750     | \$63,000   | \$78,750     |
| <b>TOTAL</b>          | \$15,750     | \$63,000   | \$78,750     |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$22,927     | \$91,706   | \$114,633    |
| <b>TOTAL</b>          | \$22,927     | \$91,706   | \$114,633    |

**44.25.00 Transportation Improvement Program (TIP)**

**01 T.I.P**

**OBJECTIVE**

To maintain a viable five-year program of transit improvements for the Billings Urbanized Area.

**ACCOMPLISHMENTS FISCAL YEAR 2022**

Developed Transit specific updates for a TIP/STIP amendment, including programming for selected capital programs in relation to CARES Act funding. Updated projects were also added to the Division’s Transit Asset Management Plan (TAM), Capital Improvement Plan (CIP), and Equipment Replacement Plan (ERP).

Monitored projects for inclusion in the TIP and STIP. The Statewide Transportation Improvement Program (STIP) process was also addressed and monitored.

Attended and participated in MPO meetings.

**PROPOSED ACTIVITIES FISCAL YEAR 2023**

Functions necessary in support of transit related project inclusion in the Transportation Improvement Program will be performed under this work element. Activities are as follows:

- Division members will develop and compile information on operating and capital projects for which MET Transit plans to pursue grant assistance for inclusion in the TIP; this includes utilizing and updating the Division’s TAM, CIP, and ERP as required.
- All applicable projects will be provided to the MPO for inclusion in the program.
- Staff will monitor inclusion in the TIP and STIP to ensure ability to obtain federal Sections 5307, 5310 & 5339 and other applicable grants are not affected.

**STAFFING**

- 35.00 Transit Manager Staff Hours
- 16.83 Transit Planner Staff Hours
- 41.00 Grants and Admin Coordinator Staff Hours
- 05.00 Aviation/Transit Director Staff Hours

**102.83 Total Staff Hours**

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit will provide transit-related information to the City/County Planning Division for the MPO's inclusion in the TIP document.

**PRODUCT**

- Monitoring of plans including Transit Asset Management, the Capital Improvement Program, and components of the Equipment Replacement Plan for related projects.
- Annual inclusion of projects in TIP as necessary per FTA regulations.
- Amendments to TIP as necessary to include new projects.

**FUNDING SCHEDULE – T.I.P.**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$1,575      | \$6,301    | \$7,876      |
| TOTAL                 | \$1,575      | \$6,301    | \$7,876      |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

| <b>FUNDING SOURCE</b> |              |            |              |
|-----------------------|--------------|------------|--------------|
| <b>AGENCY</b>         | <b>LOCAL</b> | <b>FTA</b> | <b>TOTAL</b> |
| MET                   | \$1,616      | \$6,465    | \$8,081      |
| TOTAL                 | \$1,616      | \$6,465    | \$8,081      |

**44.26.00 Implementation of Americans with Disabilities Act (ADA)**

**01 IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT (ADA)**

**OBJECTIVE**

To ensure optimal use of City of Billings funds in meeting the transportation needs of seniors and individuals with disabilities in both demand response and fixed route transportation in accordance with Federal Regulations, especially concerning the Americans with Disabilities Act (ADA).

**ACCOMPLISHMENTS FISCAL YEAR 2022**

Researched, developed and implemented additional training procedures for transit operators to improve paratransit customer service, procedures, and policies; integrated these practices into the Public Transit Agency Safety Plan.

Staff investigated methods to improve paratransit efficiency and cost-effectiveness, including assessing and evaluating further options for self-scheduling of rides.

Continued evaluating dispatch and customer service practices for potential modification in regards to dispatching software implementation as well as other technology implementations.

Members also assessed financial and operational functioning of paratransit services including contractual agreements with area agencies including the Adult Resource Alliance and the State of Montana Developmental Disabilities Bureau. These agreements were subsequently re-negotiated, updated, and modified to ensure more effective transportation service to seniors and individuals with disabilities.

Staff monitored procedures and policies involving ADA accessible fixed-route service and other accessibility features/requirements and updated with relevant findings.

Assessed and updated paratransit vehicle specifications to support future vehicle purchases; implemented procurement of smaller ADA equipped vehicles to enhance paratransit service efficiencies.

Staff familiarized passengers with fixed route system use as appropriate via MET's travel training program.

Staff continued to coordinate transportation services among 5310 transit providers, social service agencies and the general public to provide an overall strategy to enhance transportation access, minimize duplication of services and facilitate the most appropriate cost-effective transportation possible within available resources. This also included outreach and engagement to improve and advance the coordination plan as well as to improve community relations.

## **PROPOSED ACTIVITIES FISCAL YEAR 2023**

Functions necessary in support of planning and development of transit related Americans with Disabilities projects, procedures, outreach, and other related activities will be performed under this work element. Activities are as follows:

- Continue developing and refining improvements to current travel training options available to the public using available technology and updated delivery methods.
- Integrated ADA accessibility location assessments into the in-development bus stop master plan.
- Staff will continue to provide outreach and education for professionals, organizations, and other identified entities in the community including participating on advisory groups in order to maintain positive relationships with individuals with disabilities and senior communities.
- Staff will continue to facilitate and encourage involvement in regular Billings Area Human Services Transportation Coordination Plan meetings with human service providers, social service agencies, transportation providers and the public to coordinate efforts associated with transit capital and service planning.
- Continue to facilitate effective service provision and usage of lift-equipped fixed-route vehicles; assess and recommend capital and operational projects with the intent of supporting existing service and adding potential enhancements.
- Continue identification of means to address transit and paratransit needs, assessing both short- and long-term paratransit needs, the organizational and financial capabilities of addressing those needs, and the inclusion of such needs in the Transit Development Plan.
- Continue community outreach to the public and organizations in support of improving access to transportation for seniors, individuals with disabilities, and low-income populations; continue participation on community committees' meetings while exploring avenues for further outreach and engagement.
- Continue working with contracted providers in execution of agreements including existing agreements with the Adult Resource Alliance and the State of Montana, ensuring modifications are made as necessary to increase the efficiency and effectiveness of service.
- Analyze and recommend improvements to current scheduling practices including more advanced use of available technologies in order to expand availability of services to seniors and low-income groups.

### **STAFFING**

85.00 Transit Manager Staff Hours

250.00 Transit Planner Staff Hours

120.00 Grants and Admin Coordinator Staff Hours

180.00 Transit Supervisor Staff Hours (3 positions)

100.00 Marketing and Outreach Coordinator Staff Hours

40.00 Aviation/Transit Director Staff Hours

**775.00 Total Staff Hours**

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**PRODUCT**

- Continued consensus with and support of City of Billings compliance with ADA regulations related to transit
- Continued community consensus and support of City of Billings methods for addressing of specialized needs, including lift-equipped vehicles and other options for individuals with disabilities and seniors.
- Recommendations and proposals for enhancements to existing system and programs in support of ADA compliance and regulations aimed at increasing efficiency and effectiveness.
- Public involvement and feedback regarding potential system enhancements in support of transportation for seniors and individuals with disabilities.

**FUNDING SCHEDULE – ADA SERVICE**

**FUNDS PROGRAMMED - FISCAL YEAR 2022**

| <b>FUNDING SOURCE</b> |                 |                 |                 |
|-----------------------|-----------------|-----------------|-----------------|
| <b>AGENCY</b>         | <b>LOCAL</b>    | <b>FTA</b>      | <b>TOTAL</b>    |
| MET                   | \$11,432        | \$45,729        | \$57,161        |
| <b>TOTAL</b>          | <b>\$11,432</b> | <b>\$45,729</b> | <b>\$57,161</b> |

**FUNDS PROGRAMMED - FISCAL YEAR 2023**

| <b>FUNDING SOURCE</b> |                 |                 |                 |
|-----------------------|-----------------|-----------------|-----------------|
| <b>AGENCY</b>         | <b>LOCAL</b>    | <b>FTA</b>      | <b>TOTAL</b>    |
| MET                   | \$10,519        | \$42,078        | \$52,597        |
| <b>TOTAL</b>          | <b>\$10,519</b> | <b>\$42,078</b> | <b>\$52,597</b> |

**SECTION II FUNDING SUMMARY**

**FEDERAL FISCAL YEAR 2023**

| <b>WORK ELEMENT</b>      | <b>FUNDING SOURCES FY 2021</b> |                  |                  | <b>STAFF HOURS</b> |
|--------------------------|--------------------------------|------------------|------------------|--------------------|
|                          | <b>LOCAL</b>                   | <b>FTA</b>       | <b>EST. COST</b> |                    |
| 44.21.01 Administration  | \$15,171                       | \$60,684         | \$75,855         | 670.00             |
| 44.24.01 Future Service  | \$16,390                       | \$65,562         | \$81,952         | 975.00             |
| 44.24.02 Current Service | \$22,927                       | \$91,706         | \$114,633        | 1485.00            |
| 44.25.01 T.I.P.          | \$1,616                        | \$6,465          | \$8,081          | 102.83             |
| 44.26.15 ADA Service     | \$10,519                       | \$42,078         | \$52,597         | 775.00             |
| <b>TOTAL</b>             | <b>\$66,623</b>                | <b>\$266,495</b> | <b>\$333,118</b> | <b>4007.8</b>      |

**ALLOCATION OF COSTS**

Expenditures identified include direct costs, benefits at the rate of 48% of direct salary or wages, and indirect costs at the rate of 11% of direct salary or wages.

Federal Transit Administration Section 5303 funding is available at an 80% reimbursement rate, meaning the local to FTA funding ratio for all categories is 20% local, 80% federal.

## LIST OF ACRONYMS

|          |                                                                   |
|----------|-------------------------------------------------------------------|
| ADA      | American Disability Act                                           |
| ACS      | American Community Survey                                         |
| ARP      | American Rescue Plan                                              |
| AVL      | Automated Vehicle Locator                                         |
| BSED     | Big Sky Economic Development                                      |
| BUILD    | Better Utilizing Investments to Leverage Development              |
| CAC      | Citizen Advisory Committee                                        |
| CARES    | Coronavirus Aid, Relief, and Economic Security                    |
| CDL      | Commercial Drivers License                                        |
| CIP      | Capital Improvement Plan                                          |
| CMAQ     | Congestion Mitigation Air Quality                                 |
| CTSP     | Community Transportation Safety Plan                              |
| EBURD    | East Billings Urban Renewal District                              |
| ERP      | Equipment Replacement Plan                                        |
| FAST Act | Fixing America's Surface Transportation Act                       |
| FHWA     | Federal Highway Administration                                    |
| FTA      | Federal Transit Administration                                    |
| FY       | Fiscal Year                                                       |
| GIS      | Geographic Information System                                     |
| GTFS     | General Transit Feed Specification                                |
| HPMS     | Highway Performance Monitoring System                             |
| IIJA     | Infrastructure Investment and Jobs Act                            |
| ITS      | Intelligent Transportation Systems                                |
| LRTP     | Long Range Transportation Plan                                    |
| MDT      | Montana Department of Transportation                              |
| MPO      | Metropolitan Planning Organization                                |
| NTD      | National Transit Database                                         |
| PCC      | Policy Coordinating Committee                                     |
| PEP      | Private Enterprise Participation                                  |
| PL       | Planning Funds                                                    |
| PTASP    | Public Transit Agency Safety Plan                                 |
| RAISE    | Rebuilding American Infrastructure with Sustainability and Equity |
| SBBURD   | South Billings Boulevard Urban Renewal District                   |
| TA       | Transportation Alternative Program                                |
| TAC      | Technical Advisory Committee                                      |
| TAM      | Transit Asset Management                                          |
| TAZ      | Traffic Analysis Zones                                            |
| TDP      | Transit Development Plan                                          |
| TIP      | Transportation Improvement Program                                |
| UPWP     | Unified Planning Work Program                                     |
| VMT      | Vehicle Miles Traveled                                            |
| YCBP     | Yellowstone County Board of Planning                              |

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Donation Laundry Set from Lowe's  
**Presented by:** Kathy Gibson  
**Department:** Fire  
**Presentation:** No  
**Legal Review** Not Applicable

---

**RECOMMENDATION**

Approve acceptance of the donation of a laundry set from Colin Hanley of the Billings Lowe's Store for Fire Station #2.

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

Fire Station 2 has a stacked washer/dry unit which is used to launder towels, bedding and duty uniforms. The dryer portion of this unit failed. Because of its age, the appliance repair company cannot find the necessary parts to repair and recommended replacing it. Station 2's crew was tasked with finding a replacement dryer unit that would fit in this space.

**ALTERNATIVES**

City Council may approve or not approve accepting this donation from Lowe's.

**FISCAL EFFECTS**

This donation from Lowe's will allow the department to replace this broken unit at no cost to us.

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**City Council Regular**

**Date:** 08/22/2022  
**Title:** Miracle League Field Grand Opening Donation  
**Presented by:** Mark Jarvis  
**Department:** Parks/Rec/Public Lands  
**Presentation:** No  
**Legal Review** Not Applicable

---

**RECOMMENDATION**

Staff recommends Council accepts these donations for a total amount of \$8,000.

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

The Billings Parks and Recreation Department would like to recognize the following generous sponsors who have donated towards the Landon's Miracle Field Grand Opening.

After years of planning, collaboration, and fundraising, the Billings Parks and Recreation and Landon's Legacy Foundation are proud to announce the Grand Opening of Landon's Miracle Field at Poly Vista Park, Billings' first Miracle League Baseball Field! This special needs baseball field is built with a custom-designed rubberized turf field that accommodates wheelchairs and other adaptive equipment. This phase of development has also provided important park improvements, laying the groundwork for future fully accessible park features. Most notably, it has created the opportunity to provide programming to serve children and adults who suffer from physical or mental disabilities which excludes them from other baseball leagues.

The Grand Opening will take place on Wednesday, August 17th at 5:00 pm. This event would not have been possible without the support of the following community sponsors:

Billings Yellowstone Kiwanis Club - \$1,000  
Montana Muscle Movers - \$2,500  
Tom and Kim Rupsis - \$500  
Blue Cross Blue Shield of Montana - \$2,500  
Electric Consultant Inc/EPC Services Company - \$1,000  
Pepsi Cola Bottling/The Dimich Family - \$1,000 (in-kind)

TOTAL DONATIONS - \$8,500

**ALTERNATIVES**

City Council may:

- Approve the donations; or,
- Not Approve the donation and provide staff with additional guidance.

**FISCAL EFFECTS**

There will be no additional fiscal impacts to the City.

---

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Cardwell Ranch Perpetual Right-of-Way Easement Vacation  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Yes

---

**RECOMMENDATION**

Staff recommends that Council approve the Perpetual Right-of-Way Easement Vacation within Cardwell Ranch Subdivision, 1st Filing.

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

Yegen Grand Avenue Farm, Inc. submitted a new subdivision plat aggregating Lots 2, 3A, 4A, 5, 6A, & 7A, Block 2 of Cardwell Ranch Subdivision, 1st Filing into one lot. There is a multi-family development proposed for the lot that will be reviewed by staff under the site development ordinance. The original subdivision of Cardwell Ranch Subdivision, 1st Filing platted a right-of-way easement between the original lots to allow access and public utilities (water and sewer). There is no longer a need for the easement since this will be one development under one ownership and there are no improvements constructed within the easement. The developer is asking Council to approve the vacation of the easement. Attached is the original Cardwell Ranch 1st Filing Subdivision plat with the easement area highlighted, the amended plat of Cardwell Ranch Subdivision (aggregating the lots mentioned), and the Perpetual Right-of-Way Easement Vacation.

**ALTERNATIVES**

City Council may:

- Approve the Perpetual Right-of-Way Easement Vacation; or,
- Not Approve the Perpetual Right-of-Way Easement Vacation. If the easement vacation is not approved, the aggregation of lots can still be done, but would have an unnecessary easement through the middle of the lot.

**FISCAL EFFECTS**

There is no significant financial impact with the approval of the perpetual right-of-way easement vacation.

---

**Attachments**

Easement Vacation  
Cardwell Ranch Subdivision 1st Filing Plat  
Cardwell Ranch Amended Plat

**Return to:**  
Yegen Grand Ave. Farm, Inc.  
P.O. Box 959  
Billings, MT 59103

## PERPETUAL RIGHT-OF-WAY EASEMENT VACATION

WHEREAS, the plat of Cardwell Ranch Subdivision was recorded in the office of the clerk and recorded of Yellowstone County, Montana, under Document No. 3510813; and

WHEREAS, that certain Perpetual Right-of-way Easement, recorded under Document No. 3510816, was created to provide public sanitary sewer and water services to the lots within said Cardwell Ranch Subdivision; and

WHEREAS the Amended Plat of Lots of Lots 2, 3A, 4A, 5, 6A, & 7A, Block 2, Cardwell Ranch Subdivision, First Filing, recorded under Document No. \_\_\_\_\_, was created to aggregate those lots as one contiguous lot, eliminating the need for sanitary sewer and water services to those underlying lots; now

THEREFORE the undersigned does, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby vacate, remise, and release a portion of said Perpetual Right-of-way Easement, more particularly described as follows, to-wit:

That portion of the right-of-way easement described as Sagegrass Drive and Sagegrass Place as shown on said Amended Plat of Lots 2, 3A, 4A, 5, 6A, & 7A, Block 2, Cardwell Ranch Subdivision, First Filing; said vacated right-of-way easement also being as shown and described on attached Exhibit 'A'.

HENCEFORTH, those said portions of the perpetual right-of-way easement shall be considered vacated and shall not have any further force or effect.

CITY OF BILLINGS, MONTANA

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

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

STATE OF MONTANA            )  
                                          :SS  
County of Yellowstone    )

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

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

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

# EXHIBIT A

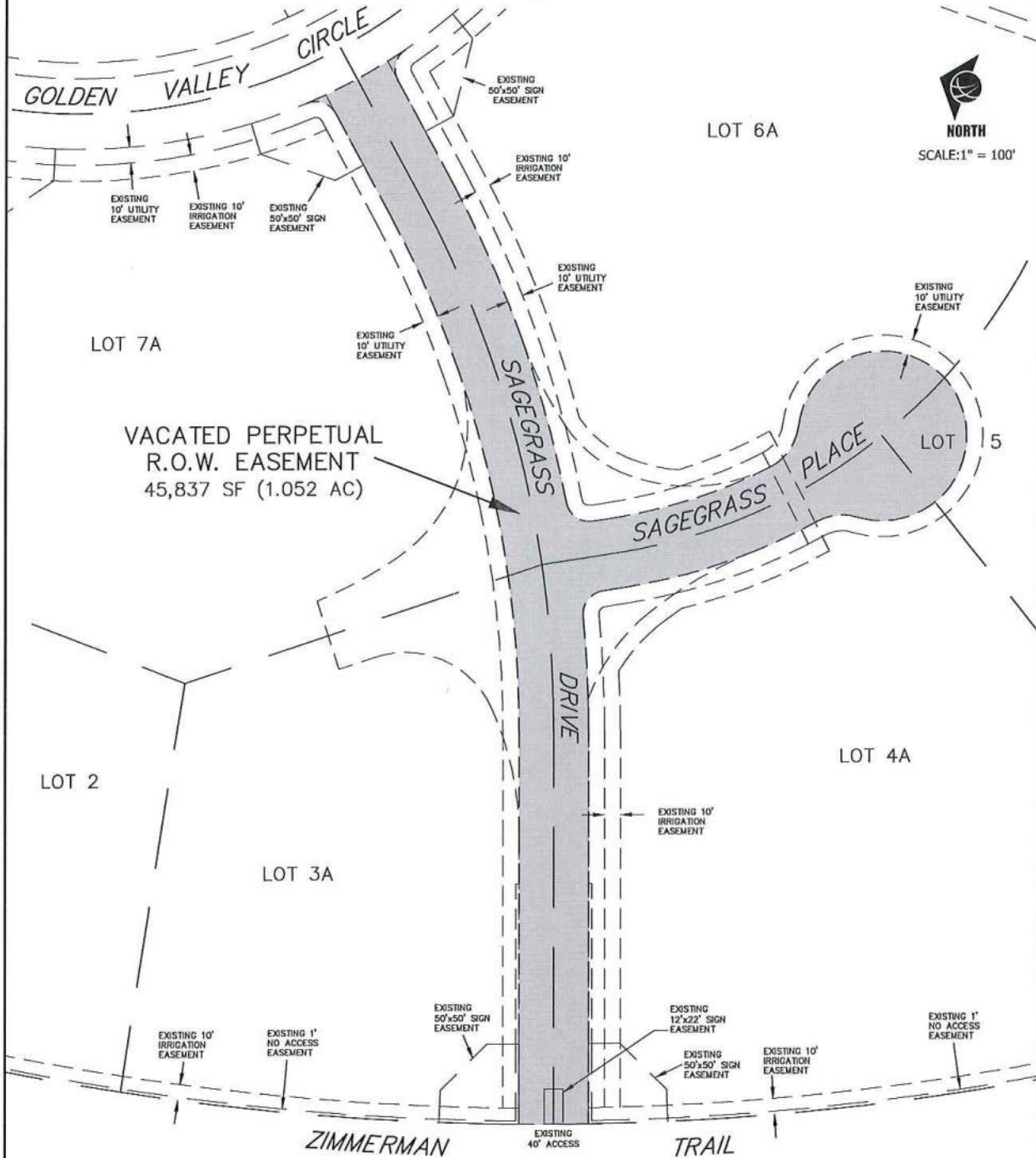
VACATION OF PERPETUAL R.O.W. EASEMENT WITHIN LOTS 3A, 4A, 5, 6A, & 7A OF BLOCK 2, CARDWELL RANCH SUBDIVISION, FIRST FILING  
(aka SAGEGRASS DRIVE & SAGEGRASS PLACE)

PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.

DECEMBER, 2021

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



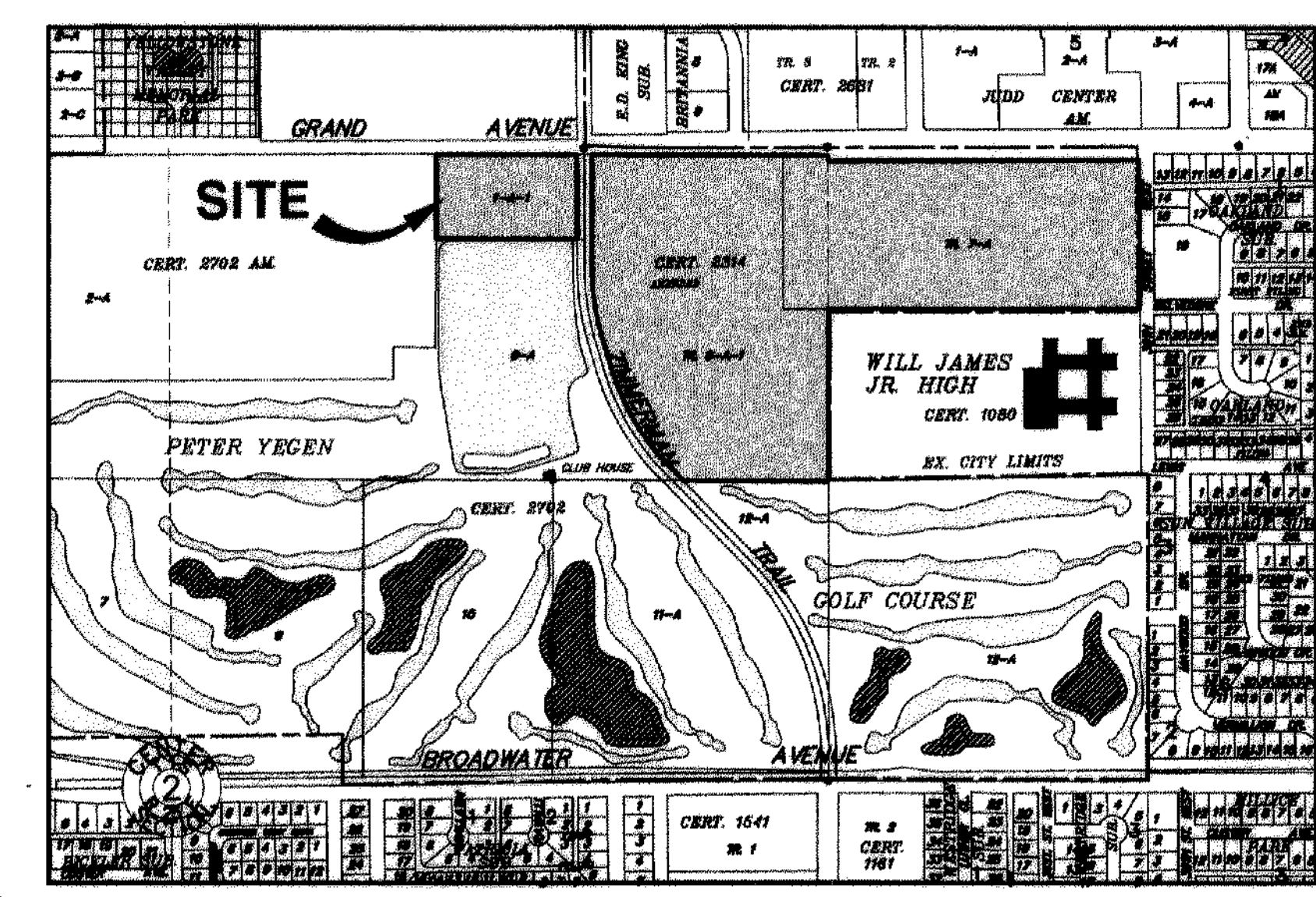
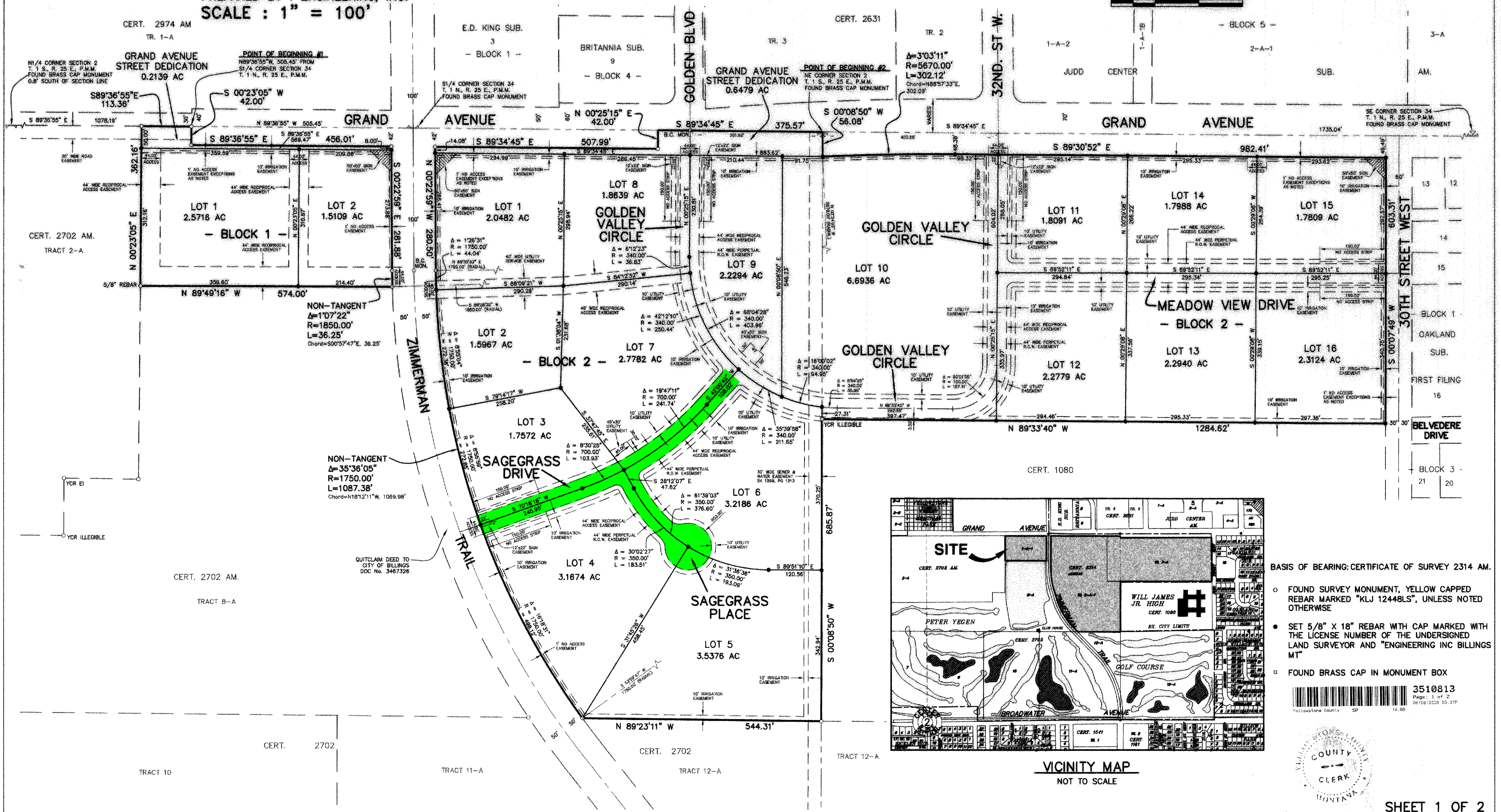
# PLAT OF CARDWELL RANCH SUBDIVISION, FIRST FILING

BEING TRACT 6-A-1 OF AMENDED TRACT 6-A, CERTIFICATE OF SURVEY No. 2314 AMENDED,  
7-A, CERTIFICATE OF SURVEY No. 2314 AMENDED  
AND TRACT 1-A-1 OF AMENDED TRACTS 1-A AND 2, CERTIFICATE OF SURVEY No. 2702,  
SITUATED IN THE NW 1/4 OF SECTION 1, AND THE NE 1/4 OF SECTION 2, T. 1 S., R. 25 E., P.M.M.  
BILLINGS, YELLOWSTONE COUNTY, MONTANA



PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.  
PREPARED BY : ENGINEERING, INC.  
SCALE : 1" = 100'

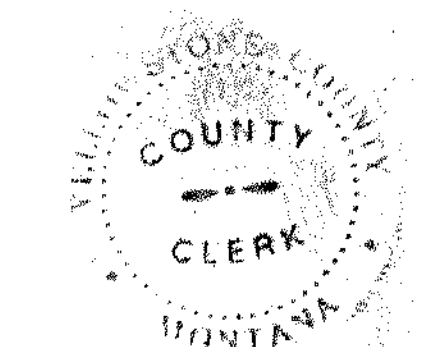
SEPTEMBER, 2008  
BILLINGS, MONTANA



VICINITY MAP  
NOT TO SCALE

- BASIS OF BEARING: CERTIFICATE OF SURVEY 2314 AM.
- FOUND SURVEY MONUMENT, YELLOW CAPPED REBAR MARKED "KLJ 12448LS", UNLESS NOTED OTHERWISE
  - SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "ENGINEERING INC BILLINGS MT"
  - FOUND BRASS CAP IN MONUMENT BOX

3510813  
Page: 1 of 2  
06/02/2008 03:37P  
Yellowstone County SP 14.00



# CARDWELL RANCH SUBDIVISION, FIRST FILING

BEING TRACT 6-A-1 OF AMENDED TRACT 6-A, CERTIFICATE OF SURVEY No. 2314 AMENDED,  
7-A, CERTIFICATE OF SURVEY No. 2314 AMENDED  
AND TRACT 1-A-1 OF AMENDED TRACTS 1-A AND 2, CERTIFICATE OF SURVEY No. 2702,  
SITUATED IN THE NW 1/4 OF SECTION 1, AND THE NE 1/4 OF SECTION 2, T. 1 S., R. 25 E., P.M.M.  
BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.  
PREPARED BY : ENGINEERING, INC.

SEPTEMBER, 2008  
BILLINGS, MONTANA

### CERTIFICATE OF DEDICATION

STATE OF MONTANA )  
County of Yellowstone )

KNOW ALL MEN BY THESE PRESENTS: That YEGEN GRAND AVENUE FARM, INC., the owner of the following described tract of land, does hereby certify that it has caused to be surveyed, located, marked with stakes and streets as shown on the annexed plat, said tract being situated in the NW 1/4 of Section 1, and the NE 1/4 of Section 2, T. 1 S., R. 25 E., P.M.M., Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to-wit:

Beginning at a point which is situated N 89°36'55" W a distance of 508.45 feet from the SW 1/4 Corner of Section 34, T. 1 N., R. 25 E., P.M.M.; thence, from said Point of Beginning, S 00°23'05" W a distance of 42.00 feet; thence S 89°36'55" E a distance of 456.01 feet; thence S 00°22'59" E a distance of 281.88 feet; thence along a non-tangent curve to the left with a radius of 1850.00 feet a distance of 36.25 feet (chord bearing S 00°57'47" E, chord length 36.25 feet); thence N 89°49'16" W a distance of 574.00 feet; thence N 00°23'05" E a distance of 382.16 feet; thence S 89°36'55" E a distance of 113.36 feet to the Point of Beginning #1.

AND  
Beginning at a point which is the NE Corner of Section 2, T. 1 S., R. 25 E., P.M.M.; thence, from said Point of Beginning, S 00°08'50" W a distance of 96.08 feet; thence along a non-tangent curve to the right with a radius of 5670.00 feet a distance of 302.12 feet (chord bearing N 08°07'43" E, chord length 302.09 feet); thence S 89°33'52" E a distance of 982.41 feet; thence S 00°07'43" E a distance of 603.31 feet; thence N 89°33'40" W a distance of 1,284.62 feet; thence S 00°08'50" W a distance of 683.87 feet; thence N 89°23'11" W a distance of 544.31 feet; thence S 00°08'50" W a distance of 1,089.98 feet; thence N 00°22'59" E a distance of 1,087.38 feet (chord bearing N 1°18'19" E, chord length 1,089.98 feet); thence N 00°22'59" W a distance of 280.50 feet; thence S 89°34'45" E a distance of 507.99 feet; thence N 00°23'05" E a distance of 42.00 feet; thence S 89°34'45" E a distance of 373.57 feet to the Point of Beginning #2.

Pursuant to Section 76-3-621 (1), M.C.A., the park dedication requirement for this subdivision has been met by a cash donation in the amount of \$ 28,437.00

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 lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever. Said tract to be known and designated as "CARDWELL RANCH SUBDIVISION, FIRST FILING, and the lands included in the areas shown on the annexed plat as "GRAND AVENUE STREET DEDICATION" are hereby granted and donated to the use of the public forever.

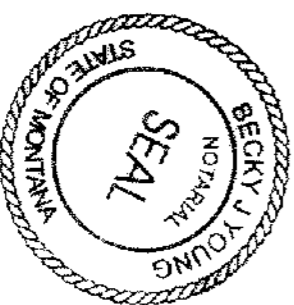
YEGEN GRAND AVENUE FARM, INC.

By: [Signature]  
Title: President

STATE OF MONTANA )  
County of Yellowstone )

On this 11 day of December, 2008, before me, the undersigned Notary Public for the State of Montana, personally appeared Charles L. Yegen, known to me to be the person who signed the foregoing instrument as President of YEGEN GRAND AVENUE FARM, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

[Signature]  
Notary Public for the State of Montana  
Printed Name Becky L. Young  
Residing at Billings, Montana  
My commission expires 2/15/2012



### CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that annexed and foregoing plat conforms with Section 76-3-123(2)(b), M.C.A., for the removal of sanitary structures from the plat is made a master planning area and said lots will be the property of the City of Billings for the supply of water and the disposal of sewage and solid waste.

IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this 22 day of December, 2008.

[Signature]  
City Engineer's Office

### ERRORS AND OMISSIONS REVIEW

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

[Signature]  
Examining Land Surveyor Date 12-26-2008

### CERTIFICATE OF COUNTY TREASURER

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

Date: 1-16-09  
Yellowstone County Treasurer

By: [Signature]  
Deputy

### CERTIFICATE OF CITY ATTORNEY

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

Date: 1-7-09

Reviewed by: [Signature]

### CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA )  
County of Yellowstone )

We hereby certify that we have examined the annexed and foregoing plat of CARDWELL RANCH SUBDIVISION, FIRST FILING, and find that the same meets the requirements of the laws of the State of Montana, and the approval of the Billings City Board of Planning. It is therefore approved and the dedication public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the City of Billings, Montana, this 20 day of January, 2009.

CITY OF BILLINGS, MONTANA

By: [Signature]  
Mayor

Attest: [Signature]  
City Clerk



3510813  
Page 2 of 2  
06/09/2008 03:39

### SUBDIVISION IMPROVEMENT AGREEMENT

Document No. 3510814

### RECIPROCAL ACCESS EASEMENT

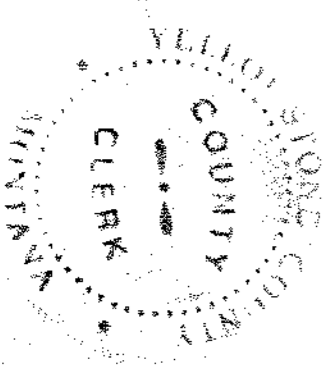
Document No. 3510815

### PERPETUAL RIGHT-OF-WAY EASEMENT

Document No. 3510816

Utility Easement 3510817

Restrictions on Transfers 3510818



# AMENDED PLAT OF LOTS 3, 4, 6, 7, 11, 12, 13, 14, 15 & 16, BLOCK 2, CARDWELL RANCH SUBDIVISION, FIRST FILING

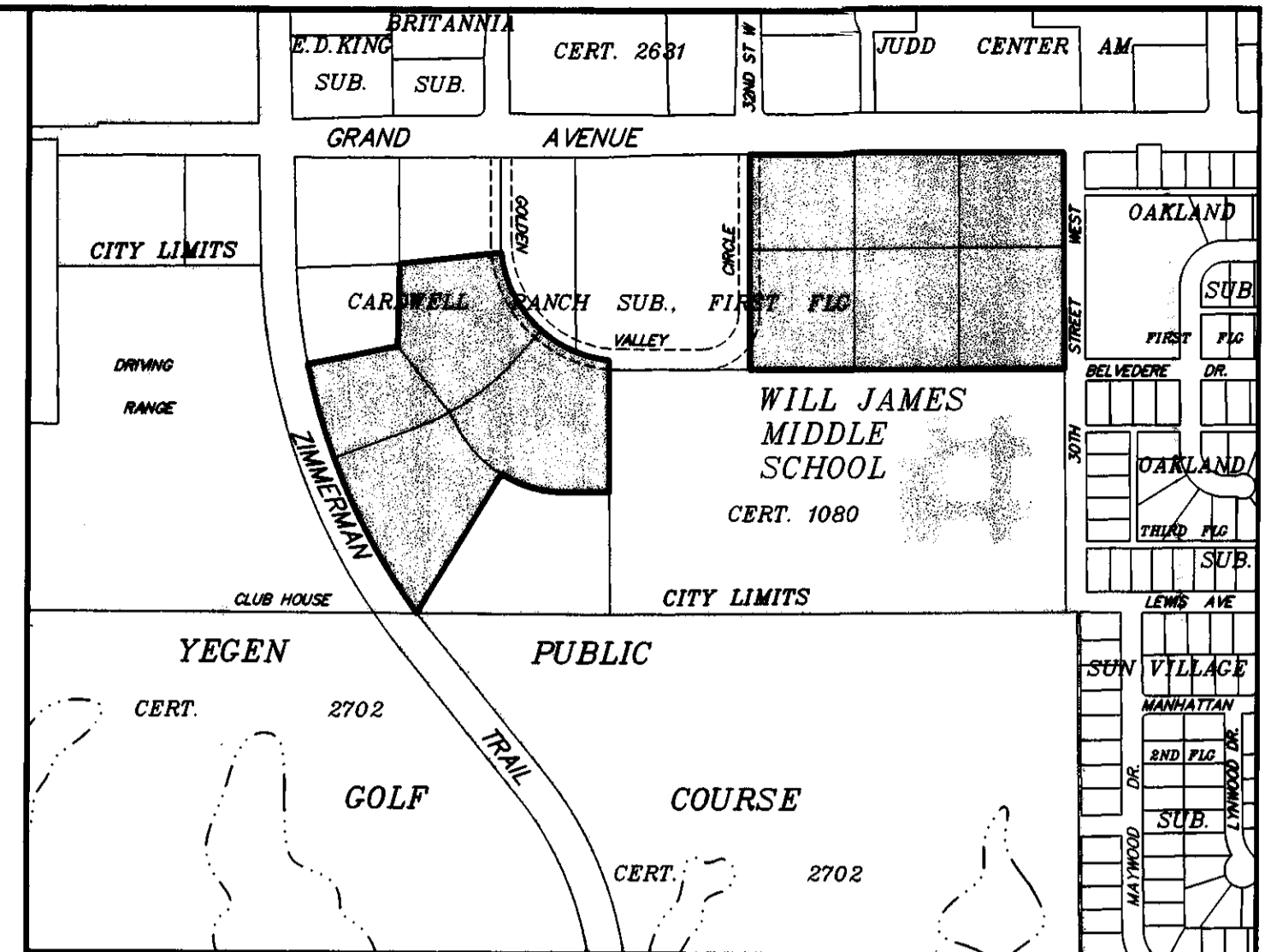
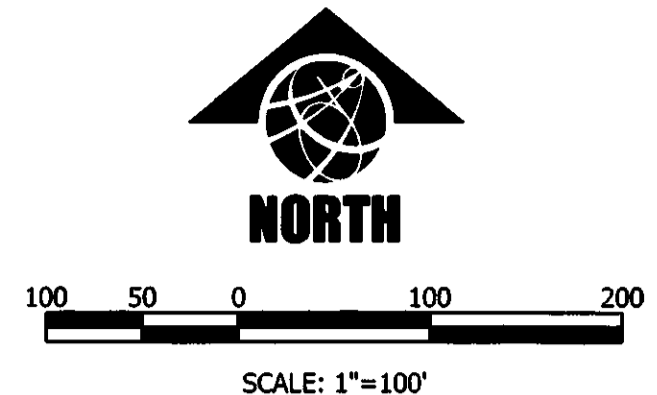
SITUATED IN THE NW1/4 OF SECTION 1 & THE NE1/4 OF SECTION 2, T. 1 S., R. 25 E., P.M.M.,  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.

AUGUST, 2017

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP  
NOT TO SCALE

THIS PLAT HAS BEEN PREPARED TO (1) AGGREGATE ADJACENT PARCELS, (2) RELOCATE THE BOUNDARY LINES OF ADJACENT PARCELS, (3) RELOCATE AN EXISTING ACCESS ON GRAND AVENUE, (4) REVISE AN EXISTING ACCESS ON 30TH STREET WEST, (5) CREATE ADDITIONAL RECIPROCAL ACCESS EASEMENTS AND (6) REVISE IRRIGATION & UTILITY EASEMENTS. NO ADDITIONAL LOTS ARE BEING CREATED WITH THIS PLAT.

LANDOWNERS STATEMENT: AGGREGATION OF LOTS, BOUNDARY LINE RELOCATION, & ACCESS RELOCATION

The undersigned hereby certifies that the purpose of this survey is to aggregate existing lots within a platted subdivision and to relocate the common line between 5 or fewer lots; no additional lots are being hereby created. Therefore this amended plat is exempt from review as a subdivision pursuant to Section 76-3-207(1)(d) & (1)(f), M.C.A. Pursuant to ARM 24.183.1104(1)(ii)(C), the area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the amended plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.

Furthermore, the undersigned hereby certifies that the purpose of this survey is to relocate a 44' wide access to the location shown hereon and abandon the original location created with the platting of Cardwell Ranch Subdivision, First Filing. No additional lots are being hereby created. Therefore, this amended plat does not create a division of land and is not subject to review as a subdivision. This amended plat has been prepared pursuant to Section 76-3-404(1)(c), M.C.A. which "discloses evidence to suggest alternate locations of lines or points".

This amended plat is not subject to review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b)(i) & (ii) for "a parcel that has a previous approval issued under Title 76, Chapter 4, Part 1, M.C.A.".

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 lines over, under and across the areas designated on the plat as "UTILITY EASEMENT" to have and hold forever.

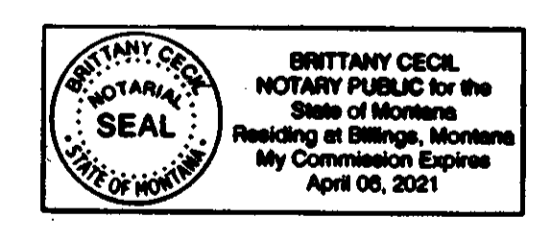
YEGEN GRAND AVENUE FARM, INC.

By: *[Signature]* Title: *President*

STATE OF MONTANA )  
County of Yellowstone )

On this 27th day of November, 2017, before me, a Notary Public for the State of Montana, personally appeared Charles B. Yegen, known to me to be the person who signed the foregoing instrument as President of YEGEN GRAND AVENUE FARM, INC., and acknowledged to me that said corporation executed the same. Witness my hand and seal the day and year herein above written.

*[Signature]*  
Notary Public in and for the State of Montana



CERTIFICATE OF SURVEYOR

STATE OF MONTANA )  
County of Yellowstone )

The undersigned, a Land Surveyor licensed in the State of Montana, states that during the month of August, 2017, a survey was performed under his supervision of a tract of land situated in the NW1/4 of Section 1 & the NE1/4 of Section 2, T. 1 S., R. 25 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Lots 3, 4, 6, 7, 11, 12, 13, 14, 15 & 16, Block 2, Cardwell Ranch Subdivision, First Filing, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 3510813; said described tract having a gross and net area of 23.194 acres.

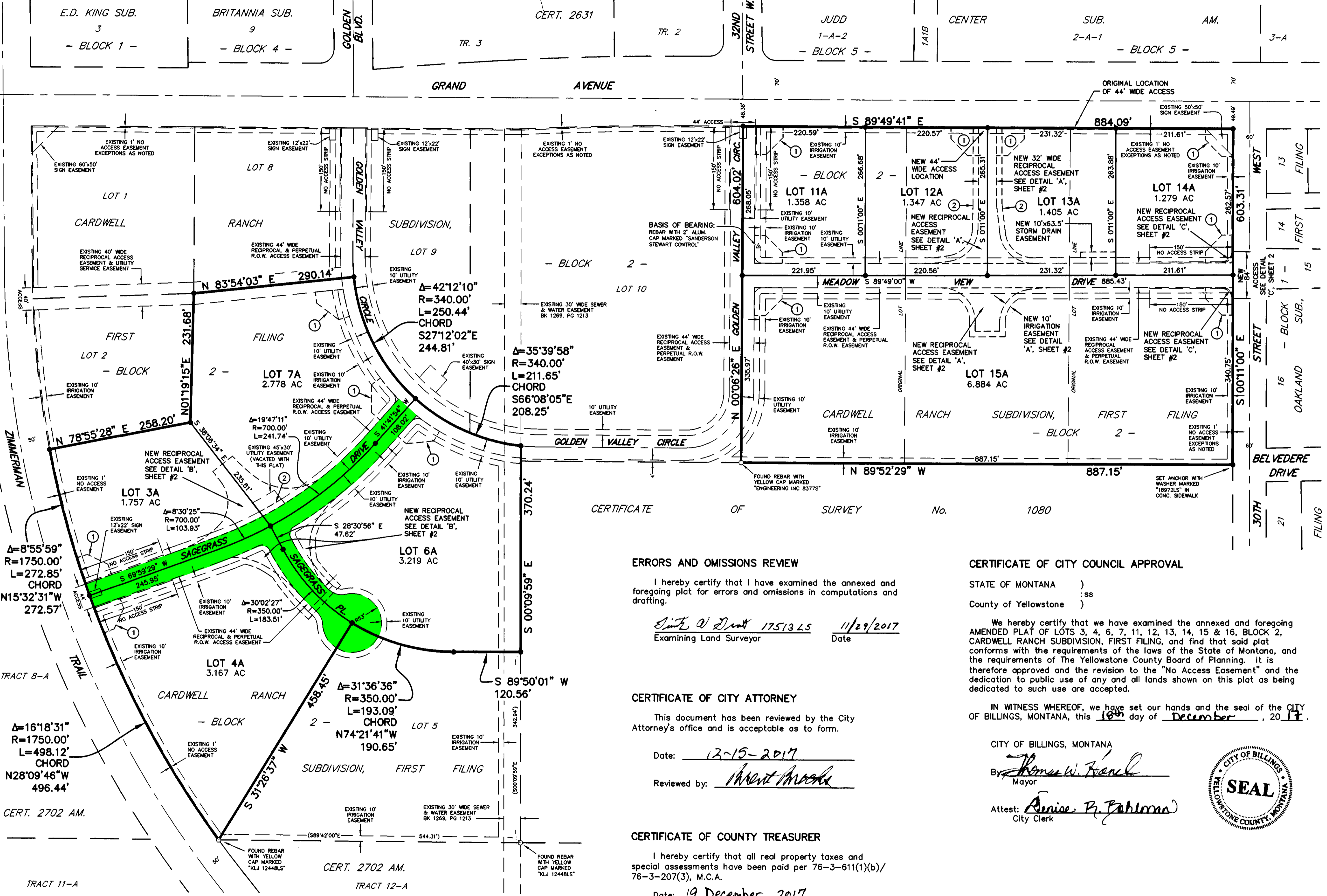
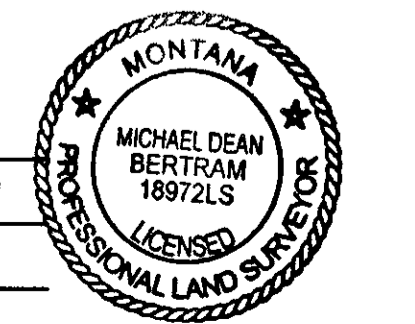
That the monuments found are of the character and occupy the positions shown hereon, that said survey and the plat hereof shows true and correct dimensions and that the plat conforms with the work on the ground.

SANDERSON STEWART

By: *[Signature]*

Montana License No. 18972LS

Date: November 21, 2017



ERRORS AND OMISSIONS REVIEW

I hereby certify that I have examined the annexed and foregoing plat for errors and omissions in computations and drafting.

*[Signature]* 17513LS Date: 11/21/2017  
Examining Land Surveyor

CERTIFICATE OF CITY COUNCIL APPROVAL

STATE OF MONTANA )  
County of Yellowstone )

We hereby certify that we have examined the annexed and foregoing AMENDED PLAT OF LOTS 3, 4, 6, 7, 11, 12, 13, 14, 15 & 16, BLOCK 2, CARDWELL RANCH SUBDIVISION, FIRST FILING, and find that said plat conforms with the requirements of the laws of the State of Montana, and the requirements of The Yellowstone County Board of Planning. It is therefore approved and the revision to the "No Access Easement" and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this 16th day of December, 2017.

CITY OF BILLINGS, MONTANA

By: *[Signature]*  
Mayor

Attest: *[Signature]*  
City Clerk



CERTIFICATE OF CITY ATTORNEY

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

Date: 12-15-2017

Reviewed by: *[Signature]*

CERTIFICATE OF COUNTY TREASURER

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

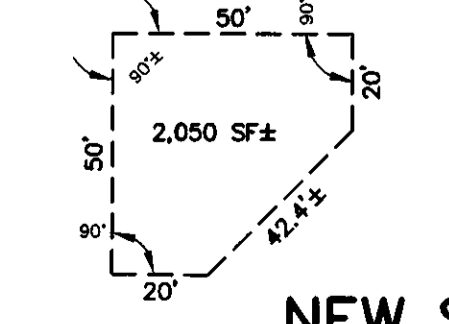
Date: 19 December 2017

Yellowstone County Treasurer  
By: *[Signature]*  
Deputy

**BASIS OF BEARING:** THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS, HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515. THE GRID-TO-GROUND COMBINED SCALE FACTOR AT A 5/8" REBAR WITH 2" ALUM. CAP MARKED "SANDERSON STEWART CONTROL" IS 0.9999991571; THE CONVERGENCE ANGLE IS -0°07'41". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- △ FOUND CONTROL POINT, REBAR WITH 2" ALUM. CAP MARKED "SANDERSON STEWART CONTROL".
- FOUND SURVEY MONUMENT, AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE SURVEYOR'S LICENSE NUMBER AND "SANDERSON STEWART", OR AS NOTED
- ① NEW 50'x50' SIGN EASEMENT. SEE DETAIL FOR ADDITIONAL INFORMATION.
- ② NEW 10' WIDE UTILITY EASEMENT. SEE DETAILS ON SHEET #2 FOR ADDITIONAL INFORMATION.

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



NEW SIGN EASEMENT DETAIL  
NOT TO SCALE

SP 3836866  
12/21/2017 01:47 PM Page: 1 of 2 Fees: 29.50  
Bill Martin, Clerk & Recorder, Yellowstone County

AMENDED PLAT OF LOTS 3, 4, 6, 7, 11, 12, 13, 14, 15 & 16, BLOCK 2,  
**CARDWELL RANCH SUBDIVISION, FIRST FILING**

SITUATED IN THE NW1/4 OF SECTION 1 & THE NE1/4 OF SECTION 2, T. 1 S.,  
 R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : YEGEN GRAND AVENUE FARM, INC.

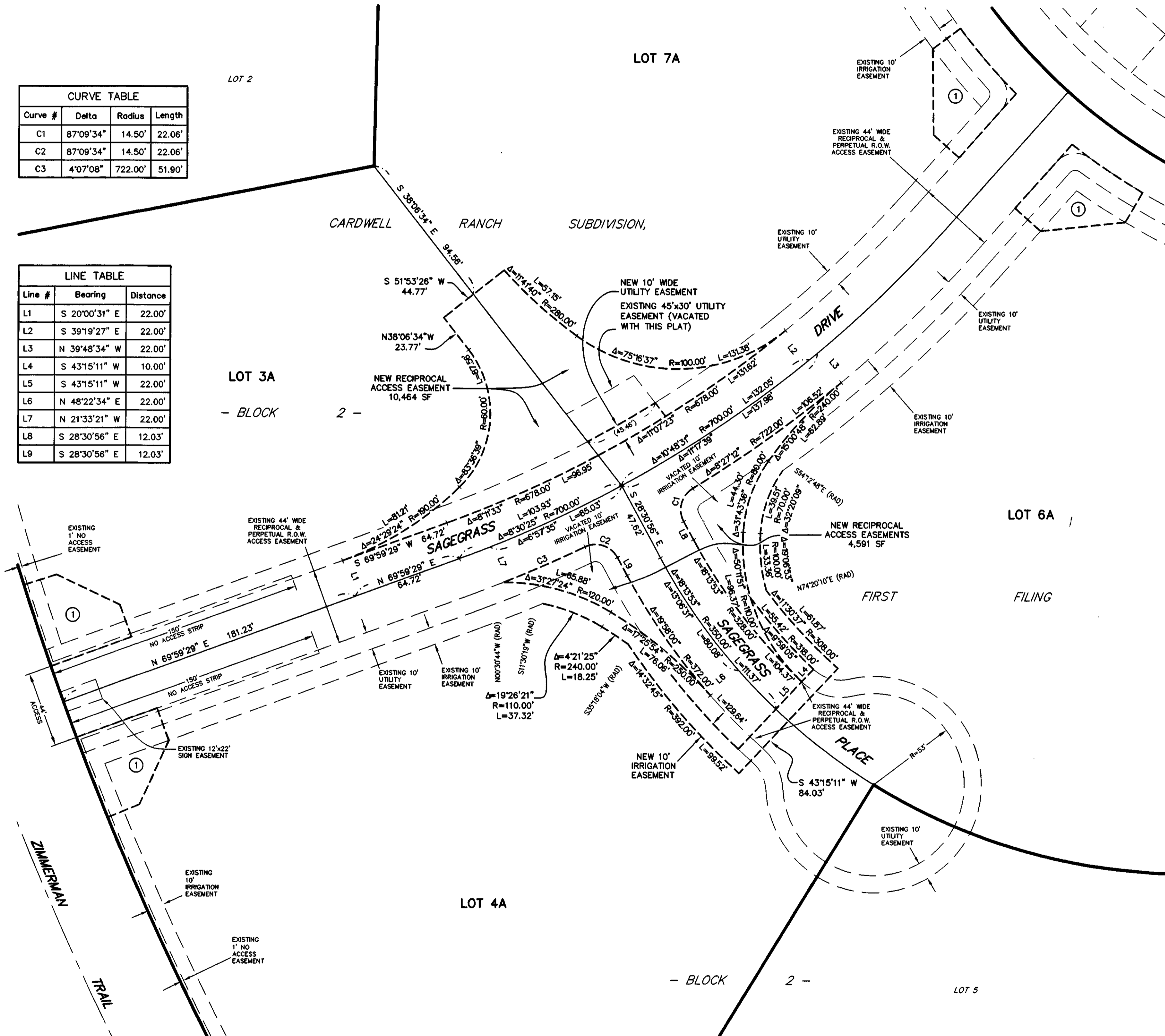
AUGUST, 2017

PREPARED BY : SANDERSON STEWART

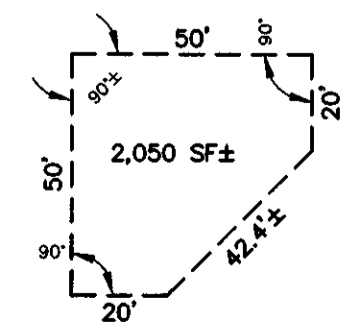
BILLINGS, MONTANA

| Curve # | Delta     | Radius  | Length |
|---------|-----------|---------|--------|
| C1      | 87°09'34" | 14.50'  | 22.06' |
| C2      | 87°09'34" | 14.50'  | 22.06' |
| C3      | 4°07'08"  | 722.00' | 51.90' |

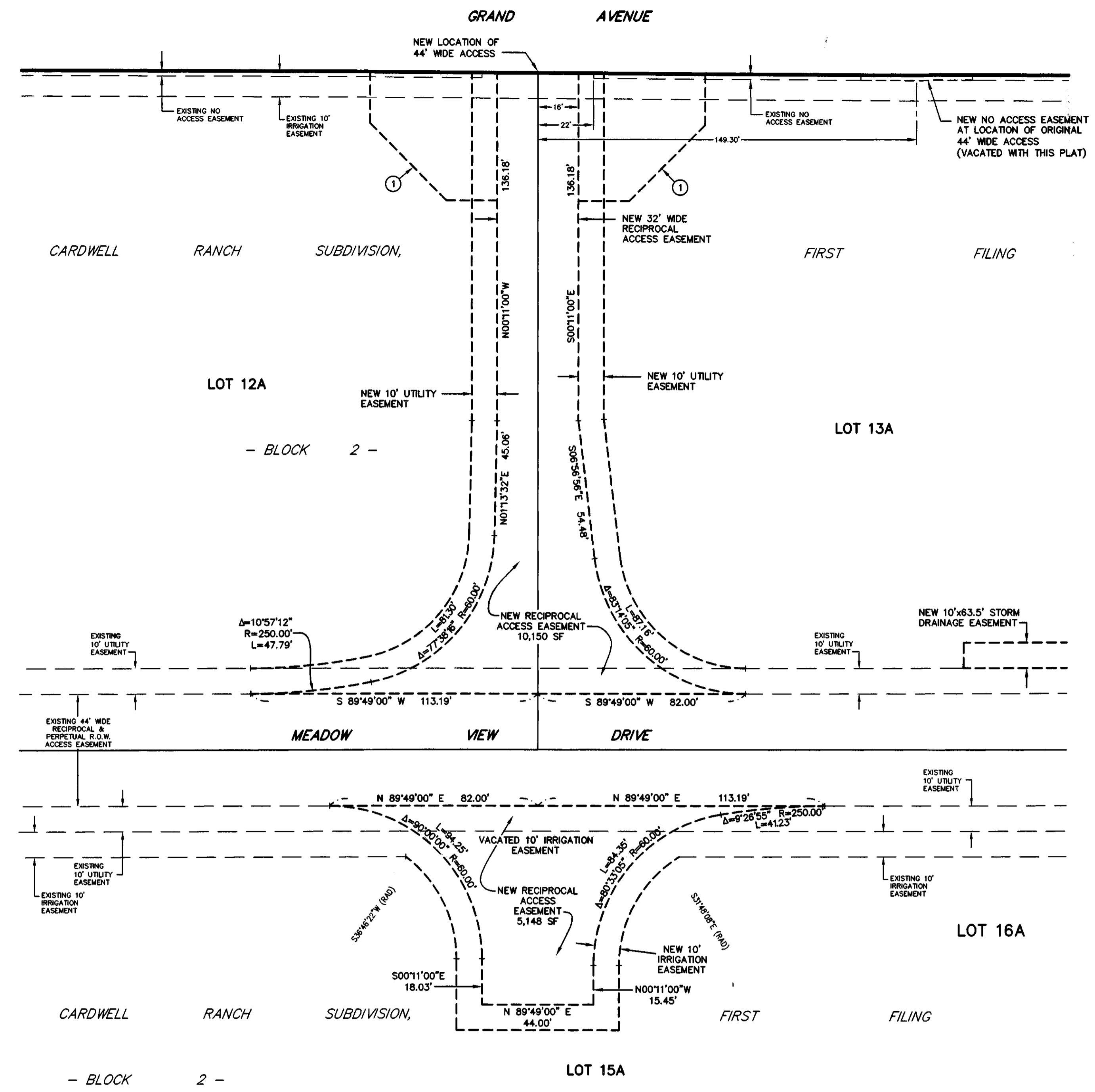
| Line # | Bearing       | Distance |
|--------|---------------|----------|
| L1     | S 20°00'31" E | 22.00'   |
| L2     | S 39°19'27" E | 22.00'   |
| L3     | N 39°48'34" W | 22.00'   |
| L4     | S 43°15'11" W | 10.00'   |
| L5     | S 43°15'11" W | 22.00'   |
| L6     | N 48°22'34" E | 22.00'   |
| L7     | N 21°33'21" W | 22.00'   |
| L8     | S 28°30'56" E | 12.03'   |
| L9     | S 28°30'56" E | 12.03'   |



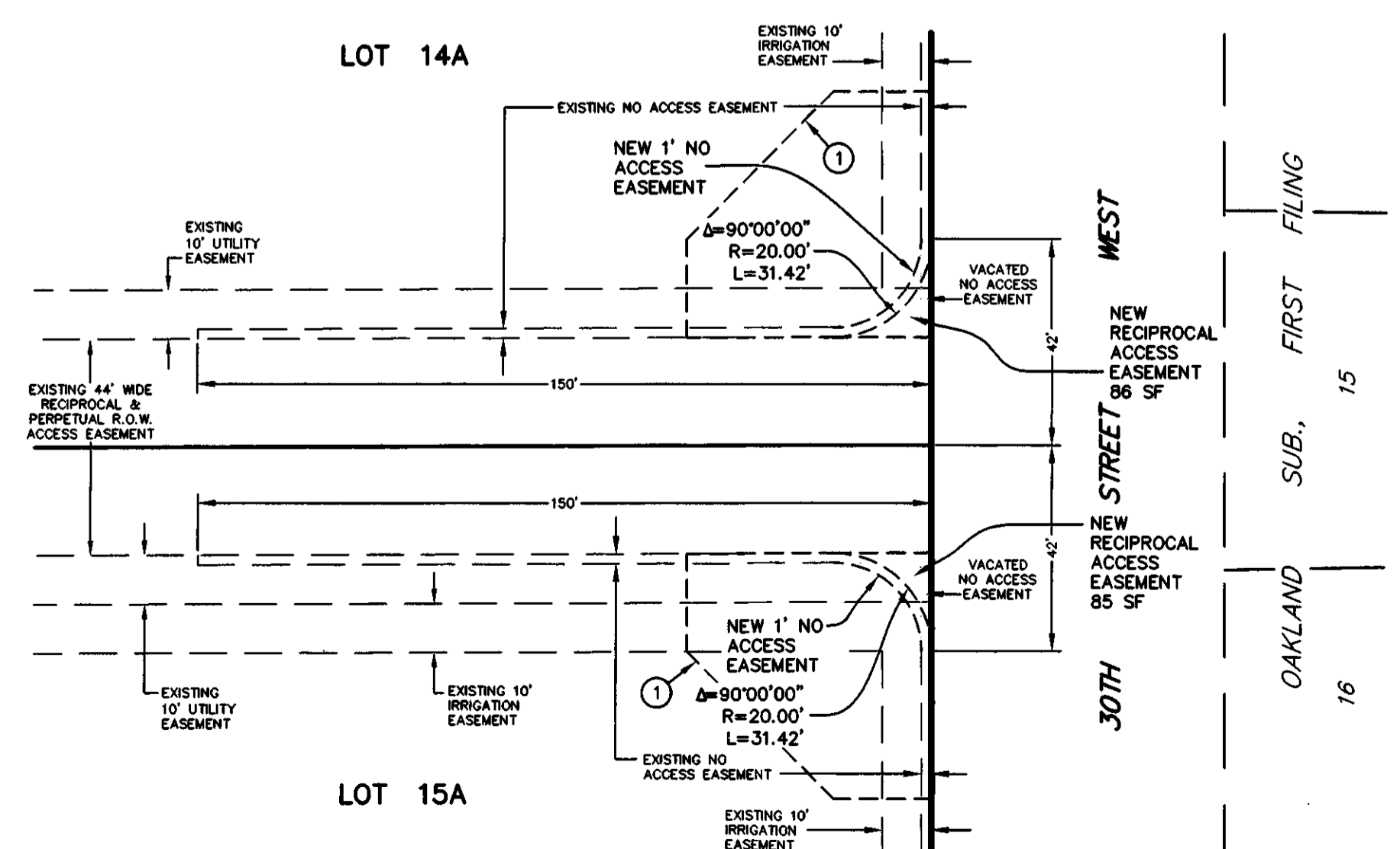
**DETAIL 'B'**  
 SCALE: 1"=40'



**NEW SIGN EASEMENT DETAIL**  
 NOT TO SCALE

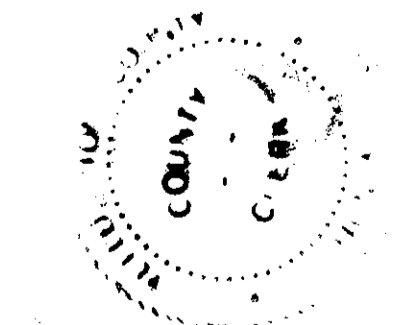


**DETAIL 'A'**  
 SCALE: 1"=30'



**DETAIL 'C'**  
 SCALE: 1"=30'

THIS PLAT HAS BEEN PREPARED TO (1) AGGREGATE ADJACENT PARCELS, (2) RELOCATE THE BOUNDARY LINES OF ADJACENT PARCELS, (3) RELOCATE AN EXISTING ACCESS ON GRAND AVENUE, (4) REVISE AN EXISTING ACCESS ON 30TH STREET WEST, (5) CREATE ADDITIONAL RECIPROCAL ACCESS EASEMENTS AND (6) & REVISE IRRIGATION & UTILITY EASEMENTS. NO ADDITIONAL LOTS ARE BEING CREATED WITH THIS PLAT.



SP 3836866  
 12/21/2017 01:47 PM Pages: 2 of 2 Fees: 29.50  
 2017 Real Pro Clerk & Recorder, Yellowstone Pl

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Zimmerman Home Place Subdivision, 3rd Filing - Preliminary Minor Plat  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

---

**RECOMMENDATION**

Staff recommends the City Council conditionally approve the preliminary plat of Zimmerman Home Place, 3rd Filing and adopt the Findings of Fact as presented in the staff report.

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

On July 15, 2022, Performance Engineering applied for preliminary minor plat approval for Zimmerman Home Place Subdivision, 3rd Filing. The proposed subdivision creates 5 lots for commercial or residential development. The subject property is generally located north of Avenue E and west of Zimmerman Trail. The property is zoned Neighborhood Office-Residential (NO).

**VARIANCES REQUESTED**

No variances from the City Subdivision Regulations have been requested.

**PROPOSED CONDITIONS OF APPROVAL**

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

1. 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, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

**PROCEDURAL HISTORY**

- Pre-application meeting June 9, 2022
- Preliminary plat application submitted to Planning Division on July 15, 2022
- Preliminary plat to City Council August 22, 2022
- 35 working-day preliminary plat review period ends September 1, 2022

**PLAT INFORMATION**

**General location:** North of Avenue E and west of Zimmerman Trail  
**Legal Description:** Lot 1, Block 3 Zimmerman Home Place Subdivision  
**Owner/Subdivider:** Preston Lees  
**Engineer and Surveyor:** Performance Engineering  
**Existing Zoning:** NO  
**Existing land use:** Vacant  
**Proposed land use:** Commercial and/or Residential  
**Gross and Net area:** 12.125 acres; 12.125 acres

Proposed number of lots: 5

Lot size: Max: 4.089 acres  
Min: 1.324 acres

Parkland requirements: Parkland dedication is not required as this is a minor subdivision.

## **STAKEHOLDERS**

No stakeholder comment has been provided at this time. The public may provide comment on this item during the public comment portion of the City Council meeting at which this item is considered.

## **ALTERNATIVES**

In accordance with state law, the City Council has 35 working days to act upon this minor preliminary plat. The 35 working day review period for the proposed plat ends on September 1, 2022. State and City subdivision regulations also require that preliminary plats be reviewed using specific criteria, as stated within this report. The City may not unreasonably restrict an owner's ability to develop land if the subdivider provides evidence that any identified adverse effects can be mitigated. Within the 35 working day review period, the City Council is required to:

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

## **FISCAL EFFECTS**

This plat will have no fiscal impacts on the City/County 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**

Findings of Fact  
Proposed Plat  
SIA Draft  
Mayors Letter

## FINDINGS OF FACT

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

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

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

The subject property is not currently used for agricultural purposes. This subdivision was originally platted April of 2017. This filing replats the north east corner of the original subdivision. Perimeter ditches and drains shall remain in place and not be altered by the subdivider or subsequent owners. The subdivision should not affect agricultural water users' facilities.

**2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The subdivision will obtain water service from existing water mains in Green Valley Drive, Colton Boulevard and Avenue E. Individual services for each lot shall be done in accordance with design standards, specifications, rules and regulations of the City of Billings Engineering/Public Works Department and MDEQ. This information is within the SIA under the heading VI, Utilities.

Sanitary sewer service will be provided by the City of Billings. The subdivision will obtain sanitary sewer service from existing water mains in Green Valley Drive, Colton Boulevard and Avenue E. Individual services for each lot shall be in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This information is within the SIA under the heading VI, Utilities.

Private utility companies will provide services to the subdivision. Eight-foot-wide easements on the lot frontage have been requested and will be provided by the subdivider for the private utility companies to install the needed infrastructure.

**Stormwater** – Stormwater drainage for the public streets is proposed to be provided by curb and gutters that discharge into storm water pipes. This system has already been installed with previous private contracts. Lots will be required to manage their own stormwater and 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. A Stormwater Report will be submitted for review and approval by City Engineering at the time of individual lot development. This information is within the SIA under the heading V, Storm Drainage.

- 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 lots within the subdivision will be served by existing streets already in place, Green Valley Drive, Colton Boulevard and Avenue E. No additional right-of-way dedication is required.

The sidewalks will be installed by individual lot owners when the lots are developed. All sidewalks will be 5-foot-wide with a 5-foot-wide boulevard behind the curb.

A Traffic Impact Study (TIS) evaluating the impacts of the entire Zimmerman Home Place project area has previously been completed and submitted to City Engineering. Impact fees associated with the findings of the TIS have been collected by the city and additional contributions are not required.

- d. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The fire station serving this area is located at 54<sup>th</sup> St. West and Grand Ave. (Station #7). The subdivision is located within the ambulance service area of American Medical Response (AMR).
- e. **Schools** –This subdivision could be developed with offices or with residential uses. School District #2 provides educational services to elementary through high school students. Schools serving these students are Boulder Elementary, Will James Middle School, and Senior High School. Response from School District #2 shows Boulder Elementary and Senior Hight School are currently over capacity. Will James Middle School has additional capacity.
- f. **Parks and Recreation** – Residential subdivisions are required by City of Billings Subdivision Regulations to provide parkland for the residents of the subdivision. This subdivision is not required to provide parkland dedication because it is a minor subdivision.
- g. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Location of mail delivery boxes will need to be coordinate with the developer and the postal service. (**Condition #1**)

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

The subject property is not currently farmland. This land was platted in April of 2017 as Zimmerman Home Place Subdivision and has not developed completely. This 3<sup>rd</sup> Filing of the subdivision, overall, will have little effect on the natural environment.

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

There are no known endangered or threatened species on the property. There is a paragraph in the SIA that warns future lot owners of the presence of 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 minimal impacts to public health, safety and welfare because of this subdivision.

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

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

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

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

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

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):**  
Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

**Home Base (healthy, safe and diverse housing options)** Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings.

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

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

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

There is an existing 10-foot-wide trail along the north edge of the subdivision along Colton Boulevard.

**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 Neighborhood Office-Residential (NO) zoning. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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

The subdivider will provide utility easements as requested by private utility companies on the face of the plat. There are 8-foot-wide private utility easements shown on the plat.

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

Legal and physical access is provided to the proposed lots from Green Valley Drive, Colton Boulevard and Avenue E.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2018 Growth Policy and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**RECOMMENDATION**

It is recommended to City Council that the preliminary plat of Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, August 22, 2022

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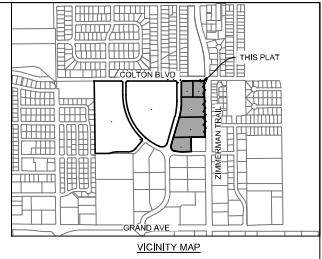
William A. Cole, Mayor

PRELIMINARY PLAT OF  
**ZIMMERMAN HOME PLACE, 3RD FILING**  
 BEING LOCATED ON LOT 1, BLOCKS 3 OF ZIMMERMAN HOME PLACE SUBDIVISION, FIRST FILING  
 IN BILLINGS, MONTANA

PREPARED FOR : HIGHLANDS ZHP SUBDIVISION, LLC  
 PREPARED BY : PERFORMANCE ENGINEERING, LLC



| SITE DATA     |           |
|---------------|-----------|
| GROSS AREA    | 12.125 AC |
| NET AREA      | 12.125 AC |
| LOT COUNT     | 5         |
| MAX. LOT AREA | 4,089 AC  |
| MIN. LOT AREA | 1,324 AC  |
| ZONING        | NO        |



This survey is not subject to review by the Department of Environmental Quality pursuant to 7-6-105(1)(i) MCA as the said plat is inside a master planning area and adequate storm water drainage and municipal facilities will be provided to the subdivision.



8/10/2022 8:40:04 AM  
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**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL IMPROVEMENT  
DISTRICTS**

**Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing**

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(City of Billings)

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

**Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing**

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between *Highlands ZHP Subdivision, LLC, L & L ZHP Subdivision, LLC, and Ludwig Consulting, LLC*, whose address for the purpose of this agreement is **2116 Broadwater Ave, Suite 101, 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 *Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

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

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

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

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

**I. VARIANCES**

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

1. No variances 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 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- D.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned 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.

### **III. TRANSPORTATION**

#### **A. Streets**

- All public roadways adjacent to the Subdivision have been completed as part of previous projects. No additional public street improvements are required by the Subdivider.
- All public right-of-way for surrounding streets has been dedicated. No additional right-of-way dedication is required.

#### **B. Sidewalks**

- Individual lot owners will be responsible for the construction of the sidewalks within public right-of-way or easements adjacent to or through their lot at the time of lot construction and shall be included in each building permit.
- Sidewalks shall be 5-foot wide with a 5-foot boulevard planting strip between the sidewalk and the curb at corner intersection handicap ramps and aprons.
- The 10-foot multi-use path located along Colton Boulevard has been constructed as part of a previous private contract project.

#### **C. Street Lighting**

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

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

- A Traffic Impact Study (TIS) evaluating the impacts of the entire Zimmerman Home Place project area has previously been completed and submitted to City Engineering. Impact fees associated with the findings of the TIS have been collected by the city and additional contributions are not required.

#### **E. Access**

- The Subdivision will be accessed by way of driveway approaches off Colton Boulevard, Green Valley Drive, and Avenue E.
- Access off Zimmerman Trail will be provided via two 40' shared accesses. These accesses shall be restricted to right-in/right-out and located at the locations identified on the plat.

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

- The subdivision is located within the Bikeway and Trail Master Plan. A 10-foot multi-use trail has been constructed as part of a previous project.
- Adjacent lot owners shall be responsible for the maintenance of the trail.

#### **G. Public Transit**

- MET Transit provides service along Grand Avenue with the closest stop at the intersection of Grand Avenue and Zimmerman Trail, approximately 0.25 miles south of the Subdivision. No improvements are required to ensure public transit service.

### **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.

### **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 for adjacent public infrastructure has been submitted to the Engineering Division for review and approval. Storm facilities for adjacent public streets have been installed as part of a previous private contract.

Individual Lots will be required to manage their own stormwater in accordance with 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 Lot development.

## **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**

The subdivision will be serviced by existing water mains located in Green Valley Drive, Colton Boulevard, and Avenue E.

### **B. Sanitary Sewer**

The subdivision will be serviced by existing sanitary sewer mains located in Green Valley Drive, Colton Boulevard, and Avenue E..

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

All telephone, gas, electrical power, and cable television lines within the public right-of-way shall be installed prior to surface improvements. 8-foot utility easements are provided along the front lot lines of selected lots for utility services as shown on the plat.

## **VII. PARKS/OPEN SPACE**

There is no parkland requirement for proposed *Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing* as this is a minor subdivision [MCA 76-3-621(3)(a)].

**VIII. IRRIGATION**

No water rights have been transferred to the lot owners. There are no irrigation ditches within or adjacent to the Subdivision.

**IX. SOILS/GEOTECHNICAL STUDY**

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

**X. PHASING OF IMPROVEMENTS**

The Subdivision is not proposed to be constructed in phases.

**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.** 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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”

*Highlands ZHP Subdivision, LLC*

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

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

STATE OF MONTANA )

: ss

County of )

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

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

“SUBDIVIDER”

*L & L ZHP Subdivision, LLC*

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

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

STATE OF MONTANA     )  
                                          : ss  
County of                    )

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

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

“SUBDIVIDER”

*Ludwig Consulting, LLC*

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

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

STATE OF MONTANA     )  
                                          : ss  
County of                             )

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

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

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

“CITY”  
CITY OF BILLINGS  
MONTANA

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

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

STATE OF MONTANA     )  
                                          : ss  
County of Yellowstone     )

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

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

# Waiver of Right to Protest

## FUTURE SPECIAL IMPROVEMENT DISTRICTS

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

This Waiver is in addition to any other recorded waiver related to the property described herein and is not intended to replace, supersede, or invalidate any such waiver.

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

*Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing*

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*Highlands ZHP Subdivision, LLC*

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

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

STATE OF MONTANA     )  
                                          : ss  
County of                             )

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

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

*L & L ZHP Subdivision, LLC*

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

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

STATE OF MONTANA     )  
                                          : ss  
County of                     )

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

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

*Ludwig Consulting, LLC*

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

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

STATE OF MONTANA     )  
                                          : ss  
County of                             )

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

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



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

August 22, 2022

Preston Lees  
2116 Broadwater Ave. Suite 101  
Billings, MT 59102



Dear Applicant:

On August 22, 2022, the Billings City Council conditionally approved the preliminary plat of Zimmerman Home Place Subdivision, 3<sup>rd</sup> Filing, subject to the following conditions of approval:

1. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS 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, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

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

Sincerely,

---

William A. Cole, Mayor

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Second and Final Reading for an Ordinance Amending BMCC, Article 22-500, Street Maintenance District  
**Presented by:** Jennifer Duray  
**Department:** Public Works  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends Council approve the second and final reading of the Ordinance amending Billings, Montana City Code (BMCC), Article 22-500, Street Maintenance District.

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

BMCC, Article 22-500 establishes general and assessment methodology for Street Maintenance Districts. The primary purpose of the ordinance amendment is to include street improvements within maintenance districts as allowed in MCA 7-12-4405.

At its meeting on August 8, 2022, the City Council held a public hearing and approved the first reading of the amendments to the Ordinance.

**ALTERNATIVES**

City Council may:

- Approve the amendment to BMCC, Article 22-500 Street Maintenance Districts; or,
- Not approve the amendment.

**FISCAL EFFECTS**

There is no significant fiscal impact to adopting this Ordinance amendment.

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**Attachments**

Ordinance

ORDINANCE 22-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THAT THE BILLINGS, MONTANA CITY  
CODE (BMCC) BE AMENDED BY REVISING ARTICLE 22-  
500 OF SAID CODE; REVISING LANGUAGE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1.** That Article 21-500 of the Billings, Montana City Code (BMCC) is amended and renumbered so that such section shall read as follows:

**Sec. 22-501. Designation.**

Whenever any portion of the city shall have been designated as a street maintenance district, the streets and avenues and intersections of streets and avenues in such district may be maintained as maintenance is defined in MCA 7-12-4401(2) and improved within such district as is defined in MCA 7-12-4405 for such time and in such manner, and under the supervision of the city.

**Sec. 22-502. By whom work may be done.**

Maintenance and improvements as referred to in section 22-501, may be done by contract, or by forces in the employ of the city, or both.

**Sec. 22-503. Use of city forces.**

Whenever any portion of the work within a maintenance district has been done by any forces employed by the city, the city administrator shall certify to the council on or before the first Monday in October, of each year, the cost and expense such forces used in each maintenance district of the city, together with an estimate of the cost for the portion of the time such forces may be required to be used in each district for the balance of the fiscal year

**Sec. 22-504. Assessment of costs.**

All of the costs and expenses of each maintenance district, exclusive of the cost of maintaining public places and the intersections of streets with avenues or alleys, shall in all cases be assessed and taxed to the lots or parcels of land within the district.

**Sec. 22-504.1 Maximum annual assessments for parcels, tracts or lots which are undeveloped and unimproved.**

The maximum annual assessment for street maintenance for any tract, parcel or lot which is undeveloped and unimproved shall be set by resolution.

**Sec. 22-505. Assessment method.**

Each lot or parcel of land shall bear its share of the costs and expenses of each maintenance district according to the options set forth in MCA Title 7, Chapter 12 (section 7-12-101 et seq.). The city council shall determine and fix the proportion to be assessed in each district by each such method. The assessment shall be exclusive of the costs and expenses of maintaining public places.

**Sec. 22-506. Certification of tax.**

The taxes for maintenance districts assessed under sections 22-504 and 22-505 shall be extended in the same manner as other special assessments and shall be certified to the county clerk.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 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:** 08/22/2022  
**Title:** Payment of Claims for week of July 18, 2022  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$4,402,369.50 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

**Payment Approval Process**

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than \$1,000, then it must be approved by the Finance Director or designee. If that payment is greater than \$10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of \$2,500 is generated and placed on the next City Council meeting for review.

**ALTERNATIVES**

- No other alternatives were analyzed

**FISCAL EFFECTS**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

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**Attachments**

| Check Date | Check# | Name                   | Fund Name        | Amount        | Item Desc                                                     |
|------------|--------|------------------------|------------------|---------------|---------------------------------------------------------------|
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 743.03     | 3804428                                                       |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 2,943.46   | 3799348 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 6,221.35   | 3805507 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 647.24     | 3805507 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 1,328.98   | 3807052 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 143.75     | 3807052 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 495.00     | 3808468 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Fleet            | \$ 2,293.41   | 3810336 PO NUM 314192                                         |
| 07/18/2022 | ACH    | A & I Distributors     | Public Safety    | \$ 41.15      | 3805507                                                       |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 41.71      | 3805507                                                       |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 825.00     | 330GAL DEF TOTE . Collections.                                |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 1,301.81   | 330GAL DEF TOTE. 55G PURUS RED ELC 5050. Collections.         |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 825.00     | 330GAL DEF TOTE. Collections.                                 |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 825.00     | 330GAL DEF TOTE. Collections.                                 |
| 07/18/2022 | ACH    | A & I Distributors     | Solid Waste      | \$ 825.00     | 330GAL DEF TOTE. Landfill.                                    |
| 07/18/2022 | ACH    | A & I Distributors     | Street/Traffic   | \$ 41.15      | 3805507                                                       |
| 07/18/2022 | ACH    | A & I Distributors     | Street/Traffic   | \$ 825.00     | tote of def                                                   |
| 07/18/2022 | ACH    | A & I Distributors     | Transit          | \$ 1,650.00   | 3805179 PO NUM 314192. 2560 Qts DEF                           |
| 07/18/2022 | ACH    | A & I Distributors     | Transit          | \$ 109.00     | Invoice #3803941. Spent Antifreeze Removal                    |
| 07/18/2022 | 853802 | Ace Electric           | Facilities       | \$ 9,850.00   | Lighting Upgrade in lower basement of the Stillwater Building |
| 07/18/2022 | 853806 | Am Assoc- Airport Exec | Airport          | \$ 6,500.00   | IET Maintenance 7/1/22-6/30/23                                |
| 07/18/2022 | 853812 | Askin Construction     | Gas Tax          | \$ 12,954.15  | SID 1411 Park Lane Paving                                     |
| 07/18/2022 | 853812 | Askin Construction     | Gas Tax          | \$ 100,656.64 | WO 21-11Highwood Dr Reconstruction                            |
| 07/18/2022 | 853812 | Askin Construction     | SID Const        | \$ 2,445.50   | SID 1411 Park Lane Paving                                     |
| 07/18/2022 | 853812 | Askin Construction     | Sidewalk Const   | \$ 23,521.60  | WO 21-11Highwood Dr Reconstruction                            |
| 07/18/2022 | 853812 | Askin Construction     | Wastewater       | \$ 12,018.12  | WO 21-11Highwood Dr Reconstruction                            |
| 07/18/2022 | 853812 | Askin Construction     | Water            | \$ 62,354.30  | WO 21-11Highwood Dr Reconstruction                            |
| 07/18/2022 | 853813 | AT Architecture        | Facilities       | \$ 3,908.50   | Fleet Expansion at Billings Operations Center                 |
| 07/18/2022 | 853814 | Automatic Transmission | Street/Traffic   | \$ 1,087.84   | 80928                                                         |
| 07/18/2022 | 853814 | Automatic Transmission | Street/Traffic   | \$ 3,630.16   | 80990                                                         |
| 07/18/2022 | 853820 | Billings Sign Service  | Arterial Streets | \$ 20,648.93  | WO 19-15 24th St W & Central                                  |
| 07/18/2022 | 853821 | Billings Tourism       | Tourism BID #2   | \$ 52,283.94  | Paid June Distributed July 2022                               |
| 07/18/2022 | 853822 | Border States Electric | Wastewater       | \$ 104.04     | ELECTRICAL SUPPLIES FOR LS003 FOR WTP LI                      |
| 07/18/2022 | 853822 | Border States Electric | Wastewater       | \$ 86.76      | INSUL HUBS FOR WTP LIFT STATION                               |

| Check Date | Check# | Name                   | Fund Name        | Amount       | Item Desc                                                      |
|------------|--------|------------------------|------------------|--------------|----------------------------------------------------------------|
| 07/18/2022 | 853822 | Border States Electric | Wastewater       | \$ 55.77     | INSULATED HUBS/WTP LIFT STATION                                |
| 07/18/2022 | 853822 | Border States Electric | Water            | \$ 190.54    | MCS CONTACTOR FOR SUMP PUMPS AT STAPLES                        |
| 07/18/2022 | 853822 | Border States Electric | Water            | \$ 3,751.35  | POWER SUPPLY FOR MOUNTAIN VIEW                                 |
| 07/18/2022 | 853824 | Burns & McDonnell Eng  | Water            | \$ 46,664.19 | WO 19-42 West End Water Treatment Plant Project                |
| 07/18/2022 | 853824 | Burns & McDonnell Eng  | Water            | \$ 90,308.12 | WO 19-42 West End Water Treatment Plant Project                |
| 07/18/2022 | 853825 | Business Tax Section   | Arterial Streets | \$ 208.57    | WO 19-15 24th St W & Central                                   |
| 07/18/2022 | 853825 | Business Tax Section   | Facilities       | \$ 99.50     | Lighting upgrade in lower basement of the Stillwater Building  |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 130.85    | SID 1411 Park Lane Paving                                      |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 670.88    | WO 20-28 Songbird Drive Construction                           |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 1,016.73  | WO 21-11Highwood Dr Reconstruction                             |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 5,906.78  | WO 22-03 Chip Seal Contract                                    |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 865.68    | WO 22-04 City ADA Project                                      |
| 07/18/2022 | 853825 | Business Tax Section   | Gas Tax          | \$ 184.33    | WO 22-09 BBWA Canal Trail                                      |
| 07/18/2022 | 853825 | Business Tax Section   | Park Dist 1      | \$ 64.02     | WO 22-09 BBWA Canal Trail                                      |
| 07/18/2022 | 853825 | Business Tax Section   | Park Dist 1      | \$ 13.49     | WO 22-09 BBWA Canal Trail                                      |
| 07/18/2022 | 853825 | Business Tax Section   | SID Const        | \$ 24.70     | SID 1411 Park Lane Paving                                      |
| 07/18/2022 | 853825 | Business Tax Section   | Sidewalk Const   | \$ 281.08    | WO 20-28 Songbird Drive Construction                           |
| 07/18/2022 | 853825 | Business Tax Section   | Sidewalk Const   | \$ 237.59    | WO 21-11Highwood Dr Reconstruction                             |
| 07/18/2022 | 853825 | Business Tax Section   | Solid Waste      | \$ 172.71    | Troubleshoot and fix the CNG Compressors                       |
| 07/18/2022 | 853825 | Business Tax Section   | Wastewater       | \$ 5,078.87  | WO 14-11 Water Reclamation Facility Nutrient                   |
| 07/18/2022 | 853825 | Business Tax Section   | Wastewater       | \$ 121.39    | WO 21-11Highwood Dr Reconstruction                             |
| 07/18/2022 | 853825 | Business Tax Section   | Wastewater       | \$ 330.50    | WO 22-18 WRF Digester Gas Valve Install Phase 2                |
| 07/18/2022 | 853825 | Business Tax Section   | Water            | \$ 629.85    | WO 21-11Highwood Dr Reconstruction                             |
| 07/18/2022 | 853827 | Cardio Partners        | Solid Waste      | \$ 1,392.70  | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Street/Traffic   | \$ 1,392.70  | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Wastewater       | \$ 1,392.70  | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Wastewater       | \$ 348.17    | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Wastewater       | \$ 748.85    | Mobile Units for Electricians                                  |
| 07/18/2022 | 853827 | Cardio Partners        | Wastewater       | \$ 599.09    | Mobile Units for Electricians                                  |
| 07/18/2022 | 853827 | Cardio Partners        | Water            | \$ 1,392.70  | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Water            | \$ 1,044.53  | AED's & Cabinets                                               |
| 07/18/2022 | 853827 | Cardio Partners        | Water            | \$ 898.65    | Mobile Units for Electricians                                  |
| 07/18/2022 | 853827 | Cardio Partners        | Water            | \$ 748.86    | Mobile Units for Electricians                                  |
| 07/18/2022 | 853837 | Christopher Parod      | PD Program       | \$ 2,712.00  | Reimbursement of Held money at Evidence. Drug Forfeiture fund. |

| Check Date | Check# | Name                       | Fund Name      | Amount       | Item Desc                                         |
|------------|--------|----------------------------|----------------|--------------|---------------------------------------------------|
| 07/18/2022 | 853838 | City Of Billings           | Fire Grants    | \$ 7,940.18  | CTOS NEVADA 2022 GRANT REIMBURSEMENT              |
| 07/18/2022 | 853840 | City of Missoula           | Fire Grants    | \$ 11,805.72 | CTOS NEVADA 2022 GRANT REIMBURSEMENT              |
| 07/18/2022 | 853853 | Denny Menholt              | Public Safety  | \$ 1,272.25  | 414232                                            |
| 07/18/2022 | 853853 | Denny Menholt              | Public Safety  | \$ 4,462.67  | 414353                                            |
| 07/18/2022 | 853855 | Dixie Petro-Chem           | General        | \$ 1,403.75  | chlorine for pools                                |
| 07/18/2022 | 853855 | Dixie Petro-Chem           | General        | \$ 2,807.50  | chlorine for pools                                |
| 07/18/2022 | 853857 | DOWL                       | Storm Sewer    | \$ 9,154.00  | WO 20-24 West End Storm System Improvements       |
| 07/18/2022 | 853857 | DOWL                       | Storm Sewer    | \$ 12,165.00 | WO 20-24 West End Storm System Improvements       |
| 07/18/2022 | 853858 | Downtown Blgs BID          | Downtown BID   | \$ 9,031.47  | BID Assessment; Paid June Distributed July 2022   |
| 07/18/2022 | 853865 | Financial Consult Solution | Storm Sewer    | \$ 49,356.95 | WO 20-37 Stormwater Utility Development           |
| 07/18/2022 | 853867 | Fisher Sand & Gravel       | Street/Traffic | \$ 5,205.36  | asphalt                                           |
| 07/18/2022 | 853867 | Fisher Sand & Gravel       | Street/Traffic | \$ 2,590.38  | asphalt                                           |
| 07/18/2022 | 853867 | Fisher Sand & Gravel       | Street/Traffic | \$ 3,452.61  | Asphalt                                           |
| 07/18/2022 | 853867 | Fisher Sand & Gravel       | Street/Traffic | \$ 1,192.49  | asphalt                                           |
| 07/18/2022 | 853867 | Fisher Sand & Gravel       | Street/Traffic | \$ 2,377.59  | asphalt                                           |
| 07/18/2022 | 853870 | Galco Industrial           | Water          | \$ (525.00)  | CREDIT for temp bang board                        |
| 07/18/2022 | 853870 | Galco Industrial           | Water          | \$ 5,685.71  | ELECTRICAL SUPPLIES                               |
| 07/18/2022 | 853873 | Grainger Parts             | Solid Waste    | \$ 13.26     | 93472962306                                       |
| 07/18/2022 | 853873 | Grainger Parts             | Wastewater     | \$ 60.87     | COLLER/WIRE RACK                                  |
| 07/18/2022 | 853873 | Grainger Parts             | Wastewater     | \$ 1,263.15  | group lockout box, permit display case,           |
| 07/18/2022 | 853873 | Grainger Parts             | Wastewater     | \$ 1,357.80  | INSULATION MULTIMETER                             |
| 07/18/2022 | 853873 | Grainger Parts             | Wastewater     | \$ 357.16    | SOCKET BIT SET                                    |
| 07/18/2022 | 853873 | Grainger Parts             | Wastewater     | \$ 304.00    | SOCKET BIT SET - STEEL                            |
| 07/18/2022 | 853873 | Grainger Parts             | Water          | \$ 60.87     | COLLER/WIRE RACK                                  |
| 07/18/2022 | 853873 | Grainger Parts             | Water          | \$ 1,263.15  | group lockout box, permit display case,           |
| 07/18/2022 | 853873 | Grainger Parts             | Water          | \$ 1,357.80  | INSULATION MULTIMETER                             |
| 07/18/2022 | 853873 | Grainger Parts             | Water          | \$ 357.16    | SOCKET BIT SET                                    |
| 07/18/2022 | 853873 | Grainger Parts             | Water          | \$ 304.00    | SOCKET BIT SET - STEEL                            |
| 07/18/2022 | 853878 | Hardrives Const            | Gas Tax        | \$584,770.86 | WO 22-03 Chip Seal Contract 2; 3 WO2203 Hardrives |
| 07/18/2022 | 853881 | Harris Systems             | Building       | \$ 7,877.25  | Building Permits FY23                             |
| 07/18/2022 | 853881 | Harris Systems             | Building       | \$ 3,628.66  | Mobile Application FY23                           |
| 07/18/2022 | 853881 | Harris Systems             | Fleet          | \$ 15,754.49 | Fleet Management FY23                             |
| 07/18/2022 | 853881 | Harris Systems             | General        | \$ 7,877.25  | Code Enforcement FY23                             |
| 07/18/2022 | 853881 | Harris Systems             | General        | \$ 31,508.99 | Financials FY23                                   |

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| 07/18/2022 | 853881 | Harris Systems       | General          | \$ 7,877.25   | Occupational Licenses FY23                             |
| 07/18/2022 | 853881 | Harris Systems       | General          | \$ 7,877.25   | Payroll FY23                                           |
| 07/18/2022 | 853881 | Harris Systems       | General          | \$ 7,877.25   | Property Tax FY23                                      |
| 07/18/2022 | 853881 | Harris Systems       | P.W. Admin       | \$ 31,508.99  | CIS FY23                                               |
| 07/18/2022 | 853881 | Harris Systems       | Planning         | \$ 7,877.25   | Planning & Zoning FY23                                 |
| 07/18/2022 | 853881 | Harris Systems       | Solid Waste      | \$ 1,036.91   | Routeware Interface FY23                               |
| 07/18/2022 | 853883 | Hawkins              | General          | \$ 5,289.14   | chemicals for pools-6231415                            |
| 07/18/2022 | 853883 | Hawkins              | Water            | \$ 30,117.95  | AQUA HAWK COAGULANT                                    |
| 07/18/2022 | ACH    | HDR, Inc.            | Arterial Streets | \$ 54,456.89  | WO 22-07 Mullowney Lane, Consultant Agreement          |
| 07/18/2022 | ACH    | HDR, Inc.            | Engineering      | \$ 2,695.71   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Engineering      | \$ 7,861.46   | WO 22-46 Consultant TIS Review Final                   |
| 07/18/2022 | ACH    | HDR, Inc.            | Gas Tax          | \$ 796.21     | WO2224 Park Pl Retaining Wall                          |
| 07/18/2022 | ACH    | HDR, Inc.            | Light Maint      | \$ 518.41     | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | P.W. Admin       | \$ 4,769.31   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Solid Waste      | \$ 2,280.98   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Solid Waste      | \$ 38,959.04  | WO 22-37 Landfill Drop-off Bldg Repairs                |
| 07/18/2022 | ACH    | HDR, Inc.            | Storm Sewer      | \$ 6,065.32   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Street/Traffic   | \$ 5,443.24   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Wastewater       | \$ 11,213.00  | WO 20-11 Lloyd Mangrum & Lake Hills Lift Station Rehab |
| 07/18/2022 | ACH    | HDR, Inc.            | Wastewater       | \$ 7,102.15   | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Wastewater       | \$ 11,485.78  | WO 20-44 WRF Nutrient Recovery Improvements Project    |
| 07/18/2022 | ACH    | HDR, Inc.            | Wastewater       | \$ 1,525.41   | WO 22-14 WRF Administration Building AHU Replacement   |
| 07/18/2022 | ACH    | HDR, Inc.            | Wastewater       | \$ 13,204.31  | WO 22-14 WRF Administration Building AHU Replacement   |
| 07/18/2022 | ACH    | HDR, Inc.            | Water            | \$ 128,524.35 | WO 19-12 West End Reservoir                            |
| 07/18/2022 | ACH    | HDR, Inc.            | Water            | \$ 22,965.32  | WO 20-33 Public Works GIS Services                     |
| 07/18/2022 | ACH    | HDR, Inc.            | Water            | \$ 4,197.76   | WO 22-11 Staples Reservoir Evaluation/Design           |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Public Safety    | \$ 51.46      | 1674235                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Public Safety    | \$ 13.92      | 1674278                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 60.64      | 1668954                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 348.56     | 1669923                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 99.75      | 1670027                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 47.54      | 1670070                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 88.28      | 1670261                                                |
| 07/18/2022 | 853888 | Hose & Rubber Supply | Solid Waste      | \$ 100.56     | 1670867                                                |

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|------------|--------|-----------------------|------------------|-------------|-------------------------------------------------------------------|
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 343.72   | 1671470                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 156.77   | 1672373                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 118.54   | 1674831                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 266.47   | 1675319                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 441.06   | 1675905                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 61.53    | 1676991                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 170.58   | 1677109                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 460.56   | 1677224                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Solid Waste      | \$ 346.56   | 16722108                                                          |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Street/Traffic   | \$ 143.03   | 1677459                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Wastewater       | \$ 248.02   | 1669629                                                           |
| 07/18/2022 | 853888 | Hose & Rubber Supply  | Water            | \$ 29.40    | NONSTOCKING ITEMS-P.U.D.                                          |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 666.69   | 574139                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 183.05   | 574139                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 630.52   | 574357                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 388.88   | 577825                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 2,835.16 | 578173                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 574.94   | 578581                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 7,844.57 | 578951                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ 67.27    | 579100                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ (666.69) | C13143                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ (183.05) | C13143                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ (630.52) | C13146                                                            |
| 07/18/2022 | 853889 | Hughes Fire Equipt    | Public Safety    | \$ (567.42) | C13151                                                            |
| 07/18/2022 | 853891 | Iaff                  | Payroll Clearing | \$ 4,708.52 | Payroll Summary                                                   |
| 07/18/2022 | 853894 | Insight Public Sector | PD Program       | \$ 3,664.74 | CF-33 toughbook, i7, 16GB RAM, 512GB SSD, Keyboard, power adapter |
| 07/18/2022 | 853890 | I-State Truck         | Fleet            | \$ 112.18   | C251336407.01 PO NUM 314695                                       |
| 07/18/2022 | 853890 | I-State Truck         | Fleet            | \$ 98.40    | C251336866.01 PO NUM 314695                                       |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 211.44   | C251335582.01                                                     |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 64.86    | C251335758.01                                                     |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 221.82   | C251336093.01                                                     |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 703.95   | C251336213.01                                                     |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 32.06    | C251336404.02                                                     |
| 07/18/2022 | 853890 | I-State Truck         | Solid Waste      | \$ 21.39    | C251336459.01                                                     |

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| 07/18/2022 | 853890 | I-State Truck       | Solid Waste    | \$ 72.60     | C251336495.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Solid Waste    | \$ 240.16    | C251336737:01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Street/Traffic | \$ 398.18    | C251336020.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Street/Traffic | \$ 32.80     | C251336431.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Street/Traffic | \$ 122.08    | C251336473.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Street/Traffic | \$ 1,894.64  | C251336730.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Wastewater     | \$ 0.98      | C251335149.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Wastewater     | \$ 537.68    | C251335833.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Wastewater     | \$ 105.72    | C251336435.01                                   |
| 07/18/2022 | 853890 | I-State Truck       | Wastewater     | \$ 148.45    | C251336796.01                                   |
| 07/18/2022 | 853897 | J & J Concrete      | Gas Tax        | \$ 85,702.32 | WO 22-04 City ADA Project; 2 WO2204 J&J Concret |
| 07/18/2022 | 853899 | J.J. Keller & Assoc | General        | \$ 2,995.00  | Training on Demand Subscription                 |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 382.99    | 00180                                           |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 4,322.84  | 00187                                           |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 415.49    | P00083                                          |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 24.00     | P00137                                          |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 34.24     | P00153                                          |
| 07/18/2022 | 853903 | Joe Johnson Equipt  | Street/Traffic | \$ 1,513.96  | P00154                                          |
| 07/18/2022 | 853910 | Knife River         | Gas Tax        | \$ 66,417.34 | WO 20-28 Songbird Drive Construction            |
| 07/18/2022 | 853910 | Knife River         | Gas Tax        | \$ 18,248.67 | WO 22-09 BBWA Canal Trail                       |
| 07/18/2022 | 853910 | Knife River         | Park Dist 1    | \$ 1,335.51  | WO 22-09 BBWA Canal Trail                       |
| 07/18/2022 | 853910 | Knife River         | Park Dist 1    | \$ 6,337.69  | WO 22-09 BBWA Canal Trail                       |
| 07/18/2022 | 853910 | Knife River         | Sidewalk Const | \$ 27,826.20 | WO 20-28 Songbird Drive Construction            |
| 07/18/2022 | 853919 | L P Anderson Tire   | Public Safety  | \$ 65.00     | 1982384                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Public Safety  | \$ 65.00     | 1983220                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 37.50     | 1982710                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 87.50     | 1983351                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 87.50     | 1983533                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 87.50     | 1983534                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 82.50     | 1983536                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 160.00    | 1984428                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 129.00    | 1984487                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 95.00     | 1984492                                         |
| 07/18/2022 | 853919 | L P Anderson Tire   | Street/Traffic | \$ 576.72    | 1984535                                         |

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| 07/18/2022 | 853919 | L P Anderson Tire        | Street/Traffic   | \$ 183.00    | 1984678                                                     |
| 07/18/2022 | 853919 | L P Anderson Tire        | Street/Traffic   | \$ 98.00     | 1984863                                                     |
| 07/18/2022 | 853919 | L P Anderson Tire        | Street/Traffic   | \$ 1,156.00  | 1985224                                                     |
| 07/18/2022 | 853919 | L P Anderson Tire        | Wastewater       | \$ 1,328.00  | 1983999                                                     |
| 07/18/2022 | 853919 | L P Anderson Tire        | Water            | \$ 87.50     | 1984864                                                     |
| 07/18/2022 | 853920 | Land Design              | Park Dist 1      | \$ 7,713.79  | phase I of the Poly Vista project-invoice 016343 and 016355 |
| 07/18/2022 | 853926 | Mail Tech Service        | Central Services | \$ 5,899.07  | Postage June 2022                                           |
| 07/18/2022 | 853926 | Mail Tech Service        | Parking          | \$ 65.00     | Postage June 2022                                           |
| 07/18/2022 | 853928 | Marilyn L. Kohles        | Arterial Streets | \$ 35,071.20 | WO 09-12 Inner Belt Loop; WO0912 Kohles ROW                 |
| 07/18/2022 | 853945 | MFPE                     | Payroll Clearing | \$ 2,698.75  | Payroll Summary                                             |
| 07/18/2022 | 853938 | Missoula Rural Fire Dist | Fire Grants      | \$ 6,390.07  | CTOS NEVADA 2022 GRANT REIMBURSEMENT                        |
| 07/18/2022 | 853940 | Montana CSED             | Payroll Clearing | \$ 4,417.44  | Payroll Summary                                             |
| 07/18/2022 | 853948 | Montana Peterbilt        | Fleet            | \$ 2,719.07  | 48440 PO NUM 314704                                         |
| 07/18/2022 | 853948 | Montana Peterbilt        | Fleet            | \$ 1,605.60  | 48446 PO NUM 314704                                         |
| 07/18/2022 | 853948 | Montana Peterbilt        | Fleet            | \$ 256.32    | 49065 PO NUM 314704                                         |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 188.28    | 47101                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 320.18    | 47234                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 111.15    | 47933                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 616.17    | 48124                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 1,181.64  | 48236                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 317.38    | 48338                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 846.20    | 48514                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 175.68    | 48518                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 155.58    | 48553                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 98.57     | 48555                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 196.77    | 48624                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 135.04    | 48727                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 91.76     | 48762                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 604.11    | 48874                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 409.90    | 49227                                                       |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 304.99    | 47536B                                                      |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 108.96    | 47683B                                                      |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 140.62    | 47750B                                                      |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 335.44    | 48626B                                                      |

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| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 670.88    | 48891B                                                   |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 1,250.00  | New 2021 landfill waste hauler truck.                    |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 1,250.00  | New 2021 landfill waste hauler truck.                    |
| 07/18/2022 | 853948 | Montana Peterbilt        | Solid Waste      | \$ 1,250.00  | New 2021 landfill waste hauler truck.                    |
| 07/18/2022 | 853954 | MPPA                     | Payroll Clearing | \$ 3,884.37  | Payroll Summary                                          |
| 07/18/2022 | 853942 | MT Dakota Utilities      | EOC 911          | \$ 65.43     | 0829398378-2 911 CENTER STANDBY GENERATOR, FY2023        |
| 07/18/2022 | 853941 | MT Dakota Utilities      | Fleet            | \$ 8,666.61  | 07132022 PO NUM 314637                                   |
| 07/18/2022 | 853942 | MT Dakota Utilities      | General          | \$ 165.33    | 112 138 9381 8                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | General          | \$ 29.48     | 703 760 1000 8                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | General          | \$ 3,483.54  | 879 660 1000 8                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | Public Safety    | \$ 107.28    | 668 670 1000 2                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | Public Safety    | \$ 43.90     | 672 860 1000 3                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | Public Safety    | \$ 22.08     | 930 442 2308 4                                           |
| 07/18/2022 | 853942 | MT Dakota Utilities      | Water            | \$ 22.85     | 162 660 1000 4                                           |
| 07/18/2022 | 853943 | MT Dept Of Justice       | EOC 911          | \$ 9,364.34  | BILLINGS 911: CJIN SERVICES, JUL 1 2022 THRU JUN 30 2023 |
| 07/18/2022 | 853946 | MT League Cities & Towns | General          | \$ 28,750.00 | FY23 Membership Dues                                     |
| 07/18/2022 | 853950 | MT State Firemen         | Payroll Clearing | \$ 4,346.75  | Payroll Summary                                          |
| 07/18/2022 | 854010 | MT-Bldng Codes Bureau    | Building         | \$ 7,077.00  | Jan-Jun 2022 State Education fund assessment             |
| 07/18/2022 | 853956 | Napa Auto Parts          | Building         | \$ 53.13     | 403913                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Building         | \$ 176.81    | 403960                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Building         | \$ (53.13)   | 404217                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Building         | \$ 10.16     | 404394                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Facilities       | \$ 4.20      | 403787                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 45.99     | 401806                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 93.99     | 401987                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 29.20     | 402029                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 61.99     | 402566                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 1,999.00  | 402695                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 12.16     | 403695                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 186.35    | 404344                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 32.61     | 404465                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 8.58      | 405583                                                   |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 29.50     | 401680 PO NUM 314668                                     |
| 07/18/2022 | 853956 | Napa Auto Parts          | Fleet            | \$ 135.35    | 401818 PO NUM 314668                                     |

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| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 64.20   | 401818 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 10.22   | 402274 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 51.94   | 402729 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 10.08   | 403693 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 10.92   | 403727 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 266.64  | 404114 PO NUM 314668 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 60.36   | 404506 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 60.36   | 404608 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 38.28   | 405221 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 13.40   | 405231 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ (38.28) | 405266 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 31.95   | 405636 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 87.10   | 406212 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 28.23   | 406225 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | Fleet         | \$ 84.48   | 406287 PO NUM 314731 |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 147.79  | 400674               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 3.35    | 402399               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 3.35    | 402716               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 16.34   | 402728               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 113.82  | 403291               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 60.77   | 403292               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 35.72   | 403366               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 18.60   | 403628               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 61.59   | 403833               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 138.17  | 405884               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 24.06   | 406061               |
| 07/18/2022 | 853956 | Napa Auto Parts | General       | \$ 7.55    | 406129               |
| 07/18/2022 | 853956 | Napa Auto Parts | Parking       | \$ 81.88   | 403629               |
| 07/18/2022 | 853956 | Napa Auto Parts | Parking       | \$ 196.92  | 403652               |
| 07/18/2022 | 853956 | Napa Auto Parts | Parking       | \$ (53.64) | 403851               |
| 07/18/2022 | 853956 | Napa Auto Parts | Parking       | \$ 114.31  | 405901               |
| 07/18/2022 | 853956 | Napa Auto Parts | Public Safety | \$ 358.64  | 402568               |
| 07/18/2022 | 853956 | Napa Auto Parts | Public Safety | \$ 28.86   | 403704               |
| 07/18/2022 | 853956 | Napa Auto Parts | Public Safety | \$ (3.10)  | 404217               |

| Check Date | Check# | Name                | Fund Name      | Amount     | Item Desc |
|------------|--------|---------------------|----------------|------------|-----------|
| 07/18/2022 | 853956 | Napa Auto Parts     | Public Safety  | \$ 47.92   | 405406    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Public Safety  | \$ 18.12   | 405831    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Public Safety  | \$ 25.28   | 406301    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 48.74   | 400883    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 15.35   | 401517    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 47.49   | 404195    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 11.81   | 404832    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 11.81   | 404833    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 126.71  | 405214    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 23.40   | 405337    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 49.58   | 405513    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 32.61   | 405610    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 18.12   | 405831    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 14.96   | 406127    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Solid Waste    | \$ 173.05  | 406259    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 28.33   | 402755    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ (14.84) | 403371    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 156.09  | 404186    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 17.63   | 404410    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 51.02   | 404507    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 48.32   | 404566    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 48.32   | 404598    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 49.58   | 404613    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 68.75   | 404839    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 39.67   | 405397    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ (49.58) | 405717    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Street/Traffic | \$ 18.12   | 405831    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Wastewater     | \$ 11.39   | 404544    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Wastewater     | \$ 19.93   | 406200    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Water          | \$ 8.16    | 404153    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Water          | \$ 11.38   | 405499    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Water          | \$ 602.52  | 405647    |
| 07/18/2022 | 853956 | Napa Auto Parts     | Water          | \$ 100.95  | 406017    |
| 07/18/2022 | 853964 | NorthWestern Energy | Building       | \$ 18.37   | 1569631-3 |

| Check Date | Check# | Name                | Fund Name      | Amount      | Item Desc                                |
|------------|--------|---------------------|----------------|-------------|------------------------------------------|
| 07/18/2022 | 853964 | NorthWestern Energy | Facilities     | \$ 4.80     | 3866815-8                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Facilities     | \$ 131.76   | 3922089-2                                |
| 07/18/2022 | 853964 | NorthWestern Energy | General        | \$ 684.00   | 0712538-8                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Library        | \$ 6,847.28 | 3039007-4 Library electricity June 2022  |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 38.72    | 0813489-2                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 16.54    | 0978917-3                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 259.26   | 1191404-1                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 6.12     | 1588262-4                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 10.85    | 1849408-8                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 20.25    | 1904944-4                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 34.76    | 1941243-6                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 4.80     | 3178260-0                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Park Dist 1    | \$ 71.52    | 3241436-9                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parking        | \$ 66.63    | 3835890-9                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 6.85     | 0881455-0                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 0.11     | 1029192-0                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 15.43    | 1045813-1                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 1.14     | 1265177-4                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 7.10     | 1514388-6                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 1.04     | 1948667-9                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 5.32     | 2055817-7                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 5.78     | 3707234-5                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 12.56    | 3707235-2                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Parks Maint    | \$ 11.18    | 3707236-0                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Public Safety  | \$ 7.96     | 0712532-1                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Public Safety  | \$ 385.93   | 0720817-6                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Public Safety  | \$ 1,551.10 | 1183483-5                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Street/Traffic | \$ 38.83    | 0855404-0                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Street/Traffic | \$ 20.45    | 1045820-6                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Street/Traffic | \$ 2.32     | 3088038-9                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Street/Traffic | \$ 0.81     | 3590004-2                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Street/Traffic | \$ 23.88    | 3648861-7                                |
| 07/18/2022 | 853964 | NorthWestern Energy | Transit        | \$ 2,032.94 | 0100473-8. Monad Rd. July 2022 Utilities |
| 07/18/2022 | 853964 | NorthWestern Energy | Transit        | \$ 202.40   | 0719225-5                                |

| Check Date | Check# | Name                | Fund Name      | Amount        | Item Desc                                           |
|------------|--------|---------------------|----------------|---------------|-----------------------------------------------------|
| 07/18/2022 | 853964 | NorthWestern Energy | Water          | \$ 130.08     | 1142253-2                                           |
| 07/18/2022 | 853964 | NorthWestern Energy | Water          | \$ 6.00       | 1160807-2                                           |
| 07/18/2022 | 853964 | NorthWestern Energy | Water          | \$ 4.31       | 1346673-5                                           |
| 07/18/2022 | 853964 | NorthWestern Energy | Water          | \$ 6.47       | 1867265-9                                           |
| 07/18/2022 | 853964 | NorthWestern Energy | Water          | \$ 469.72     | 5809 CANYONWOODS DR                                 |
| 07/18/2022 | 853970 | PayneWest Insurance | Airport        | \$ 13,954.00  | D & O and Employment Practices Policy 7/1/22-7/1/23 |
| 07/18/2022 | 853970 | PayneWest Insurance | Airport        | \$ 18,092.00  | Fire Equipment Policy 7/1/22-7/1/23                 |
| 07/18/2022 | 853970 | PayneWest Insurance | Airport        | \$ 64,197.00  | General Liability Policy 7/1/22-7/1/23              |
| 07/18/2022 | 853970 | PayneWest Insurance | Property Ins   | \$ 26,003.00  | Boiler & Equipment                                  |
| 07/18/2022 | 853970 | PayneWest Insurance | Property Ins   | \$ 767,193.00 | Commercial Property Renewal                         |
| 07/18/2022 | 853970 | PayneWest Insurance | Property Ins   | \$ 74,531.77  | Cyber Liability Police                              |
| 07/18/2022 | 853970 | PayneWest Insurance | Property Ins   | \$ 5,534.00   | Public EE Dishonesty/Business Crime                 |
| 07/18/2022 | 853970 | PayneWest Insurance | Property Ins   | \$ 43,123.94  | Wind/Hail Deductible Buydown                        |
| 07/18/2022 | 853977 | Public Utilities    | Airport        | \$ 10,926.54  | 136516                                              |
| 07/18/2022 | 853977 | Public Utilities    | Facilities     | \$ 511.90     | 158260                                              |
| 07/18/2022 | 853977 | Public Utilities    | Park Dist 1    | \$ 99.41      | 255552                                              |
| 07/18/2022 | 853977 | Public Utilities    | Solid Waste    | \$ 14.19      | 273983                                              |
| 07/18/2022 | 853977 | Public Utilities    | Wastewater     | \$ 9.60       | 180645                                              |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 1,814.80   | P9563312                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 45.45      | P9593012                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 28.98      | P9633712                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 33,271.50  | W2781012                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 6,156.80   | W3477012                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 1,348.40   | W3477012                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 567.95     | W3496212                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 712.51     | W3496212                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 1,060.67   | W3497212                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 1,393.05   | W3497212                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 19.43      | W3502812                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 288.60     | W3502812                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 286.76     | W3509812                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Solid Waste    | \$ 817.70     | W3509812                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Street/Traffic | \$ 90.39      | P9586812                                            |
| 07/18/2022 | 853979 | RDO Equipment       | Water          | \$ 129.94     | P9520712                                            |

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|------------|--------|-------------------------|------------------|---------------|-------------------------------------------------------------------|
| 07/18/2022 | 853982 | Rexel USA               | Wastewater       | \$ 272.63     | For AFT Sonic/Laser Interference issues                           |
| 07/18/2022 | 853982 | Rexel USA               | Water            | \$ 2,333.14   | NT538 for RTD Monitoring                                          |
| 07/18/2022 | 853983 | Richardson & Weston     | Public Safety    | \$ 3,753.16   | reimbursement for trip to San Jose, CA                            |
| 07/18/2022 | 853986 | Rimrock Eng             | Water            | \$ 3,000.00   | SOIL SAMPLE FOR LANDFILL RADIO TOWER                              |
| 07/18/2022 | 853999 | S Blgs Urban Renewal    | Tax Incrmnt S    | \$ 29,289.50  | FY2022 Consulting Services for SBURA                              |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 25,658.42  | WO 0912 Inner Belt Loop; 51392/46                                 |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 3,110.95   | WO 0912 Inner Belt Loop; 51579/47                                 |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 1,937.50   | WO 0912 Inner Belt Loop; 51785/48                                 |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 1,312.50   | WO 0912 Inner Belt Loop; 51962/49                                 |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 58,716.79  | WO 0912 Inner Belt Loop; 52492/50                                 |
| 07/18/2022 | 853990 | Sanderson Stewart       | Arterial Streets | \$ 35.00      | WO 22-28 Grand Ave & 32nd Street West Traffic Signal Improvements |
| 07/18/2022 | 853990 | Sanderson Stewart       | Park Dist 1      | \$ 6,320.22   | WO 22-32 Riverfront Park Trail; 52460/6                           |
| 07/18/2022 | 853990 | Sanderson Stewart       | Path/Trl Donate  | \$ 9,760.00   | WO 21-38 HWY 3 Multi-use Path (Skyline Trail); 51454/5            |
| 07/18/2022 | 853990 | Sanderson Stewart       | Path/Trl Donate  | \$ 1,060.00   | WO 21-38 HWY 3 Multi-use Path (Skyline Trail); 52496/6            |
| 07/18/2022 | 853990 | Sanderson Stewart       | Tax Incrmnt S    | \$ 42,199.50  | WO 21-42 SBURA Streets improvements, Phase 1; 52279/9             |
| 07/18/2022 | 853992 | Shakespeare In The Park | Park Dist 1      | \$ 1,750.00   | July 12 performance at Pioneer                                    |
| 07/18/2022 | 853992 | Shakespeare In The Park | Park Dist 1      | \$ 1,750.00   | July 13 performance at Pioneer                                    |
| 07/18/2022 | 853997 | Sletten Const           | Wastewater       | \$ 502,808.34 | WO 14-11 Water Reclamation Facility Nutrient; 45F WO1411 Sletten  |
| 07/18/2022 | 853998 | Solid Waste System      | Fleet            | \$ 579.24     | 144574 PO NUM 314673                                              |
| 07/18/2022 | 853998 | Solid Waste System      | Fleet            | \$ 338.73     | 144696 PO NUM 314673                                              |
| 07/18/2022 | 853998 | Solid Waste System      | Fleet            | \$ 566.71     | 144924 PO NUM 314673                                              |
| 07/18/2022 | 853998 | Solid Waste System      | Solid Waste      | \$ 310.43     | 144581                                                            |
| 07/18/2022 | 853998 | Solid Waste System      | Solid Waste      | \$ 499.80     | 144667                                                            |
| 07/18/2022 | 853998 | Solid Waste System      | Solid Waste      | \$ 481.99     | 144683                                                            |
| 07/18/2022 | 853998 | Solid Waste System      | Solid Waste      | \$ 8,358.12   | 145070                                                            |
| 07/18/2022 | 853998 | Solid Waste System      | Solid Waste      | \$ 1,269.70   | 145208                                                            |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 750.00     | monthly charges -280002477                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 600.00     | monthly charges -280002478                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 700.00     | monthly charges -280002479                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 851.75     | monthly charges -280002480                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 586.25     | monthly charges -780000675                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 750.00     | monthly charges -780000676                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 700.00     | monthly charges -780000677                                        |
| 07/18/2022 | 854000 | Spectrum Reach          | General          | \$ 600.00     | monthly charges -780000678                                        |

| Check Date | Check# | Name                  | Fund Name        | Amount       | Item Desc                                                       |
|------------|--------|-----------------------|------------------|--------------|-----------------------------------------------------------------|
| 07/18/2022 | 854003 | Spencer Industries    | Street/Traffic   | \$ 10.30     | 31953684                                                        |
| 07/18/2022 | 854003 | Spencer Industries    | Street/Traffic   | \$ 2,962.43  | 31957262                                                        |
| 07/18/2022 | 854006 | St V's Occupational   | City Ins Fund    | \$ 670.50    | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | General          | \$ 4,920.00  | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Public Safety    | \$ 50.00     | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Solid Waste      | \$ 95.00     | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Solid Waste      | \$ 95.00     | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Street/Traffic   | \$ 95.00     | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Wastewater       | \$ 95.00     | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Wastewater       | \$ 174.00    | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854006 | St V's Occupational   | Water            | \$ 261.00    | June 2022 Drug Testing, On-site Nursing, DOT physicals          |
| 07/18/2022 | 854007 | Stahly Eng & Assoc    | Gas Tax          | \$ 1,295.16  | SID 1416 Gleneagles Boulevard Professional Services             |
| 07/18/2022 | 854007 | Stahly Eng & Assoc    | SID Const        | \$ 3,315.91  | SID 1416 Gleneagles Boulevard Professional Services             |
| 07/18/2022 | 854008 | Star Service Inc      | Solid Waste      | \$ 17,098.59 | Troubleshoot and fix the CNG compressors at BOC.                |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 847.14    | food for rose concessions - 343877106                           |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 663.84    | food for rose concessions - 343879635                           |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 1,461.11  | food for rose concessions - 343882257                           |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 726.90    | food for rose concessions - 343888798                           |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 1,646.49  | food for rose concessions - 343891587                           |
| 07/18/2022 | 854015 | Sysco Montana         | General          | \$ 1,160.34  | food for rose concessions - 343894902                           |
| 07/18/2022 | 854019 | Terracon Consultant   | Arterial Streets | \$ 1,320.00  | WO 20-12 S 32nd Street West (King Ave to Gabel); TG97599        |
| 07/18/2022 | 854019 | Terracon Consultant   | Gas Tax          | \$ 750.00    | WO 20-28 Song Bird Dr; TG99294                                  |
| 07/18/2022 | 854019 | Terracon Consultant   | Gas Tax          | \$ 742.50    | WO 21-11 Annual Street Reconstruction - Highwood Drive; TG99294 |
| 07/18/2022 | 854019 | Terracon Consultant   | Gas Tax          | \$ 3,053.75  | WO 22-03 Overlay and Chip Seal Materials Testing                |
| 07/18/2022 | 854019 | Terracon Consultant   | Park Dist 1      | \$ 1,525.00  | WO 22-03 Overlay and Chip Seal Materials Testing                |
| 07/18/2022 | 854023 | TNT Springs           | Fleet            | \$ (800.00)  | 212020                                                          |
| 07/18/2022 | 854023 | TNT Springs           | Fleet            | \$ 2,523.04  | 211693 PO NUM 314678                                            |
| 07/18/2022 | 854023 | TNT Springs           | Fleet            | \$ 660.32    | 212065 PO NUM 314678                                            |
| 07/18/2022 | 854023 | TNT Springs           | Public Safety    | \$ 157.90    | 211744                                                          |
| 07/18/2022 | 854024 | Torgerson's           | Solid Waste      | \$ 294.56    | P18363                                                          |
| 07/18/2022 | 854024 | Torgerson's           | Street/Traffic   | \$ 4,053.00  | 1367                                                            |
| 07/18/2022 | 854024 | Torgerson's           | Street/Traffic   | \$ 13,091.68 | P01236                                                          |
| 07/18/2022 | 854024 | Torgerson's           | Water            | \$ 166.00    | 1388                                                            |
| 07/18/2022 | ACH    | Town & Country Supply | Airport          | \$ 34,912.36 | QTA Car Rental Fuel                                             |

| Check Date | Check# | Name                  | Fund Name      | Amount       | Item Desc                                          |
|------------|--------|-----------------------|----------------|--------------|----------------------------------------------------|
| 07/18/2022 | ACH    | Town & Country Supply | Airport        | \$ 8,644.28  | Unleaded Fuel for Operations                       |
| 07/18/2022 | ACH    | Town & Country Supply | Fleet          | \$ 45,375.21 | 427684 PO NUM 314638                               |
| 07/18/2022 | ACH    | Town & Country Supply | Fleet          | \$ 35,882.47 | 427895 PO NUM 314640                               |
| 07/18/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 2,092.45  | 429253 FIRE 5: DIESEL                              |
| 07/18/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,107.77  | 429254 FIRE 3 DIESEL                               |
| 07/18/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,969.36  | 429255 FIRE 1 DIESEL                               |
| 07/18/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,232.50  | FIRE 1: UNLEADED DELIVERED 07/02/2022              |
| 07/18/2022 | ACH    | Town & Country Supply | Transit        | \$ 8,759.18  | 427738 PO NUM 314631. 2001 Gallons Unleaded        |
| 07/18/2022 | ACH    | Town & Country Supply | Transit        | \$ 30,882.85 | 427898 PO NUM 314650. 5999 Gallons Dyed #2 Diesel  |
| 07/18/2022 | 854025 | Tractor & Equipt      | Fleet          | \$ 922.26    | BLW00217388                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ (700.00)  | BLCR0095466                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 771.75    | BLCS0782168                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 1,544.00  | BLCS0784228                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 3,235.74  | BLCS0784228                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 4,497.60  | BLCS0784229                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 1,632.24  | BLCS0784818                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 876.40    | BLCS0785111                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 3,901.00  | BLWO0217126                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Solid Waste    | \$ 3,215.71  | BLWO0217126                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Street/Traffic | \$ 261.51    | BLCS0784911                                        |
| 07/18/2022 | 854025 | Tractor & Equipt      | Street/Traffic | \$ 119.79    | BLCS0785896                                        |
| 07/18/2022 | 854036 | Western Water Consult | Tax Incrmnt S  | \$ 5,318.00  | WO 20-30 Hallowell Lane Improvements; 201990014/14 |
| 07/18/2022 | 854036 | Western Water Consult | Tax Incrmnt S  | \$ 12,305.50 | WO 20-30 Hallowell Lane Improvements; 201990015/15 |
| 07/18/2022 | 854039 | Wilbur Ellis Co       | Park Dist 1    | \$ 3,760.00  | fertilizer, feed, weed control - 15142964          |
| 07/18/2022 | 854039 | Wilbur Ellis Co       | Park Dist 1    | \$ 3,760.00  | fertilizer, feed, weed control - 15148158          |
| 07/18/2022 | 854039 | Wilbur Ellis Co       | Park Dist 1    | \$ 3,760.00  | fertilizer, feed, weed control - 15154173          |
| 07/18/2022 | 854039 | Wilbur Ellis Co       | Park Dist 1    | \$ 3,760.00  | fertilizer, feed, weed control - 15155063          |
| 07/18/2022 | 854039 | Wilbur Ellis Co       | Park Dist 1    | \$ 3,760.00  | fertilizer, feed, weed control - 15163105          |

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Payment of Claims for week of July 25, 2022  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$3,137,799.54 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

**Payment Approval Process**

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.).

Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than \$1,000, then it must be approved by the Finance Director or designee.  
If that payment is greater than \$10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of \$2,500 is generated and placed on the next City Council meeting for review.

**ALTERNATIVES**

- No other alternatives were analyzed

**FISCAL EFFECTS**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

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**Attachments**

CouncilMemo wk of 07252022

| Check Date | Check# | Name          | Fund Name    | Amount       | Item Desc                                       |
|------------|--------|---------------|--------------|--------------|-------------------------------------------------|
| 07/25/2022 | 854048 | A&E Architect | Tax Incrmt S | \$ 31,776.63 | Generational Community Recreation Center design |
| 07/25/2022 | 854054 | Alternatives  | CDBG         | \$ 15,000.00 | CDBG-CV Grant / Alternatives / Q1 Reimburse     |
| 07/25/2022 | 854058 | Arconas Corp  | Airport      | \$ 24,950.00 | Hold Room Seating - New Terminal                |
| 07/25/2022 | 854059 | AT & T Corp   | Airport      | \$ 759.47    | Airport -                                       |
| 07/25/2022 | 854059 | AT & T Corp   | Airport      | \$ 25.13     | MET Transit Tablets                             |
| 07/25/2022 | 854059 | AT & T Corp   | Building     | \$ 642.87    | PW-Building Cell Phones                         |
| 07/25/2022 | 854059 | AT & T Corp   | Building     | \$ 386.10    | PW-Building Surfaces                            |
| 07/25/2022 | 854059 | AT & T Corp   | CDBG         | \$ 145.71    | Comm Dev                                        |
| 07/25/2022 | 854059 | AT & T Corp   | Court Grants | \$ 204.38    | Muni Court DC                                   |
| 07/25/2022 | 854059 | AT & T Corp   | Engineering  | \$ 34.84     | Engineering Tablets                             |
| 07/25/2022 | 854059 | AT & T Corp   | Engineering  | \$ 109.36    | Engineering Tablets                             |
| 07/25/2022 | 854059 | AT & T Corp   | Engineering  | \$ 219.65    | PW-Engineering Cell Phones and MiFi             |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 90.42     | Facilities BOC                                  |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 4.52      | Facilities BOC                                  |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 34.84     | Facilities BOC/CH                               |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 90.42     | Facilities BOC/CH                               |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 85.90     | Facilities City Hall                            |
| 07/25/2022 | 854059 | AT & T Corp   | Facilities   | \$ 160.47    | Facilities Managers                             |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 95.77     | City Attorney -Legal                            |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 412.82    | Code Enforcement                                |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 135.94    | Legal Dept -Domestic Violence                   |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 37.96     | Municipal Court                                 |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 87.55     | Parks Seasonals                                 |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 293.81    | PRPL - Recreation Division                      |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 754.99    | PRPL Parks Tablets                              |
| 07/25/2022 | 854059 | AT & T Corp   | General      | \$ 108.10    | Rec Tablets                                     |
| 07/25/2022 | 854059 | AT & T Corp   | IT Resources | \$ 50.25     | IT Department -On call Phone                    |
| 07/25/2022 | 854059 | AT & T Corp   | Library      | \$ 224.48    | Library                                         |
| 07/25/2022 | 854059 | AT & T Corp   | Library      | \$ 107.33    | Library Out Reach                               |
| 07/25/2022 | 854059 | AT & T Corp   | P.W. Admin   | \$ 41.18     | PWBLKNP OFFICE -60/40                           |
| 07/25/2022 | 854059 | AT & T Corp   | P.W. Admin   | \$ 27.45     | PWBLKNP OFFICE -60/40                           |
| 07/25/2022 | 854059 | AT & T Corp   | Park Dist 1  | \$ 546.88    | Parks Dept.                                     |
| 07/25/2022 | 854059 | AT & T Corp   | Park Dist 1  | \$ 70.04     | Parks Seasonals                                 |
| 07/25/2022 | 854059 | AT & T Corp   | Park Dist 1  | \$ 480.71    | PRPL Parks Tablets                              |

| Check Date | Check# | Name        | Fund Name      | Amount      | Item Desc                                                          |
|------------|--------|-------------|----------------|-------------|--------------------------------------------------------------------|
| 07/25/2022 | 854059 | AT & T Corp | Parking        | \$ 77.63    | Parking Division Meter Maintenance                                 |
| 07/25/2022 | 854059 | AT & T Corp | Parking        | \$ 226.05   | Parking Phones and scanner                                         |
| 07/25/2022 | 854059 | AT & T Corp | Parking        | \$ 226.05   | Parking Phones and scanner                                         |
| 07/25/2022 | 854059 | AT & T Corp | PD Program     | \$ 160.56   | CCSIU Toughbook                                                    |
| 07/25/2022 | 854059 | AT & T Corp | PD Program     | \$ 45.52    | Domestic Violence                                                  |
| 07/25/2022 | 854059 | AT & T Corp | Phone System   | \$ 65.02    | IT iPads                                                           |
| 07/25/2022 | 854059 | AT & T Corp | Phone System   | \$ 3.46     | Metro Cell                                                         |
| 07/25/2022 | 854059 | AT & T Corp | Phone System   | \$ 67.76    | TeleComm Manager                                                   |
| 07/25/2022 | 854059 | AT & T Corp | Planning       | \$ 62.72    | PLANNING                                                           |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 272.81   | Animal Control Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 240.84   | Animal Control -MDT                                                |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 288.77   | Comm. Center 9-1-1                                                 |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 40.14    | Detective Chartier -Toughbook                                      |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 1,263.23 | Fire Department Cell Phones                                        |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 802.80   | Fire iPads -Assistant chiefs new iPads                             |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 817.40   | Fire iPads -Assistant chiefs new iPads                             |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 85.66    | ICAC                                                               |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 1,375.54 | MDT Fire                                                           |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ (200.00) | Police Department Cell Phone                                       |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 3,476.47 | Police Department Cell Phone                                       |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 3,692.88 | Police MDT Toughbooks and Loaner MDT's                             |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 401.40   | Police MDT Toughbooks and Loaner MDT's                             |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 272.84   | Police -Resource Officers                                          |
| 07/25/2022 | 854059 | AT & T Corp | Public Safety  | \$ 287.20   | Yellowstone County Cellular Charges -Three cradlepoints -Fire Dept |
| 07/25/2022 | 854059 | AT & T Corp | Solid Waste    | \$ 90.42    | SOLID WASTE SUPERINTENDANT                                         |
| 07/25/2022 | 854059 | AT & T Corp | Street/Traffic | \$ 372.55   | School Flashers                                                    |
| 07/25/2022 | 854059 | AT & T Corp | Street/Traffic | \$ 656.48   | Street Traffic iPads                                               |
| 07/25/2022 | 854059 | AT & T Corp | Street/Traffic | \$ 43.34    | Street Traffic iPads                                               |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 100.10   | MET Supervisor Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 40.07    | MET Supervisor Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 101.16   | MET Supervisor Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 50.07    | MET Supervisor Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 10.10    | MET Supervisor Cell Phones                                         |
| 07/25/2022 | 854059 | AT & T Corp | Transit        | \$ 445.38   | MET Transit Tablets                                                |

| Check Date | Check# | Name                 | Fund Name     | Amount       | Item Desc                                                                |
|------------|--------|----------------------|---------------|--------------|--------------------------------------------------------------------------|
| 07/25/2022 | 854059 | AT & T Corp          | Transit       | \$ 645.35    | MET Transit Tablets                                                      |
| 07/25/2022 | 854059 | AT & T Corp          | Transit       | \$ 25.12     | MET Transit Tablets                                                      |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 180.84    | PW Environmental                                                         |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 331.57    | PWBELKNAP-DIST COLL CELL PHONES 60/40                                    |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 475.30    | PWBLKNP Electricians -Phones                                             |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 27.67     | PWBLKNP STORES -75/25                                                    |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 875.16    | PWBLNP-WWTRMNT1 Wastewater Treatment Plant                               |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 299.32    | PW-Distribution Collection Tablets 60/40                                 |
| 07/25/2022 | 854059 | AT & T Corp          | Wastewater    | \$ 69.68     | PW-Environmental                                                         |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 25.51     | WTP                                                                      |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 497.36    | PWBELKNAP-DIST COLL CELL PHONES 60/40                                    |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 1,050.55  | PWBELKNAP-WT Water Treatment                                             |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 21.91     | PWBELKNAP-WT Water Treatment                                             |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 609.89    | PWBLKNP COMM-METER CityWorks/Neptune                                     |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 201.83    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                                     |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 197.72    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                                     |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 83.01     | PWBLKNP STORES -75/25                                                    |
| 07/25/2022 | 854059 | AT & T Corp          | Water         | \$ 448.78    | PW-Distribution Collection Tablets 60/40                                 |
| 07/25/2022 | 854062 | Bcs Scrip            | City Ins Fund | \$ 15,000.00 | Healthy Is August 2022 Event Gift Cards 300 @ \$50.00                    |
| 07/25/2022 | 854068 | Blgs Community Cable | General       | \$ 49,172.50 | Quarterly Disbursement                                                   |
| 07/25/2022 | 854070 | Billings Depot       | Engineering   | \$ 15,057.22 | Depot August Rent                                                        |
| 07/25/2022 | 854074 | Brenntag Pacific     | Wastewater    | \$ 6,300.00  | Chemical supplies                                                        |
| 07/25/2022 | 854075 | Bruco Inc            | Airport       | \$ 296.31    | Kaivac Hose                                                              |
| 07/25/2022 | 854075 | Bruco Inc            | Facilities    | \$ 1,643.84  | 410012                                                                   |
| 07/25/2022 | 854075 | Bruco Inc            | Park Dist 1   | \$ 659.10    | coreless toilet tissue                                                   |
| 07/25/2022 | 854075 | Bruco Inc            | Transit       | \$ 273.92    | Mops & Handles for Metroplex                                             |
| 07/25/2022 | 854077 | Business Tax Section | Airport       | \$ 8,557.93  | Terminal Expansion - Construction AIP73-9 Final Remainder (No Grant Yet) |
| 07/25/2022 | 854077 | Business Tax Section | Airport       | \$ 723.99    | Terminal Expansion - Construction AIP73-9 Final Remainder (No Grant Yet) |
| 07/25/2022 | 854077 | Business Tax Section | Facilities    | \$ 68.02     | parts and labor on McQuay Chiller #1-Stillwater Building                 |
| 07/25/2022 | 854077 | Business Tax Section | Fire Grants   | \$ 49.03     | CABINETS, COUNTERTOPS AND HARDWARE @ FIRE STATION #5                     |
| 07/25/2022 | 854077 | Business Tax Section | Gas Tax       | \$ 45.95     | SID 1418 Holiday Ave Improvements                                        |
| 07/25/2022 | 854077 | Business Tax Section | Gas Tax       | \$ 2,416.66  | WO 22-03 Chip Seal Contract 2                                            |
| 07/25/2022 | 854077 | Business Tax Section | Gas Tax       | \$ 507.25    | WO 22-04 City ADA Project; 1 WO2204                                      |
| 07/25/2022 | 854077 | Business Tax Section | Gas Tax       | \$ 184.35    | WO 22-06 Sidewalk Tripper/Grind Project                                  |

| Check Date | Check# | Name                    | Fund Name     | Amount        | Item Desc                                                            |
|------------|--------|-------------------------|---------------|---------------|----------------------------------------------------------------------|
| 07/25/2022 | 854077 | Business Tax Section    | General       | \$ 83.27      | emergency irrigation line repair for cemetery                        |
| 07/25/2022 | 854077 | Business Tax Section    | Park Dist 1   | \$ 166.56     | emergency irrigation line repair for cemetery                        |
| 07/25/2022 | 854077 | Business Tax Section    | Park Dist 1   | \$ 612.60     | Poly vista improvement-Weave Construction (1% tax)                   |
| 07/25/2022 | 854077 | Business Tax Section    | Public Safety | \$ 85.55      | 911 / FIRE ADMIN: REPLACE CARPETING WITH VINYL FLOORING              |
| 07/25/2022 | 854077 | Business Tax Section    | SID Const     | \$ 102.01     | SID 1417 Elysian Rd; 7 SID1417                                       |
| 07/25/2022 | 854077 | Business Tax Section    | Haz sw repair | \$ 1.50       | WO 22-06 Sidewalk Tripper/Grind Project                              |
| 07/25/2022 | 854077 | Business Tax Section    | Solid Waste   | \$ 72.26      | 3063 1% to the Business Tax Division                                 |
| 07/25/2022 | 854077 | Business Tax Section    | Storm Sewer   | \$ 271.50     | WO 20-24 54th to Grand to 48th Drainage Corridor                     |
| 07/25/2022 | 854077 | Business Tax Section    | Tax Incrmnt S | \$ 6,033.44   | WO 21-42 SBURA Gravel Streets                                        |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 1,211.57   | WO 14-11 Water Reclamation Facility Nutrient Upgrade                 |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 9,215.93   | WO 19-21: WRF Influent Lift Station                                  |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 3,963.30   | WO 22-01 Water and Sewer Main Replacement                            |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 7,802.01   | WO 22-01 Water and Sewer Main Replacement                            |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 2,168.39   | WO 22-10 Alkali Cr Water & Sewer Extension                           |
| 07/25/2022 | 854077 | Business Tax Section    | Wastewater    | \$ 975.18     | WO 22-10 Alkali Cr Water & Sewer Extension                           |
| 07/25/2022 | 854077 | Business Tax Section    | Water         | \$ 6,161.97   | 2021 Water Replacement Project                                       |
| 07/25/2022 | 854077 | Business Tax Section    | Water         | \$ 130.40     | Main water Line Repair @ Shiloh & Grand                              |
| 07/25/2022 | 854077 | Business Tax Section    | Water         | \$ 67.58      | WATER LINE REPAIR 24TH AND GABEL                                     |
| 07/25/2022 | 854077 | Business Tax Section    | Water         | \$ 1,161.61   | WO 22-10 Alkali Cr Water & Sewer Extension                           |
| 07/25/2022 | 854077 | Business Tax Section    | Water         | \$ 338.62     | WO 22-10 Alkali Cr Water & Sewer Extension                           |
| 07/25/2022 | 854077 | Business Tax Section    | #N/A          | \$ 248.59     | SID 1418 Holiday Ave Improvements                                    |
| 07/25/2022 | 854085 | Chinook Horses          | CDBG          | \$ 12,838.94  | CDBG-CV Fast-Track Public Services Grant                             |
| 07/25/2022 | 854087 | Consolidated Electrical | Wastewater    | \$ 6.50       | electrical supplies                                                  |
| 07/25/2022 | 854087 | Consolidated Electrical | Wastewater    | \$ 3,835.11   | Electrical Supplies for Secondary Digest                             |
| 07/25/2022 | 854088 | Cop Construction        | Wastewater    | \$ 772,399.39 | WO 22-01 Water and Sewer Main Replacement                            |
| 07/25/2022 | 854088 | Cop Construction        | Water         | \$ 12,909.76  | water main leak repair Shiloh/Grand-Emer                             |
| 07/25/2022 | 854096 | Dan Palmer              | Wastewater    | \$ 20,190.00  | SDF Refund FY22                                                      |
| 07/25/2022 | 854096 | Dan Palmer              | Water         | \$ 18,165.00  | SDF Refund FY22                                                      |
| 07/25/2022 | 854099 | Dell Computer           | EOC 911       | \$ 3,094.68   | 14" Dell 5430 Rugged laptop, i7, 32GB RAM, 256GB SSD, Cellular card  |
| 07/25/2022 | 854099 | Dell Computer           | Public Safety | \$ 1,033.38   | Qty.2 OptiPlex 7000, i7, 16GB RAM, 256GB SSD, 2-24" regular monitors |
| 07/25/2022 | 854099 | Dell Computer           | Public Safety | \$ 1,033.38   | Qty.2 OptiPlex 7000, i7, 16GB RAM, 256GB SSD, 2-24" regular monitors |
| 07/25/2022 | 854099 | Dell Computer           | Public Safety | \$ 6,783.84   | Qty.7 OptiPlex i7, 8GB RAM, 256GB SSD, and qty. 7 27" monitors       |
| 07/25/2022 | 854099 | Dell Computer           | Solid Waste   | \$ 1,163.16   | Dell 7000, i7, 32GB RAM, 256GB SSD, 2 -24" Monitors                  |
| 07/25/2022 | 854100 | Donnes                  | Water         | \$ 16,960.00  | Emergency RipRap 06/15/22-06/16/22                                   |

| Check Date | Check# | Name                   | Fund Name     | Amount       | Item Desc                                                        |
|------------|--------|------------------------|---------------|--------------|------------------------------------------------------------------|
| 07/25/2022 | 854101 | DOWL                   | Wastewater    | \$ 46,892.95 | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements        |
| 07/25/2022 | 854101 | DOWL                   | Water         | \$ 40,612.60 | Schedules 1 & 2: Water & Sanitary Sewer Main Replacements        |
| 07/25/2022 | 854102 | E OR Communication     | Wastewater    | \$ 1,855.00  | Radio Equipment for radio upgrade                                |
| 07/25/2022 | 854102 | E OR Communication     | Water         | \$ 1,855.00  | Radio Equipment for radio upgrade                                |
| 07/25/2022 | 854105 | Education Foundation   | CDBG          | \$ 5,912.43  | CDBG-CV Grant / Education Foundation                             |
| 07/25/2022 | ACH    | Endress & Hauser       | Wastewater    | \$ 7,920.12  | Used GT Sonic Spare                                              |
| 07/25/2022 | 854106 | Family Promise- Ylwstn | CDBG          | \$ 5,096.25  | CDBG-CV Grant / Family Promise                                   |
| 07/25/2022 | 854107 | Fischer Com Floor      | Public Safety | \$ 8,469.86  | FIRE ADMIN & 911 CALL CENTER: REP'LD CARPET WITH VINYL FLOORING. |
| 07/25/2022 | 854110 | Forterra Concrete      | Water         | \$ 2,726.90  | 24-IN-BLGS STD C 1 COVERS - MANHOLE COVER                        |
| 07/25/2022 | 854110 | Forterra Concrete      | Water         | \$ 1,282.68  | 24-IN-FRAME/RINGS FOR - MANHOLE COVER-METAL                      |
| 07/25/2022 | 854112 | Gallagher Benefit      | City Ins Fund | \$ 32,250.00 | Inv. 260345 July - December Consulting Services                  |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 35.94     | 02920 PO NUM 314195                                              |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 35.90     | 15661.01 PO NUM 314195                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 95.58     | 15772.01 PO NUM 314195                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 54.53     | 15846.01 PO NUM 314195                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 22.10     | 15962.01 PO NUM 314195                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 12.32     | 16033.01 PO NUM 314195                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 55.08     | P1-15264.01 PO NUM 314195                                        |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 238.90    | P1-15482.01 PO NUM 314195                                        |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 47.74     | P1-1558601 PO NUM 314195                                         |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 142.92    | P1-16133.01 PO NUM 314195                                        |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ 430.08    | P1-16220.01 PO NUM 314195                                        |
| 07/28/2022 | ACH    | Galles Filter Service  | Fleet         | \$ (0.60)    | U-02705 PO NUM 314195                                            |
| 07/28/2022 | ACH    | Galles Filter Service  | General       | \$ 11.42     | 03077                                                            |
| 07/28/2022 | ACH    | Galles Filter Service  | General       | \$ 17.76     | 15387.01                                                         |
| 07/28/2022 | ACH    | Galles Filter Service  | General       | \$ 65.68     | U03069                                                           |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 160.90    | 15660.01                                                         |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 44.97     | 15781.01                                                         |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 422.21    | Outer Air Element                                                |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 456.48    | Outer Air Element                                                |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 371.82    | Outer Air Element                                                |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 292.94    | Outer Air Element                                                |
| 07/28/2022 | ACH    | Galles Filter Service  | Solid Waste   | \$ 414.36    | Outer Air Element                                                |
| 07/28/2022 | ACH    | Galles Filter Service  | Water         | \$ 28.26     | NONSTOCKING ITEMS-P.U.D.                                         |

| Check Date | Check# | Name                  | Fund Name      | Amount       | Item Desc                                    |
|------------|--------|-----------------------|----------------|--------------|----------------------------------------------|
| 07/28/2022 | ACH    | Galles Filter Service | Water          | \$ 266.10    | NONSTOCKING ITEMS-P.U.D.                     |
| 07/28/2022 | ACH    | Galles Filter Service | Water          | \$ 16.55     | NONSTOCKING ITEMS-P.U.D.                     |
| 07/25/2022 | 854113 | Grainger Parts        | Facilities     | \$ 90.48     | 9370411762                                   |
| 07/25/2022 | 854113 | Grainger Parts        | Facilities     | \$ 198.54    | 9370411770                                   |
| 07/25/2022 | 854113 | Grainger Parts        | Wastewater     | \$ 1,817.34  | Cigital Clamp Meter                          |
| 07/25/2022 | 854113 | Grainger Parts        | Wastewater     | \$ 152.18    | cooler - wire rack                           |
| 07/25/2022 | 854113 | Grainger Parts        | Wastewater     | \$ 176.02    | Misc Equip/Tools.Drill Chuck Kit             |
| 07/25/2022 | 854113 | Grainger Parts        | Wastewater     | \$ 16.93     | Operating supplies - Ear Plugs               |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 1,817.34  | Cigital Clamp Meter                          |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 152.17    | cooler - wire rack                           |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 1,658.66  | Electrical supplies for door and RFI Rea     |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 8.47      | Electrical Supplies for electrical splic     |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 222.83    | Electrical supplies for WTP Door Issues      |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 124.47    | Electrical Supplies Phase Monitor for Bu     |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 16.92     | Operating supplies - Ear Plugs               |
| 07/25/2022 | 854113 | Grainger Parts        | Water          | \$ 416.62    | Receptacles for WTP                          |
| 07/25/2022 | 854116 | Guardian Security     | Library        | \$ 9,913.38  | 892 May 2022                                 |
| 07/25/2022 | 854117 | Hample Excavation     | Airport        | \$ 4,999.25  | Invoice #3386. Repair Storm Drain Pipe.      |
| 07/25/2022 | 854121 | Hawkins Inc.          | Water          | \$ 29,888.04 | AQUA HAWK COAGULANT                          |
| 07/25/2022 | 854121 | Hawkins Inc.          | Water          | \$ (10.00)   | RETURN                                       |
| 07/25/2022 | ACH    | HDR, Inc.             | Water          | \$ 4,497.51  | ZONE 3 MODELING FOR WEST END PLANT           |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Fleet          | \$ 355.70    | 1680051                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Public Safety  | \$ 80.43     | FIRE 6: 3/4" ADPTR FLEX, BLACK (Christensen) |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Solid Waste    | \$ 585.12    | 1678179                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Solid Waste    | \$ 668.35    | 1678893                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Solid Waste    | \$ 341.92    | 1679172                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Solid Waste    | \$ 198.10    | 1679266                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Street/Traffic | \$ 307.68    | 1679475                                      |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Wastewater     | \$ 110.82    | NONSTOCKING ITEMS-P.U.D.                     |
| 07/25/2022 | 854126 | Hose & Rubber Supply  | Water          | \$ 133.91    | 1677599                                      |
| 07/25/2022 | 854130 | Integrated Info       | IT Resources   | \$ 2,550.00  | Printer 6400-12, A3600 Maint. thru 7/31/2023 |
| 07/25/2022 | 854132 | Invoice Cloud         | Building       | \$ 111.25    | Service bill for 06/01/2022 through 06/3     |
| 07/25/2022 | 854132 | Invoice Cloud         | City Ins Fund  | \$ 45.91     | Service bill for 06/01/2022 through 06/3     |
| 07/25/2022 | 854132 | Invoice Cloud         | Engineering    | \$ 5.81      | Service bill for 06/01/2022 through 06/3     |

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| 07/25/2022 | 854132 | Invoice Cloud       | Parking        | \$ 144.31    | Service bill for 06/01/2022 through 06/3                        |
| 07/25/2022 | 854132 | Invoice Cloud       | Solid Waste    | \$ 8,382.60  | Service bill for 06/01/2022 through 06/3                        |
| 07/25/2022 | 854132 | Invoice Cloud       | Wastewater     | \$ 10,954.00 | Service bill for 06/01/2022 through 06/3                        |
| 07/25/2022 | 854132 | Invoice Cloud       | Water          | \$ 14,478.09 | Service bill for 06/01/2022 through 06/3                        |
| 07/25/2022 | 854136 | Jones Construction  | Water          | \$ 42,220.00 | SDF Refund FY22                                                 |
| 07/25/2022 | 854137 | Knife River         | SID Const      | \$ 10,098.64 | SID 1417 Elysian Road; 7 SID1417 KnifeRiver                     |
| 07/25/2022 | 854137 | Knife River         | Street/Traffic | \$ 463.26    | 3/8" chips for road patcher                                     |
| 07/25/2022 | 854137 | Knife River         | Water          | \$ 293.98    | 3" crushed base course for PUD Shiloh &                         |
| 07/25/2022 | 854137 | Knife River         | Water          | \$ 1,025.78  | W.O. 538645 Crushed base and bedding roc                        |
| 07/25/2022 | 854138 | Kois Brothers       | Solid Waste    | \$ 7,660.03  | 126145                                                          |
| 07/25/2022 | 854141 | L P Anderson Tire   | Building       | \$ 374.08    | 1985608                                                         |
| 07/25/2022 | 854141 | L P Anderson Tire   | Public Safety  | \$ 2,301.40  | 1985846                                                         |
| 07/25/2022 | 854141 | L P Anderson Tire   | Street/Traffic | \$ 87.50     | 1985387                                                         |
| 07/25/2022 | 854141 | L P Anderson Tire   | Wastewater     | \$ 1,926.00  | 1985582                                                         |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 190.25    | 129 573 1000 1. Mud Wash. July 2022                             |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 25.43     | 160 723 3573 6. USDA. July 2022                                 |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 160.19    | 179 053 7751 5. New Concourse. July 2022                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 27.71     | 185 580 1000 7. TSA. July 2022                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 34.71     | 229 573 1000 0. Detail Bay 1 Hertz. July 2022                   |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 35.90     | 283 116 0655 3. IP12 Alpine. July 2022                          |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 270.43    | 285 580 1000 6                                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 22.06     | 295 580 1000 4. Aero Interiors. July 2022                       |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 26.61     | 329 573 1000 9. Detail Bay 3 Enterprise. July 2022              |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 29.97     | 429 573 1000 8. Detail Bay 4 Avis/Budget. July 2022             |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 26.61     | 529 573 1000 7. Detail Bay 5 Thrifty/Dollar. July 2022          |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 4,383.43  | 595 580 1000 1                                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 32.23     | 629 573 1000 6. Detail Bay 2 National/Alamo. July 2022          |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 135.63    | 706 580 1000 7                                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 71.07     | 788 689 5644 8. Concourse Kitchen. July 2022                    |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 22.30     | 846 093 3091 9. Terminal - Small Meter East Rooftops. July 2022 |
| 07/25/2022 | 854154 | MT Dakota Utilities | Airport        | \$ 65.49     | 889 373 1000 6. Car Wash. July 2022                             |
| 07/25/2022 | 854154 | MT Dakota Utilities | Engineering    | \$ 121.50    | 595 373 1000 1                                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Facilities     | \$ 64.41     | 375 963 4481 4                                                  |
| 07/25/2022 | 854154 | MT Dakota Utilities | Facilities     | \$ 762.06    | 929 780 1000 4                                                  |

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| 07/25/2022 | 854154 | MT Dakota Utilities | General       | \$ 48.13     | 437 780 1000 9                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Library       | \$ 680.18    | 219 924 4851 0                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | P.W. Admin    | \$ 30.37     | 595 373 1000 1                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Park Dist 1   | \$ 27.71     | 501 473 1000 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Parking       | \$ 52.67     | 303 725 2591 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Parking       | \$ 22.08     | 717 353 1000 6                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Parking       | \$ 22.08     | 799 152 1209 0                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 22.08     | 062 907 9494 7                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 312.26    | 169 233 1000 3                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 22.08     | 514 117 0478 9                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 118.26    | 533 653 1000 1                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 64.41     | 602 589 7178 1                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Public Safety | \$ 86.81     | 885 880 1000 4                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Transit       | \$ 159.75    | 962 880 1000 0                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 2,955.26  | 293 780 1000 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 5,910.52  | 293 780 1000 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 2,955.26  | 293 780 1000 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 65.49     | 596 733 1000 5                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 65.49     | 713 064 3190 0                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 66.64     | 735 453 1000 2                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Wastewater    | \$ 66.64     | 843 879 2205 1                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Water         | \$ 71.13     | 076 225 9180 3                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Water         | \$ 12.72     | 373 580 1000 9                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Water         | \$ 12.71     | 373 580 1000 9                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Water         | \$ 22.08     | 541 380 1000 1                                                        |
| 07/25/2022 | 854154 | MT Dakota Utilities | Water         | \$ 64.41     | 921 580 1000 6                                                        |
| 07/25/2022 | 854157 | Morrison Maierle    | Wastewater    | \$ 48,200.54 | WO 20-01 Water/Sewer Replacement Project                              |
| 07/25/2022 | 854157 | Morrison Maierle    | Wastewater    | \$ 2,228.85  | WO 22-10 Alkali Creek Water and Sewer Extension, Consultant Agreement |
| 07/25/2022 | 854157 | Morrison Maierle    | Water         | \$ 43,995.01 | WO 21-01 Water/Sewer Replacement Project Pioneer Park                 |
| 07/25/2022 | 854157 | Morrison Maierle    | Water         | \$ 2,724.15  | WO 22-10 Alkali Creek Water and Sewer Extension, Consultant Agreement |
| 07/25/2022 | 854159 | Moulton Bellingham  | General       | \$ 7,977.50  | Houser WWFF                                                           |
| 07/25/2022 | 854159 | Moulton Bellingham  | General       | \$ 3,802.50  | Abromeit et al v. COB                                                 |
| 07/25/2022 | 854159 | Moulton Bellingham  | General       | \$ 4,227.50  | McDaniel v. COB                                                       |
| 07/25/2022 | 854161 | Network Info System | General       | \$ 1,930.00  | Installed cable and radios at Cemetery and tied with MET              |

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| 07/25/2022 | 854161 | Network Info System | Transit        | \$ 2,580.00  | Install cable at MET and ARFF building                                 |
| 07/25/2022 | 854166 | Northwest Pipe      | Solid Waste    | \$ 2,135.28  | 7739401                                                                |
| 07/25/2022 | 854166 | Northwest Pipe      | Street/Traffic | \$ 297.49    | nipple/coupling/ball valve for meter stand repair on shiloh and corbin |
| 07/25/2022 | 854166 | Northwest Pipe      | Street/Traffic | \$ 107.51    | compression coupling, insert liner                                     |
| 07/25/2022 | 854166 | Northwest Pipe      | Wastewater     | \$ 115.16    | OPERATING SUPPLIES                                                     |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 908.00    | #19-UPPER STEM SECTION K11                                             |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 111.08    | 1" T-10 MEASURING CHAMBER ASSEMBLY                                     |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 478.10    | 1-1/2" TD METER FLANGES                                                |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 34.15     | 1-1/2" TD METER FLANGES                                                |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 156.14    | 2" Brass Plugs                                                         |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 84.30     | 2-1/2" LIQUID FILLED 0 TO 160 - 1/4" GAUGE                             |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 23.10     | 3/4" brass plugs                                                       |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 25,983.48 | 3/4" E-CODER WALL CU/FT METER W/RECPT ED2C11REF7                       |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 17,748.00 | 5/8 X 3/4 E-CODER WALL CU/FT METER L/RECEP ED2B11REF2                  |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 16,440.00 | 5/8" E-CODER WALL CU.FT. - METER W/RECPT ED2A11REF7                    |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 52.00     | BLACK NIPPLE 1-1/4" X 3"                                               |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 226.88    | BONNET GASKETS - K8109 P/N: 2131254                                    |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 355.84    | HOSE NOZZLE - 1/4 TURN K-8140                                          |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 556.96    | K-8116 STEM BREAKING COUPLING                                          |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 39,204.00 | R-900 ENHANCED WALL RR - MIU 13341                                     |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 176.43    | reducer for 6th & Broadwater leak                                      |
| 07/25/2022 | 854166 | Northwest Pipe      | Water          | \$ 122.45    | STEAMER NOZZLE O-RING - K8143                                          |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 1,837.86  | 0100483-7. Runway Lights. July 2022                                    |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 1,167.13  | 0100484-5. ARFF Facility. July 2022                                    |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 90.56     | 1138926-9. Aero Interiors. July 2022                                   |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 59.24     | 1647695-4. De Icer. July 2022                                          |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 567.42    | 1669567-8. TSA. July 2022                                              |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 1,199.46  | 19934430-6. Car Wash. July 2022                                        |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 231.19    | 2001846-1. Mud Wash. July 2022                                         |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 300.41    | 2001848-7. Detail Bay 1 Hertz. July 2022                               |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 181.16    | 2001855-2. Detail Bay 2 Natoinal/Alamo. July 2022                      |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 38.73     | 2001862-8. Detail Bay 3 Enterprise. July 2022                          |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 140.09    | 2001865-1. Detail Bay 4 Avis/Budget. July 2022                         |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport        | \$ 37.24     | 2001867-7. Detail Bay 5 Thrifty/Dollar. July 2022                      |

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| 07/25/2022 | 854167 | NorthWestern Energy | Airport     | \$ 46.48    | 3085107-5. Employee Parking. July 2022 |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport     | \$ 216.69   | 3446396-8. USDA. July 2022             |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport     | \$ 728.72   | 3477231-9. Parking Zone. July 2022     |
| 07/25/2022 | 854167 | NorthWestern Energy | Airport     | \$ 57.87    | 3733186-5. Airport Storage. July 2022  |
| 07/25/2022 | 854167 | NorthWestern Energy | Facilities  | \$ 1,698.58 | 0975808-7                              |
| 07/25/2022 | 854167 | NorthWestern Energy | Facilities  | \$ 928.50   | 1160802-3                              |
| 07/25/2022 | 854167 | NorthWestern Energy | Facilities  | \$ 1,338.13 | 1160804-9                              |
| 07/25/2022 | 854167 | NorthWestern Energy | Facilities  | \$ 2,768.68 | 1269391-7                              |
| 07/25/2022 | 854167 | NorthWestern Energy | General     | \$ 36.01    | 0712387-0                              |
| 07/25/2022 | 854167 | NorthWestern Energy | General     | \$ 58.05    | 0712536-2                              |
| 07/25/2022 | 854167 | NorthWestern Energy | General     | \$ 54.61    | 0720818-4                              |
| 07/25/2022 | 854167 | NorthWestern Energy | General     | \$ 2,442.49 | 0720821-8                              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,036.78 | SILMD 10 Acct# 0712546-1               |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,933.13 | SILMD 100 Acct# 0712559-4              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,644.16 | SILMD 107 Acct# 0712560-2              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 4,123.45 | SILMD 109 Acct# 0712561-0              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 189.90   | SILMD 113 Acct# 0712562-8              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 887.33   | SILMD 114 Acct# 0712563-6              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 208.80   | SILMD 115 Acct# 0712564-4              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 548.05   | SILMD 116 Acct# 0712565-1              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,980.42 | SILMD 117 Acct# 0712566-9              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 190.71   | SILMD 118 Acct# 0712567-7              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 115.97   | SILMD 119 Acct# 0712568-5              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,348.80 | SILMD 121 Acct# 0712570-1              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 176.08   | SILMD 122 Acct# 0712571-9              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 313.18   | SILMD 123 Acct# 0712572-7              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 913.44   | SILMD 124 Acct# 0712573-5              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 365.35   | SILMD 125 Acct# 0712574-3              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 182.69   | SILMD 126 Acct# 0712575-0              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 660.23   | SILMD 127 Acct# 0712576-8              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 462.16   | SILMD 128 Acct# 0712577-6              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 313.18   | SILMD 129 Acct# 0712578-4              |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 4,237.77 | SILMD 13 Acct# 0721276-4               |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 111.78   | SILMD 130 Acct# 0712579-2              |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 809.03   | SILMD 131 Acct# 0712580-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 207.57   | SILMD 133 Acct# 0712581-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 479.02   | SILMD 134 Acct# 0712582-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 484.17   | SILMD 135 Acct# 0712583-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 443.65   | SILMD 136 Acct# 0712584-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 346.69   | SILMD 137 Acct# 0712585-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 704.64   | SILMD 138 Acct# 0712586-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 234.88   | SILMD 139 Acct# 0712587-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,117.52 | SILMD 14 Acct# 0721277-2  |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 548.05   | SILMD 143 Acct# 0712588-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 26.07    | SILMD 144 Acct# 0712589-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 440.15   | SILMD 145 Acct# 0712590-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 339.26   | SILMD 146 Acct# 0712591-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 411.36   | SILMD 147 Acct# 0712592-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,426.45 | SILMD 149 Acct# 0712593-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 704.25   | SILMD 150 Acct# 0712594-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 600.24   | SILMD 151 Acct# 0712595-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 4,050.63 | SILMD 152 Acct# 0712596-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 506.17   | SILMD 153 Acct# 0712597-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,144.41 | SILMD 154 Acct# 0712598-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 469.76   | SILMD 155 Acct# 0712599-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 858.30   | SILMD 157 Acct# 0712600-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 756.83   | SILMD 158 Acct# 0712601-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 906.34   | SILMD 159 Acct# 0712602-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 678.55   | SILMD 160 Acct# 0712603-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 990.37   | SILMD 161 Acct# 0712604-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 44.23    | SILMD 162 Acct# 0712605-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 686.83   | SILMD 163 Acct# 0712606-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 352.12   | SILMD 164 Acct# 0712607-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 835.13   | SILMD 165 Acct# 0712608-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 220.08   | SILMD 167 Acct# 0712609-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,081.40 | SILMD 17 Acct# 0712553-7  |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 528.18   | SILMD 171 Acct# 0712610-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 479.03   | SILMD 172 Acct# 0712611-3 |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,100.38 | SILMD 173 Acct# 0712612-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 924.32   | SILMD 174 Acct# 0712613-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 308.09   | SILMD 175 Acct# 0712614-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 31.60    | SILMD 176 Acct# 0712615-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 242.09   | SILMD 178 Acct# 0712616-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 484.17   | SILMD 179 Acct# 0712617-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 92.66    | SILMD 18 Acct# 0712554-5  |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 330.12   | SILMD 180 Acct# 0712618-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,591.95 | SILMD 181 Acct# 0712619-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 550.21   | SILMD 182 Acct# 0712620-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,100.38 | SILMD 183 Acct# 0712621-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 352.12   | SILMD 184 Acct# 0712622-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 132.05   | SILMD 185 Acct# 0712623-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 640.53   | SILMD 186 Acct# 0712624-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 220.08   | SILMD 187 Acct# 0712625-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 264.10   | SILMD 188 Acct# 0712626-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 220.08   | SILMD 189 Acct# 0712627-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,144.41 | SILMD 190 Acct# 0712628-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 392.78   | SILMD 191 Acct# 0712629-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 286.09   | SILMD 192 Acct# 0712630-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 704.25   | SILMD 193 Acct# 0712631-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 280.94   | SILMD 194 Acct# 0712632-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 224.76   | SILMD 195 Acct# 0712633-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 71.82    | SILMD 196 Acct# 0712634-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 71.82    | SILMD 197 Acct# 0712635-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 110.05   | SILMD 198 Acct# 0712636-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 76.83    | SILMD 200 Acct# 0712637-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 462.16   | SILMD 201 Acct# 0712638-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 596.60   | SILMD 202 Acct# 0712639-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 19.15    | SILMD 203 Acct# 0712640-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 368.30   | SILMD 204 Acct# 0712641-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 25.27    | SILMD 205 Acct# 0712642-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 308.09   | SILMD 206 Acct# 0712643-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 352.12   | SILMD 207 Acct# 0712644-4 |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 216.81   | SILMD 208 Acct# 0712645-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 506.17   | SILMD 209 Acct# 0712646-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 86.19    | SILMD 210 Acct# 0712647-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 47.90    | SILMD 211 Acct# 0712648-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 47.90    | SILMD 212 Acct# 0712649-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 28.73    | SILMD 213 Acct# 0712650-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 354.67   | SILMD 214 Acct# 0712651-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 132.05   | SILMD 216 Acct# 0712652-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 364.85   | SILMD 217 Acct# 0712653-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 258.12   | SILMD 220 Acct# 0712654-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 6.31     | SILMD 221 Acct# 0712655-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 75.91    | SILMD 222 Acct# 0712656-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 114.93   | SILMD 223 Acct# 0712657-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,337.51 | SILMD 224 Acct# 0712658-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 352.95   | SILMD 225 Acct# 0712659-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 218.91   | SILMD 226 Acct# 0712660-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 569.87   | SILMD 227 Acct# 0712661-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 756.83   | SILMD 228 Acct# 0712662-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 391.47   | SILMD 229 Acct# 0712663-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 913.42   | SILMD 230 Acct# 0712664-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 548.05   | SILMD 231 Acct# 0712665-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,374.91 | SILMD 232 Acct# 0712666-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 838.72   | SILMD 233 Acct# 0712667-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 474.30   | SILMD 234 Acct# 0712668-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 530.49   | SILMD 235 Acct# 0712669-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 168.55   | SILMD 236 Acct# 0712670-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 374.14   | SILMD 237 Acct# 0712671-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 12.63    | SILMD 238 Acct# 0712672-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 88.03    | SILMD 239 Acct# 0712673-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 404.54   | SILMD 240 Acct# 0712674-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 548.13   | SILMD 241 Acct# 0712675-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 78.29    | SILMD 242 Acct# 0712676-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 104.39   | SILMD 244 Acct# 0712677-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 69.38    | SILMD 245 Acct# 0712678-2 |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 313.18   | SILMD 246 Acct# 0712679-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 920.13   | SILMD 247 Acct# 0712680-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,583.67 | SILMD 249 Acct# 0718734-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 202.29   | SILMD 250 Acct# 0719001-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 3,657.54 | SILMD 251 Acct# 0718801-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 521.95   | SILMD 252 Acct# 0719162-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,714.04 | SILMD 253 Acct# 0719644-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 151.82   | SILMD 254 Acct# 0719763-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 148.45   | SILMD 255 Acct# 0720813-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 902.44   | SILMD 257 Acct# 0720360-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,460.85 | SILMD 258 Acct# 0720606-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,339.84 | SILMD 259 Acct# 0720810-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 469.76   | SILMD 261 Acct# 0720705-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,918.80 | SILMD 262 Acct# 0720937-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 921.73   | SILMD 263 Acct# 0720716-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 165.62   | SILMD 264 Acct# 0721427-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 342.88   | SILMD 265 Acct# 0721556-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 37.69    | SILMD 266 Acct# 0721684-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 441.86   | SILMD 270 Acct# 0906944-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 900.30   | SILMD 271 Acct# 0995095-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,674.44 | SILMD 272 Acct# 0905005-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 194.07   | SILMD 273 Acct# 0926386-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 481.44   | SILMD 276 Acct# 0961926-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 805.75   | SILMD 277 Acct# 1058710-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 213.51   | SILMD 278 Acct# 1087619-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 55.94    | SILMD 279 Acct# 1124127-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 584.34   | SILMD 280 Acct# 1045653-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 441.78   | SILMD 283 Acct# 1172743-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 307.79   | SILMD 285 Acct# 1206985-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 230.88   | SILMD 286 Acct# 1296582-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,754.37 | SILMD 288 Acct# 1303978-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 225.49   | SILMD 289 Acct# 1685375-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 114.71   | SILMD 290 Acct# 1433921-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 574.15   | SILMD 292 Acct# 1481532-8 |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 220.08   | SILMD 293 Acct# 1481534-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 440.15   | SILMD 294 Acct# 1481535-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 104.39   | SILMD 295 Acct# 1481536-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,166.42 | SILMD 296 Acct# 1481537-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 198.07   | SILMD 297 Acct# 1481539-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 176.08   | SILMD 298 Acct# 1481540-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 386.38   | SILMD 300 Acct# 1662840-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 5,182.83 | SILMD 301 Acct# 1687005-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 187.17   | SILMD 302 Acct# 1607534-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 662.13   | SILMD 305 Acct# 1695873-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 146.89   | SILMD 306 Acct# 1740353-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 2,347.07 | SILMD 307 Acct# 2049005-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 256.53   | SILMD 308 Acct# 2072459-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 268.69   | SILMD 309 Acct# 2001311-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 164.43   | SILMD 310 Acct# 2060519-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 221.92   | SILMD 311 Acct# 3014475-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 172.81   | SILMD 312 Acct# 3146127-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 242.91   | SILMD 315 Acct# 3305804-1 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 1,146.36 | SILMD 316 Acct# 3291842-7 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 62.69    | SILMD 317 Acct# 3253826-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 769.51   | SILMD 318 Acct# 3372018-6 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 55.27    | SILMD 320 Acct# 0712569-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 305.59   | SILMD 321 Acct# 3338917-2 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 57.97    | SILMD 322 Acct# 3402033-9 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 504.62   | SILMD 323 Acct# 3597170-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 221.97   | SILMD 324 Acct# 1246537-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 205.99   | SILMD 325 Acct# 3587598-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 68.39    | SILMD 326 Acct# 3840455-4 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 176.08   | SILMD 327 Acct# 3810801-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 407.44   | SILMD 328 Acct# 3894879-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 51.86    | SILMD 329 Acct# 3939032-3 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 176.18   | SILMD 330 Acct# 3951594-5 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 361.08   | SILMD 8 Acct# 0712544-6   |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint | \$ 335.67   | SILMD 9 Acct# 0712545-3   |

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| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint    | \$ 485.76   | SILMD 95 Acct# 0712556-0 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint    | \$ 9,155.00 | SILMD 97 Acct# 0712557-8 |
| 07/25/2022 | 854168 | NorthWestern Energy | Light Maint    | \$ 1,027.94 | SILMD 99 Acct# 0712558-6 |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 6.12     | 0722247-4                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 263.05   | 0722251-6                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 84.43    | 0722255-7                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 41.15    | 0722266-4                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 14.81    | 0722269-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 853.89   | 0722287-0                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 10.04    | 0722292-0                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 34.17    | 0722293-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 16.04    | 0722905-7                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 189.46   | 0722933-9                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 213.18   | 0723035-2                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 7.59     | 0723036-0                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 176.89   | 0723037-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 49.72    | 0723042-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 607.47   | 0723045-1                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 70.74    | 0723048-5                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 155.12   | 0723049-3                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 430.23   | 0723054-3                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 6.47     | 0723055-0                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 48.61    | 0723056-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 7.72     | 0723057-6                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 29.99    | 0723058-4                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 6.00     | 0723162-4                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 21.43    | 0789437-1                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 90.24    | 0925496-2                |
| 07/25/2022 | 854167 | NorthWestern Energy | Park Dist 1    | \$ 11.26    | 1836666-6                |
| 07/25/2022 | 854167 | NorthWestern Energy | Public Safety  | \$ 456.25   | 0871546-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Radio          | \$ 206.68   | 0721580-9                |
| 07/25/2022 | 854167 | NorthWestern Energy | Solid Waste    | \$ 1,452.86 | 3252194-0                |
| 07/25/2022 | 854167 | NorthWestern Energy | Street/Traffic | \$ 4.80     | 0723645-8                |
| 07/25/2022 | 854167 | NorthWestern Energy | Street/Traffic | \$ 0.23     | 1740357-7                |

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| 07/25/2022 | 854167 | NorthWestern Energy | Street/Traffic | \$ 0.81      | 1748896-6                                  |
| 07/25/2022 | 854168 | NorthWestern Energy | Street/Traffic | \$ 10,700.58 | Signal Bills 6.30.2022                     |
| 07/25/2022 | 854167 | NorthWestern Energy | Wastewater     | \$ 163.95    | 389 62ND ST LIFT ENTRANCE                  |
| 07/25/2022 | 854167 | NorthWestern Energy | Wastewater     | \$ 440.84    | 822 Shiloh Crossing Blvd Lift              |
| 07/25/2022 | 854167 | NorthWestern Energy | Water          | \$ 1,088.95  | 0100485-2                                  |
| 07/25/2022 | 854167 | NorthWestern Energy | Water          | \$ 8,515.84  | 0722264-9                                  |
| 07/25/2022 | 854167 | NorthWestern Energy | Water          | \$ 7,644.30  | 0723040-2                                  |
| 07/25/2022 | 854167 | NorthWestern Energy | Water          | \$ 6.00      | 0723059-2                                  |
| 07/25/2022 | 854167 | NorthWestern Energy | Water          | \$ 785.96    | 1116452-2                                  |
| 07/25/2022 | 854170 | OverDrive           | Library        | \$ 35,879.19 | FY2023 MT Library To Go                    |
| 07/25/2022 | 854172 | Perimeter Solutions | Public Safety  | \$ -         | SHIPPING ON FULL PALLET OR MORE            |
| 07/25/2022 | 854172 | Perimeter Solutions | Public Safety  | \$ 6,624.00  | WD 881 FIRE FOAM, 48 EACH / 5-GALLON PAILS |
| 07/25/2022 | 854176 | Public Utilities    | Park Dist 1    | \$ 2,112.27  | 180092                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parking        | \$ 83.67     | 102086                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parking        | \$ 306.82    | 102980                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parking        | \$ 10.65     | 102981                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 176.07    | 102418                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 225.45    | 136082                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 1,151.11  | 136087                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 677.18    | 136090                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 1,677.30  | 136091                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 4,524.20  | 136092                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 51.80     | 136093                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 990.74    | 136095                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 780.04    | 136096                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 9.60      | 136098                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 12.60     | 136099                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 10.65     | 136100                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 159.96    | 136101                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 9,551.33  | 136103                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 109.26    | 136108                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 37.50     | 136111                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 9.60      | 136113                                     |
| 07/25/2022 | 854176 | Public Utilities    | Parks Maint    | \$ 198.60    | 136115                                     |

| Check Date | Check# | Name             | Fund Name      | Amount      | Item Desc |
|------------|--------|------------------|----------------|-------------|-----------|
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 585.24   | 148074    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 1,300.93 | 148398    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 295.26   | 148423    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 12.60    | 148654    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 9.60     | 148702    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 499.32   | 158252    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 4,129.62 | 163614    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 84.78    | 163944    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 4,503.53 | 164211    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 770.07   | 164212    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 2,370.03 | 166674    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 66.30    | 168362    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 3,186.27 | 175850    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 456.36   | 176577    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 16.02    | 177710    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 14.97    | 179987    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 1,675.35 | 180090    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 294.21   | 180091    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 63.30    | 187900    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 1,380.00 | 192352    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 131.00   | 201942    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 130.99   | 201942    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 185.24   | 236250    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 3,191.64 | 242652    |
| 07/25/2022 | 854176 | Public Utilities | Parks Maint    | \$ 57.93    | 260404    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 16.20    | 168593    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 8.30     | 178621    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 11.30    | 180331    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 16.20    | 180333    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 11.30    | 180335    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 11.30    | 180336    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 9.35     | 180337    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 9.35     | 180338    |
| 07/25/2022 | 854176 | Public Utilities | Street/Traffic | \$ 73.79    | 180339    |

| Check Date | Check# | Name                   | Fund Name      | Amount        | Item Desc                                            |
|------------|--------|------------------------|----------------|---------------|------------------------------------------------------|
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 8.30       | 180396                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 81.11      | 184751                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 612.74     | 185688                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 32.78      | 185689                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 129.44     | 185690                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 252.95     | 185691                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 11.30      | 191161                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 38.15      | 191162                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 8.30       | 241853                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 8.30       | 243345                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 8.30       | 243891                                               |
| 07/25/2022 | 854176 | Public Utilities       | Street/Traffic | \$ 8.30       | 248978                                               |
| 07/25/2022 | 854182 | Sanderson Stewart      | Tax Incrmnt S  | \$ 55,996.30  | WO 21-42 SBURA Streets improvements                  |
| 07/25/2022 | 854183 | SHI International Corp | IT Resources   | \$ 18,310.78  | Manage Engine Desktop Central Annual renewal         |
| 07/25/2022 | 854184 | Sletten Const          | Wastewater     | \$ 119,945.36 | WO 14-11 Water Reclamation Facility Nutrient Upgrade |
| 07/25/2022 | 854186 | Star Service           | General        | \$ 8,244.39   | emergency irrigation line repair for cemetery        |
| 07/25/2022 | 854186 | Star Service           | Park Dist 1    | \$ 16,488.78  | emergency irrigation line repair for cemetery        |
| 07/25/2022 | 854192 | TESSCO                 | Water          | \$ 4,308.05   | Sections for Vintage                                 |
| 07/25/2022 | 854193 | Salvation Army         | CDBG           | \$ 18,816.92  | CDBG-CV Grant / Mobile Meals Project                 |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 4,975.00   | Tire dismount. Collections.                          |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 4,931.20   | Tire purchase. Landfill.                             |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 283.58     | Tire Purchase. Landfill.                             |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 4,602.60   | Tire purchase. Landfill.                             |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 2,045.60   | Tire purchase. Landfill.                             |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 4,091.20   | Tire purchase. Landfill.                             |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 187.50     | Tire Repair. Collections.                            |
| 07/25/2022 | 854194 | Tire-Rama              | Solid Waste    | \$ 4,192.50   | Tire Repair. Mount. Collections.                     |
| 07/25/2022 | 854194 | Tire-Rama              | Transit        | \$ 20.00      | 101 0019769. Tire Repair Unit 1861. W/O 208531       |
| 07/25/2022 | 854195 | TNT Springs            | Fleet          | \$ 2,618.56   | 212175 PO NUM 314784                                 |
| 07/25/2022 | 854195 | TNT Springs            | Solid Waste    | \$ 48.60      | 212148                                               |
| 07/25/2022 | ACH    | Town & Country Supply  | Fleet          | \$ 34,676.49  | 426674 PO NUM 314735                                 |
| 07/25/2022 | ACH    | Town & Country Supply  | Fleet          | \$ 45,130.08  | 427249 PO NUM 314733                                 |
| 07/25/2022 | ACH    | Town & Country Supply  | Fleet          | \$ 37,799.13  | 427693 PO NUM 314733                                 |
| 07/25/2022 | ACH    | Town & Country Supply  | Public Safety  | \$ 1,390.89   | 429874 FIRE 5 - DIESEL                               |

| Check Date | Check# | Name                  | Fund Name      | Amount       | Item Desc                              |
|------------|--------|-----------------------|----------------|--------------|----------------------------------------|
| 07/25/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 922.34    | 429874 FIRE 5 - UNLEADED               |
| 07/25/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,043.17  | 429875 FIRE 3 - DIESEL                 |
| 07/25/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,622.71  | 429876 FIRE 1 - DIESEL                 |
| 07/25/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 691.76    | 429876 FIRE 1 - UNLEADED               |
| 07/25/2022 | ACH    | Town & Country Supply | Public Safety  | \$ 1,251.80  | 429877 FIRE 6 DIESEL                   |
| 07/25/2022 | ACH    | Town & Country Supply | Water          | \$ 45,687.85 | WATER PARTS AND SUPPLIES PO NUM 314546 |
| 07/25/2022 | ACH    | Tractor & Equipment   | Fleet          | \$ 8,310.00  | B3288801 PO NUM 314785                 |
| 07/25/2022 | ACH    | Tractor & Equipment   | Solid Waste    | \$ 48.53     | BLCS0786411                            |
| 07/25/2022 | ACH    | Tractor & Equipment   | Street/Traffic | \$ 299.10    | BLCS0786410                            |
| 07/25/2022 | 854201 | Verizon Wireless      | Airport        | \$ 51.74     | Airport                                |
| 07/25/2022 | 854201 | Verizon Wireless      | Engineering    | \$ 136.60    | PW-Engineering                         |
| 07/25/2022 | 854201 | Verizon Wireless      | Fleet          | \$ 107.55    | Motor Pool                             |
| 07/25/2022 | 854201 | Verizon Wireless      | General        | \$ 168.43    | City Administrator                     |
| 07/25/2022 | 854201 | Verizon Wireless      | General        | \$ 40.01     | Tina Hoeger Laptop                     |
| 07/25/2022 | 854201 | Verizon Wireless      | General        | \$ 27.32     | Victoria Hill -Laptop                  |
| 07/25/2022 | 854201 | Verizon Wireless      | Park Dist 1    | \$ 52.46     | PRPL-PARKS                             |
| 07/25/2022 | 854201 | Verizon Wireless      | Parking        | \$ 27.32     | Parking                                |
| 07/25/2022 | 854201 | Verizon Wireless      | Parking        | \$ 52.65     | PRKING Enforcement (Parking)           |
| 07/25/2022 | 854201 | Verizon Wireless      | PD Program     | \$ 341.28    | CCSIU Cell/PTT                         |
| 07/25/2022 | 854201 | Verizon Wireless      | PD Program     | \$ 27.32     | CCSIU MDT                              |
| 07/25/2022 | 854201 | Verizon Wireless      | PD Program     | \$ 80.02     | CCSIU RAVEN                            |
| 07/25/2022 | 854201 | Verizon Wireless      | Phone System   | \$ (970.26)  | MET Max Transit                        |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 268.32    | Fire MDT                               |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 480.74    | MDT Toughbooks                         |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 77.35     | MDT Toughbooks                         |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 55.83     | Police                                 |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 80.02     | Police iPads                           |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 40.01     | Police MiFi                            |
| 07/25/2022 | 854201 | Verizon Wireless      | Public Safety  | \$ 41.65     | Police                                 |
| 07/25/2022 | 854201 | Verizon Wireless      | Solid Waste    | \$ 27.32     | PW Dozer Trimble Dozer                 |
| 07/25/2022 | 854201 | Verizon Wireless      | Solid Waste    | \$ 109.28    | PW-Solid Waste                         |
| 07/25/2022 | 854201 | Verizon Wireless      | Solid Waste    | \$ 207.68    | PW-SW-ON CALL Solid Waste On Call      |
| 07/25/2022 | 854201 | Verizon Wireless      | Solid Waste    | \$ 76.53     | PW-SW-ON CALL Solid Waste On Call      |
| 07/25/2022 | 854201 | Verizon Wireless      | Solid Waste    | \$ 524.52    | Solid Waste Tablets -Routware          |

| Check Date | Check# | Name                    | Fund Name      | Amount        | Item Desc                                                 |
|------------|--------|-------------------------|----------------|---------------|-----------------------------------------------------------|
| 07/25/2022 | 854201 | Verizon Wireless        | Street/Traffic | \$ 134.58     | PW-Streets iPad                                           |
| 07/25/2022 | 854201 | Verizon Wireless        | Street/Traffic | \$ 163.92     | PW-Streets City Works                                     |
| 07/25/2022 | 854201 | Verizon Wireless        | Street/Traffic | \$ 199.27     | PW-STRT TRFC Streets                                      |
| 07/25/2022 | 854201 | Verizon Wireless        | Transit        | \$ 309.02     | MET AVL                                                   |
| 07/25/2022 | 854201 | Verizon Wireless        | Transit        | \$ 970.26     | MET Max Transit                                           |
| 07/25/2022 | 854201 | Verizon Wireless        | Transit        | \$ 970.26     | MET Max Transit                                           |
| 07/25/2022 | 854201 | Verizon Wireless        | Wastewater     | \$ 1,120.28   | MET Tablets                                               |
| 07/25/2022 | 854201 | Verizon Wireless        | Wastewater     | \$ -          | PW-DIS-COLL Cityworks 60/40                               |
| 07/25/2022 | 854201 | Verizon Wireless        | Water          | \$ 27.32      | PW Belknap Meter Shop                                     |
| 07/25/2022 | 854201 | Verizon Wireless        | Water          | \$ 77.37      | PW METERSHOP                                              |
| 07/25/2022 | 854201 | Verizon Wireless        | Water          | \$ 27.32      | PWBLKNP Water Treatment                                   |
| 07/25/2022 | 854201 | Verizon Wireless        | Water          | \$ 54.64      | PWBLNP Comm-Meter CityWorks/Neptune                       |
| 07/25/2022 | 854201 | Verizon Wireless        | Water          | \$ 124.05     | PWBLNP Comm-Meter CityWorks/Neptune                       |
| 07/25/2022 | 854205 | W Municipal Const       | Wastewater     | \$ 96,543.03  | WO 22-10 Alkali Cr Water & Sewer Extension                |
| 07/25/2022 | 854205 | W Municipal Const       | Water          | \$ 33,523.17  | WO 22-10 Alkali Cr Water & Sewer Extension                |
| 07/25/2022 | 854206 | Wilbur Ellis            | Park Dist 1    | \$ 1,488.00   | chemicals for parks                                       |
| 07/25/2022 | 854206 | Wilbur Ellis            | Park Dist 1    | \$ 467.50     | chemicals for parks                                       |
| 07/25/2022 | 854206 | Wilbur Ellis            | Park Dist 1    | \$ 2,232.00   | chemicals for parks                                       |
| 07/25/2022 | 854207 | Wilson Bros. Const      | Water          | \$ 610,034.51 | 2021 Water Replacement Project                            |
| 07/25/2022 | 854208 | Wright Company MT       | Water          | \$ 3,735.00   | ground Sterilant for 8.3 acres around po                  |
| 07/25/2022 | 854208 | Wright Company MT       | Water          | \$ 450.00     | weed control at Chappel Pump Station & R                  |
| 07/25/2022 | 854208 | Wright Company MT       | Water          | \$ 450.00     | weed control at Fox Pump Station and aro                  |
| 07/25/2022 | 854212 | Yellowstone Electric    | Airport        | \$ 2,661.92   | Furnish and InstallS7 Tape Light and a Driver             |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Light Maint    | \$ 364.67     | SILMD 299 Vintage Estates                                 |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Light Maint    | \$ 665.82     | SILMD 313 Vintage Estates Sub Phase II                    |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Public Safety  | \$ 481.91     | 4179013 FIRE 7 (PD3) ELECTRIC SERVICES, FY2023            |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Radio          | \$ 105.81     | 4179002 LANDFILL Mhz RADIO TOWERS ELECTIC SERVICE FY 2023 |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Street/Traffic | \$ 45.62      | 54th St W & Grand Signal; 4179019 6.30.2022               |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Street/Traffic | \$ 73.26      | 54th St W & Rimrock; 4179019 6.30.2022                    |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Street/Traffic | \$ 43.82      | Alkali Cr Rd & Interbelt Loop lights; 4179018 6.30.2022   |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Street/Traffic | \$ 29.22      | Ben Steele School - 56th St W; 4179020 6.30.2022          |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Wastewater     | \$ 257.13     | 2229 Blue Creek Rd Sewer Lift Station                     |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Wastewater     | \$ 155.48     | 3002 Cattle Dr - Pivot                                    |
| 07/25/2022 | 854214 | Yellowstone Valley Elec | Wastewater     | \$ 1,261.15   | 3002 Cattle dr. Rehberg Aeration Ponds                    |

| <b>Check Date</b> | <b>Check#</b> | <b>Name</b>             | <b>Fund Name</b> | <b>Amount</b> | <b>Item Desc</b>                         |
|-------------------|---------------|-------------------------|------------------|---------------|------------------------------------------|
| 07/25/2022        | 854214        | Yellowstone Valley Elec | Wastewater       | \$ 193.47     | 4523 Iron Horse Trl-                     |
| 07/25/2022        | 854214        | Yellowstone Valley Elec | Wastewater       | \$ 212.75     | 54th ST W/Dovetail Ave Lift Station      |
| 07/25/2022        | 854214        | Yellowstone Valley Elec | Wastewater       | \$ 19.00      | Winchester Trl/Rod & Gun Club-Scadia sys |
| 07/25/2022        | 854214        | Yellowstone Valley Elec | Water            | \$ 1,688.83   | 2085 Santiago BLVD Thomas Pump Station   |

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Public Hearing to Vacate a Portion of 12th Avenue North and North Side Addition, 3rd Filing Block 9 Alley  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** Yes  
**Legal Review** Yes

**RECOMMENDATION**

Staff recommends City Council hold a public hearing and conditionally approve the vacation of a portion of 12th Avenue North and North Side Addition 3rd Filing, Block 9 alley.

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

The Sisters of Charity of Leavenworth Health System, Inc. (SCL Health - Montana) is proposing to construct a replacement hospital. The new hospital will be located between 11th Avenue North and Poly Drive along North 27th Street. In order to construct the hospital in this location, SCL Health - Montana is requesting that the City vacate 12th Avenue North between North 27th Street and North Broadway and the alley within Block 9, North Side Addition 3rd Filing. SCL Health - Montana has submitted a traffic impact study (TIS) showing how the impacts of the new hospital will be mitigated along with the vacation and closure of a portion of 12th Avenue North. Staff has reviewed the traffic study and determined that there would be minimal impacts to the surrounding streets and intersections due to the closure of 12th Avenue North that cannot be mitigated. Mitigation requirements will be determined by the City at the time of site development. There are existing water, sanitary sewer, and storm drain utilities located in 12th Avenue North and within the Northside Addition, 3rd Filing Block 9 alley. All of these utilities will be re-located by SCL Health - Montana prior to constructing the new hospital. Attached is the resolution to vacate, that includes a map showing the right-of-way to be vacated. Attached are comments from the Fire Department, Police Department, and the Transit Department.

This application was presented to the Public Works Board on July 27, 2022 by SCL Health - Montana. The Public Works board reviewed and submitted a letter of recommendation of approval to the City Council attached herein.

The total area proposed to be vacated is 35,225 square feet. Mike Walker with NAI Business Properties performed a cost analysis, including comparable sales, in accordance with Administrative Order #56 Section 2 (attached) to determine the value of the right-of-way proposed to be vacated. Mr. Walker estimated the value of the property to be \$29.76 per square foot. The total value of the property is \$1,048,296.00. The opinion of cost is attached.

SCL Health - Montana requests that the City Council conditionally vacate this right-of-way. SCL Health - Montana requests that payment for the right-of-way and the recording of the resolution be delayed until the time of building permit application. SCL Health - Montana's intent is to submit for a building permit within one to two years of this Council action. If approved, staff recommends the conditional approval expire 5 years from the date of conditional approval. Until such time as the payment is received and the resolution is recorded, 12th Avenue North and the Block 9 alley will remain open and public. The expiration of conditional approval allows the City to continue ownership and use of the right-of-way should a hospital not be constructed.

**ALTERNATIVES**

City Council may:

- Conditionally approve the rights-of-way vacation; or,
- Not approve the rights-of-way vacation. If not approved, SCL Health - Montana will have to re-design the proposed replacement hospital.

**FISCAL EFFECTS**

The total value of the property, as established by NAI Business Properties, is \$1,048,296.00. SCL Health - Montana would be responsible for payment to the City prior to recording the resolution.

**Attachments**

Comments from Police Department

Comments from Transit  
Public Works Board Letter of Support  
Comments from Fire Department  
Resolution to Vacate  
Opinion of Cost  
Administrative Order 56

No issues for PD.



**Rich St. John**  
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**From:** Logan, Rusty <[loganr@billingsmt.gov](mailto:loganr@billingsmt.gov)>  
**Sent:** Thursday, July 14, 2022 2:59 PM  
**To:** Ploehn, Kevin <[PloehnK@billingsmt.gov](mailto:PloehnK@billingsmt.gov)>  
**Cc:** Ketterling, Shane <[KetterlingS@billingsmt.gov](mailto:KetterlingS@billingsmt.gov)>  
**Subject:** RE: Street Vacation of 12th Avenue North and Block 9 Alley

MET currently operates route 1-METLink eastbound on 12<sup>th</sup> Ave between N 27<sup>th</sup> St and N 28<sup>th</sup> St; however, in MET's proposed route restructuring for fixed route, we would no longer operate fixed-route bus on 12<sup>th</sup> Ave N in said area. Regarding paratransit services, the Yellowstone Medical building is a regular destination for service; we had approximately 20+ paratransit riders at that location yesterday.

While Yellowstone Medical will remain accessible via N 30<sup>th</sup> and N 28<sup>th</sup>, traffic will become more congested in the area when less outlets are available. MET would expect to see an increase in traffic on 11<sup>th</sup> Ave N due to the 12<sup>th</sup> vacation, resulting in increased difficulty in routing options for fixed-route service in the medical corridor. Considering this vacation (as well as other discussed or approved street vacations within the medical corridor for both providers), accessibility for transit in the area continues to decrease. With each street vacation, congestion will continue to increase on both N 27<sup>th</sup> and N 30<sup>th</sup> directly affecting on time performance for routes in the area as well as overall walkability and connectivity for the neighborhoods on either side of the corridor.



**Rusty Logan, MPA**  
Transit Manager  
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P 406.657.8218

## Travel With Us

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July 27, 2022

Mayor and City Council  
City of Billings, MT  
P.O. 1178  
Billings, MT 59103

Re: SCL Healthcare – Street Vacation

Dear Mayor and Council,

The Public Works Board met with a representative from SCL Healthcare on July 27, 2022, to discuss the plans to expand the St. Vincent Hospital campus. The Public Works Board's role is to make recommendations to City Council regarding issues that affect Public Works. After hearing the plans for the expansion, the PW Board would like to recommend that City Council approve the vacation of 12th Ave North and the Block 9 alley. The alley is currently being used as a parking lot so the impact is minor, which is one reason behind this recommendation for vacation.

Thank you for your consideration of our recommendation.

Sincerely,

Rod Wilson, Chairperson  
Public Works Board

C: Chris Kukulski, City Administrator  
Debi Meling, Public Works Director

PUBLIC WORKS  
ADMINISTRATION  
2251 Belknap Ave  
Billings, MT. 59101  
P 406.657.8230

We have no issues with vacating the alley in the parking lot. Vacating 12<sup>th</sup> Ave. N. causes potential access issues, especially for a high-rise building (the hospital) and the ability to use our ladder truck in an emergency situation. Without a definitive site plan, it's difficult to determine the extent of how the vacation would affect our operations. I've seen a couple of different proposed site plans and based on what I've seen we have good access off N. 27<sup>th</sup> to the east side of the building and good access to the southwest portion of the building off N. Broadway. Access looks questionable along the northwest side of the building north of 12<sup>th</sup> Ave. N. and all along the north side of the building. Regardless if the vacation is approved or not and the building site plan changes, I will ensure we have the necessary access required by the fire code when we review the building plans.

Thanks,

Bill Tatum, Fire Marshal

Billings Fire Department

2305 8<sup>th</sup> Ave. N.

406-657-8422

[tatumb@billingsmt.gov](mailto:tatumb@billingsmt.gov)



RESOLUTION NO. 22-\_\_\_\_\_

**A RESOLUTION OF THE CITY OF BILLINGS,  
MONTANA, DISCONTINUING AND VACATING a  
portion of 12<sup>th</sup> Avenue North and North Side  
Addition 3<sup>rd</sup> Filing, Block 9 Alley.**

WHEREAS, §7-14-4114, MCA, generally authorizes that a city council may discontinue a street or alley or any part of a street or alley in a city if it can be done without detriment to the public interest by 1) closure to through traffic, which action does not revoke a city's legal right-of-way interest in the street or alley or part thereof; or 2) by vacating a street or alley or any part thereof which action revokes a city's legal right-of-way interest in the street or alley or part thereof;

WHEREAS, §7-14-4115, MCA, provides that vacation authorized in §7-14-4114, MCA, shall not affect the right of any public utility to continue to maintain its plant or equipment in any such streets or alleys; and

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, pursuant to §22-601 BMCC, requesting discontinuance and vacation of **a portion of 12<sup>th</sup> Avenue North and North Side Addition 3<sup>rd</sup> Filing, Block 9 Alley** as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

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

1. DISCONTINUANCE AND VACATION. Pursuant to §§7-14-4114 and 7-14-4115, MCA, **a portion of 12<sup>th</sup> Avenue North and North Side Addition 3<sup>rd</sup> Filing, Block 9 Alley**, described as follows and shown on and incorporated herein as attached exhibit “A” and exhibit “B”, are discontinued and vacated:

12<sup>th</sup> Avenue North from the westerly Right-of-Way (R-O-W) line of North 27<sup>th</sup> Street to easterly R-O-W line of North 28<sup>th</sup> Street recorded May 7, 1935 under document number 300610, on file and of record in the office of the Yellowstone County Clerk & Recorder, less any and all R-O-W previously deed for road purposes along North 27<sup>th</sup> Street. Said portion of 12<sup>th</sup> Avenue North containing 23,225 square feet more or less.

Alley within North Side Addition 3<sup>rd</sup> Filing, Block 9, recorded May 7, 1935 under document number 300610, on file and of record in the office of the Yellowstone County Clerk & Recorder. Said portion of the Block 9 alley containing 12,000 square feet more or less.

2. PUBLIC INTEREST. The discontinuance and vacation of these **a portion of 12<sup>th</sup> Avenue North and North Side Addition 3<sup>rd</sup> Filing, Block 9 Alley** is in the best interest of the public and can be done without any public detriment.
3. NOTICE OF PUBLIC HEARING. On Monday August 22<sup>nd</sup>, 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.



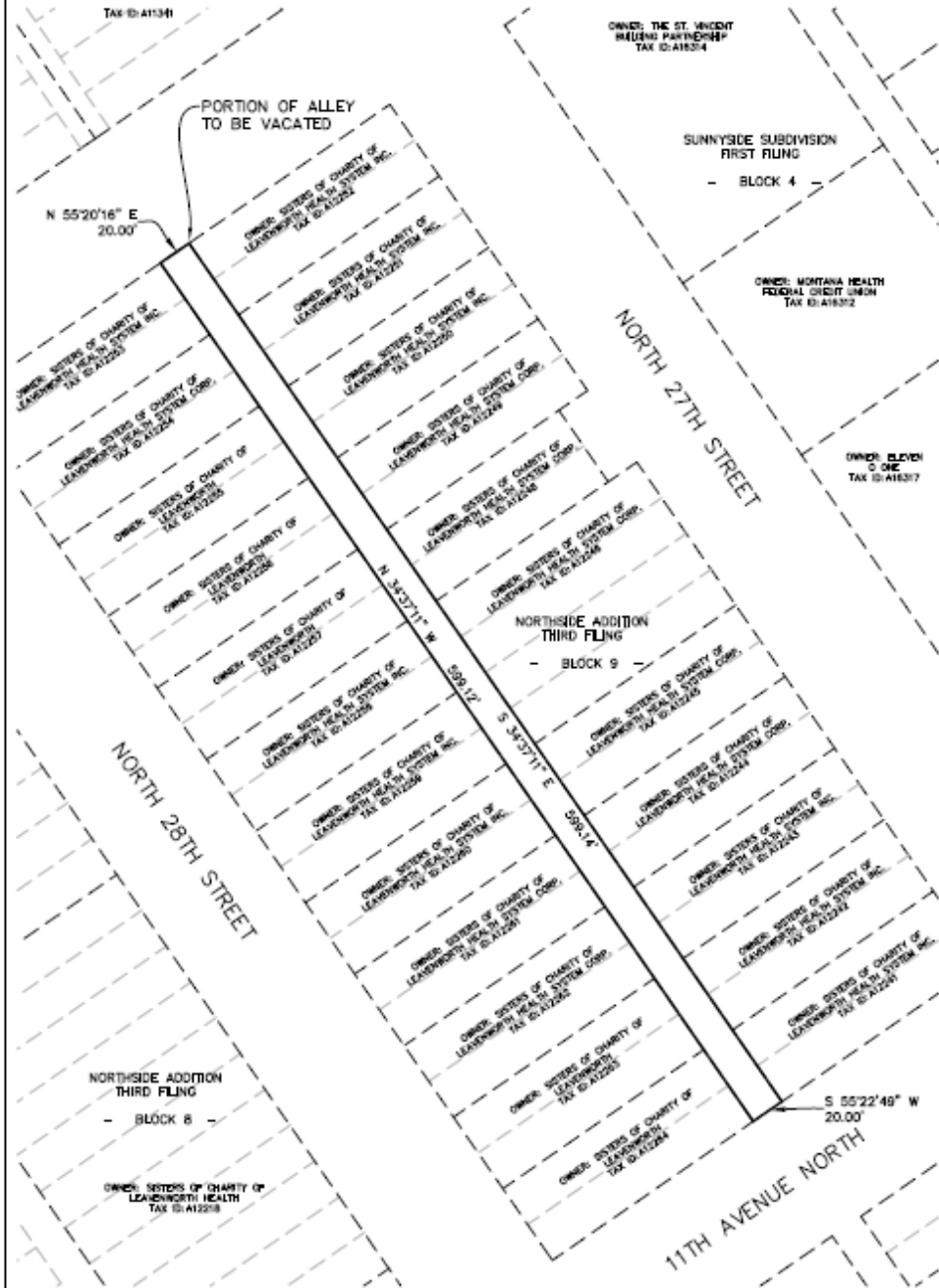


**EXHIBIT B**  
**VACATED PORTION OF PUBLIC RIGHT-OF-WAY**  
**FOR THE ALLEY LOCATED IN BLOCK 9**  
**OF THE NORTHSIDE ADDITION THIRD FLING**

PREPARED FOR : SISTERS OF CHARITY OF LEAVENWORTH

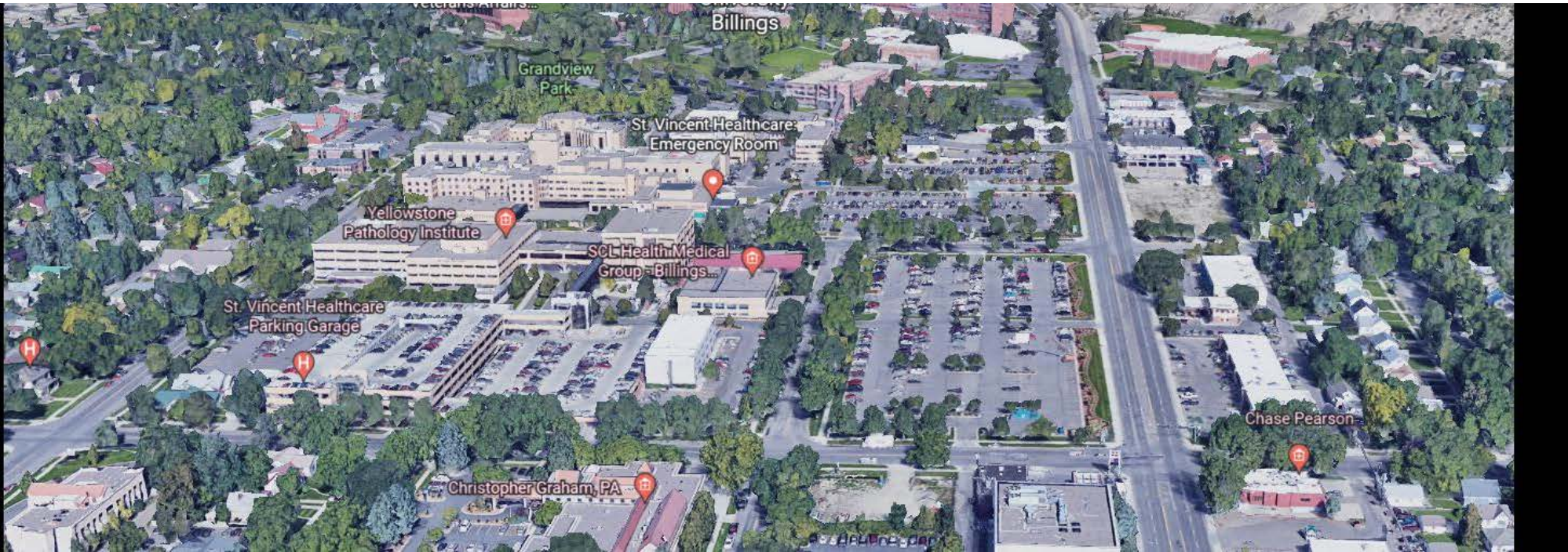
PREPARED BY : **SANDERSON STEWART** 

JUNE, 2022  
 BILLINGS, MONTANA



# City of Billings

2710 12th Avenue North | Billings, Montana 59101



|           |                                                                  |
|-----------|------------------------------------------------------------------|
| <b>03</b> | <b>Engagement Letter</b>                                         |
| <b>04</b> | <b>Section 01</b><br>Executive Summary                           |
| <b>06</b> | <b>Section 02</b><br>Property Summary                            |
| <b>10</b> | <b>Section 03</b><br>Evaluation<br>12) Sales Comparison Approach |
| <b>15</b> | <b>Section 04</b><br>Weighted Valuation                          |
| <b>16</b> | <b>Section 05</b><br>About Us                                    |
| <b>18</b> | <b>Section 06</b><br>Assumptions                                 |
| <b>24</b> | <b>Section 07</b><br>Exhibits                                    |

July 5, 2022

Chris Hertz  
2224 Montana Avenue  
Billings, Montana 59101

Attention: Chris Hertz

Dear Chris Hertz,

The Evaluation of a commercial property utilizes a combination of the information gathered from a drive-by exterior examination, interior site analysis, external data sources, previous lease data, property assessment data, recent comparable leases, current area leasing information, pertinent property profit and loss information, as well as a thorough photo documentation of the subject property. While not all of these gathering methods are utilized in every valuation, the author will work diligently to obtain any relevant information needed to perform the relevant assessment approaches presented within the analysis.

The evaluation includes area information, site description, structure description, county assessment data, pertinent and available documents of record, relevant assessments of value which may include (Income, Sales Comparison and Cost), as well as photographs of the subject property. The descriptions and statements made in this analysis are from sources that are deemed reliable; however, no warranty is made as to the accuracy thereof.

This analysis only represents the personal, impartial, and unbiased professional opinion of the authors. The liability of the analysis to the authors shall be limited to the fee collected from the client, and the authors assume no responsibility for additional costs incurred by the client on this project. This is an opinion of market value and is not a certified appraisal of the market value of the property. If an appraisal is desired, the service of a certified appraiser must be obtained.

Sincerely,



Michael L. Walker  
Owner | Broker

**NAI**Business Properties

m. +1 (406) 294-6304

e. [mwalker@naibusinessproperties.com](mailto:mwalker@naibusinessproperties.com)

## 2710 12th Avenue North

# City of Billings - Billings

Request to vacate public right-of-way for City of Billings. Consisting of a portion of 12th street right of way between the western boundary of the 27th street right of way to the eastern boundary of the 28th street right of way. Also including the entirety of the alley on the NORTHSIDE ADD 3RD Filing, Block 9.

**Zoning:** P3: Campus

**Zoning Description:**

The P# district is intended for public and civic uses involving multiple structures that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three or more principal buildings.

# Executive Summary

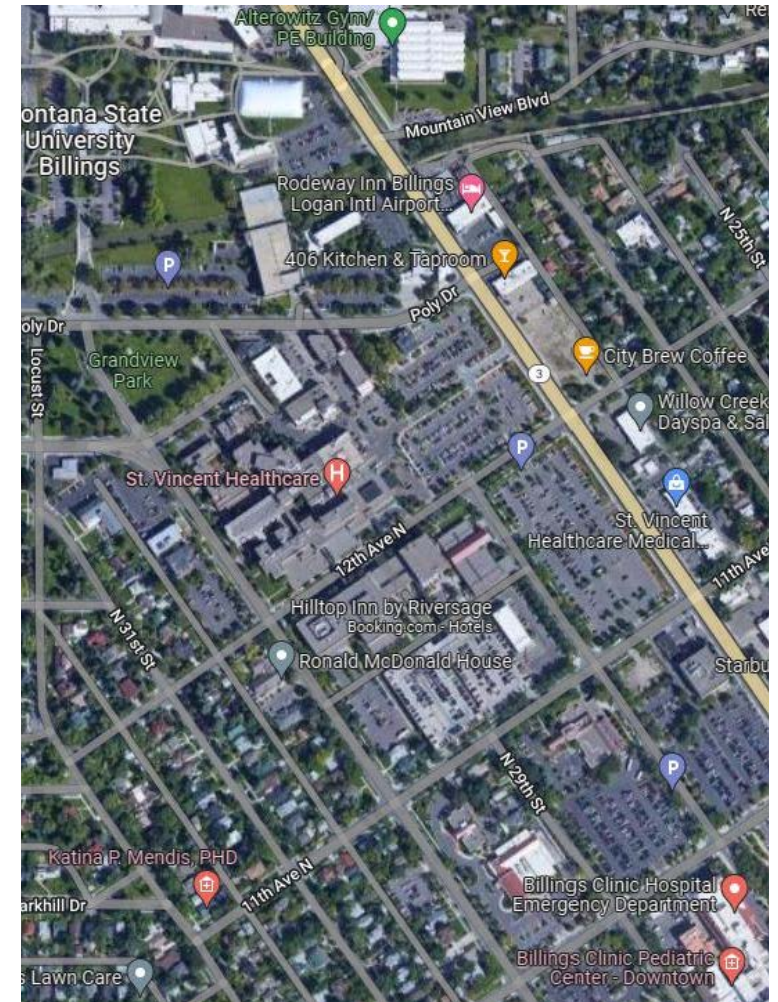
|                                          |                               |
|------------------------------------------|-------------------------------|
| <b>Date of Inspection/Effective Date</b> | 07/05/2022 / 07/05/2022       |
| <b>Inspector</b>                         | Michael Walker                |
| <b>Intended User(s)</b>                  | Chris Hertz, City of Billings |
| <b>Intended Use</b>                      | N/A                           |
| <b>Client</b>                            | Chris Hertz ()                |
| <b>Owner of Record</b>                   | N/A                           |
| <b>Property Rights</b>                   | Fee Simple                    |

## Key Highlights:

- Lot SF : 35,225
- Zoning : P3: Campus

## Most Likely User:

The author's analysis and assumptions of: use/condition factors of the property, current market data, actual and market income information and general assessment of the property; results in a Final Market Value of \$1,048,296.00 (\$29.76 PSF).



# Overview

## Address

2710 12th Avenue North  
Billings, Montana 59101

## Property Legal

Entirety of the alley on NORTHSIDE ADD 3RD FILING, BLOCK 9 & Portion of the 12th street right of way between the western boundary of the 27th street right of way to the eastern boundary of the 28th street right of way

## Conforming Use Determination

Appears to be conforming

## Property GeoCode/Tax ID

N/A

## Previous Sales Notes

### Under Contract Price

Unknown

### Close Date

### Last Sale Date

Unknown

## 2022 Assessed Market Value

### Land Assessed Value

\$0.00 / \$0.00 /SF

### Improvements Assessed Value

\$0.00 / \$0.00 /SF

### Total Assessed Value

\$0.00 / \$0.00 /SF

### 2022 Tax Liability

\$0.00

### SID's

-

### Taxes in Arrears

\$0.00

## Site Specs

|                |                    |
|----------------|--------------------|
| Land Size :    | 35,225 SF          |
| Acres :        | 0.809 AC           |
| Topography :   | Level              |
| Lot Shape :    | Rectangular        |
| Utilities :    | Full City Services |
| Zoning :       | P3: Campus         |
| Lot Frontage : | N/A                |
| Lot Depth :    | N/A                |
| Frontage :     | Good               |

## Traffic Counts

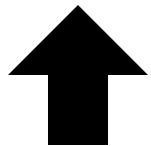
Traffic Count numbers are based on a blend of the past three years:

|                 |            |
|-----------------|------------|
| N 27th Street : | 17,140 ADT |
|-----------------|------------|

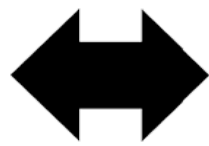
# Billings Area Info

Billings is the largest city in the U.S. state of Montana, with a population of 117,116 as of the 2020 census. Located in the south-central portion of the state, it is the seat of Yellowstone County and the principal city of the Billings Metropolitan Area, which had a population of 184,167 in the 2020 census. It has a trade area of over 500,000. Billings was nicknamed the "Magic City" because of its rapid growth from its founding as a railroad town in March 1882. With one of the largest trade areas in the United States, Billings is the trade and distribution center for much of Montana east of the Continental Divide, Northern Wyoming, and western portions of North Dakota and South Dakota. Billings is also the largest retail destination for much of the same area. The city is experiencing rapid growth and a strong economy; it has had and is continuing to have the largest growth of any city in Montana. Parts of the metro area are seeing hyper growth. From 2000 to 2010 Lockwood, an eastern suburb, saw growth of 57.8%, the largest growth rate of any community in Montana. With the Bakken oil development in eastern Montana and western North Dakota, the largest oil discovery in USA.

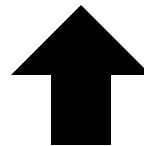
Yellowstone County is the most populous county in the U.S. state of Montana. As of the 2020 census, the population was 164,731. Its county seat is Billings. Yellowstone County is named for the Yellowstone River which roughly bisects the county, flowing southwest to northeast. The river in turn was named after the yellow Sandstone cliffs in what is now Yellowstone County. Yellowstone County is included in the Billings, Montana Metropolitan Statistical Area.



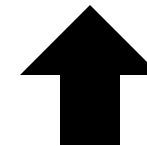
Sales



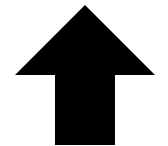
Vacancy



Net Absorption

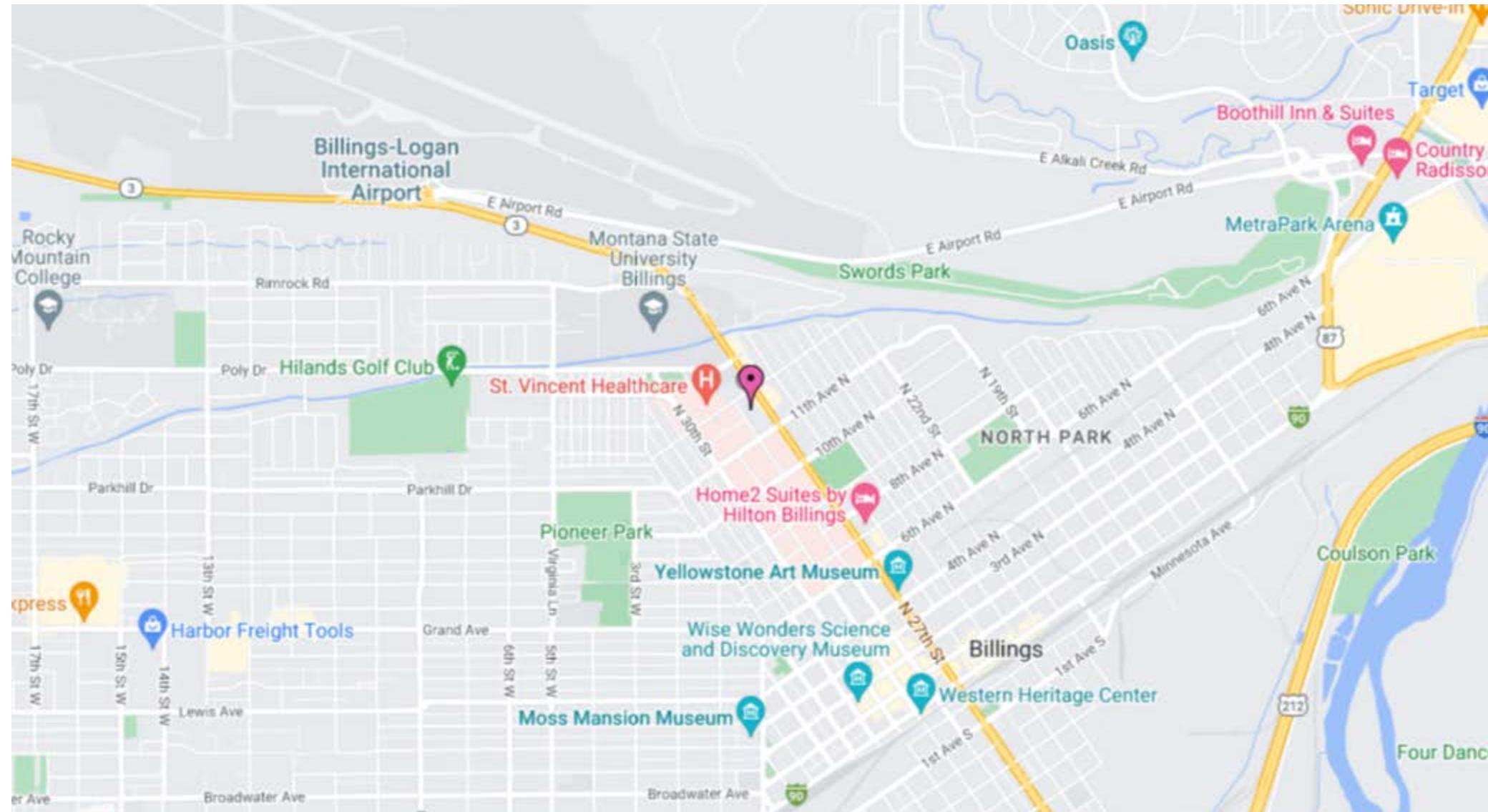


Construction

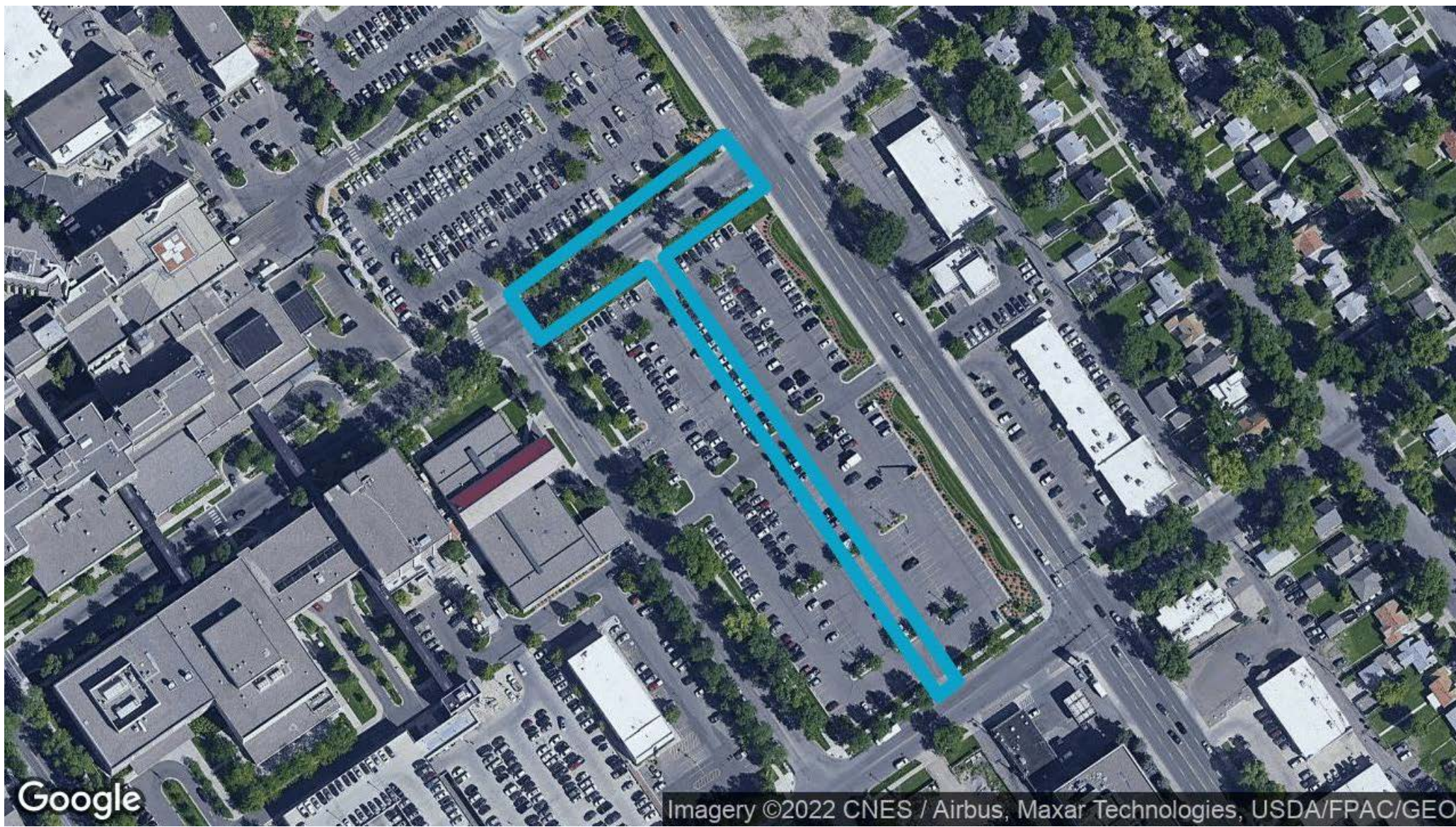


Lease Rates

# Property Aerials & Map



# Property **Boundary**



# Market Value Determinants

**Market Value** - is the estimated amount for which a property, considered in its highest and best use, should exchange for on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently, and without compulsion or undue pressures.

In order to assess a property's market value the authors need to consider the highest and best use of the property. Four determinants are typically used in valuating a property's highest and best use and they are as follows:

**Legally Allowable** - Only those uses that are, or may be, legally allowed which may excluded uses that are not, and unlikely to become, allowed by zoning, uses forbidden by government regulations, and uses prohibited by deed restrictions or covenants. Properties with a use that predates existing zoning regulations may be legally nonconforming. Such grand fathered uses are generally legal even though they do not meet current zoning regulations. However, some such uses may not be reproduced if the legally nonconforming improvement is destroyed or damaged beyond a certain point.

**Physically Possible** - Any potential use must be physically possible given the size, shape, topography, and other characteristics of the site.

**Financially Feasible** - The proposed use of a property must generate adequate revenue to justify the costs of construction plus a profit for the developer/investor.

**Maximally Productive** - The use must generate the highest net return (profit) to the developer/investor.

**Highest and Best Use** - Medical Office

For the purpose of this analysis, the author's assumption of the property's highest and best use is as noted above and its projected use is as such unless otherwise noted.

# Valuation **Explanation**

For this opinion of value the authors will be utilizing the approaches below to estimate the market value of the subject property and they are as follows:

## **Sales Comparison Approach**

Estimates the value of property by comparing it to other similar properties in the marketplace that have sold recently. This approach assumes that a buyer is not willing or liable to spend more than they would for an equally desirable property. The Sales Comparison Approach involves finding sold properties comparable to the subject property, and adjusting/comparing the comparable to the subject property based on their inherent difference i.e. (Time, Motivation, Location, Construction, Type/Use and Economies of Scale).

Source(s) of information used in this analysis: City/County Public Records, Company Files, Local Appraisers, Local MLS and other local market participants.

# Sales Comparison Approach

In applying the direct sales comparison approach the author has conducted a search of sold properties that fall within the comparable scope of the subject property.

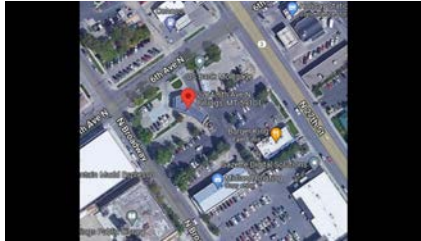
|                            | Subject Property                                                                  | Comparable #1                                                                      | Comparable #2                                                                       | Comparable #3                                                                       | Comparable #4                                                                       |
|----------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|                            |  |  |  |  |  |
| <b>Location</b>            | 2710 12th Avenue North,<br>Billings, MT 59101                                     | 2714 6th Avenue North,<br>Billings, MT 59101                                       | 2518 6th Avenue North,<br>Billings, MT 59101                                        | 1045 North 27th Street,<br>Billings, MT 59101                                       | 1048 North 29th Street,<br>Billings, MT 59101                                       |
| Date Sold                  |                                                                                   | Apr 28, 2022                                                                       | Aug 9, 2021                                                                         | Oct 1, 2014                                                                         | Mar 31, 2020                                                                        |
| Sales Price                |                                                                                   | \$850,000.00                                                                       | \$300,000.00                                                                        | \$650,000.00                                                                        | \$230,000.00                                                                        |
| Land Size                  | 35,225 SF                                                                         | 28,000 SF                                                                          | 15,100 SF                                                                           | 21,000 SF                                                                           | 7,000 SF                                                                            |
| Land Type                  | Medical Office                                                                    | Retail                                                                             | Other                                                                               | Other                                                                               | Parking Lot                                                                         |
| Utilities                  | Full City Services                                                                | Full City Services                                                                 | Full City Services                                                                  | Full City Services                                                                  | Full City Services                                                                  |
| Topography                 | Level                                                                             | Level                                                                              | Level                                                                               | Level                                                                               | Level                                                                               |
| Shape                      | Rectangular                                                                       | Rectangular                                                                        | Rectangular                                                                         | Square                                                                              | Rectangular                                                                         |
| Zoning                     | P3: Campus                                                                        | CBD                                                                                | CBD                                                                                 | CMU1                                                                                | P3                                                                                  |
| Price/SF                   |                                                                                   | \$30.36 PSF                                                                        | \$19.87 PSF                                                                         | \$30.95 PSF                                                                         | \$32.86 PSF                                                                         |
| <b>Comparison Criteria</b> |                                                                                   |                                                                                    |                                                                                     |                                                                                     |                                                                                     |
| Time                       |                                                                                   | \$0.00                                                                             | \$0.00                                                                              | \$0.00                                                                              | \$0.00                                                                              |
| Zoning                     |                                                                                   | \$0.00                                                                             | \$0.00                                                                              | \$0.00                                                                              | \$0.00                                                                              |
| Location                   |                                                                                   | \$0.00                                                                             | \$8.00                                                                              | \$0.00                                                                              | -\$3.00                                                                             |
| Utilities                  |                                                                                   | \$0.00                                                                             | \$0.00                                                                              | \$0.00                                                                              | \$0.00                                                                              |
| Topography                 |                                                                                   | \$0.00                                                                             | \$0.00                                                                              | \$0.00                                                                              | \$0.00                                                                              |
| Economies of Scale         |                                                                                   | \$0.00                                                                             | \$0.00                                                                              | \$0.00                                                                              | \$0.00                                                                              |
| <b>Overall Adjustment</b>  |                                                                                   | \$0.00                                                                             | \$8.00                                                                              | \$0.00                                                                              | -\$3.00                                                                             |
| Adjusted \$/SF             |                                                                                   | \$30.36 PSF                                                                        | \$27.87 PSF                                                                         | \$30.95 PSF                                                                         | \$29.86 PSF                                                                         |
| Average Adjusted \$/SF     | \$29.76 PSF                                                                       |                                                                                    |                                                                                     |                                                                                     |                                                                                     |
| Adjusted Comp Value        | <b>\$1,048,296.00</b>                                                             |                                                                                    |                                                                                     |                                                                                     |                                                                                     |

**Comparison Rating Criteria - Even:** No Adjustment, Similar to Subject Property. **Minus:** Downward adjustment, Better than/Superior to Subject Property. **Plus:** Upward Adjustment, Poorer than/Inferior to Subject Property.

# Sales Comparison Approach

The below sale comparables for the subject property have been adjusted based on the following criteria noted by the author.

## Comparable #1



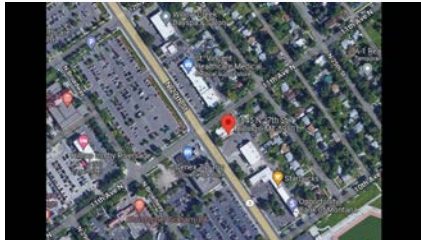
2714 6th Avenue North

## Comparable #2



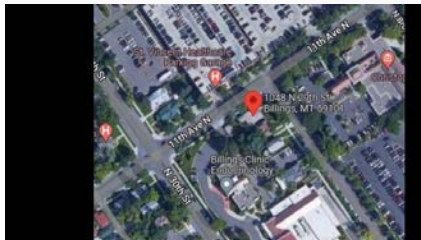
2518 6th Avenue North

## Comparable #3



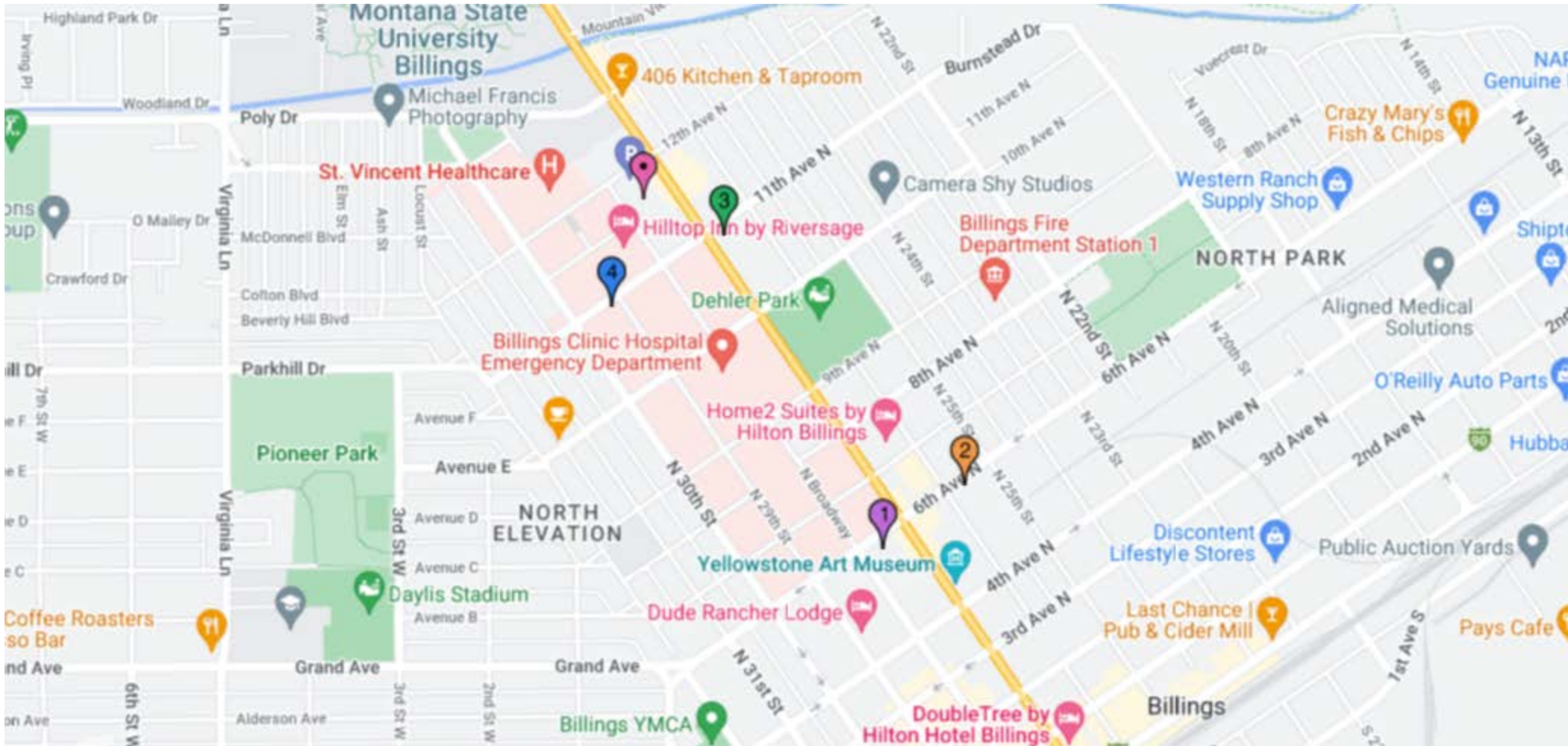
1045 North 27th Street

## Comparable #4



1048 North 29th Street

# Sales Comparison Map



- |            |                                                               |                                                      |
|------------|---------------------------------------------------------------|------------------------------------------------------|
| <b>Key</b> | <b>Subject Property:</b> 2710 12th Avenue North, Billings, MT | <b>Comp #3:</b> 1045 North 27th Street, Billings, MT |
|            | <b>Comp #1:</b> 2714 6th Avenue North, Billings, MT           | <b>Comp #4:</b> 1048 North 29th Street, Billings, MT |
|            | <b>Comp #2:</b> 2518 6th Avenue North, Billings, MT           |                                                      |

# Weighted Total Valuations

**Sales Comparison Approach** involves finding sold properties comparable to the subject property, and adjusting/comparing the comparable to the subject property based on their inherent difference i.e (Time, Motivation, Location, Construction, Condition, Type/Use and Economies of Scale). This approach has been used exclusively.

| Approach to Value     | Value Indicated | Weighting | Blended \$/SF Values         |
|-----------------------|-----------------|-----------|------------------------------|
| Sales Approach        | \$1,048,296.00  | 100.00%   | \$1,048,296.00 - \$29.76 PSF |
| Weighted Market Value |                 |           | \$1,048,296.00 - \$29.76 /SF |

## Market Value Breakdown

|                    |                              |
|--------------------|------------------------------|
| Overall Value      | \$1,048,296.00               |
| Final Market Value | \$1,048,296.00 (\$29.76 PSF) |



Michael L. Walker  
Owner | Broker

07/05/2022

Report Date

## About

# NAI Business Properties

NAI Business Properties brings industry leading resources to its disposition and acquisition services. Speed, agility, and keen insight are hallmarks of our services. The result is connecting properties with our exclusive list of investors. NAI Business Properties' disposition services rely upon the skills and insights of our experienced team of brokerage, marketing and data resource management professionals.

NAI Business Properties' key point of differentiation in our disposition services is the volume of strong relationships we have established with institutional, local, regional and national private equity firms, life companies, and owner/investors. We created and maintain a database of property and investor profiles that encompasses portfolio details and acquisition criteria of these nationwide firms. The information gathered and analyzed by the NAI Business Properties team allows us to utilize the speed and the efficiency of technology to promptly connect our investors and institutional partners with properties that correspond to their acquisition requirements. Our clients have access to more opportunities and can make faster and better decisions armed with targeted information.



# Michael L. Walker

Owner | Broker

## BACKGROUND & EXPERIENCE

Mr. Walker specializes in representing both Buyers and Sellers in all aspects of commercial real estate brokerage. He has represented a number of national and regional companies for both acquisition and disposition projects including Northrop Grumman, Albertsons, Lumber Yard Supply, Intermountain Distributing and Macy's. His area of work includes the entire state of Montana. A native Montanan and a resident of Billings since 1987, Michael entered the commercial real estate industry in 1994 at NAI Business Properties. Mr. Walker was the first associated of the newly formed company and became a partner in 1995. Since then, NAI Business Properties has become the top commercial real estate company in the state.

## EDUCATION DESCRIPTION

Mr. Walker has a degree in Business Administration from Rocky Mountain College in Billings, MT.

# Assumptions

This valuation has been prepared subject to the following general assumptions and limiting conditions. They are critical to the analysis and conclusion contained in this report.

No responsibility is assumed for legal or title considerations.

Title to the property is assumed to be good and marketable, free and clear of all liens or encumbrances unless otherwise stated in this report. Encumbrances considered in the valuation include but are not limited to: real estate taxes, recorded easements and/or covenants, CC&R's, purchase options or sale agreements signed leases, and unpaid bond debt.

It is assumed that any easements noted on the title report without specific locations will have no material effect on the normal use of any of the subject parcels.

Responsible ownership and competent property management are assumed unless otherwise stated in this report.

The information furnished by others is deemed to be reliable; however, no warranty is given for its accuracy.

All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

It is assumed that there are no hidden or non-apparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them. Unless otherwise noted, the author did not observe the existence of hazardous materials, which may or may not be present on the property. The presence of hazardous materials, if any, may impact the value of the property. The value estimate is predicated on the assumption there is no such material on or in the property, which would cause a loss in value. No responsibility is assumed for any such conditions, or for the expertise or engineering knowledge required to discover them. Should the client have concerns over the existence of hazardous materials on or in the property, they should consider the services of a qualified, independent engineer or contractor to determine the existence and/or extent of any hazardous materials, as well as the cost associated with any required mitigation and/or removal.

# Assumptions (Continued)

It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in this report.

Any forecasts or projections contained in this report are the product of the analysis of current, historical, and anticipated market conditions and assume continuation of prevailing political, social, economic, and environmental conditions. Such factors, contingent forecasts and/or projections are subject to change at any time.

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been stated, defined and considered in this evaluation report.

It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state or national governmental, or private entity organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.

Any sketch or rendering in this report may show approximate dimensions and is included to assist the reader in visualizing the property and are not to scale. Maps and exhibits if included in this report are provided for the reader's reference only. No guarantee as to accuracy is expressed or implied unless otherwise state in this report. No survey has been made for the purpose of this report.

The Americans With Disabilities Act (ADA) became effective in January 1992. The author has not made a specific compliance survey or analysis of this property to determine whether it is in conformance with the various, detailed requirements of the ADA. The value estimate is predicated on the assumption that, except as identified by the author, the subject improvements comply with the ADA. It is possible that a comprehensive compliance survey could reveal additional areas in which the property does not conform to one or more of the Act's requirements. If so, this could have a negative effect upon the market value or marketability of the property.

The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and improvements must not be used in conjunction with any other valuation and are invalid if so used.

Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed.

All photos, unless otherwise specified, are courtesy of the author or inspector, Bing.com or Google.com.

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**ADMINISTRATIVE ORDER NO. 56**

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Pursuant to Administrative Order, the following procedure is hereby established for determining the valuation of public rights-of-way proposed for vacation.

1. If the City of Billings and the petitioner mutually agree that vacating a public right-of-way is appropriate, and the public has no cost basis in the right-of-way, staff may recommend to the City Council that the right-of-way be returned to the adjacent property from which it was originally dedicated at no cost. This will generally be limited to rights-of-way within platted but undeveloped subdivisions. It would not generally apply to unimproved rights-of-way within otherwise developed parts of the city.
2. In all other cases, the value of public right-of-way to be vacated shall be established in accordance with City Ordinance #90-4922, except the following administrative procedure may be used in lieu of the preparation of a formal appraisal with the mutual agreement of the petitioner and the City.
  - a. The value of public right-of-way to be vacated shall generally be considered to have a value equivalent to the adjacent property to which it would become attached. Costs associated with making the right-of-way whole for development (i.e., relocation of utilities, etc.) will be considered a cost of development and will not generally be deducted from the real property value.
  - b. The petitioner may elect to submit comparable sales data from recent property transactions within a reasonable proximity of the proposed right-of-way vacation area. The petitioner and the City may mutually agree to a property value based upon comparable sales data in lieu of the preparation of a formal appraisal.
  - c. On a case-by-case basis, the petitioner and the City may agree to a lesser value of the vacated right-of-way based upon the proposed use of the acquired land. This would generally involve proposed developments where the vacated right-of-way would be converted to open green space, park area, or other such use that could be construed as an overall public benefit.

This Administrative Order is intended to recognize the stewardship aspect of administering public assets while acknowledging the equity issues associated with vacation of right-of-way within previously undeveloped areas. It is also intended to recognize that public rights-of-way could be vacated for less than appraised value in those cases where the proposed use would reflect a general benefit to the public.

Dated this 25 day of January 1999

  
\_\_\_\_\_  
Mark Watson, City Administrator

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Public Hearing to Vacate a Portion of Marillac Street  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** Yes  
**Legal Review** Yes

**RECOMMENDATION**

Staff recommends City Council hold a public hearing and approve the vacation of a portion of Marillac Street.

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

The Sisters of Charity of Leavenworth Health System, Inc. (SCL Health - Montana) has developed a portion of St. Vincent Healthcare Subdivision by installing street and utility infrastructure. SCL Health - Montana is proposing to re-plat the remaining portion of St. Vincent Healthcare Subdivision to be called St. Vincent Healthcare Subdivision, 2nd Filing. The proposed plat generally consists of commercial lots. The new subdivision plat includes relocated lots, added lots, and realigning the undeveloped street. In order to move forward with the new subdivision plat, it is necessary to vacate the existing right-of-way. The plat of St. Vincent Healthcare Subdivision, 2nd Filing, will dedicate new right-of-way in place of the vacated right-of-way. There are no improvements constructed on the portion of right-of-way to be vacated. The petition includes a map showing the right-of-way to be vacated.

In order to complete this process, three procedural items need to occur in order. The three procedural items include vacation of the right-of-way, approval of a plat vacating the existing subdivision, and approval of a new subdivision plat dedicating new right-of-way and new lots. The vacation of the right-of-way and the existing subdivision are executed at the same council meeting followed at a later date by the approval of a new subdivision plat. The preliminary plat, Amended Plat of St. Vincent Healthcare Subdivision, for the vacated portion of St. Vincent Healthcare Subdivision will be presented to City Council for approval on August 22, 2022, the same meeting as the public hearing for the right-of-way vacation. The preliminary plat for St. Vincent Healthcare Subdivision, 2nd Filing will be presented to Council at a later date, which will dedicate the new right-of-way and new lots.

**ALTERNATIVES**

City Council may:

- Approve the right-of-way vacation; or,
- Not approve the right-of-way vacation. If not approved, the developer will have to construct the original streets as platted within St. Vincent Healthcare Subdivision.

**FISCAL EFFECTS**

There are no improvements constructed within the portion of the right-of-way to be vacated. Since the existing right-of-way is undeveloped, and there will be new right-of-way dedicated, City Council has the option to return the right-of-way to the developer at no cost in accordance with Administrative Order 56, Section 1. In summary, there is no significant fiscal impact to vacate the right-of-way.

**Attachments**

Administrative Order 56  
 Resolution to Vacate  
 Amended Vacation Plat  
 Proposed St. Vincent Healthcare Subdivision 2nd Filing

---

**ADMINISTRATIVE ORDER NO. 56**

---

Pursuant to Administrative Order, the following procedure is hereby established for determining the valuation of public rights-of-way proposed for vacation.

1. If the City of Billings and the petitioner mutually agree that vacating a public right-of-way is appropriate, and the public has no cost basis in the right-of-way, staff may recommend to the City Council that the right-of-way be returned to the adjacent property from which it was originally dedicated at no cost. This will generally be limited to rights-of-way within platted but undeveloped subdivisions. It would not generally apply to unimproved rights-of-way within otherwise developed parts of the city.
2. In all other cases, the value of public right-of-way to be vacated shall be established in accordance with City Ordinance #90-4922, except the following administrative procedure may be used in lieu of the preparation of a formal appraisal with the mutual agreement of the petitioner and the City.
  - a. The value of public right-of-way to be vacated shall generally be considered to have a value equivalent to the adjacent property to which it would become attached. Costs associated with making the right-of-way whole for development (i.e., relocation of utilities, etc.) will be considered a cost of development and will not generally be deducted from the real property value.
  - b. The petitioner may elect to submit comparable sales data from recent property transactions within a reasonable proximity of the proposed right-of-way vacation area. The petitioner and the City may mutually agree to a property value based upon comparable sales data in lieu of the preparation of a formal appraisal.
  - c. On a case-by-case basis, the petitioner and the City may agree to a lesser value of the vacated right-of-way based upon the proposed use of the acquired land. This would generally involve proposed developments where the vacated right-of-way would be converted to open green space, park area, or other such use that could be construed as an overall public benefit.

This Administrative Order is intended to recognize the stewardship aspect of administering public assets while acknowledging the equity issues associated with vacation of right-of-way within previously undeveloped areas. It is also intended to recognize that public rights-of-way could be vacated for less than appraised value in those cases where the proposed use would reflect a general benefit to the public.

Dated this 25 day of January 1999

  
\_\_\_\_\_  
Mark Watson, City Administrator

RESOLUTION NO. 22-\_\_\_\_\_

**A RESOLUTION OF THE CITY OF BILLINGS,  
MONTANA, DISCONTINUING AND VACATING a  
portion of Marillac Street.**

WHEREAS, §7-14-4114, MCA, generally authorizes that a city council may discontinue a street or alley or any part of a street or alley in a city if it can be done without detriment to the public interest by 1) closure to through traffic, which action does not revoke a city's legal right-of-way interest in the street or alley or part thereof; or 2) by vacating a street or alley or any part thereof which action revokes a city's legal right-of-way interest in the street or alley or part thereof;

WHEREAS, §7-14-4115, MCA, provides that vacation authorized in §7-14-4114, MCA, shall not affect the right of any public utility to continue to maintain its plant or equipment in any such streets or alleys; and

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, pursuant to §22-601 BMCC, requesting discontinuance and vacation of **a portion of Marillac Street** as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

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



# EXHIBIT A

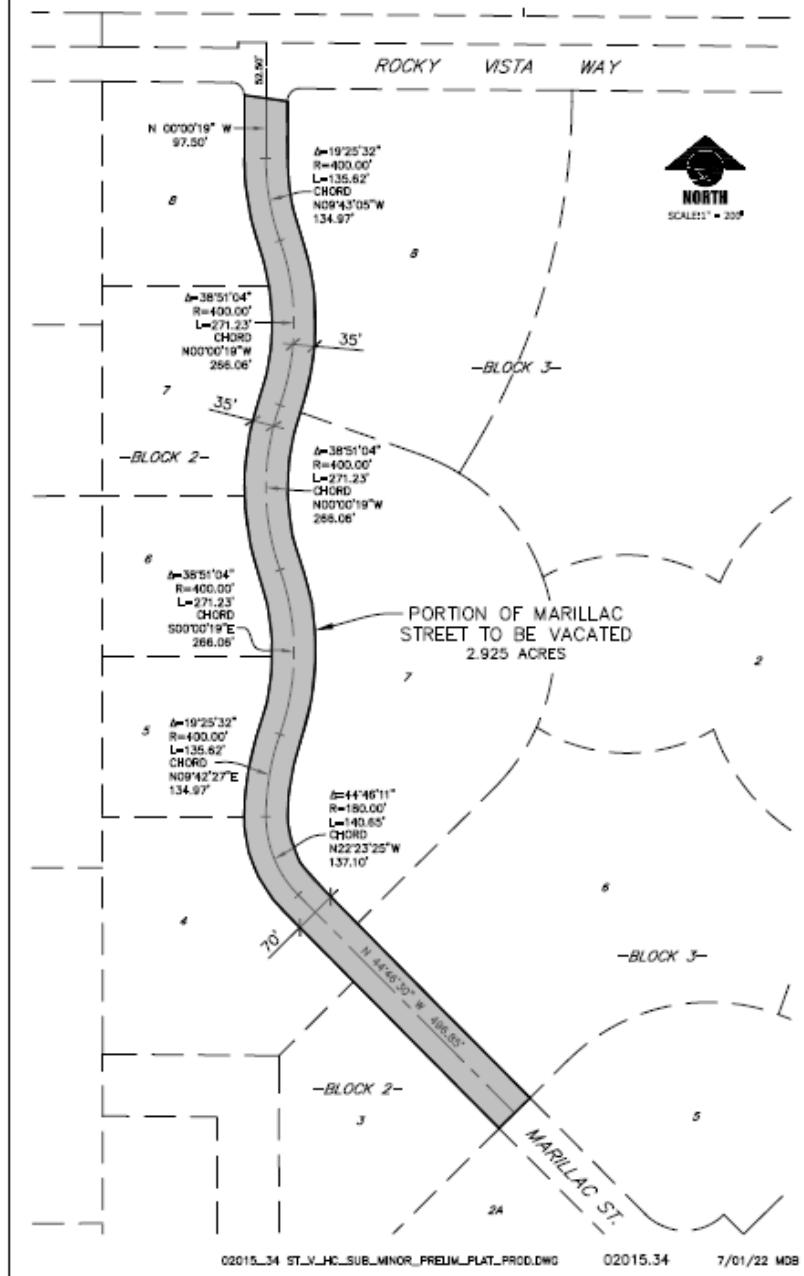
## VACATED PORTION OF PUBLIC RIGHT-OF-WAY FOR MARILLAC STREET WITHIN ST. VINCENT HEALTHCARE SUBDIVISION

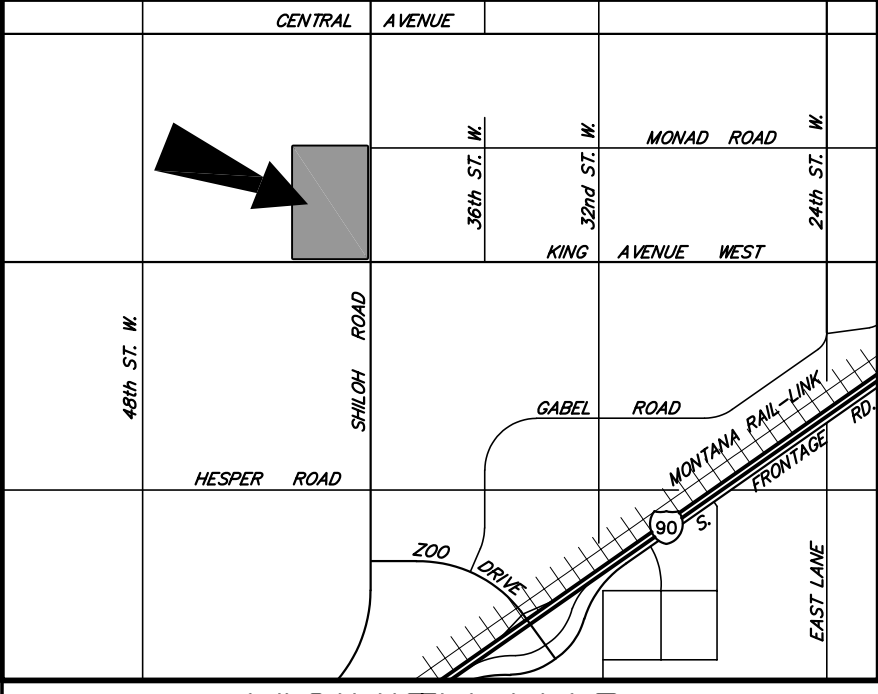
PREPARED FOR : SCL HEALTH

JUNE, 2022

PREPARED BY : **BANDERSON STEWART**

BILLINGS, MONTANA





VICINITY MAP

NOT TO SCALE

# CONCEPT OF AMENDED ST. VINCENT HEALTHCARE SUBDIVISION

BEING A VACATION OF LOTS 1A & 3-8 OF BLOCKS 2, LOTS 2-8 OF BLOCKS 3, LOTS 1 & 2A1 OF BLOCK 4, AND A PORTION OF MARILLAC STREET RIGHT-OF-WAY, ALL WITHIN ST. VINCENT HEALTHCARE SUBDIVISION SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : SCL HEALTH-MONTANA

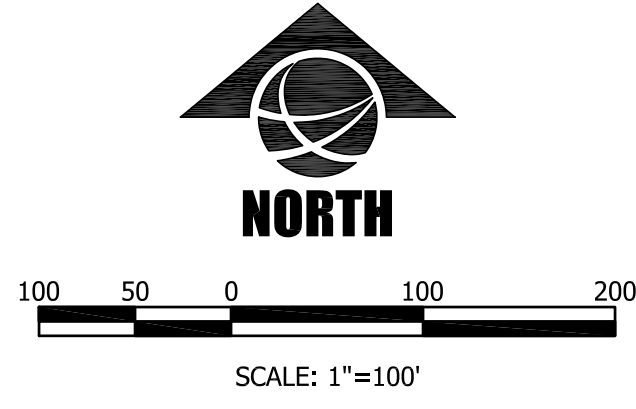
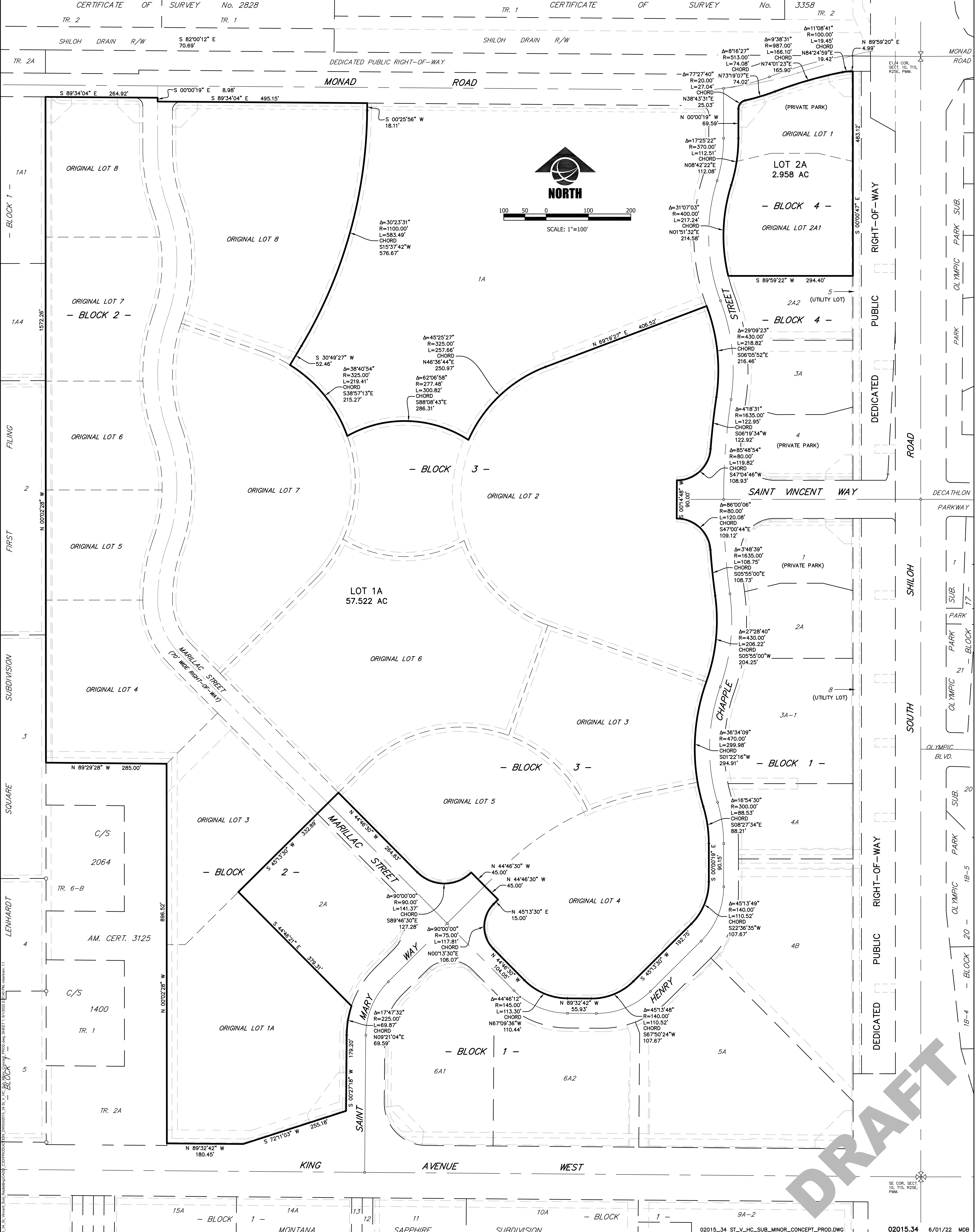
JUNE, 2022

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

## PLAT DATA

|                        |                                |
|------------------------|--------------------------------|
| GROSS AREA             | = 60.444 ACRES                 |
| NET AREA               | = ±60.480 ACRES                |
| NUMBER OF LOTS         | = 2                            |
| MINIMUM LOT SIZE       | = ±2.958 ACRES                 |
| MAXIMUM LOT SIZE       | = ±57.522 ACRES                |
| LINEAL FEET OF STREETS | = NA                           |
| EXISTING ZONING        | = PLANNED DEVELOPMENT          |
| SURROUNDING ZONING:    |                                |
| NORTH                  | = PUBLIC, CIVIC & INSTITUTIONS |
| SOUTH                  | = CORRIDOR MIXED USE 2         |
| EAST                   | = PLANNED DEVELOPMENT          |
| WEST                   | = PLANNED DEVELOPMENT          |
| EXISTING LAND USE      |                                |
| PROPOSED LAND USE      | = PROFESSIONAL & BUSINESS      |



DRAFT



**City Council Regular**

**Date:** 08/22/2022  
**Title:** Amended St Vincent Healthcare Subdivision- City Subsequent Minor  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review** Not Applicable

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**RECOMMENDATION**

Staff recommends the preliminary plat of Amended St. Vincent Healthcare 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 July 15, 2022 , Sanderson Stewart , on behalf of SCL Health - Montana , applied for preliminary subsequent Major plat approval for Amended St. Vincent Healthcare Subdivision . The Proposed subdivision creates 2 lots for development. The subject property is generally located at the Northwest corner of the intersection of King Avenue West and Shiloh Road . The property is zoned PD - Planned Development . The land is undeveloped but intended for commercial and residential uses. The purpose of this platting process is to complete a multi-step process to slightly redesign and rearrange the existing lots. A plat to vacate is required and in the future the City will consider a subsequent plat re-establishing the newly designed lots and right-of-way.

**VARIANCES**

No variances are requested.

**PROPOSED CONDITIONS OF APPROVAL**

1. To ensure the vacation of public streets previously platted, prior to final plat approval, the applicant will complete the road vacation process with City of Billings Engineering Department.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

**PROCEDURAL HISTORY**

Pre-Application Meeting: May 26, 2022  
Preliminary Plat application submitted to Planning Division: July 15, 2022  
Preliminary Plat to City Council: August 22, 2022  
35 Working-Day Preliminary Plat Review period ends: September 1, 2022

**PLAT INFORMATION**

General Location: Northwest corner of the intersection of King Avenue West and Shiloh Road  
Legal Description: Lots 1A & 3-8 of Blocks 2, Lots 2-8 of Block 3, Lots 1 & 2A-1 of Block 4, and a portion of Marillac Street ROW, St. Vincent Healthcare Subdivision  
Owner/Subdivider: SCL Health - Montana  
Engineer/Surveyor: Sanderson Stewart  
Existing Zoning: PD - Planned Development  
Existing Land Use: Vacant land  
Proposed Zoning: PD - Planned Development  
Proposed Land Use: Commercial  
Gross & Net Area: 60.44 acres / 60.44 acres  
Lot Size:  
    Minimum: 2.958 acres  
    Maximum: 57.48 acres  
Parkland Requirements: N/A for a minor subdivision

**STAKEHOLDERS**

No stakeholder input has been received. The public has the opportunity to speak during public comment during the

City Council meeting at which this item is considered.

### **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 September 1, 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.

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### **Attachments**

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

# PRELIMINARY PLAT OF AMENDED ST. VINCENT HEALTHCARE SUBDIVISION

BEING A VACATION OF LOTS 1A & 3-8 OF BLOCKS 2, LOTS 2-8 OF  
BLOCKS 3, LOTS 1 & 2A1 OF BLOCK 4, AND A PORTION OF MARILLAC  
STREET RIGHT-OF-WAY, ALL WITHIN ST. VINCENT HEALTHCARE SUBDIVISION  
SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M.,  
IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA  
PREPARED FOR : SCL HEALTH-MONTANA  
PREPARED BY : SANDERSON STEWART

## PLAT DATA

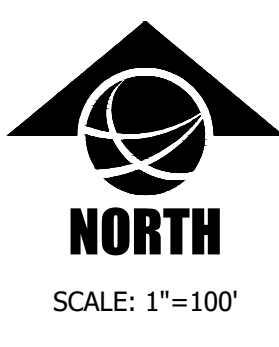
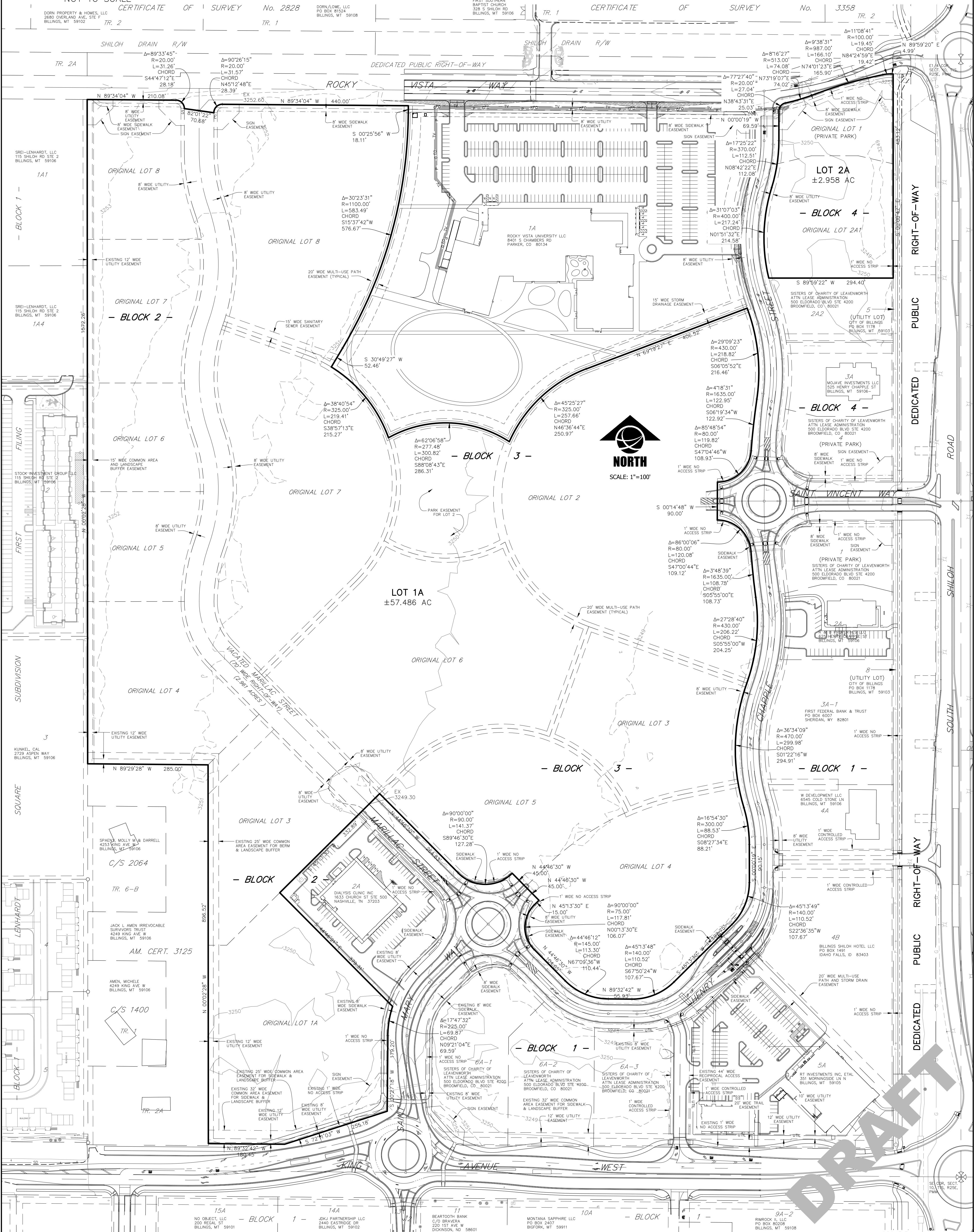
|                        |                                |
|------------------------|--------------------------------|
| GROSS AREA             | = 60.444 ACRES                 |
| NET AREA               | = ±60.444 ACRES                |
| NUMBER OF LOTS         | = 2                            |
| MINIMUM LOT SIZE       | = ±2.958 ACRES                 |
| MAXIMUM LOT SIZE       | = ±57.486 ACRES                |
| PARKLAND               | = NA                           |
| LINEAL FEET OF STREETS | = NA                           |
| EXISTING ZONING        | = PLANNED DEVELOPMENT          |
| SURROUNDING ZONING:    |                                |
| NORTH                  | = PUBLIC, CIVIC & INSTITUTIONS |
| SOUTH                  | = CORRIDOR MIXED USE 2         |
| EAST                   | = PLANNED DEVELOPMENT          |
| WEST                   | = PLANNED DEVELOPMENT          |
| EXISTING LAND USE      | = PROFESSIONAL & BUSINESS      |
| PROPOSED LAND USE      | = PROFESSIONAL & BUSINESS      |

### VICINITY MAP

NOT TO SCALE

CERTIFICATE OF SURVEY No. 2828  
DORN PROPERTY & HOMES, LLC  
115 SHILOH RD STE 2  
BILLINGS, MT 59106

CERTIFICATE OF SURVEY No. 3358  
FIRST SOUTHERN BAPTIST CHURCH  
328 S SHILOH RD  
BILLINGS, MT 59106



DRAFT

DRAFT

Return to:  
City Clerk  
City of Billings  
P.O. Box 1178  
Billings, MT 59101

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
FOR  
AMENDED PLAT OF LOT 6A OF AMENDED PLAT OF LOTS  
3A, 4, 5, 6 & 7, BLOCK 1, ST. VINCENT HEALTHCARE  
SUBDIVISION  
CITY OF BILLINGS  
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Return to:  
City Clerk  
City of Billings  
P.O. Box 1178  
Billings, MT 59101

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
FOR THE  
PLAT OF AMENDED ST. VINCENT HEALTHCARE  
SUBDIVISION**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEM, INC.**, whose address for the purpose of this agreement is 500 Eldorado Blvd, Ste 4300, Broomfield, CO 80021, hereinafter referred to as “Subdivider,” and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, the plat of Amended St. Vincent Healthcare Subdivision, hereafter referred to as “the subdivision”, located in the City of Billings, Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on the \_\_\_\_ day of \_\_\_\_\_ 2022, the City Council conditionally approved a preliminary plat of the Subdivision; and

**WHEREAS**, this plat is being completed in conjunction with the vacation and subsequent realignment of Marillac Street and the replat of St. Vincent Healthcare Subdivision, Second 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 subdivision upon the filing of the amended 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**

No Variances are being requested with this subdivision.

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

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

### **III. TRANSPORTATION**

#### **A. Streets**

The subdivision is adjacent to Saint Mary Way and Henry Chapple Street and will include the new alignment and dedication of Marillac Street. Saint Mary Way and Henry Chapple Street are developed rights-of-way. Marillac Street improvements are included in the St. Vincent Healthcare Subdivision, Second Filing plat. All improvements are included in the Waiver of Right to Protest Future Special Improvement Districts.

#### **B. Sidewalks**

City and the Subdivider agree that the developer will install accessibility ramps at time of private contract construction. Individual lot owners will be responsible for the construction of the five-foot wide boulevard sidewalks adjacent to their lot at the time of lot construction. The City reserves the right to construct any missing sidewalk and assess the property owners three years after construction of a phase.

Individual lot owners will be responsible for the construction of the multi-use paths adjacent to their lot at the time of initial construction. Each lot owner shall be responsible for building the ten (10) foot wide Multi-Use Paths (in the Easement Area reflected on the plat) in the Easement Area

appurtenant to each owner's lot, as provided in the Planned Development Agreement for the Subdivision.

**C. Street Lighting**

City and Subdivider agree that streetlights will be installed in the boulevard area within the right-of-way along both sides of St. Mary Way, St. Vincent Way, Henry Chapple Street, Marillac Street, and Rocky Vista Way. Subdivider has created a City of Billings street light maintenance district for construction, operation, and maintenance prior to the installation of the street lights.

City and Subdivider agree that the streetlights shall be designed to meet City of Billings' standards and that said design will be reviewed by the City Engineer. However, Subdivider reserves the right to choose fixture and pole types of the streetlights. City and Subdivider agree that fixture and pole types will be determined by mutual agreement between the two parties.

**D. Traffic Control Devices**

No street traffic control devices are anticipated at this time for the subdivision but is included in the Waiver of Right to Protest Future Special Improvement Districts.

**E. Access**

Access to this subdivision is provided by the public rights of way of Marillac Street, Saint Mary Way, Henry Chapple Street, Saint Vincent Way, and Rocky Vista Way.

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

No additional improvements are anticipated at this time for the subdivision relating to the Billings Area Bikeway and Trail Master Plan.

**G. Public Transit**

No additional improvements are anticipated at this time for the subdivision relating to public transit.

**IV. EMERGENCY SERVICES**

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.

#### **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 of individual lots at the time of development.

#### **VI. UTILITIES**

Water and sanitary sewer lines shall be sized and installed in conformance with the City design standards and specifications and the rules and regulations of the City of Billings.

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, Distribution and Collection Division. The extension/connection of/to water mains and sanitary sewers are subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and

specifications. The appropriate water and wastewater fees in effect shall be submitted with the applications.

The developer/owner acknowledges that the subdivision shall be subject to the applicable system development fees in effect at the time new water and 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 and 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 water mains within the subdivision will make looped connections whenever possible. Fire hydrants will be provided at all appropriate locations and will be subject to approval by the City of Billings Fire Department. Appropriately sized mains and services in the internal streets will provide service to the individual lots within the subdivision. Each lot shall be provided with its own separate water service. All water construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

**B. Sanitary Sewer**

The subdivision will be served by the extension of lateral sanitary sewer lines in the public streets. All sanitary sewer construction improvements shall be installed in conformance with the design standards, specifications, and rules and regulations of the City of Billings and Montana Department of Environmental Quality, and will be approved by the Public Works Department, Distribution, and Collection Division.

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

All telephone, gas, electrical power, and cable television lines shall be placed in designated easements outside of the right-of-way, where possible, and shall be installed underground prior to surface improvements. The location of all such facilities shall be subject to approval of the City Engineer.

**VII. PARKS/OPEN SPACE**

This is a replat of existing subdivided land. No additional lands are being included and none of the uses anticipated within the platted area are considered residential in nature. As such, there are no park contributions anticipated in this re-platting and only reconfiguration of existing open spaces that were created in the original platting.

**VIII. IRRIGATION**

Various lateral irrigation supply and waste ditches traverse the property. These ditches are serving the agricultural needs of this and other upstream property and will be continued in service as development progresses.

The Sisters of Charity of Leavenworth Health System, Inc. will retain its shares in the irrigation district serving St. Vincent Healthcare Subdivision for continued agricultural purposes and for future landscaping irrigation and watercourse recharge needs.

**IX. SOILS/GEOTECHNICAL STUDY**

The Subdivider has performed a preliminary geotechnical analysis for this property in accordance with City Subdivision Regulations and there are several area geotechnical reports that have been completed in the earlier phases of the development.

It is recommended that owners, purchasers, realtors, builders or developers fully familiarize themselves with the information contained in this report prior to any design or construction.

**X. PHASING OF IMPROVEMENTS**

No public improvements are required at this time by the Subdivider.

**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.







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 \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Amended St. Vincent Healthcare 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 vacant land in a PUD Zone. 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 existing mains along Marillac & Rocky Vista Way. 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. The subdivision will be served by extending sanitary sewer lines in the public streets from the existing main in King Avenue West. All new services shall be installed in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ. This is outlined in the SIA under the heading VI Utilities, B, Sanitary Sewer.

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

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

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

- c. **Streets** – The subdivision is adjacent to King Avenue West and South Shiloh Road. Both of these streets are developed rights of way and no additional street improvements are anticipated at this time. Street improvements are included in the Waiver of Right to Protest Future Special Improvement Districts. A segment of Marillac Street will be vacated with the vacation of the lots. The vacation of the roads shall be completed before the final plat of the subdivision. **(Condition #1)**
- d. **Emergency Services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station, Station #7, is located at 1501 54<sup>th</sup> Street West. 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 Meadowlark Elementary,
- f. Ben Steele Middle School, and West High School. At the time of the writing of this staff report all schools are shown as being over capacity. The subdivision is intended for commercial development
- g. **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.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision and has indicated that centralized mailbox units will be required as were installed for the previous filings of this subdivision. The developer will need to coordinate mailbox locations with the postal service.

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

The subject property is currently vacant land 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:

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

**2. West Billings Plan**

The proposed subdivision is consistent with the following goals of the West Billings Plan.

**PLANNED GROWTH GOAL 1 - Establish Development Patterns that Use Land More Efficiently**

Policy A: Promote efficient utilization of land within the West Billings planning area by promoting well designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land.

**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 within the jurisdiction of the Billings Area Bikeways and Trail Master Plan. The Billings Area Bikeway and Trail Master Plan identifies the west side of Shiloh Road and the north side of Rocky Vista Way as routes for segments of the multi-use trail. The trail adjacent to Rocky Vista Way will be 10-foot wide and will meet Billings Area Bikeway and Trail Master Plan and On-Site Trails standards. No further trail or sidewalk improvements on King Avenue West or South Shiloh Road are anticipated at this time.

**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 Planned Unit Development zoning. The lot frontages conform to the requirements of this zone. Other building setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

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

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

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

Legal and physical access is provided to the proposed will be from connecting Marillac Street to Rocky Vista Way at Marillac's north end and to Saint Mary Way and Henry Chapple Street at Marillac's south end. Lots fronting Henry Chapple Street will have access from Henry Chapple Street and from Saint Vincent Way.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Amended St. Vincent Healthcare 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, West Billings 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 the City Council that the preliminary plat of Amended St. Vincent Healthcare Subdivision be conditionally approved and adopt the Findings of Fact as presented in the staff report.

Approved by the Billings City Council, August 22, 2022

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William A. Cole, Mayor



August 22, 2022

John Halverson  
Sanderson Stewart Engineering, Inc.  
1300 N Transtech Way  
Billings, MT 59102

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

Dear Applicant/Engineer:

On August 22, 2022, the Billings City Council conditionally approved the preliminary plat of Amended St. Vincent Healthcare Subdivision, subject to the following conditions of approval:

1. To ensure the vacation of public streets previously platted, prior to final plat approval, the applicant will complete the road vacation process with City of Billings Engineering Department.
2. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
3. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have any questions please contact Hunter Kelly at (406) 247-8613 or by email at [kellyh@billingsmt.gov](mailto:kellyh@billingsmt.gov)

Sincerely,

---

William A. Cole, Mayor

**City Council Regular**

**Date:** 08/22/2022  
**Title:** Zone Change 1016 - 1400 S 24th St West - I1 to CX  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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**RECOMMENDATION**

The Zoning Commission recommends approval and adoption of the proposed findings of the 10 review criteria for Zone Change 1016.

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

This is a zone change request from Light Industrial (I1) to Heavy Commercial (CX) on four parcels of land located generally at 1400 S 24th St West. The location was formerly the Sutton's Clothing manufacturing facility and has now been converted to several new uses and new structures for retail and personal services including an indoor trampoline park, a wellness clinic, restaurants and a bar. Some of these current uses are no longer allowed uses within the industrial zoning district. The Zoning Commission held its public hearing on August 2, 2022, and is recommending approval.

The previous zoning of the property was Controlled Industrial (CI). The map update converted many existing CI zone districts to the new Light Industrial (I1) zone district. The zoning code update in 2021 included major revisions to each zoning district type to better define what uses are allowed or prohibited in those districts. The previous zoning of CI allowed a wide array of uses making the district somewhat unpredictable. For example, hotels, restaurants, all types of healthcare facilities as well as heavy contractor yards, distribution warehouses, manufacturing and truck stops were all allowed uses in the CI zone district. For the 2021 code update, the use table was revised to eliminate uses from the new Light Industrial district that were incompatible. Some uses such as bars, casinos, restaurants and indoor recreational facilities continue to be allowed in the I1 zone district. Hotels, healthcare and personal services are no longer allowed in the I1 zone district.

Staff did review the zoning map update carefully to ensure existing uses and the new zone districts matched as much as possible. For example, most of the property north of Overland Avenue west of 24th St West was updated to Heavy Commercial (CX) to match existing uses. Similarly, the lots with frontage on King Ave West were originally zoned either CI or Highway Commercial and many of these parcels were updated to Corridor Mixed Use. The properties west of 24th St W and south of King Avenue West were previously zoned CI and now these parcels are a mixture of three zone districts - CMU2, CX and I1. This added more predictability to the current owners and any future owners of the property.

Commercial and industrial centers like this area are unique because more than one zone district may be both appropriate and compatible. In this case, both the I1 and CX zones are compatible for the existing built environment, existing uses and proposed uses. Staff recommended approval of this zone change request based on the findings provided in this staff report.

**STAKEHOLDERS**

The applicant conducted a pre-application neighborhood meeting on June 27, 2022, at the By All Mean Brewing company located on the subject property. No other property owners attended the meeting. Planning staff did not receive any public comment either by phone, or in writing prior to the Zoning Commission public hearing.

The Zoning Commission conducted a public hearing on August 2, 2022, and received the staff recommendation of approval and proposed findings of the 10 review criteria. The Commission also received testimony from the applicant, Janine Griffin. No other testimony was received.

Greg McCall made a motion to recommend approval and adoption of the findings of the 10 review criteria. The motion was seconded by Dan Brooks. Commission members commented on how the development was a great addition to this area of the west end. Dave Goss commented he is often wary of "down zoning" a property from industrial to commercial due to the difficulty of adopting industrial zones in the first place. Mr. Goss stated he was in favor of this proposal based on the unique character of the area and the adjacent similar zones and development. The Zoning Commission voted 5-0 to recommend approval and adoption of the findings of the 10 review criteria for Zone Change

1016.

## ALTERNATIVES

The City Council may:

- Approve and adopt the findings of the ten review criteria as recommended by the Zoning Commission for Zone Change 1016; or,
- Deny and adopt different findings of the ten review criteria for Zone Change 1016; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

## FISCAL EFFECTS

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

## SUMMARY

Prior to making a decision on the requested zone change, the City Council shall consider the recommended findings from the Zoning Commission:

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

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

Prosperity (promoting equal opportunity and economic advancement)

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

The proposed zoning will allow a healthcare and wellness clinic which is a compatible use for the area. Specifically, the new and proposed uses of the property will be consistent with each other and nearby uses to the east and north. The proposed zone aligns with continued heavy commercial development along S 24th St West and further west on Gabel Road. The uses on the property are compatible with the adjacent I1 zoning and uses.

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

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

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

Public health and public safety will be promoted by the proposed zoning. The proposed CX zoning would allow the owner to ensure future development is conforming and compatible with adjacent uses. Further, the CX district, like all zone districts, has site and structure standards to ensure public health and safety. The proposed district will promote the public health and general welfare.

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

**Transportation:** The proposed zoning will not have a direct impact on the transportation system. The parcels all have direct access to S 24th St West or Gabel Road. Both of these streets are considered arterial streets and are designed and built to accommodate truck traffic as well as high volumes of daily traffic.

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

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

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change. Both Police and Fire will continue to serve the property regardless of the zone district.

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

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

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

The existing property has a fully developed sidewalk on S 24th St West and Gabel Road and appears to be in good condition. Traffic volume near this property is approximately 7,620 to 8,000 vehicle trips per day. The existing street is designed to handle any increase in traffic volume that may come as a result of new uses constructed on the

property because of the zone change. The new zoning designation itself should not have any measurable effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. The area has some vacant properties but the general vicinity is developed with a wide variety of uses that are compatible with multiple districts including CX and I1. The Property east and north of the subject parcel is zoned CMU2 (east) and CX (north). Zoning to the west and northwest is I1. There are no residential uses within these districts or in the area. The zoning does promote compatible urban growth.

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

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow commercial activity to include retail, business and personal services in an area of existing heavy commercial uses.

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

The new zoning is not expected to alter the value of any buildings in the area. The proposed zoning will sustain the existing value of buildings by ensuring the uses are conforming to the zoning district. Any development of the property will need to meet the site development requirements, including landscaping, screening, building heights and setbacks.

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

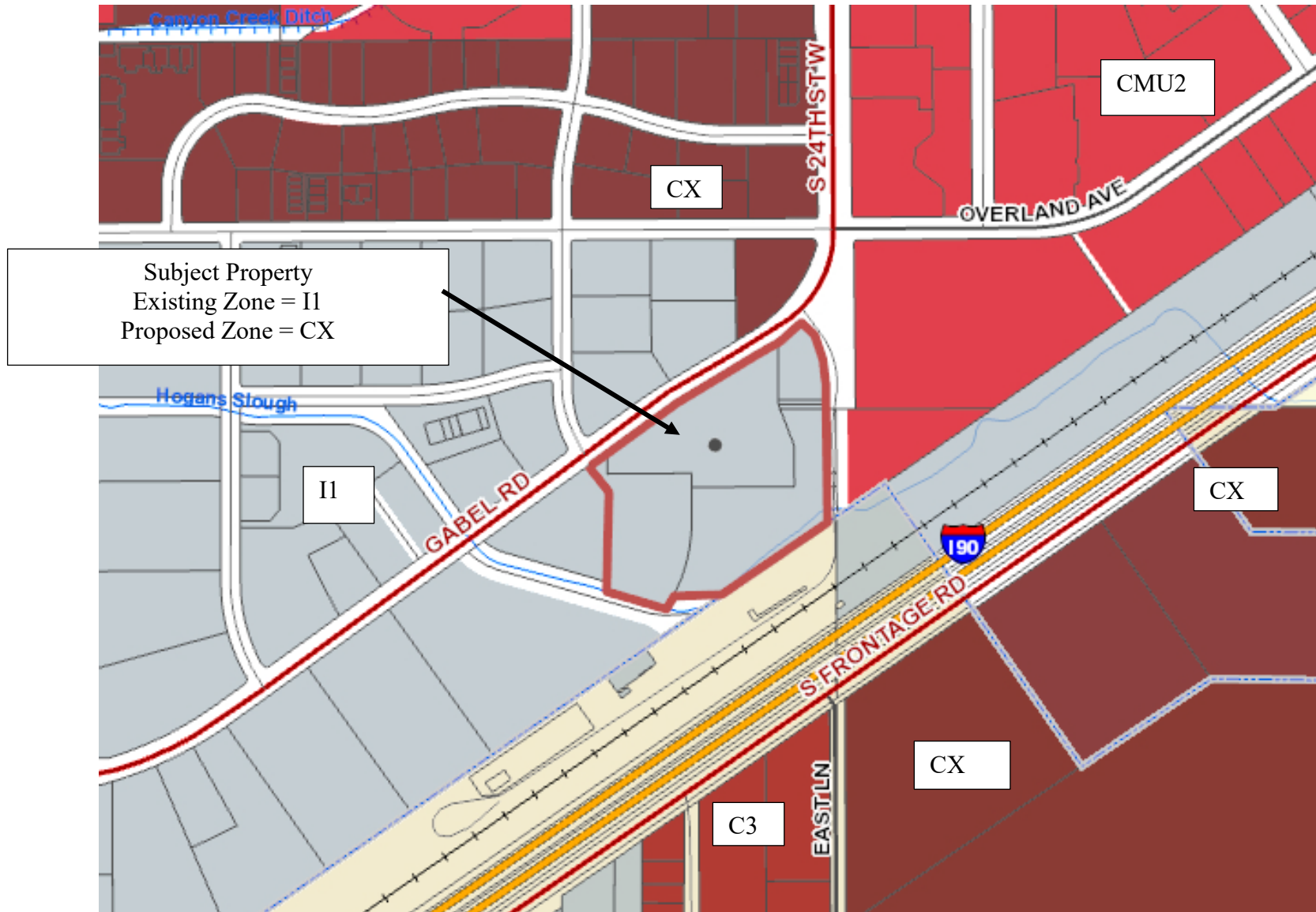
The proposed zoning will allow the development of the property in a heavy commercial area and will encourage the most appropriate use of land in the district. Supporting local business expansion is beneficial to the economic growth for the City of Billings.

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### **Attachments**

Zoning Map and Site Photos  
Chart of Zoning History  
Application and Letter  
Ordinance Zone Change 1016

City Zone Change 1016 – 1400 S 24<sup>th</sup> St W  
Zoning Map and Site Photos







Subject Property



View south on S 24<sup>th</sup> St W



View south and west across subject property



View west along Gabel Road



View north across Gabel Road



View north west across Gabel Road

| <b>SUBJECT PROPERTY</b>     | <b>Zone Change</b> | <b>DATE</b> | <b>FOR</b>                           | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                     |
|-----------------------------|--------------------|-------------|--------------------------------------|-----------------------|--------------------------------------------|
|                             | Special Review 682 | 9/25/2000   | 300 ft wireless communications tower | Yes with conditions   | Appears wireless tower has been demolished |
| <b>SURROUNDING PROPERTY</b> | <b>Zone Change</b> | <b>DATE</b> | <b>FOR</b>                           | <b>APPROVED (Y/N)</b> | <b>ADDITIONAL DATA</b>                     |
| 6200 S Frontage Rd          | County 652         | 1/27/2015   | A to HC                              | Y                     | Now QFC Sub – zone updated to CX           |
| 1824 King Ave W             | 723                | 1/12/2004   | CI to HC                             | Y                     | Updated to CMU2                            |

# APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # 1016 - Project # PZX-22-00166

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

Present Zoning Light Industrial L-1

Proposed Zoning: Mixed Use Commercial - CX

TAX ID# See Attached CITY ELECTION WARD 5

Legal Description of Property: See Attached

Address or General Location (If unknown, contact City Engineering): 1400 South 24<sup>th</sup> St.

Size of Parcel (Area & Dimensions): 12.967 Acres

Present Land-Use: Mixed use commercial

Proposed Land-Use: Mixed use commercial

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

If yes, please attach to application

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

Owner(s): 1400 South 24<sup>th</sup> LLC

(Recorded Owner)

(Address) 1010 Central Ave Ste 1 Billings 59102

(Phone Number) 406-256-0362 (email) janine@gniffindevlp.com

Agent(s): Janine Giffen

(Name)

(Address) 1010 Central Ave Ste 1 Billings 59102

(Phone Number) 406-256-0362 (email) janine@gniffindevlp.com

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

Signature: [Signature]  
(Recorded Owner)

Date: 6-27-22



## Legal Description of Property for 1400 South 24<sup>th</sup> Street Complex

**Taxid: D00558C** Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10B1, AMD (22)

Address: 1400 S 24TH ST W **Operating outside Zoning Code Change February 25, 2021**

**Taxid: D00559A** Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10A, AMD BLK 5 LT 10 (18).

Address: 1390 S 24TH ST W

**Taxid: A26170** Legal Description: CENEX PARK SUB, S13, T01 S, R25 E, BLOCK 5, Lot 10C1, AMD (22)

Address: 1420 S 24TH ST W **Operating outside Zoning Code Change February 25, 2021**

**Taxid: D00559** Legal Description: S13, T01 S, R25 E, C.O.S. 738, PARCEL 1B1, AMD TR 1B & LT 11 BLK 5 CENEX PARK S\* **Operating outside Zoning Code Change February 25, 2021**

Address: 2490 GABEL RD

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**Taxid:** D00558D

**Geocode:** 03092613414080000

**Property owner:** 1400 S 24TH LLC

**Subdivision:**

**Block:**

**Lot:**

**Certificate of Survey:** CS 2095

**Tract:** 1C2

**Legal Description:** S13, T01 S, R25 E, C.O.S. 2095, PARCEL 1C2, AMEND TR:1C (**UNDEEDED ROAD**)

**Address:**

**Taxid:** D00559B

**Geocode:** 03092613414060000

**Property owner:** CITY OF BILLINGS

**Subdivision:**

**Block:**

**Lot:**

**Certificate of Survey:** CS 738

**Tract:** 1B3

**Legal Description:** S13, T01 S, R25 E, C.O.S. 738, PARCEL 1B3, AMEND TR 1B

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: Light Industrial L1

2. Written description of the Zone Change Plan including existing and proposed new zoning:

Must be changed to meet building permit already issued and built. Holding up financing

3. Subject Property Map: please attach to this form

4. Legal Description of Property:

See attached

5. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force and mailing address of Chairperson:

Janine Griffin 1010 Central Ave Ste 1 Billings 59102

6. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form

7. A copy of the meeting notice. please attach to this form

8. A brief synopsis of the meeting results including any written minutes or audio recording. please attach to this form

9. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 27, day of June, 2022

2) The zone change application is based on materials presented at the meeting.

Owner (s): 1400 S. 24th LLC Janine Griffin Telephone: 406-256-0362

Address: 1010 Central Ave Ste 1 Email: janine@griffindvlp.com

Agent (s): Janine Griffin Telephone: 406-256-0362

Address: 1010 Central Ave Ste 1 Email: janine@griffindvlp.com

June 17, 2022

**1400 South 24<sup>th</sup> LLC**  
1010 Central Ave Ste 1  
Billings, Mt 59102

Re: ZONE CHANGE

**City of Billings**  
P.O. Box 1178  
Billings Mt, 59103-1178

Dear City of Billings

Our property is located at 1400 South 24<sup>th</sup> Street. You might know it as the trampoline park building, or By all Means Brewing is located.

1400 South 24<sup>th</sup> LLC is requesting a zone change. Today we are zoned light industrial under the new zoning codes established last February 2021. We will be requesting to go back to a similar code that we had prior the zone change last spring. We are requesting CX which allows for professional use.

If you are interested and would like to learn more, you invited to a neighborhood meeting. There will also be a public hearing in July and then in August the city council will vote on the zone change.

Neighborhood meeting

- When: June 27, 2022
- What time: 6:00 pm
- Where: By all means Brewing is located at 1400 south 24<sup>th</sup> street by the trampoline park.

If you have any questions before that date, I can be reached by email at [Janine@griffindvlp.com](mailto:Janine@griffindvlp.com)

Sincerely,

Janine Griffin

ORDINANCE 22-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON CENEX  
PARK SUB, BLOCK 5, Lot 10B1, Lot 10A, Lot 10C1, and  
Lot 11 and C/S 738 Parcel 1B1, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** **CENEX PARK SUB, BLOCK 5, Lot 10B1, Lot 10A, Lot 10C1, and Lot 11 and C/S 738 Parcel 1B1,** is presently zoned **Light Industrial (I1)** and is shown on the official zoning map within this zone.

**Section 3. ZONE DISTRICT AMENDMENT.** The official zoning map is hereby amended and the zoning for **CENEX PARK SUB, BLOCK 5, Lot 10B1, Lot 10A, Lot 10C1, and Lot 11 and C/S 738 Parcel 1B1,** is hereby changed from **Light Industrial (I1)** to **Heavy Commercial (CX)**, and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Heavy Commercial (CX)** as set out in the Billings, Montana City Code.

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

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

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

PASSED by the City Council on first reading this 22<sup>nd</sup> day of August, 2022.

PASSED, ADOPTED and APPROVED on second reading this 12<sup>th</sup> day of September, 2022.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1016 – 1400 S 24<sup>th</sup> St W