

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

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

Citizens are invited to:

- Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
  - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. (*On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.*)
  - Online at [www.com7tv.com](http://www.com7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - In-Person.
  - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

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

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



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

**CITY COUNCIL  
 REGULAR BUSINESS MEETING**

**AGENDA**

**COUNCIL CHAMBERS**

**SEPTEMBER 25, 2023**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Choriki

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

**MINUTES:**

- July 24, 2023
- August 28, 2023 - Pending
- September 11, 2023

**COURTESIES:**

- Recognition of Community Service Officers - Police Chief St. John

**PROCLAMATIONS:**

**COUNCIL REPORTS:**

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

**PUBLIC COMMENT on "NON-PUBLIC HEARING" Agenda Items: 1, 4b, 7 and 8 ONLY. Speaker sign-in required.** (Comments are limited to three (3) minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

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

A. **Mayor Cole recommends that Council confirm the following appointments:**

1.

	Name	Board/Commission	Term	
			Begins	Ends
1	Jordan Clayton	Tourism BID	10/01/23	10/01/27
2	Shelli Mann	Tourism BID	10/01/23	10/01/27

- B. **Bid Awards: None**
- C. **Agreement** with Lyngsoe Systems for Library Automated Materials Handler (AMH) System and Conveyance.
- D. **Funding Agreement** between the City and RiverStone Health to increase Nurse Family Partnership.
- E. **Amendment No. 3**, with JLG Architect for professional services design contract, for New City Hall.
- F. **Donation** to City for New City Hall artwork by local artist Barbara Garrett.
- G. **Donation** to the Parks and Recreation Department from Fidelity Charitable Donor Advised Fund grant.
- H. **Final Minor Plat** of Price Subdivision, Amended Plat of Lots 1 and 5, Block 1. **\*Quasi-Judicial**
- I. **Resolution** adopting parking rates for FY24 - FY26.
- J. **Bills for the Weeks of:**
  - 1. August 21, 2023
  - 2. August 28, 2023

**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 FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required. Staff recommends approval.
  - Presented by Debi Meling, Public Works Director

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required, recommended by staff.
- 3. **RESOLUTION** for managing deployment of small cell facilities in the right-of-way. Staff recommends approval.
  - Presented by: Debi Meling, Public Works Director

**Recommended Motion:** I move to approve a resolution managing deployment of small cell facilities in the right-of-way, as recommended by staff.
- 4. **BOETTICHER AND SPENNY PROPERTY:**
  - a. **JOINT PUBLIC HEARING FOR ANNEXATION 23-07 AND ZONE CHANGE 1035:**
    - i. **RESOLUTION APPROVING ANNEXATION 23-07:** a parcel located at 2449 Blue Creek Road, north of Blue Creek Road and West of Colleen Drive. Staff recommends approval. **\*Quasi-Judicial**
      - Presented by: Hunter Kelly, Planner

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve a resolution approving Annexation 23-07, as recommended by staff.

ii. **FIRST READING ORDINANCE FOR ZONE CHANGE 1035:** generally located at 2449 Blue Creek Road - Lot 7 of Blue Creek Acreage Tracts Subdivision. Zoning Commission recommends approval and adoption of the 10 review criteria. **\*Quasi-Judicial**

- Presented by: Nicole Cromwell, Zoning Coordinator

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1035 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

b. **ANNEXATION AGREEMENT** with Andrew Boetticher and Michelle Spenny. Staff recommends approval.

- Presented by: Debi Meling, Public Works Director

**Recommended Motion:** I move to approve an Annexation Agreement with Andrew Boetticher and Michelle Spenny, as recommended by staff.

c. **PUBLIC HEARING AND FIRST READING ORDINANCE** expanding the boundaries of Ward III to include recently annexed property in Annexation 23-07: a parcel located at 2449 Blue Creek Road. Staff recommends approval.

- Presented by: Hunter Kelly, Planner

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve the First Reading Ordinance expanding the boundaries of Ward III, as recommended by staff.

5. **PUBLIC HEARING AND FIRST READING ORDINANCE FOR ZONE CHANGE 1034:** Zoning Text Amendments - Phase III, landscape and off-street parking relief; landscape plan clarifications for residential; Special Review criteria and Zoning at Annexation. Zoning Commission recommends approval and adoption of the 10 review criteria for these items only. **\*Quasi-Judicial**

- Presented by: Nicole Cromwell, Zoning Coordinator

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance for Zone Change 1034 and adopt the findings of the 10 review criteria, as recommended by the Zoning Commission.

6. **PUBLIC HEARING AND FIRST READING ORDINANCE** amending Billings, Montana City Code (BMCC), Article 22-900, Sale, Exchange or Donation of City Real Property. Staff recommends approval.

- Presented by: Gina Dahl, City Attorney

**Recommended Motion:** Having conducted a public hearing, considered written and spoken public testimony, I move to approve First Reading Ordinance amending Billings, Montana City Code (BMCC), Article 22-900, Sale, Exchange or Donation of City Real Property, as recommended by staff.

7. **PURCHASE AND SALES AGREEMENT** of Park 1 ground retail space to Journey Willow Cottage, LLC. City Council Operations Committee recommends Council reject all proposals.

- Presented by: John Caterino, Facilities Manager

**Recommended Motion:** I move to reject all proposals to purchase Park 1 ground retail space to Journey Willow Cottage, LLC, as recommended by the City Council Operations Committee.

8. **CHANGE ORDER NO. 1**, with Dick Anderson Construction for Construction Manager at Risk (CMAR) contract, for New City Hall. Staff recommends approval.

- Presented by: John Caterino, Facilities Manager

**Recommended Motion:** I move to approve Change Order No. 1 with Dick Anderson Construction for Construction Manager at Risk (CMAR) contract, as recommended by staff.

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

**COUNCIL INITIATIVES:**

**ADJOURN:**

*Council Chambers are readily accessible to individuals with physical disabilities.*

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

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Boards & Commissions Appointments  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

**RECOMMENDATION**

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

|   | Name           | Board/Commission | Term     |          |
|---|----------------|------------------|----------|----------|
|   |                |                  | Begins   | Ends     |
| 1 | Jordan Clayton | Tourism BID      | 10/01/23 | 10/01/27 |
| 2 | Shelli Mann    | Tourism BID      | 10/01/23 | 10/01/27 |

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

The Mayor is requesting that the City Council confirm appointments for Board and Commission positions that are vacant due to term expirations.

**ALTERNATIVES**

Council may:

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

**FISCAL EFFECTS**

The proposed action has no financial impact.

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Library Automated Materials Handler System (AMH) and Conveyance  
**Presented by:** Kelsie Rubich, Assistant Library Director  
**Department:** Library  
**Presentation:** No  
**Legal Review:** No  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends that City Council award a contract for library automated materials handler (AMH) and conveyance to Lyngsoe Systems for \$360,680.00.

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

The current conveyance transports library materials returned via the interior book drop through a tunnel spanning a distance of over 95' to the circulation workroom. Items are then manually placed into the RFID sorter through the staff induction unit. The equipment checks in and transfers items to designated storage containers for shelving within the library. This system is original to the building, and has been operating for approximately 21,060 hours over the last nine years. Due to the age of the system and frequency of use, both the conveyance and the sorter experience frequent malfunctions, including many requiring staff to crawl into the conveyance tunnel to clear trapped materials.

Replacing the current system with a new conveyance and library automated materials handler will make the return process more efficient, reduce equipment downtime and equipment noise, feature ergonomic return bins, and utilize technology that eliminates the need for library staff to feed materials into the sorter manually. A singulator will separate materials at the end of the conveyance leading to the RFID materials handler. Its primary function is to enable a smooth transition for library items, allowing them to make a turn on the conveyance and enter the sorting process without the need for manual intervention from staff.

The RFP for a new library automated materials handler and conveyance to replace the current system was advertised on August 4 and August 11, 2023 on the City's website. Lyngsoe Systems submitted a proposal that met all of the library's requirements. The company has specialized in AMH equipment for the last 20 years. They have over 600 systems installed worldwide, including two large Montana public libraries.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

The original Fiscal Year 2024 budget for this project was \$425,000. Of that total, \$345,000 is budgeted in the TRP and \$80,000 is from library reserves. The recommended proposal comes in below that initial estimate at \$360,680. With an investment in a superior product, the library will be running a more efficient system with an estimated life span of 15+ years.

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**City Council Regular**

**Date:** 09/25/2023  
**Title:** Funding Agreement between the City and Riverstone Health to Increase Nurse Family Partnership  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

City Council approve the enclosed agreement between the City and Riverstone Health, contributing \$200,000 annually for up to five (5) years to increase the capacity of the Nurse Family Partnership home visiting program by a minimum of two (2) additional nurses.

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

Improving the safety of Billings remains the city's #1 priority. The 2021 PSML (public safety mill levy) included two additional mills to invest in mental health and substance abuse. Nearly every PSML presentation included a commitment to reduce violent crime, improve downtown safety, improve traffic safety, and support mental health, substance abuse and prevention partners. The enclosed agreement invests \$200,000 annually in a partnership with Riverstone Health to expand the Nurse Family Partnership (NFP) program. The contract is for three (3) years with one, two (2) year extension. "Either party may terminate this agreement ... without cause, by providing the other party ninety (90) days' written notice of termination." Also note that in the recitals we state that this commitment is meant to be a catalyst not permanent, committing to work together to identify sustainable funding to support home visiting services long term..

The recommended investment is in one of the most rigorously reviewed home visitation programs in our country. Hard data in this program's 40+ year history throughout the US and for its shorter 10 year, history in Montana show an \$8 to \$1 return on investment (ROI). This ROI is primarily connected to the high numbers of NFP families who stay out of the criminal justice system, achieve educational goals, and remain in the workforce. Data also shows a 63% reduction in domestic violence, immediately reducing trauma and law enforcement calls for service.

Data throughout the country provides strong evidence that most of today's criminals are coming from homes where trauma is prevalent. Arguably the greatest injustice is that their children are too often destined to enter the criminal justice system if we don't invest in preventing and addressing childhood trauma. Therefore, I focused my attention on learning about strategies and programs that break this cycle. The Deepest Well by Nadine Burke Harris, MD and Hope Rising by Casey Gwinn, JD & Chan Hellman, PHD are resources I used and recommend to gain important knowledge on the impacts of childhood trauma. By no means is this exhaustive, but they are research based and extremely informative for those of us who don't regularly work in this area. NFP is one of the most respected, heavily analyzed, and effective programs and is strongly supported by the US Justice Department.

Over the last 10 years, NFP has served more than 400 Yellowstone County families. This voluntary home visiting program from RiverStone Health nurses has improved the lives of pregnant women, new moms and dads, and their babies. Among participants, smoking decreased 25%, alcohol use dropped 56%, reports of domestic violence dropped 63% and the number of mothers who were back in the workforce 12 weeks after delivery increased 31%. (see attachments) By adding two NFP nurses approx. 50 - 60 additional families will be in the program each year, nearly doubling the number of families served.

Community data indicates that we have ~360 births annually, to moms who had inadequate prenatal care. This data along with the skyrocketing levels of foster care indicate childhood trauma is becoming all too common. NFP's critically important standards, require nurses' caseloads remain under 30. Therefore, the current program needs to grow significantly from serving 62 families with 2.5 nurses building trusting life changing relationships with several hundred Billings families annually.

**ALTERNATIVES**

City Council may:

- Approve; or,

- Not Approve

### **FISCAL EFFECTS**

The agreement has an annual expense of \$198,966. The adopted budget included \$200,000 for this purpose out of the crime prevention fund.

### **SUMMARY**

The enclosed agreement invests \$200,000 annually in a partnership with Riverstone Health to expand the Nurse Family Partnership (NFP) program. The contract is for three (3) years with one, two (2) year extension. "Either party may terminate this agreement ... without cause, by providing the other party ninety (90) days' written notice of termination." NFP is one of the most respected, rigorously analyzed, effective programs and is strongly supported by the US Justice Department.

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### **Attachments**

Nurse Family Partnership Presentation from 9.6.22 Work Session

NFP Agreement with Riverstone



## **NURSE-FAMILY PARTNERSHIP IN YELLOWSTONE COUNTY**

### **Why Nurse-Family Partnership® (NFP)?**

NFP is an evidence-based, community health support that helps transform the lives of pregnant, vulnerable mothers. Each mother served by NFP is partnered with a registered nurse in pregnancy and receives ongoing nurse home visits that continue through her child's second birthday. Independent research proves that communities benefit from this relationship. Nurses are the most trusted professionals in America, rated highest for honesty and ethics, positioning nurses to provide an intensive level of support to the highest families in need. Nurses support family health through building strong relationships with parents.

### **NFP GOALS:**

- Improve pregnancy outcomes.
- Improve child health and development
- Improve the economic self-sufficiency of the family

### **POSITIVE OUTCOMES LOCALLY SINCE 2012**

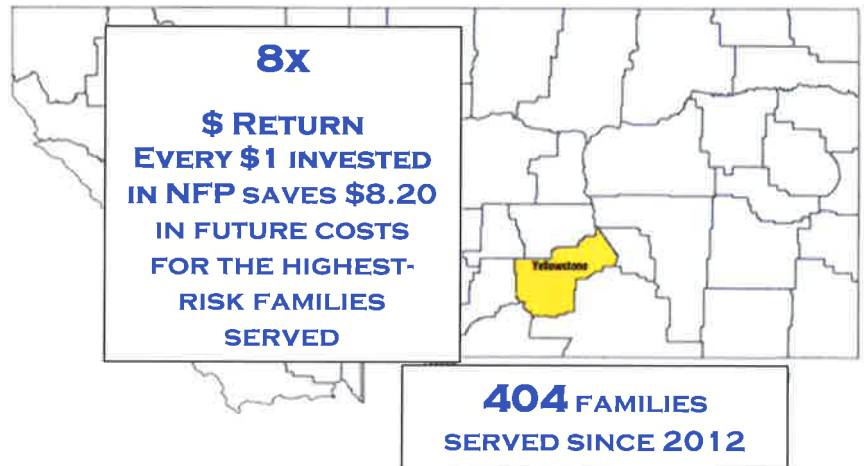
- Smoking in pregnancy - **DECREASED** by 25%\*
- Alcohol use in pregnancy - **DECREASED** by 56%\*
- Reported experience of Intimate Partner Violence - **DECREASED** by 63%\*\*

\*Intake to 36 weeks gestation

\*\*Intake to 12 weeks postpartum; self-report

For questions or more information about Nurse-Family Partnership, contact:

RiverStone Health  
 Nurse-Family Partnership of Montana  
 123 South 27th Street  
 Billings, Montana 59101  
 Phone: [406.247.3360](tel:406.247.3360)



### **CLIENT DEMOGRAPHICS**

#### **At Intake**

22 Years Median Age  
 \$12,250 Median income  
 75% Medicaid Recipients  
 89% Single Parent Home

#### **Race**

1% Black or African American  
 75% White  
 7% Asian  
 5% Multi-racial  
 1% Native Hawaiian or other Pacific Islander  
 17% American Indian or Alaska Native

#### **Ethnicity**

16% Hispanic/Latina  
 84% Non-Hispanic/Latina

Data current through August 2022

## Nurse Family Partnership - Support for moms, babies, families, community

Year 1-2 Goal: Add 3 nurses to our existing Nurse Family Partnership team, allowing us to serve 75-90 additional families. This is double the number of families we currently serve and significantly expands our community impact.

Year 3-5 Goal: Our vision is to identify cost-effective approaches to provide home visiting services to all families in our community who need/want them. Sustain funding and build on our successes to find ways to support serving additional families.

Each year data will be reported and opportunities for program sustainability discussed.

### RiverStone Health's Commitment

- Employ, train, and supervise qualified nurses.
- Provide management, administration, and infrastructure.
- Collect data continue to monitor effectiveness of Nurse Family Partnership
- Outreach and connections with community referral sources



### City of Billings Request

A 5-year commitment to fund 3 additional nurses at a cost of \$100,000 per nurse per year.

## Core Activities - Nurse Family Partnership

Support at risk pregnant women and their families

- Identify current needs and concerns
- Support parenting and life skill development, building protective factors
- Follow evidence-based model to fidelity to realize long term benefits
- Deliver screenings to support mom and baby physical, mental, emotional health

Short term health outcomes:

- Safe home environment
- Healthy birth weight
- Decreased risk behaviors
- Increased protective factors

Long term health outcomes:

- Positive mom-baby interactions/competent care
- Improve pregnancy outcomes-preventative health practices
- Improve economic self-sufficiency by helping parents develop vision for their own future

Community connections

- Consult with providers and social service agencies ensuring care coordination for benefit of clients
- Establish and support key referral sources needed to best support client

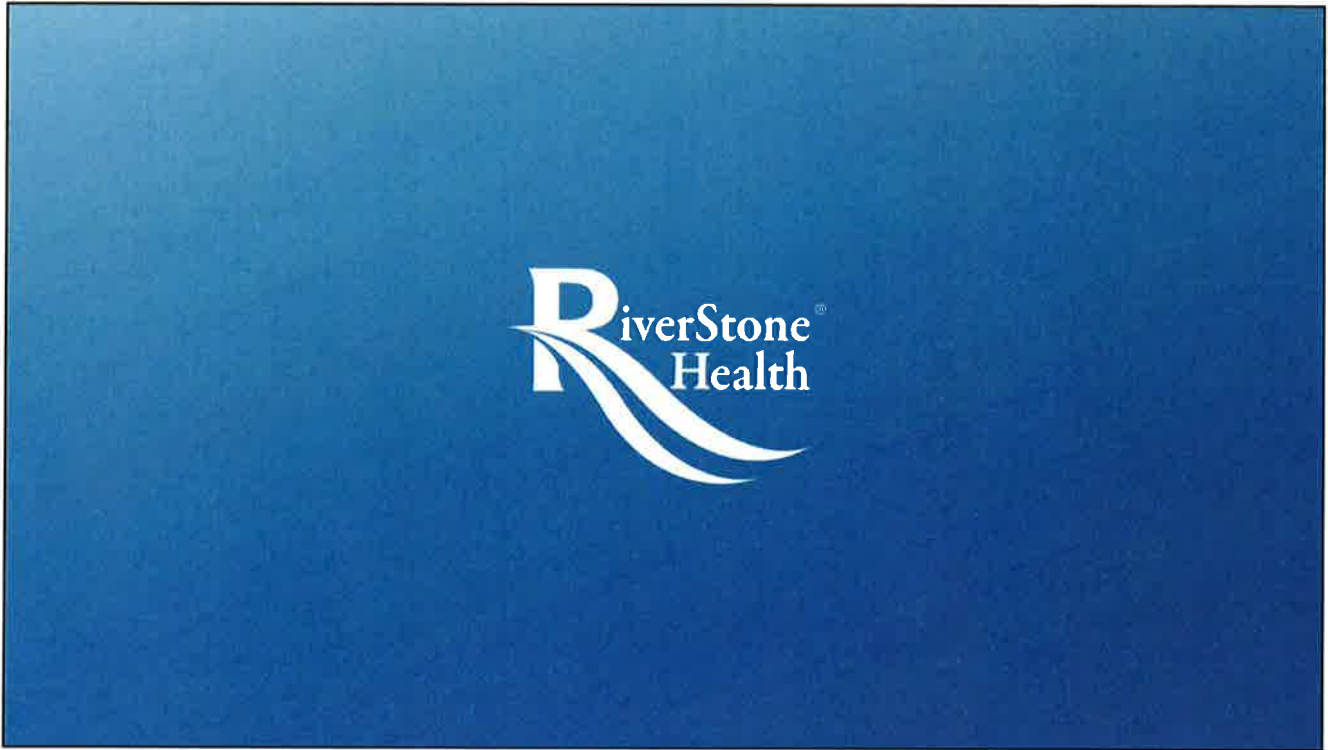
## Additional Local Home Visiting Program Offerings and Opportunities

Current Offerings:


- Parents As Teachers: existing evidence-based model offered at RiverStone Health, delivered by parent coaches  
<https://homvee.acf.hhs.gov/effectiveness/Parents%20as%20Teachers%20%28PAT%29%C2%AE/In%20Brief>
- Maternal Child Health Home Visits: short term intervention based, focused on goals of client, typically 2-4 visits in duration.

Future Opportunity:

- Universal Home Visiting: a broader opportunity, with evidence of success through Family Connects (Durham Connect) <https://homvee.acf.hhs.gov/effectiveness/Family%20Connects/In%20Brief>
- This would include connecting with every person giving birth in Yellowstone County to determine level of need and interaction.



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# Nurse Family Partnership

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Billings City Council

September 6, 2022

**Eric Owen, Vice President of Public Health Services  
Shannon Hauck, RN, Nurse Supervisor, Nurse Family Partnership  
Greg Upham, School District 2 Superintendent**



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## Overview



- Why Prevention?
- Why Nurse Family Partnership?
- Why Invest?

3



## Key Concept - Trauma



**A painful or distressing experience often resulting in lasting mental and physical effects.**

-NCSL Preventing and Mitigating the effects of ACEs report (2018)

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## Key Concept – Adverse Childhood Experiences (ACEs)



1. Physical abuse
2. Sexual abuse
3. Verbal abuse
4. Physical neglect
5. Emotional neglect
6. A family member who is depressed or diagnosed with other mental illness
7. A family member who is addicted to alcohol or another substance
8. A family member who is in prison
9. Witnessing a mother being abused
10. Losing a parent to separation, divorce or death

<https://www.resilientchildfund.org/top-10-aces/>

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## Key Concept – Toxic Stress



**Extreme or extended activation of the body 's stress response without the presence of adult support.**

-NCSL Preventing and Mitigating the effects of ACEs report (2018)

6



# Impact of ACEs/Toxic Stress - Individual

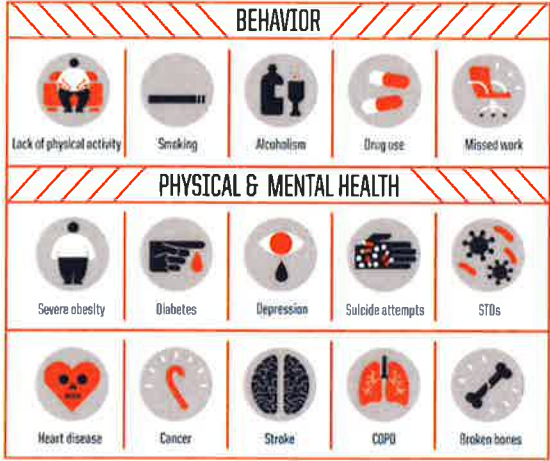
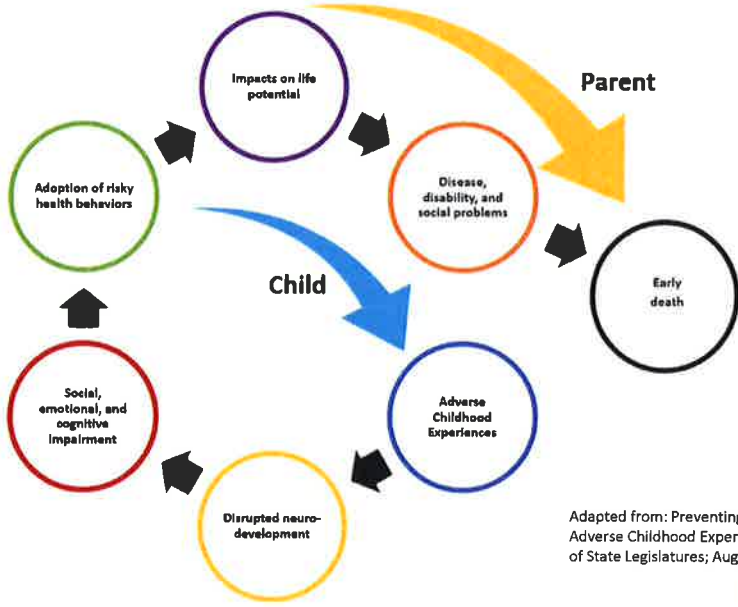


Figure 2. Chronic Disease Comorbidity Profiles  
Lynch, Kelly, & Johnson, 2010

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# Impact of ACEs – Life Cycle and Family



Adapted from: Preventing and Mitigating the Effects of Adverse Childhood Experiences; National Conference of State Legislatures; August 2018

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## Experiences with ACEs

### Experience with ACEs: 2011 -2014 – 23 states\*

- 62% of adults reported at least 1 ACE
- 25% of adults reported 3 or more

### National Foster Care System Rates Ages 0-17\*\*

- National Average: 3-4/1,000
- Montana: 15/1,000

### Montana Foster Care System Rates Ages 0-5\*\*

- 26.8/1,000: Montana
- 36/1,000: Yellowstone County

\* Preventing and Mitigating the Effects of Adverse Childhood Experiences; August 2018; National Conference of State Legislatures  
 \*\* Kids Count Data Center; 2020; Annie E. Casey Foundation



## Preventing ACEs - Positive Experiences


Positive Childhood Experiences

### Counter-ACEs

- Liking school
- Teachers who care
- Opportunities to have fun
- A predictable home routine
- Feeling comfortable with yourself
- Having a caregiver whom you feel safe with
- Beliefs that provide comfort
- Having good friends and neighbors



<https://earlymilestones.org/counter-effects-of-aces/>




## Preventing ACEs - Systemically

Preventing ACEs

|                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Strengthen economic supports to families</b></p> <ul style="list-style-type: none"> <li>• Strengthening household financial security</li> <li>• Family-friendly work policies</li> </ul> | <ul style="list-style-type: none"> <li>• Public education campaigns</li> <li>• Approaches to reduce corporal punishment</li> <li>• Men and boys as allies in prevention</li> </ul>                                                                                                         |
| <p><b>Promote social norms that protect against violence and adversity</b></p>                                                                                                                 | <ul style="list-style-type: none"> <li>• Early childhood home visitation</li> <li>• High-quality child care</li> <li>• Preschool enrichment with family engagement</li> </ul>                                                                                                              |
| <p><b>Ensure a strong start for children</b></p>                                                                                                                                               | <ul style="list-style-type: none"> <li>• Societal-emotional learning</li> <li>• Safe dating and healthy relationship skills</li> <li>• Parenting and family relationship approaches</li> </ul>                                                                                             |
| <p><b>Teach skills</b></p>                                                                                                                                                                     | <ul style="list-style-type: none"> <li>• Mentoring programs</li> <li>• After-school programs</li> </ul>                                                                                                                                                                                    |
| <p><b>Connect youth to caring adults and activities</b></p>                                                                                                                                    | <ul style="list-style-type: none"> <li>• Enhanced primary care &amp; victim-centered services</li> <li>• Treatment to lessen the harms of ACEs</li> <li>• Treatment to prevent problem behavior &amp; violence</li> <li>• Family-centered treatment for substance use disorders</li> </ul> |
| <p><b>Intervene to lessen immediate and long-term harms</b></p>                                                                                                                                | <div style="border: 1px solid black; padding: 5px; background-color: #fff; text-align: center;"> <ul style="list-style-type: none"> <li>• Early childhood home visitation</li> <li>• High-quality child care</li> <li>• Preschool enrichment with family engagement</li> </ul> </div>      |


[https://linkprotect.cudasvc.com/url?u=https%3a%2f%2fnihcm.us17.list-manage.com%2ftack%2fclick%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&e=8j0c3xw00y3xw00m%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&c=8j0c3xw00y3xw00m%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&\\_r1\\_AkAh9g73pCCj9taw7IGj0Qj9C5EapS9\\_9U2VVCahGMFXBacm75yEjGQ\\_&typos=1](https://linkprotect.cudasvc.com/url?u=https%3a%2f%2fnihcm.us17.list-manage.com%2ftack%2fclick%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&e=8j0c3xw00y3xw00m%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&c=8j0c3xw00y3xw00m%3f%3d1fba4d4a6bdd6c1b8dd2c77%26id%3de386f54ec5%26e%3dc1e22bfebb&_r1_AkAh9g73pCCj9taw7IGj0Qj9C5EapS9_9U2VVCahGMFXBacm75yEjGQ_&typos=1)

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## Why Home Visiting Works

*Trusted Relationship, Healthy Pregnancy, Positive Birth Outcomes, Healthy Birthweight, Positive Parenting Skills and Supports, safe/stable home environment*



- = School Readiness
- = Reading at 3<sup>rd</sup> Grade
- = School engagement, graduation
- = Gainfully employed
- = Avoiding criminal justice

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## What is Nurse Family Partnership?

Nurse Home Visiting + Relational Skill Building = Healthy Mom, Healthy Baby

- Evidence based nursing intervention
- Pregnancy through 2 years
- 25-30 families per Nurse
- Parenting Skills-Confident and competent care
- Parent self-efficacy: develop a vision for their own future
- Promoting stable, safe, and caring environment during most important time for child's development

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## Why Nurse Family Partnership?

1. Not a new program - expanding capacity of **existing** program
2. Data, studies, and experts agree – Nurse Family Partnership is the gold standard
3. Nurses are a trusted resource
4. Relationship, relationship, relationship
5. Consistently effective
6. Individualized
7. Multi-generational
8. Long-lasting impacts



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## Why a City of Billings Investment?

### Why Public Safety Mill? Why Marijuana Tax Dollars?

- Crime, violence, school performance...all impact decisions of people moving into community and our children staying
- Relational crime-break the cycle-relational problems take relational responses
- Our situation will continue to have negative impact on our quality of life and place to raise a family if we don't get control of crime



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## Why Billings School District 2?



- Prepare our children for pre-K and promote school readiness
- Reduced dropouts means reduced juvenile crime
- School environment is mirroring our community environment
- When families are more stable and children are ready we create a guardrail against increased city tax dollars needed to react to more expensive down-stream problems.

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## A Case/Cost Comparison

Nurse Family Partnership  
Average Cost Per Family Served

**\$8,500**

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## A Case/Cost Comparison


- A parent struggling with substance use disorder, unsafe behaviors, criminal actions, and CPS placement of child
  - ~ \$2,000 – Child and Family Services Cost
  - ~ \$1,000 – Law Enforcement Intervention
  - ~ \$5,000 – Court Costs
  - ~ \$15,000 – Foster Care Placement
  - ~ \$5,000 – Outpatient Treatment
  - ~ \$36,500 – One year of incarceration

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## A Cost Comparison

|                                                        |                                                                    |
|--------------------------------------------------------|--------------------------------------------------------------------|
| Preventive<br>Nurse Family Partnership<br>Intervention | Downstream Costs of<br>Dealing with After the Fact<br>Consequences |
| <u>~\$8,500</u>                                        | <u>~\$64,500</u>                                                   |



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## Why Prevention Works

Nurse Family Partnership Return on Investment

8.2 times for every dollar spent



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## Benefits of Prevention-Based Services

- Prevents harm before it happens
- Supports development of a safe, stable, caring environment for children's first 5 critical years of development
- Breaks the intergenerational cycle of
- Cost effective compared to addressing downstream consequences

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## Proposal



### Let's build on something that works!

Let's share this commitment... council, school district and public health!

Our goal: Finding a sustainable way to provide home visiting services to all families in our community who need/want the support.

RiverStone Health's investment: data, outreach, infrastructure, training and supervision; alignment with public health and coalition efforts in the community

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# Preventing and Mitigating the Effects of Adverse Childhood Experiences Health

NATIONAL CONFERENCE *of* STATE LEGISLATURES | AUG 2018



# Preventing and Mitigating the Effects of Adverse Childhood Experiences

BY AMBER BELLAZAIRE

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The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- Improve the quality and effectiveness of state legislatures
- Promote policy innovation and communication among state legislatures
- Ensure state legislatures a strong, cohesive voice in the federal system

The conference operates from offices in Denver, Colorado and Washington, D.C.

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# Executive Summary

The term adverse childhood experiences (ACEs) is defined as potentially traumatic events that occur before the age of 18. Such experiences can interfere with a person's health and opportunities throughout his or her lifetime—and can even affect future generations. Researchers have identified connections between ACEs and a greater likelihood of developing risky behaviors, chronic health conditions and poor workforce performance, among other outcomes.<sup>1</sup> Moreover, ACEs can be cyclical.<sup>2</sup> Research suggests that children who experience physical abuse, for example, may be more likely to commit violence, including abusing or neglecting their own children, as well as to be revictimized in the future.<sup>3,4</sup>

From 2011 to 2014, over half of all U.S. adults (62 percent) from 23 states reported having at least one adverse childhood experience and 25 percent of adults reported three or more.<sup>5</sup> As such, some state policymakers are interested in preventing such experiences, mitigating their effects, and reducing the associated costs to state health care, education, child welfare and correctional systems. This brief presents research on adverse childhood experiences and highlights state strategies to prevent and reduce their occurrence and negative effects. Such policies include strategies to build resilience in children and families, help parents reduce stress, and increase screening and treatment for ACEs.

# Introduction

Early life experiences, whether beneficial or harmful, have tremendous effects on one’s development, behavior, and long-term health and opportunity. The Adverse Childhood Experience (ACE) Study provided evidence of this connection, noting that ACEs—potentially traumatic events that occur before the age of 18—increase an individual’s risk of disease and behavioral challenges, such as obesity, depression and alcoholism.<sup>1</sup> And, the greater the number of ACEs, the greater the risk for negative outcomes.<sup>6</sup> Researchers have even identified a link between ACEs and a higher risk of premature death.<sup>7</sup>

Nearly all people experience stress in their life, such as the stress felt before an important test or job interview. However, chronic stress sustained over time can be damaging to the body and the brain. This is particularly true for children because the earliest years are a critical time for development. In our first three years of life, we create 1 million brain connections every second and develop critical abilities, such as language, memory and socialization.<sup>8</sup> The accumulation of excessive stress in the body (a result of ACEs) interferes with the development of healthy neural, immune and hormonal systems and can alter the expression of our DNA. Furthermore, when a child lacks a supportive adult to turn to in times of adversity, this continuous stress activation becomes particularly toxic.<sup>9</sup>

Toxic stress on our bodies and brains affects behavior in addition to development. The stress of ACEs can inhibit natural, positive methods of coping. In place of healthy behaviors, people with ACEs are more prone to impulsivity and risky behaviors, such as smoking or illicit drug use. These high-risk behaviors account for nearly 50 percent of the increased risk of negative consequences associated with ACEs.<sup>10</sup>

## Glossary

**TRAUMA:** A painful or distressing experience often resulting in lasting mental and physical effects.

**ADVERSE CHILDHOOD EXPERIENCE:** A potentially traumatic experience, which occurs before 18 years of age. Types of ACEs include:

### Abuse

- Emotional abuse
- Physical abuse
- Sexual abuse

### Neglect

- Emotional neglect
- Physical neglect

### Household Challenges

- Mother treated violently
- Household substance abuse
- Mental illness in household
- Parental separation or divorce
- Incarcerated household member

**TOXIC STRESS:** Extreme or extended activation of the body’s stress response without the presence of adult support.

*Sources: Felitti, 1998; National Institute of Mental Health; Centers for Disease Control and Prevention; Center on the Developing Child at Harvard University*

## How ACEs Influence Health



*Source: Centers for Disease Control and Prevention*



### **The Adverse Childhood Experiences (ACE) Study<sup>1</sup>**

Beginning in the '90s, an obesity clinic doctor grew curious about why so many of his patients were prematurely ending their treatment. Through surveys and analysis, the doctor identified that these patients, struggling to overcome obesity and often choosing to end treatment entirely, consistently reported a history of childhood sexual abuse. This observed connection between childhood trauma and poorer health later in life ultimately led to the seminal Adverse Childhood Experiences Study.

Between 1995 and 1997, the Centers for Disease Control and Prevention (CDC) and Kaiser Permanente surveyed more than 17,000 male and female adults residing in Southern California. Participants of the study were predominately middle-income, with at least some college experience, white (75 percent) and over the age of 40 (85 percent).

Participants completed a confidential survey about their childhood and current health status and behaviors. Questions about the individual's childhood measured 10 ACEs: emotional, physical and sexual abuse; emotional and physical neglect; parental separation and divorce; parental incarceration; domestic violence; and substance misuse and mental illness in the household. (Since the original study, research on ACEs has expanded to include additional potentially traumatic experiences such as bullying, teen dating violence, community violence, homelessness, economic hardship and the death of a parent.)<sup>11,12</sup> Participants' ACE scores were derived by summing up each of the 10 ACEs the individual had experienced. ACE scores do not reflect frequency or severity of experiences and do not account for positive experiences early in life that may protect a child from the effects of trauma.

Study findings indicated that adverse childhood experiences were prevalent among participants. Nearly two-thirds reported at least one such experience, and more than 20 percent reported three or more. The most common ACEs reported by study participants were physical and sexual abuse, exposure to substance misuse and mental illness in the household, and parental separation and divorce.

The study also revealed the connection between a high ACE score and an increased risk of disease. Autoimmune disease, chronic lung disease and liver disease were some of the chronic health conditions found to be associated with ACEs. In addition, individuals with multiple ACEs were more likely to perform poorly in school, be unemployed and develop high-risk behaviors, such as smoking and promiscuity.

## The Scope of the Challenge

From 2011 to 2014, over half of all U.S. adults (62 percent) from 23 states reported having at least one adverse childhood experience and 25 percent of adults reported three or more.<sup>5</sup> The prevalence of ACEs and their association with various negative outcomes mean costs to states can be high. For example, the Centers for Disease Control and Prevention (CDC) estimates that child abuse and neglect, which account for half of the 10 original ACEs, cost approximately \$124 billion per year.<sup>13</sup> These costs affect employers through lost productivity, as well as the health care, education, child welfare and corrections systems. Lost productivity and health care spending contribute the most to overall annual costs.<sup>14,15</sup>

### Behavioral Risk Factor Surveillance System (BRFSS)<sup>16</sup>

The BRFSS, an annual phone survey administered by the Centers for Disease Control and Prevention, collects state data about health-related risk behaviors, chronic health conditions and the use of preventive services. Each year, residents in 50 states, Washington, D.C., and three U.S. territories complete the survey.

Since 2009, 42 states and D.C. have included ACE questions in their BRFSS survey for at least one year, making it a tool for identifying state-specific trends in adverse childhood experiences.

## Strategies for Prevention and Mitigation

In the two decades since the original ACE study, an extensive number of publications have added to the body of research on adverse childhood experiences. Many of these publications provide evidence of effective strategies to prevent and manage the consequences of ACEs. For example, many of the recommendations for achieving strong physical health—adequate sleep, good nutrition and regular exercise—are also useful for protecting children from the harms of ACEs. Social support and stress reduction strategies, such as mindfulness and psychotherapy, are also well-supported.<sup>10</sup> Efforts that focus on building healthy families early in the life of a child are cited as among the most influential means of preventing ACEs and reducing their damaging effects.<sup>17,18</sup>

## Resilience

| STRATEGY         | STATE OPTIONS                                                                                                                                                                                                                                          |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Build Resilience | <ul style="list-style-type: none"><li>• Increase positive parenting skills and safe, stable and nurturing relationships through home visitation.</li><li>• Explore opportunities to expand access to quality early child care and education.</li></ul> |

The Center on the Developing Child at Harvard University offers three principles for policymakers to consider in helping families with young children thrive: enhancing responsive relationships, strengthening core life skills and reducing sources of stress.<sup>19</sup> These principles target characteristics of the individual, family and community that are associated with physical health—sometimes referred to as protective factors.<sup>17,20</sup> Such factors are important because they increase a family's ability to effectively cope and adapt to hardship and change. This ability to grow and recover from adverse experiences is called resilience.<sup>21</sup> In other words, protective factors, such as strong family bonds, cultivate greater resilience

that can help protect children from the detrimental effects of adverse experiences.<sup>22</sup> When children perceive at least one stable, supportive adult in their life, they are less likely to experience toxic stress and develop unhealthy coping strategies, such as bullying or substance misuse. Safe, stable and nurturing relationships help to build resilience, prevent violence, improve mental health and support health across one's lifespan.<sup>4,23,24</sup>

## Home Visiting

Developing strong family bonds is a teachable skill, and high-quality home visiting programs are one way to do so.<sup>25</sup> Home visiting programs employ nurses, social workers, early childhood educators and other trained professionals to visit families in their homes during pregnancy and early childhood. These programs teach positive parenting skills (including best practices for coping with stress), provide health education, and connect families to supportive services such as the Women, Infants and Children (WIC) Food and Nutrition Service program.

Home visiting has been linked to positive results. These include improved school readiness, higher-quality parenting, more positive child-parent interactions and improvements in parents' mental health as they develop more responsive connections to their children. Home visiting has also been found to reduce the likelihood of child abuse and neglect. For families facing added challenges, such as substance dependence, maternal depression, or limited social or financial support, home visiting programs may be especially beneficial.

States that recognize the potential return on investment of home visiting programs may support them through a combination of federal, state, local and private funds. The federal Maternal, Infant and Early Childhood Home Visiting Program, for example, provides funding for all 50 states, the District of Columbia and five territories to operate home visiting programs for at-risk pregnant women and parents with infants or young children.<sup>26</sup> For more on home visiting, please visit the NCSL Home Visiting webpage.

### State Examples

- In 2015, Oklahoma lawmakers enacted the Family Support Accountability Act, which mandates that home visiting programs work in partnership and sets minimum outcomes programs must achieve.
- In 2016, the Rhode Island General Assembly enacted the Rhode Island Home Visiting Act, which requires the Department of Health to implement a statewide home visiting system using evidence-based models.
- In 2016, New Jersey established a three-year Medicaid home visitation demonstration project to provide ongoing health and parenting information, parent and family support, and links to essential health and social services during pregnancy, infancy and early childhood.

A more complete list of home visitation legislation passed between 2008 and 2017 can be found [here](#).

### Did You Know?

Nurse Family Partnership (NFP) is the most extensively evaluated early home visitation program in the U.S. NFP helps new parents keep themselves and their babies healthy, connect to needed services, and continue their education or find work. NFP has been found to reduce child abuse and neglect by 48 percent and emergency room visits for accidents and poisoning by 56 percent.<sup>27</sup>

Additionally, there are many evidence-based programs that offer positive parenting education and parenting support services, such as Healthy Families America®, Incredible Years®, Minding the Baby®, SafeCare® and Triple P®.

## Quality Early Child Care and Education

In addition to building secure attachments with caring adults, expanding access to early childhood education is a promising pathway to resilience. Early learning opportunities allow children to think, play and explore, which exercise critical executive functions such as “working memory” (storing and accessing information for a limited time) and self-regulation. Children learn to take turns, manage information and avoid distractions, and the more these abilities are practiced the stronger they become. Early childhood education also supports social and emotional development, which includes building self-confidence and positive relationships. These critical abilities emerge through mastering new tasks and learning to interact with others. They also instill in children the motivation, persistence and other life skills necessary to be inventive, flexible and functional adults, and to be resilient in the face of life’s challenges.

Moreover, according to a recent report by Child Trends and the Alliance for Early Success, preschool participation is associated with markedly better academic outcomes, such as improved math, reading and language skills.<sup>28</sup> Additionally, high-quality early childhood education may contribute to long-term benefits such as higher earnings, better health and less criminal activity.<sup>29</sup> Dr. James Heckman, an economics professor at the University of Chicago, demonstrates a 13 percent return on investment for high-quality, birth-to-5 early childhood education for each year of a child’s life.<sup>30</sup> Because high-quality child care and education equip children with opportunities to establish healthy connections with others and skills to be productive adults, broadening access may help prevent the accumulation of toxic stress commonly associated with ACEs.

### State Examples

- In 2017, Washington state established a state-supported early childhood education and assistance program.
- In 2017, state lawmakers in Louisiana created a special fund to support early childhood education.
- In 2015, New Hampshire lawmakers tasked the state’s Wellness and Primary Prevention Council to establish a system of family resource centers to provide parental education and support for children from birth to age 5.

### Did You Know?

Between January and May of 2018, at least 68 legislative proposals in 25 states incorporated ACEs. These bills addressed appropriations for prevention, task force creation, and training for educators and others on trauma-informed practices.

For more on what states are proposing to address ACEs, please visit the NCSL Injury Prevention Legislation Database. Visitors to the database can search legislation from all 50 states and the District of Columbia on 10 injury prevention topics, including adverse childhood experiences and child abuse and neglect. Searches can be organized by topic, state and year.

# Parental Stress

## STRATEGY

### Support Parental Stress Reduction

## STATE OPTIONS

- Consider economic supports, family-friendly workplace policies and affordable housing developments.

Nearly a quarter of U.S. children live below the federal poverty level, and, in almost every U.S. state, economic hardship is now the most common adverse childhood experience.<sup>12,31</sup> Economic hardship affects children because it can cause high parental stress and increase their likelihood of experiencing abuse or neglect. Efforts to strengthen families' economic security may help reduce parental stress and establish greater household stability—two factors that can help protect children from abuse and neglect.<sup>32</sup> Policies such as minimum wage increases, full pass-through child support payments and earned income tax credits are potential mechanisms for reducing ACEs.<sup>33,34,35</sup>

For example, the earned income tax credit (EITC) is a policy the federal government, 29 states, the District of Columbia, Guam, Puerto Rico and some municipalities have implemented to build workers' economic security, especially those with children.<sup>36</sup> The Center on Budget and Policy Priorities reports that, in 2016, the EITC lifted nearly 6 million people—half of them children—out poverty. Research suggests the policy encourages workforce participation and increased earnings, and people most often use the tax credit refund to pay bills and debts and to build their assets.<sup>37,38</sup> Furthermore, while government policies that provide economic supports to families are not the only option for addressing ACEs—business leaders also play a role—research does support the effectiveness of such policies in improving parents' ability to provide for the physical and emotional needs of their children.<sup>39</sup> The following highlights states that have enacted some of these measures.





## States with an Earned Income Tax Credit



■ State EITC

Source: NCSL, *Tax Credits for Working Families*

### State Examples

- In 2017, Colorado lawmakers [extended](#) the income tax credit for child care expenses paid by an individual with a federal adjusted gross income of \$25,000 or less.
- In 2016, Virginia lawmakers [increased](#) outreach to potential EITC recipients by providing an annual notice to recipients of various state benefits of the availability of the federal and state EITC.

### Did You Know?

Rhode Island enacted the first state earned income tax credit (EITC) in 1986.

Hawaii, Montana and South Carolina are the most recent states to create state EITCs.

## States with a Minimum Wage Greater than \$7.25 Per Hour



State minimum wage greater than federal rate of \$7.25 per hour

Source: NCSL, State Minimum Wages

## States with Paid Family and/or Sick Leave



Paid Sick Leave  
 Paid Family Leave  
 Paid Family and Sick Leave

Source: NCSL, State Family and Medical Leave Laws

## Housing

Unstable or unaffordable housing, poor neighborhood quality and eviction can also be profound sources of stress for parents and children. Neighborhood quality often informs the quality of available jobs, schools and health care, as well as a families' social mobility.<sup>40,41,42</sup> And research suggests that the stress associated with housing instability can increase known risk factors for child abuse and neglect, such as harsh parenting practices and maternal depression.<sup>20,22,43</sup> Nearly 80 percent of mothers experiencing homelessness have significant histories of childhood trauma, and many have experienced intimate partner violence as adults.<sup>44,45,46,47</sup> Thus, housing instability can be thought of as both a cause and a consequence of ACEs.

Harvard University's Joint Center for Housing Studies reports that in 2016, nearly a third of U.S. households were cost-burdened, meaning they paid more than 30 percent of their income for housing.<sup>48</sup> In a survey by the University of Southern California and the Los Angeles Business Council, 60 percent of surveyed companies reported that housing costs are a barrier to employee retention.<sup>49</sup> Thus, housing and zoning policies that increase the number of available, affordable units in a community and support neighborhood investments and diversification are likely to benefit employers as well as families.

Examples of such policies include rent control and inclusionary zoning. Rent control refers to the limits on the rent that landlords may charge. Research on the effectiveness of rent control is mixed. For example, some experts suggest that rent-controlled buildings can suffer from deterioration from lack of investment and rent control laws exacerbate housing shortages. Others assert that rent control helps to maintain neighborhood diversity and stability, often increasing property values.

Inclusionary zoning requires a specified percentage of new housing construction to be affordable to people with low to moderate incomes. Current research about the effects of inclusionary zoning policies is limited. Proponents note the policy's ability to increase the production of affordable homes, while opponents argue such policies increase building costs and place the burden of providing affordable units on developers and market-rate purchasers. At least three states—Connecticut, Louisiana and New Hampshire—allow inclusionary zoning where there is rent control pre-emption.

Additional policies communities can consider when seeking to address the issue of housing affordability include reductions in regulatory barriers to development and shared equity homeownership, such as community land trusts.<sup>50,51</sup> Given the role of counties and municipalities in establishing and altering housing policy, lasting solutions to affordability and availability will likely require a comprehensive strategy from multiple levels of government, as well as support from the private sector.

## Screening and Treatment

| STRATEGY                         | STATE OPTIONS                                                                                                    |
|----------------------------------|------------------------------------------------------------------------------------------------------------------|
| Increase Screening and Treatment | <ul style="list-style-type: none"><li>Broaden access to and coverage of comprehensive health services.</li></ul> |

Between 14 percent and 20 percent of U.S. children experience a diagnosable mental, emotional and behavioral disorder, such as depression, anxiety and obsessive-compulsive disorder.<sup>52</sup> However, for people with adverse childhood experiences, the likelihood of developing one or more of these disorders is significantly greater. Specifically, those with four or more ACEs are about four times more likely to develop depression and 12 times more likely to attempt suicide.<sup>53</sup> Children with four or more ACEs are also 32 times more likely to have a learning or behavioral issue when compared to children with no adverse childhood experiences.<sup>54</sup> Frequent classroom disruptions, aggression, underperformance, truancy, poor attitude, bullying and social withdrawal are symptoms commonly expressed by children struggling to manage a learning or behavioral issue.

Schools and child care centers are uniquely positioned to detect these issues early and link children to supportive services and formal assessments. Early interventions may mitigate the most dire consequences of childhood trauma and frequently demonstrate positive effects on long-term health.<sup>55,56</sup> Many children report feeling most comfortable receiving health-related services at school and a majority of those accessing mental health services do so through their school.<sup>57,58</sup> Thus, school-based mental health services may prove to be an effective method for addressing the health care needs of children with ACEs. Specifically, efforts by schools and child care settings to consider a child's history of trauma and subsequent coping strategies—an approach commonly called trauma-informed care—are likely to be highly valuable in mitigating some of the consequences of ACEs.<sup>59</sup>

Finally, children who grow up in households with family members with an untreated substance use disorder (SUD) or mental illness often witness significant dysfunction. Preventing these types of ACEs may require innovative policies that support comprehensive health care for children and parents. For example, parental opioid dependence is increasingly damaging the health of infants and children. Recent data suggests that, on average, every 15 minutes a baby is born in the U.S. withdrawing from opioids.<sup>60</sup> In response, states have begun integrating addiction treatment into existing home visiting programs, as well as supporting addiction treatment programs designed specifically for pregnant women and women with young children. Kentucky, Ohio and Vermont are three states with programs designed specifically for mothers combatting an SUD.<sup>61,62,63</sup> Such efforts to provide comprehensive health services may support better SUD treatment, mental health and child welfare outcomes.<sup>64</sup>

### State Examples

In 2015, Iowa enacted a [law](#) allowing for state block grant allocation to develop a range of children, youth and family services through existing community mental health centers. Services include school-based mental health projects, mobile crisis intervention services and mental health assessment capacity development based in public and nonpublic schools.

In 2013, Connecticut enacted a [law](#) allowing school-based health centers to extend their hours and provide services to students who do not reside in the school district where a health center is located. It also allows the centers to provide behavioral health services, expand health care services, conduct community outreach about their services, and receive reimbursement from private insurance.

In 2017, Indiana lawmakers established an [opioid addiction recovery pilot program](#) to assist expectant mothers with an opioid addiction. The program provides treatment in a residential care facility and home visitation services following discharge from the facility.

Moreover, 19 states have either created or funded drug treatment programs specifically for pregnant women, and 17 states and the District of Columbia provide pregnant women with priority access to state-funded drug treatment programs.<sup>65</sup>

## Conclusion

Adverse childhood experiences affect development and behavior and, if left unaddressed, threaten long-term health and well-being. To improve the lives of families and reduce the societal costs of ACEs, policymakers are exploring a range of strategies to prevent and mitigate childhood trauma. Effective strategies include building resilience in children and families, supporting parents to develop stress management and positive parenting skills, and increasing access to and use of comprehensive health services.

## What Now?

- **Identify existing evidence-based prevention efforts in your state.** Learning about initiatives already underway can help avoid duplication of efforts. For example, does your state or district have an operational home visiting program?
- **Connect with potential partners.** The effects of ACEs are evident in many sectors, so it may be useful to identify and collaborate with businesses, community- and faith-based organizations, and government agencies invested in lessening the occurrence and harms of ACEs.
- **Support evaluation and needs assessment.** Data enables state leaders to recognize policy gaps, target limited resources to populations most in need and understand which strategies are most effective in specific contexts. For example, do public agencies, academic institutions or other entities in your state collect a range of social and economic data?

## Notes

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NATIONAL CONFERENCE *of* STATE LEGISLATURES

**William T. Pound, Executive Director**

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## SERVICES AGREEMENT

This Services Agreement (the “Agreement”) is entered into this                     , 2023, between RiverStone Health, a multi-jurisdictional health service district (“RiverStone Health”), and City of Billings, Montana (Billings). RiverStone Health and Billings may be referred to herein individually as a “Party” and collectively as the “Parties”. The purpose of this partnership is to outline the roles, activities, and compensation between Parties for the addition of two (2) full time equivalent nurses into the Nurse Family Partnership Program (NFP).

### RECITALS

1. RiverStone Health is a multi-jurisdictional health service district which provides health services and health department functions, including home visiting services for expectant parents and through the first two years of life.
2. Billings and RiverStone Health share an interest in mitigating the factors leading to public safety issues in our community, including supporting families in creating stable, caring, and safe environments in which to raise children by funding Nurse Family Partnership service expansion.
3. Billings and RiverStone Health acknowledge the funding provided by Billings is intended to be a catalyst for increasing home visiting service capacity, not a long-term, ongoing source of funding. Billings and RiverStone Health will work collaboratively with each other, and other community-based organizations, to identify possible sustainable sources of funding so the home visiting service needs of our community can continue to be met.

### AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged between the Parties, they agree as follows:

1. **Incorporation of Recitals.** The recitals are incorporated into this Agreement by this reference.
2. **Commencement Date.** The effective date of this Agreement is the date this Agreement was executed by all Parties.

3. **RiverStone Health Deliverables.** RiverStone Health agrees to render certain services under this Agreement as are particularly identified in the attached **Exhibit A** (the “Services”).

4. **Billings Deliverables.** Billings agrees to provide certain deliverables under this Agreement, including payment for Services as more particularly described in **Exhibit A**.

5. **Term and Termination.**

- a. **Term.** The initial term (“Initial Term”) of this Agreement shall be three (3) years, starting on the Commencement Date. After the Initial Term, this Agreement shall automatically renew for one, two (2) year term, unless written notice of termination is given at least ninety (90) days prior to the end of the Initial Term or any Extended Term, or unless terminated in accordance with Section 4(b) of this Agreement, by mutual agreement, or as otherwise provided by law.
- b. **Termination.**
  - i. In the event of a material breach of this Agreement by either party, the other party may terminate this Agreement by giving notice of termination to the breaching party; provided, however, that such notice shall specify in reasonable detail the nature of the breach, and the breaching party shall have fifteen (15) calendar days in which to cure such breach; provided, further, that if the nature of the breach is the non-payment of funds, the foregoing period shall be ten (10) days rather than fifteen (15) days. If such breach is not cured within such period, this Agreement shall be deemed terminated as of the expiration of such cure period or on such later date as may be specified in such notice.
  - ii. Either party may terminate this Agreement during the Initial Term or any Extended Term, with or without cause, by providing the other party ninety (90) days’ written notice of termination.

6. **Notice.** Any notice required or permitted to be given under or relating to this Agreement shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, postage prepaid, or by overnight courier to the other party as follows:

RiverStone Health  
123 South 27<sup>th</sup> Street  
Billings, MT 59101  
ATTN:  
Kate Monger, WIC/Family Health Services Manager  
Katherine.mon@riverstonehealth.org

City of Billings  
ATTN: Chris Kukulski, City Administrator  
210 North 27<sup>th</sup> Street  
P.O. Box 1178  
Billings, MT 59103-1178

Notices shall be deemed effective as of three (3) business days after the date of mailing (in case of notice given by mail) or on the date of delivery if hand delivered, including delivery by overnight courier. Either party may at any time change its address for notification purposes by mailing or delivering a notice as required hereinabove stating the change and setting forth the new address.

7. **HIPAA Compliance.** Billings acknowledges RiverStone Health is a “covered entity” under HIPAA and Billings shall comply with the applicable sections of HIPAA (Public Law 104-191 of August 21, 1996, Health Insurance Portability and Accountability Act of 1996, Subtitle F - Administrative Simplification, Sections 261 et seq. as from time to time amended, referred to in this Agreement as “HIPAA”). In those areas where Services, products, acts or omissions implicate RiverStone Health’s obligations to comply with HIPAA, Billings shall cooperate with RiverStone Health to comply with the requirements of and the regulations hereunder, including the privacy and security regulations, as of their implementation date, without any additional cost or charges to RiverStone Health. Billings shall from time to time, and upon the request of RiverStone Health, provide RiverStone Health reasonable assurances regarding compliance with HIPAA and other state and federal laws, regulations, rules, and policies relative to health information and technology applicable to and affecting RiverStone Health and the operations of RiverStone Health. In the event the Services provided under this Agreement require the parties to establish appropriate policies and procedures or to amend or revise this Agreement to assure compliance with HIPAA, RiverStone Health

and Billings agree to negotiate in good faith to establish appropriate policies and procedures and to amend this Agreement. If the parties are unable to establish policies and procedures that comply with HIPAA and to amend or revise this Agreement to assure compliance, either party may terminate this Agreement prior to the implementation date of any relevant HIPAA regulation.

8. **No Referrals.** Neither party to this Agreement intends to, or will, give or receive, or offer to give or receive, anything of value, either directly or indirectly, in exchange for the referral of patients or for arranging or furnishing any item or service for which payment may be made by the Medicare, Medicaid, Tricare, or other similar healthcare payer programs.

9. **Entire Agreement.** This Agreement, including any exhibits hereto, contains the entire understanding of the parties with respect to its subject matter. This Agreement supersedes all prior and contemporaneous agreements and understandings between the parties, written or oral, with respect to its subject matter, and there are no restrictions, agreements, promises, warranties, covenants, or undertakings between the parties with respect to the subject matter hereof other than those expressly set forth herein.

10. **Amendments.** In the event that the Services provided under this Agreement require the parties to revise this Agreement to assure compliance with new laws and regulations, RiverStone Health and Billings agree to negotiate in good faith to establish appropriate policies and procedures and to amend this Agreement. If the parties are unable to amend or revise this Agreement to assure compliance, either party may terminate this Agreement prior to the implementation date of any relevant law or regulation. Only a written instrument duly executed by the parties may amend this Agreement.

11. **Assignment.** Except as otherwise provided in this Agreement, neither party may assign, delegate, transfer, or otherwise dispose of any of its rights, duties, or obligations hereunder without the prior written consent of all parties hereto.

12. **Relationship of Parties.** In performance of this Agreement, RiverStone Health and Billings shall at all times be acting and performing as independent contractors. Billings shall neither have nor exercise any control or direction over the methods by which RiverStone Health or its personnel perform Services hereunder, nor shall RiverStone Health or its personnel be deemed employees of Billings for any purpose whatsoever. Nothing herein shall be construed to create a joint venture or partnership between the parties or to authorize any party to act as an agent for any other party.

13. **Severability.** In the event that any provision of this Agreement or the application thereof to any person in any circumstance is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such holding shall not affect any other provision of this Agreement, or the application thereof in any other circumstance.

14. **Advertising and Publicity.** Billings and RiverStone Health each reserve the right to use and control the use of its name and all symbols, trademarks, and service marks presently existing or later established by it. Neither Billings nor RiverStone Health shall use the other party's name, symbols, trademarks, or service marks in advertising or promotional materials or otherwise without the prior written consent of that party and shall cease any such use immediately upon written notice from the other party or termination of this Agreement, whichever is sooner.

15. **No Third-Party Beneficiaries.** Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the parties hereto and their respective successors or assigns, any remedy or claim under or by reason of this Agreement or any term, covenant, or condition hereof, as a third party beneficiary or otherwise, and all of the terms, covenants, and conditions hereof shall be for the sole and exclusive benefit of the parties hereto and their successors and assigns.

16. **Contract Modifications for Prospective Legal Events.** In the event that any state or federal laws or regulations, now existing or enacted or promulgated after the effective date of this Agreement, are interpreted by judicial decision, a regulatory agency or legal counsel in such a manner as to indicate that the structure of this Agreement may be in violation of such laws or regulations, RiverStone Health and Billings shall amend this Agreement as necessary. To the maximum extent possible, any such amendment shall preserve the underlying economic and financial arrangements between RiverStone Health and Billings.

**CITY OF BILLINGS, MONTANA**

\_\_\_\_\_  
Date

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

ATTEST:

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

City Clerk

**RIVERSTONE HEALTH**

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Date

---

Jonathan Forte, President and CEO

## EXHIBIT “A”

### RIVERSTONE HEALTH DELIVERABLES AND PAYMENT

RiverStone Health commits to the following activities:

1. Provide two (2) Full Time Equivalent Registered Nurses to provide home visiting services using the Nurse Family Partnership (NFP) evidence-based fidelity program model to expectant parents and/or parents of child up to age two in the city of Billings.
  - Each nurse will require a ramp up period of twelve (12) months to be at full caseload. Ramp up includes education on the model elements of NFP and adding clients over a period of time with intense supervisor support and oversight.
2. Increase the total number of expectant parents residing at City of Billings addresses served by 50 over the course of a year, from date of each RN’s hire.
3. Evaluation tool to be implemented within four (4) months of Commencement Date with data provided on a quarterly basis to the City Council.
4. RiverStone Health will provide in-kind program management, supervision, and program evaluation in collaboration with Billings staff.
5. If desired, RiverStone Health will provide program updates to Billings City Council on a regularly agreed upon frequency.

### BILLINGS DELIVERABLES AND PAYMENT

Billings commits to the following activities:

1. Compensate RiverStone Health for fulfillment of activities as outlined in Exhibit A in the amount of \$198,966. Funds will be disbursed based on hire date of each nurse with billing to occur on a quarterly basis.
2. Provide feedback and input to RiverStone Health for the development of a program evaluation plan and criteria to be established by RiverStone Health.
3. Meet on a regularly agreed upon frequency with RiverStone Health to assess program measures and results.

**City Council Regular**

**Date:** 09/25/2023  
**Title:** New City Hall Professional Services Amendment No. 3  
**Presented by:** Jessica Fust, Building Official  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends Council approve an amendment to the New City Hall professional services contract to JLG Architects for a total of \$157,425.00

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

JLG Architects was selected by RFP to provide design services for the New City Hall project located at 316 N 26th Street.

The Phase I contract for master planning and schematic design services was approved by Council in December 2021 for \$195,000.

The contract for Phases II & III for design development, construction drawings, and construction administration was approved by Council in May 2022 for \$1,063,050.

Amendments #1 and #2 have also been added to the scope of work:

- Amendment #1 (5/12/23): \$103,970 (Structural Engineering Services (\$5,900) and A/V Design (\$98,070))
- Amendment #2 (7/10/23): \$53,250 (Electrical Fault Study and Full Building Generator Back-up Design)

Total Design Fees Under Contract before this Amendment: \$1,422,570

Additional Design Services that have been added to the scope of work for the design team include: Complete window replacement, an A/V specialist to assist with ensuring well-designed state-of-the-art systems throughout the courtrooms, meeting rooms, EOC, and Council Chambers, along with security system assistance (access control and cameras), and exterior building signage design.

Amendment #3 includes:

- Exterior Window Replacement (Design, National Historic Coordination, Bidding, Construction Administration): \$110,000
- Audio/Visual Consultant (Design Drawings, Specifications, Bidding, Construction Administration): \$29,800
- Architectural A/V Coordination: \$8,125
- Building Signage (Design Drawings, Bidding, and Construction Administration): \$9,500

Total Design Fees if Amendment #3 is approved: \$1,599,995

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve and provide further direction

**FISCAL EFFECTS**

The New City Hall project is funded from various sources, but primarily the General Fund.

Total design costs to date: \$1,422,570

Amendment #3: \$157,425

Total design contract if amendment is approved: \$1,599,995

---

**Attachments**

JLG Professional Services Amendment #3





# AIA® Document G802® – 2017

## Amendment to the Professional Services Agreement

**PROJECT:** *(name and address)*  
21379 – Billings New City Hall  
Remodel

**AGREEMENT INFORMATION:**  
Date: December 30,2021

**AMENDMENT INFORMATION:**  
Amendment Number: 003

Date: September 13, 2023

**OWNER:** *(name and address)*  
City of Billings

PO Box 1178  
Billings, MT 59103

**ARCHITECT:** *(name and address)*  
Johnson Laffen, and Galloway  
Architects  
416 E. Main Ave.  
Bismarck, ND 58501

The Owner and Architect amend the Agreement as follows:

Exterior Window Replacement, Documentation, National Historic Coordination, Bidding, CA: \$110,000  
Audio/Visual Documents, Specifications, Bidding, CA: \$29,800  
Architectural A/V Coordination: \$8,125  
Building Signage Documentation, Bidding, CA: \$9,500.00

The Architect’s compensation and schedule shall be adjusted as follows:

Compensation Adjustment: \$157,425.00

Schedule Adjustment: None

**SIGNATURES:**

Johnson Laffen, and Galloway  
Architects

**ARCHITECT** *(Firm name)*

City of Billings

**OWNER** *(Firm name)*

**SIGNATURE**

Jennifer Burke Jackson, AIA,  
Principal

**PRINTED NAME AND TITLE**

**SIGNATURE**

William A. Cole, Mayor

**PRINTED NAME AND TITLE**

**DATE**

**DATE**

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Artwork Donation for New City Hall  
**Presented by:** Jessica Fust, Building Official  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** No  
**Project Number:** N/A

---

**RECOMMENDATION**

Staff recommends that Council accept the artwork donation for display at New City Hall, or other City Facilities.

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

Local artist Barbara Garrett wishes to donate 20 framed original works of art, valued at approximately \$5,000 total, to the City of Billings to display at the New City Hall or other City Facilities. The artwork consists of various sizes of pastel landscapes in and around Billings. The artwork will be held and managed by the Facilities division.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

This donation would provide an opportunity to display original artwork at not cost to the City.

---

**Attachments**

Barbara Garrett Artwork



PASTEL ARTWORK BY BARBARA GARRETT

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Donation for sculptures to be placed along the Skyline trail.  
**Presented by:** Pigg Michael, Superintendent  
**Department:** Parks/Rec/Public Lands  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

---

**RECOMMENDATION**

Staff recommends that City Council accept the donation from Fidelity Charitable Donor Advised Fund grant, as recommended by Anne and Bill Cole of \$20,000 to purchase and install four sculpture pieces along Skyline trail.

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

The Bill and Anne Cole Charitable Donor Advised Fund, as recommended by Anne and Bill Cole, has donated \$20,000 to the Billings Parks and Recreation Department, to fund four metal sculptures along the newly constructed Skyline Trail. Photos and conceptual drawings of the sculptures by artist Benjamin Breuckman were reviewed and recommended for approval by an ad hoc citizen committee on August 28, 2023. The City Council approved the sculpture project at the September 11, 2023 business meeting.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

There are no Fiscal effects.

---

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Price Subdivision, Amended Plat of Lots 1 and 5, Block 1 - Final Minor Plat  
**Presented by:** Monica Plecker  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00029

---

**RECOMMENDATION**

Staff recommends the City Council approve the final plat of Price Subdivision, Amended Plat of Lots 1 and 5, Block 1.

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

On September 5, 2023, Sanderson Stewart applied for final plat approval for Price Subdivision, Amended Plat of Lots 1 and 5, Block 1. The proposed subdivision creates 4 lots. Two of the lots have existing homes on them, lots 1A and 5A. The other two lots created by this subdivision, lots 1B and 5B will have 'No Build' restriction on them to meet the restrictions placed on this subdivision at original filing. The subject property is generally located east of Ironwood Subdivision. The property is zoned N3 (Suburban Neighborhood). Staff has reviewed the application and determined that the proposed plat has met all the conditions of approval and is forwarding a recommendation of final approval to the City Council. Upon City Council approval, these documents are appropriate as to form for filing with the Clerk and Recorder.

**STAKEHOLDERS**

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

**ALTERNATIVES**

The City Council may approve or deny the final plat of Price Subdivision, Amended Plat of Lots 1 and 5, Block 1. If the City Council chooses to deny the final plat, the denial must be because the criteria in Section 76-3-611, MCA are not met.

The criteria are as follows:76-3-611. Review of final plat.

- (1) The governing body or the agent or agency designated by the governing body shall examine each final plat, and the governing body shall approve the plat only if:
- (a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and (local) regulations adopted pursuant to this chapter; and
  - (b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid. Staff finds the final plat meets the criteria outlined in 76-3-611 above.

Staff found that the final plat is in compliance with the requirements of state statutes, conditions of approval and local regulations.

**FISCAL EFFECTS**

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

---

**Attachments**

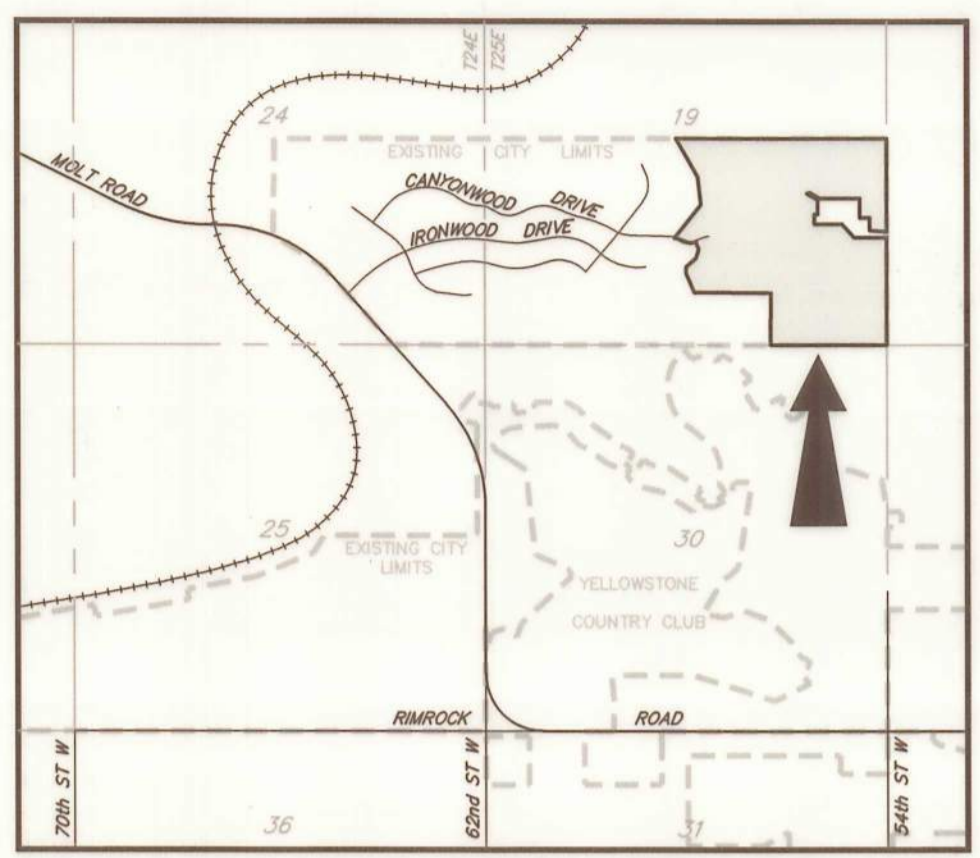
Final Plat  
Final SIA  
Conditions of Approva

AMENDED PLAT OF LOTS 1 AND 5, BLOCK 1,  
**PRICE SUBDIVISION**

SITUATED IN THE SE1/4 OF SECTION 19, T. 1 N., R. 25 E., P.M.M.,  
 CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : JOCK CLAUSE  
 PREPARED BY : SANDERSON STEWART  
 JUNE, 2023  
 BILLINGS, MONTANA

| Line # | Bearing       | Distance | Line # | Bearing       | Distance |
|--------|---------------|----------|--------|---------------|----------|
| L1     | N 79°28'26" W | 195.30'  | L11    | S 00°44'08" W | 129.59'  |
| L2     | N 00°45'33" E | 162.95'  | L12    | S 89°13'57" E | 353.62'  |
| L3     | N 89°11'45" W | 129.86'  | L13    | S 41°12'31" E | 235.02'  |
| L4     | N 00°47'20" E | 250.07'  | L14    | S 89°12'57" E | 397.08'  |
| L5     | N 89°09'27" W | 514.62'  | L15    | N 22°02'03" W | 260.36'  |
| L6     | N 58°34'27" W | 154.40'  | L16    | N 01°26'13" E | 87.08'   |
| L7     | S 71°29'12" W | 39.40'   | L17    | N 48°52'11" E | 172.77'  |
| L8     | S 58°34'57" E | 165.75'  | L18    | N 17°15'07" E | 115.67'  |
| L9     | S 00°48'47" W | 181.69'  | L19    | N 20°21'42" W | 102.10'  |
| L10    | N 89°16'40" W | 45.00'   |        |               |          |



BASE 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 S1/4 CORNER OF SECTION 19 IS 0.99998953; THE CONVERGENCE ANGLE IS -0°10'36". DISTANCES ARE INTERNATIONAL FEET. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

- FOUND SURVEY MONUMENT, REBAR WITH YELLOW CAP MARKED "SANDERSON STEWART 189725", OR AS NOTED
- SET 5/8" X 18" REBAR WITH CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERSIGNED LAND SURVEYOR AND "SANDERSON STEWART"

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

NOTICE OF APPROVAL

STATE OF MONTANA )  
 County of Yellowstone )  
 \_\_\_\_\_  
 Date President  
 \_\_\_\_\_  
 Executive Secretary

CERTIFICATE OF CITY COUNCIL APPROVAL

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

CITY OF BILLINGS, MONTANA  
 By: \_\_\_\_\_ Mayor Attest: \_\_\_\_\_ City Clerk

CERTIFICATE OF CITY ENGINEER'S OFFICE

I hereby certify that the annexed and foregoing plat conforms with Section 76-4-125(1)(d), M.C.A., for the removal of sanitary restrictions since the plat is inside a master planning area and said lots will be provided with municipal facilities for the supply of water and the disposal of sewage and solid waste.  
 IN WITNESS WHEREOF, I have executed this CERTIFICATE OF APPROVAL this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 \_\_\_\_\_  
 City Engineer's Office

CERTIFICATE OF SURVEYOR

STATE OF MONTANA )  
 County of Yellowstone )  
 \_\_\_\_\_  
 SANDERSON STEWART  
 By: \_\_\_\_\_  
 Montana License No. 189725  
 Date: September 5, 2023

CERTIFICATE OF DEDICATION

STATE OF MONTANA )  
 County of Yellowstone )  
 KNOW ALL MEN BY THESE PRESENTS: That the undersigned owners of the following described tract of land, do hereby certify that they have caused to be surveyed, subdivided and platted into lots, blocks and streets as shown on the annexed plat, said tract being situated in the SE1/4 of Section 19, T. 1 N., 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 1 and 5 of Block 1 of Price Subdivision, according to the official plat on file in the office of the clerk and recorder of Yellowstone County, Montana, under Document No. 3724345.

Pursuant to 76-3-621(3)(a) M.C.A. and City of Billings Subdivision Regulations, there is no park requirement for parcels larger than 5 acres.

Said tract to be known and designated as the AMENDED PLAT OF LOTS 1 AND 5, BLOCK 1, PRICE SUBDIVISION.  
 OWNER: Lot 1, Block 1  
 Jock Clause  
 Kathy Clause

STATE OF MONTANA )  
 County of Yellowstone )  
 On this 15th day of August, 2023, before me, the undersigned Notary Public for the State of Montana, personally appeared Jock Clause and Kathy Clause, known to me to be the persons who signed the foregoing instrument and acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

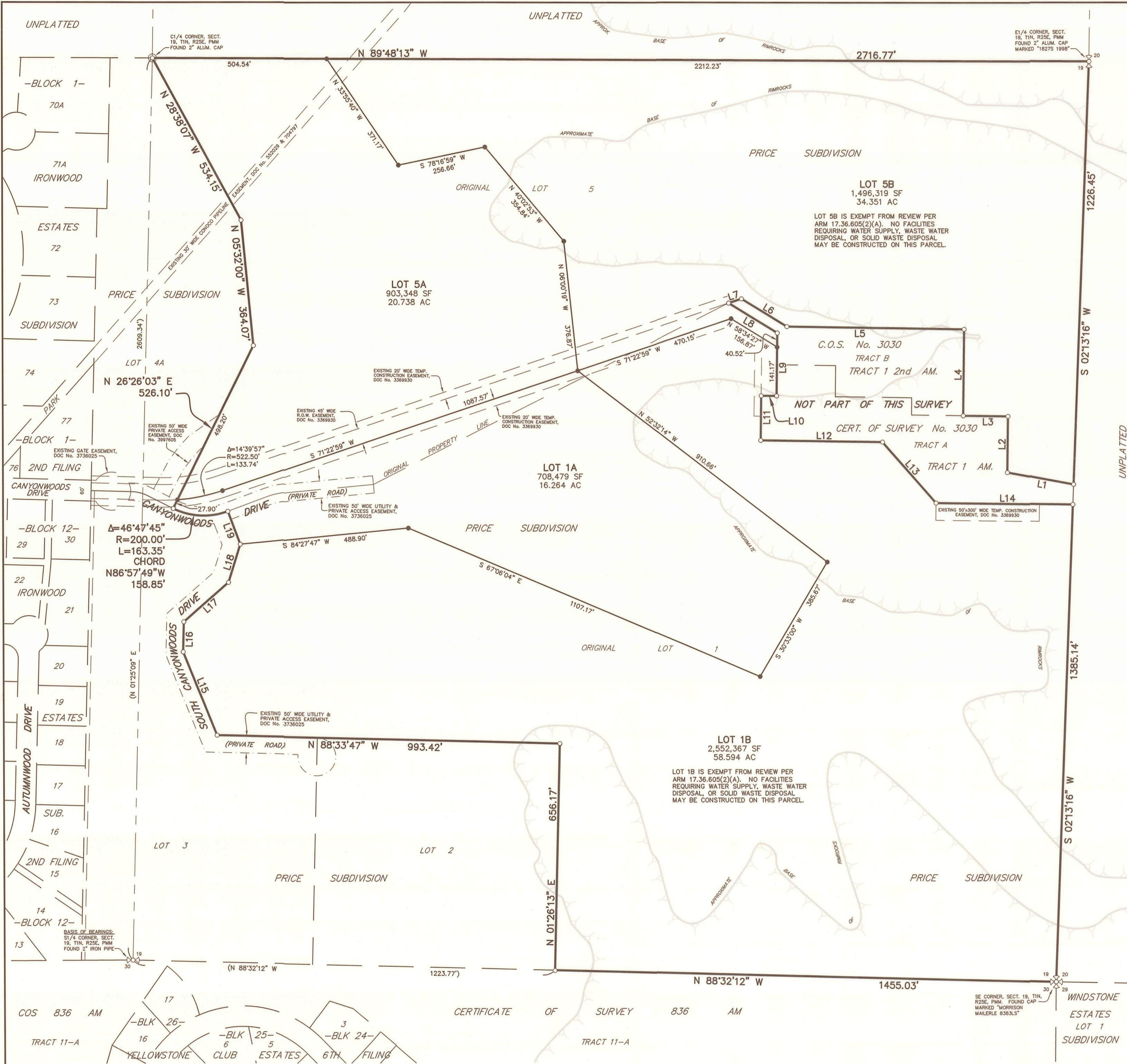
VERLEEN K. PARKER  
 NOTARY PUBLIC for the State of Montana  
 Residing at Billings, Montana  
 My Commission Expires June 2, 2027  
 Verleen K. Parker

OWNER: Lot 5, Block 1  
 Tyland, LLC, an Idaho limited liability company

STATE OF MONTANA )  
 County of Yellowstone )  
 On this 5th day of September, 2023, before me, the undersigned Notary Public for the State of Montana, personally appeared Nicholas Barnes, known to me to be the persons who signed the foregoing instrument as president of Tyland, LLC, an Idaho limited liability company, and acknowledged to me that said company executed the same. Witness my hand and seal the day and year herein above written.

VERLEEN K. PARKER  
 NOTARY PUBLIC for the State of Montana  
 Residing at Billings, Montana  
 My Commission Expires June 2, 2027  
 Verleen K. Parker

SUBDIVISION IMPROVEMENTS AGREEMENT  
 Document No. \_\_\_\_\_  
 CONSENT TO PLATTING  
 Document No. \_\_\_\_\_  
 Document No. \_\_\_\_\_  
 Document No. \_\_\_\_\_



CERTIFICATE OF COUNTY TREASURER  
 I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b) / 76-3-207(3), M.C.A.  
 Date: \_\_\_\_\_  
 Yellowstone County Treasurer  
 By: \_\_\_\_\_ Deputy

CERTIFICATE OF CITY ATTORNEY  
 This document has been reviewed by the City Attorney's office and is acceptable as to form.  
 Date: \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_

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

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

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT DISTRICTS  
AMENDED PLAT OF LOTS 1 AND 5, BLOCK 1  
PRICE 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  
AMENDED PLAT OF LOTS 1 AND 5, BLOCK 1  
PRICE SUBDIVISION**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **JOCK CLAUSE & KATHY CLAUSE**, whose address for the purpose of this agreement is P.O. Box 53, Meeteetse, Wyoming 82433, **TYLAND, LLC.**, an Idaho Limited Liability Company, whose address for the purpose of this agreement is 5635 Canyonwoods Drive, Billings, Montana 59106, hereinafter referred to as "Subdividers," and the **CITY OF BILLINGS**, Montana, hereinafter referred to as "City."

**WITNESSETH:**

**WHEREAS**, the Amended Plat of Lots 1 and 5, Block 1, Price 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council conditionally approved a preliminary plat of Amended Plat of Lots 1 and 5, Block 1, Price Subdivision; and

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

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

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

**I. VARIANCES**

None requested.

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

- A.** Lot owners are advised that Price Subdivision is in close proximity to a large natural park and contains wildlife migratory routes. Consequently, owners are advised that wildlife indigenous to the prairie and to the rimrock environments, including but not limited to deer, antelope, mountain lions, and wild turkeys, are found on the property, and may impact the developed property and interface with domestic animals, residents, and visitors. Owners may also experience problems with damage to landscaped shrubs, flowers, and gardens, unless they take steps to deter the animals. Any impacts associated with wildlife and damage arising therefrom is the responsibility of the lot owners. Lot owners shall be advised that Montana Fish, Wildlife, and Parks does not provide assistance unless there is damage to commercial agricultural crops, or a threat to public health and safety.
- B.** Due to steep slopes and large drainage basins, there is a possibility during a storm event of surface runoff damaging property and there is also a risk of rocks and boulders dislodging from the steep slopes and damaging property.
- C.** Lot owners are advised that there is a Declaration of Restrictions and Protective Covenants recorded in conjunction with this Subdivision which outlines additional requirements specific to this Subdivision.

- D.** Lots owners are advised that a lot specific geotechnical study will be required to be submitted at the time of application for a building permit.
- 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 Subdividers 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 Subdividers and property owner or owners specifically agree that they are waiving valuable rights and do so voluntarily.
- F.** The Subdividers 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 are advised that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.
- H.** The original platting of Price Subdivision was provisioned on a maximum of five lots for single family occupancy and any outbuildings that may be associated with those residences. The creation of these lots shall continue to comply with that provision in that they will not be intended to be developed for additional single-family residences over and above the original five as contemplated. This is not to preclude the development of associated out or accessory buildings to the original five residences. This also does not preclude the owners or developers of pursuing changes to this provision should they desire to pursue such in the future. Those provisions and any changes thereto requiring review, recommendation, and approval by the City of Billings.

### **III. TRANSPORTATION**

#### **A. Streets**

The section of Canyonwoods Drive within Price Subdivision is a private road and is improved to meet City emergency access road standards. A cul-de-sac turn-around is constructed near the westerly boundary of Price Subdivision. A security gate at the end of the cul-de-sac restricts public access beyond the security gate.

#### **B. Sidewalks**

There is no requirement for sidewalks within Price Subdivision.

#### **C. Street Lighting**

There is no requirement for street lighting within Price Subdivision.

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

An access control gate has previously been installed at the Price Subdivision entrance. In addition to providing access to lot owners and their guests within the Subdivision, the gate provides access to emergency personnel as well as City of Billings personnel and other authorized persons needing access to the city reservoir site and public water main facilities. Specific details regarding access, and maintenance of the road and public water main facilities are as outlined within the easement document recorded at the Yellowstone County Clerk and Recorder's office under document number 3369930.

In the event of power failure, the access control gate shall automatically open on battery back-up power and remain open until primary power is restored. In the case of emergency, including emergency access to the city reservoir site, should the gate operations fail, the gate may be destroyed or removed. The Subdividers will be responsible for all costs related to reinstalling or repairing the gate.

#### **E. Access**

Lots 1A, 1B, 5A, and 5B will access the private Canyonwoods Drive via individual drive approaches.

The 62nd Street Emergency Access Road serving Ironwood Subdivision will also serve as the required secondary access for Amended Plat of Lots 1 and 5, Block 1, Price Subdivision. Individual drive approaches exceeding 150-feet shall have an approved turnaround at their terminus.

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

The Billings Area Bikeways and Trail Master Plan does not identify trails or bike lanes within the area of this subdivision. No trails or bike lanes are proposed.

**G. Public Transit**

No additional improvements are anticipated at this time for the subdivision relating to public transit.

**IV. EMERGENCY SERVICE**

Emergency service access to the Subdivision is provided by Canyonwoods Drive. The access control gate will permit emergency vehicles to access the subdivision.

**A. Construction of Buildings**

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

At a minimum, the following is required: (except as noted in IV.B., herein)

- An unobstructed gravel road or gravel road base must be within 150-feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of 20-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.

#### **B. Residential Fire Sprinkler Systems**

All residences built within this subdivision will be required to install residential fire sprinkler systems as they exceed the 600-foot dead-end access requirement per City of Billings Subdivision Regulations and also exceed 600-foot distance requirement from a fire hydrant to the furthest portion of a residence per 2012 International Fire Code Requirements.

#### **V. STORM DRAINAGE**

No additional improvements are anticipated at this time for the subdivision relating to storm drainage.

#### **VI. UTILITIES**

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

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

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

#### **A. Water**

Lots 1A and 5A have existing service connections to the main from the City of Billings water reservoir. No Water service for Lots 1B and 5B will be provided by connecting individual lot services to the existing water main from the City of Billings water reservoir as those parcels are subject to a

'No Build' provision. The water main is located within the existing easement as shown on the plat. If water services are longer than 250-feet from the curb valve to the dwelling, a meter vault shall be installed at the time a dwelling requests water service. The meter vault shall be appropriately sized to also include the installation of a back flow preventer on the fire line. The fire line shall be a separate and independent line, in addition to the domestic water service, from the curb valve locations near the edge of the roadway to the dwellings. The vault shall be placed immediately downstream of the curb valves.

**B. Sanitary Sewer**

Lots 1A and 5A have existing service connections to the private sanitary sewer main in Canyonwoods Drive, maintained by the Homeowner's Association. No sanitary sewer services are being provided for Lots 1B and 5B as those parcels are subject to a 'No Build' provision. 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.

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

Lots 1A and 5A are currently served by existing utilities located within the public right-of-way of Canyonwoods Drive. Services to Lots 1B and 5B will be provided from existing facilities if needed, however, Lots 1B and 5B are subject to a 'no build', provision. No additional new easements are required for the private utilities.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for this subdivision, for lots larger than 5 acres [MCA 76-3-621(3)(a)].

**VIII. IRRIGATION**

There are no active agricultural facilities within the Subdivision.

**IX. SOILS/GEOTECHNICAL STUDY**

Lots 1A and 5A are already developed at this time. A project/building specific Geotechnical report may be required at the time of development of Lots 1B and 5B.

**X. PHASING OF IMPROVEMENTS**

No public improvements are required at this time by the Subdividers.

**XI. NO BUILD PROVISION**

The original platting of Price Subdivision was provisioned on a maximum of five lots for single family occupancy and any outbuildings that may be associated with those residences. The creation of these lots shall continue to comply with that provision in that they will not be intended to be developed for additional single-family residences over and above the original five as contemplated. This is not to preclude the development of associated out or accessory buildings to the original five residences. This also does not preclude the owners or developers of pursuing changes to this provision should they desire to pursue such in the future. Those provisions and any changes thereto requiring review, recommendation, and approval by the City of Billings.

**XII. FINANCIAL GUARANTEES**

Except as otherwise provided, the Subdividers shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the City of Billings. 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 Engineering Department and Public Works Department.

**XIII. LEGAL PROVISIONS APPYING TO SUBDIVIDERS**

- A. The Subdividers agree to guarantee all public improvements for a period of two years from the date of final acceptance by 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. The Subdividers shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledge and agrees that nothing contained herein shall relieve or exempt them from such compliance.

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

“SUBDIVIDERS”

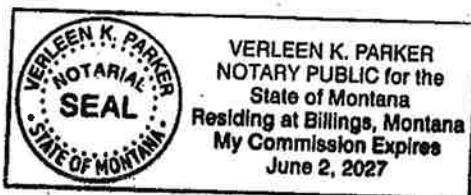
Jock Clause  
JOCK CLAUSE

Kathy K. Clause  
KATHY CLAUSE

STATE OF Montana )  
: SS  
County of Yellowstone )

On this 14<sup>th</sup> day of August, 2023, before me, a Notary Public in and for the State of Montana, personally appeared **JOCK CLAUSE & KATHY CLAUSE**, known to me to be the persons, who signed the foregoing instrument and acknowledged to me that they executed the same.

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



Verleen K. Parker  
Notary Public in and for the State of Montana  
Printed Name: Verleen K. Parker



This Agreement is hereby approved and accepted by Yellowstone County, 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: \_\_\_\_\_

Approved as to Form:

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

**WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS**

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdividers 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 are 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:

AMENDED PLAT OF LOTS 1 AND 5, BLOCK 1, PRICE SUBDIVISION

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

"SUBDIVIDERS"

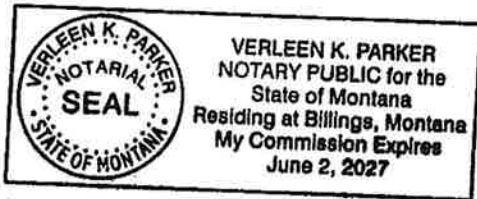
Jock Clause  
JOCK CLAUSE

Kathy Clause  
KATHY CLAUSE

STATE OF Montana )  
: SS  
County of Yellowstone )

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



Verleen K. Parker  
Notary Public in and for the State of Montana  
Printed Name: Verleen K. Parker





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

CITY OF  
**Billings**  
MAYOR'S OFFICE

Sanderson Stewart  
1300 N Transtech Way  
Billings, MT 59102

Dear Applicant:

On May 22, 2023, the Billings City Council conditionally approved the preliminary plat of Price Subdivision, Amended Lots 1 and 5, Block 1 subject to the following conditions of approval:

1. To inform future owners of the reason for the 'No Build' lots being created with this subdivision, prior to final plat, the applicant will copy the language in the SIA under the heading XI Not Build Provision to the SIA under the heading II Property Conditions and Information for lot Purchasers. This will alert the future owners of the no build restriction on lots 1A and 5A.
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) 657-8666 or by email at [greend@billingsmt.gov](mailto:greend@billingsmt.gov)

May 22, 2023

Sincerely,

  
William A. Cole, Mayor

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Parking Rates Resolution  
**Presented by:** Tracy Scott, Parking Manager  
**Department:** Parking  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

The Billings Parking Board and City Staff recommend that the City Council adopt the resolution establishing new downtown rates for meters, meter bags, bus bags, permits, garage monthly and hourly parking, parking validations, and lots for FY'24 - FY'26. The rates were reviewed by the City Council Budget and Finance Committee.

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

The Parking Division previously increased rates in FY'20 with an increase of 5% for the next 3 years. In FY'23, the Parking Division opted to not propose any rate increases giving businesses time to rebound from the aftereffects of the Pandemic.

Currently, Parking receives \$130,000 annually from the Downtown TIF to cover the Park 2 Expansion, Light Enhancement Loans.

Later this year, a parking garage condition assessment will be scheduled for Park 1, 1st Ave N Garage, and Park 3, to determine the areas in need of restoration and then prioritizing those needs. The previous restoration project was just under one million dollars financed through TIF. The restoration project was conducted over a three-year time period.

**ALTERNATIVES**

City Council may:

- Approve the recommended changes supported by the Billings Parking Board and Parking Staff.
- Not Approve the rate resolution and leave rates unchanged. This action would result in the immediate need to find other means to cover operations and capital replacement.

**FISCAL EFFECTS**

New rates included in FY'24 Budget:

Revenues - \$2,566,498  
Expenses - \$2,057,972  
Net Gain - \$508,526

Monthly Permit Parking Fees will increase by 5% in FY'25 and another 5% in FY'26.

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**Attachments**

Parking Rates Resolution

RESOLUTION NO. 24-\_\_\_\_\_

A RESOLUTION INCREASING PARKING RATES AND REPEALING RESOLUTION 20-10891

WHEREAS the fees for parking in metered and parking garages, City owned parking spaces were last set July 2020 by Council Resolution No. 20-10891; and,

WHEREAS the fees for parking in metered and parking garages, City owned parking spaces were last set July 2019 by Council Resolution No. 19-10811; and,

WHEREAS the fees should be increased to reflect the cost of services, construction, and maintenance more accurately, and to reflect the increased inflation costs since 2019 and 2020; and

WHEREAS the City Council has duly considered the matter.

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

1. The monthly reserved parking fees for all City owned parking shall be as follows:

|                   | <u>FY2024</u> | <u>FY2025</u> | <u>FY2026</u> |
|-------------------|---------------|---------------|---------------|
| General Reserved  | \$70.00       | \$73.50       | \$77.00       |
| Basement/Assigned | \$140.00      | \$147.00      | \$154.00      |
| Roof Reserved     | \$35.00       | \$36.75       | \$38.50       |

Monthly discount per space for volume renters shall be as follows:

|                            |     |
|----------------------------|-----|
| Five or more spaces        | 5%  |
| Twenty-five or more spaces | 10% |
| One hundred or more spaces | 15% |

2. The hourly rate for all City owned parking garages shall be \$1.25 per hour for each hour or part of an hour with a maximum charge of \$15.00 per day.

3. The hourly rate for on-street parking meters will be \$1.50 for the first hour, \$1.50 for the second hour, \$3.00 for the third hour and \$3.50 for the fourth hour with a maximum four-hour time limit. Electric Vehicle Charging Station Meters will be \$3.00 per hour with a maximum five-hour time limit.

4. The monthly permit lot rate shall be \$85.00 per month.

5. The bus bag rate shall be \$10.00 per bag per day.

6. The meter bag rate shall be \$20.00 per bag for the first day and \$10.00 per bag for each additional day.

7. The Parking Division and/or Downtown Billings Association (DBA) may sell monthly residential and/or worker permits for parking at locations designated for downtown residents and/or employees. The City Administrator or designee shall establish the rates of the monthly permits.

8. The “Green Meter Project” proposed by the Downtown Billings Association (DBA) is approved so that one parking meter on each side of each block may be designated a “green meter”. The hourly rate at a green meter will be \$1.50 for the first hour, \$1.50 for the second hour, \$3.00 for the third hour and \$3.50 for the fourth hour with a maximum four-hour time limit for all green meters and the city and the DBA will equally share revenues from green meters. The DBA will provide signage for green meters. The signage is subject to approval of the Billings Parking Board.

9. The fees in this Resolution supersede fees previously set by the City Council and may be changed by subsequent Council action.

10. REPEALER. Resolution No. 20-10891 is hereby repealed.

11. EFFECTIVE DATE. This Resolution shall be effective September 11, 2023.

PASSED by the City Council and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,

THE CITY OF BILLINGS:

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

ATTEST:

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Payment of Claims for week of August 21, 2023  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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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 \$4,208,248.55 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                                             |
|------------|--------|---------------------|---------------|---------------|-------------------------------------------------------|
| 08/21/2023 | 864109 | Advanced Employment | Solid Waste   | \$ 2,329.60   | Contract labor at Landfill for week ending 7/16/2023. |
| 08/21/2023 | 864109 | Advanced Employment | Solid Waste   | \$ 1,547.00   | Contract labor at Landfill for week ending 7/2/2023.  |
| 08/21/2023 | 864109 | Advanced Employment | Solid Waste   | \$ 1,064.70   | Contract labor at Landfill for week ending 7/2/2023.  |
| 08/21/2023 | 864109 | Advanced Employment | Solid Waste   | \$ 2,074.80   | Contract labor at Landfill for week ending 7/23/2023. |
| 08/21/2023 | 864109 | Advanced Employment | Solid Waste   | \$ 919.10     | Contract labor at Landfill for week ending 7/9/2023.  |
| 08/21/2023 | 864117 | Archie Cochrane     | Park Dist 1   | \$ 185.11     | 5479707                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 235.38     | 5479339                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 57.00      | 5479555                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 57.00      | 5479556                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 171.60     | 5479667                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 35.63      | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 2.08       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 2.29       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 3.28       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 5.24       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 147.40     | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 3.24       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 157.50     | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 4.64       | 5479703                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 70.00      | 5479834                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 386.25     | 5480190                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 436.25     | 5480328                                               |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 103.29     | 5479140 - SWITCH ASSY                                 |
| 08/21/2023 | 864117 | Archie Cochrane     | Public Safety | \$ 50.71      | 5479140 - SWITCH ASSY                                 |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 132.00     | 5479923. Discharge Line Unit 1877. W/O 2023-2380      |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 64.77      | 5480009. Brake Line Unit 1872. W/O 2024-70            |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 238.70     | 5480133. Brake Booster Unit 1872. W/O 2024-70         |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 23.32      | 5480741. Caliper Pin Kits                             |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 23.32      | 5480904. Caliper In Kit.                              |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 29.05      | 5480996. A/C Switch Unit 1877. W/O 2023-2380          |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ 23.45      | 5480996. Wire Asy Connector Unit 1877. W/O 2023-2380  |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ (108.24)   | 5481180. A/C Line Unit 1877. W/O 2023-2380            |
| 08/21/2023 | 864117 | Archie Cochrane     | Transit       | \$ (23.45)    | 5481181. Connector Unit 1877. W/O 2023-2380           |
| 08/21/2023 | 864118 | Askin Const         | Airport       | \$ 377,574.26 | Mid-Field Service Road Project - Federal Share        |

| Check Date | Check# | Name        | Fund Name    | Amount       | Item Desc                                           |
|------------|--------|-------------|--------------|--------------|-----------------------------------------------------|
| 08/21/2023 | 864118 | Askin Const | Airport      | \$ 41,952.70 | Mid-Field Service Road Project - Local Share        |
| 08/21/2023 | 864119 | AT & T Corp | Airport      | \$ 818.39    | Airport                                             |
| 08/21/2023 | 864119 | AT & T Corp | Building     | \$ 45.12     | Building Manager -Jessica Fust                      |
| 08/21/2023 | 864119 | AT & T Corp | Building     | \$ 502.79    | PW-Building Cell Phones -2090 44510 403450          |
| 08/21/2023 | 864119 | AT & T Corp | Building     | \$ 386.10    | PW-Building Surfaces                                |
| 08/21/2023 | 864119 | AT & T Corp | CDBG         | \$ 145.44    | Comm Dev Dina Harmon, Carly Collings and Tam Rodier |
| 08/21/2023 | 864119 | AT & T Corp | Court Grants | \$ 166.06    | Muni Court DC                                       |
| 08/21/2023 | 864119 | AT & T Corp | Engineering  | \$ 74.33     | Engineering Mi-Fi                                   |
| 08/21/2023 | 864119 | AT & T Corp | Engineering  | \$ 174.20    | Engineering Tablets                                 |
| 08/21/2023 | 864119 | AT & T Corp | Engineering  | \$ 194.73    | PW-Engineering Cell Phones and MiFi                 |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 45.12     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 45.12     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 13.54     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 31.58     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 28.76     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 86.32     | Facilities BOC                                      |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 45.12     | Facilities City Hall                                |
| 08/21/2023 | 864119 | AT & T Corp | Facilities   | \$ 90.24     | Facilities Managers                                 |
| 08/21/2023 | 864119 | AT & T Corp | Fleet        | \$ 45.43     | Motor Pool                                          |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 50.16     | City Attorney -Legal                                |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 543.44    | Code Enforcement +Trina Arnold                      |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 45.12     | FINANCE                                             |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 45.12     | Human Resources                                     |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 180.48    | Legal Dept -Domestic Violence                       |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 242.90    | PRPL - Recreation Division                          |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ (200.00)  | PRPL - Recreation Division                          |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 86.50     | REC Seasonal                                        |
| 08/21/2023 | 864119 | AT & T Corp | General      | \$ 104.52    | Rec Tablets                                         |
| 08/21/2023 | 864119 | AT & T Corp | IT Resources | \$ 50.16     | IT Department -On call Phone                        |
| 08/21/2023 | 864119 | AT & T Corp | Library      | \$ 176.74    | Library                                             |
| 08/21/2023 | 864119 | AT & T Corp | Library      | \$ 107.12    | Library Out Reach                                   |
| 08/21/2023 | 864119 | AT & T Corp | P.W. Admin   | \$ 38.88     | PWBLKNP OFFICE -60/40                               |
| 08/21/2023 | 864119 | AT & T Corp | P.W. Admin   | \$ 25.92     | PWBLKNP OFFICE -60/40                               |
| 08/21/2023 | 864119 | AT & T Corp | Park Dist 1  | \$ 481.90    | Parks Dept.                                         |

| Check Date | Check# | Name        | Fund Name      | Amount      | Item Desc                                               |
|------------|--------|-------------|----------------|-------------|---------------------------------------------------------|
| 08/21/2023 | 864119 | AT & T Corp | Park Dist 1    | \$ 45.02    | Parks Dept.                                             |
| 08/21/2023 | 864119 | AT & T Corp | Park Dist 1    | \$ 69.20    | Parks Seasonal                                          |
| 08/21/2023 | 864119 | AT & T Corp | Park Dist 1    | \$ 558.46   | PRPL Parks Tablets                                      |
| 08/21/2023 | 864119 | AT & T Corp | Parking        | \$ 77.63    | Parking Division Meter Maintenance                      |
| 08/21/2023 | 864119 | AT & T Corp | Parking        | \$ 315.84   | Parking Phones and scanner                              |
| 08/21/2023 | 864119 | AT & T Corp | Parking        | \$ (200.00) | Parking Phones and scanner                              |
| 08/21/2023 | 864119 | AT & T Corp | Parking        | \$ 225.60   | Parking Phones and scanner                              |
| 08/21/2023 | 864119 | AT & T Corp | PD Program     | \$ 160.56   | CCSIU Toughbook                                         |
| 08/21/2023 | 864119 | AT & T Corp | PD Program     | \$ 45.39    | Domestic Violence                                       |
| 08/21/2023 | 864119 | AT & T Corp | Phone System   | \$ 10.38    | IT Department -On call Phone                            |
| 08/21/2023 | 864119 | AT & T Corp | Phone System   | \$ 65.02    | IT iPads                                                |
| 08/21/2023 | 864119 | AT & T Corp | Phone System   | \$ 3.46     | Metro Cell Account                                      |
| 08/21/2023 | 864119 | AT & T Corp | Phone System   | \$ 67.46    | TeleComm Manager                                        |
| 08/21/2023 | 864119 | AT & T Corp | Planning       | \$ 67.46    | PLANNING                                                |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 272.07   | Animal Control Cell Phones                              |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 321.12   | Animal Control -MDT                                     |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 288.02   | Comm. Center 9-1-1                                      |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 40.14    | Detective Chartier -Toughbook                           |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 1,339.74 | Fire Department Cell Phones                             |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 135.36   | Fire EMS Cell Phone                                     |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ (425.00) | Fire iPads -Assistant chiefs new iPads                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 799.46   | Fire iPads -Assistant chiefs new iPads                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 40.14    | Fire iPads -Assistant chiefs new iPads                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 334.76   | Fire iPads -Assistant chiefs new iPads                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 738.20   | Fire iPads -Assistant chiefs new iPads                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 85.53    | ICAC -Campbell and Spare                                |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 1,214.98 | MDT Fire                                                |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 4,452.05 | Police Department Cell Phone                            |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 4,054.52 | Police MDT Toughbooks and Loaner MDT's                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 240.84   | Police MDT Toughbooks and Loaner MDT's                  |
| 08/21/2023 | 864119 | AT & T Corp | Public Safety  | \$ 287.20   | Yellowstone County Cellular Charges -Three cradlepoints |
| 08/21/2023 | 864119 | AT & T Corp | Solid Waste    | \$ 4,967.92 | SOLID WASTE Cell and iPads                              |
| 08/21/2023 | 864119 | AT & T Corp | Solid Waste    | \$ 384.44   | SOLID WASTE Cell and iPads                              |
| 08/21/2023 | 864119 | AT & T Corp | Street/Traffic | \$ 372.55   | School Flashers                                         |

| Check Date | Check# | Name           | Fund Name      | Amount       | Item Desc                                            |
|------------|--------|----------------|----------------|--------------|------------------------------------------------------|
| 08/21/2023 | 864119 | AT & T Corp    | Street/Traffic | \$ 691.32    | Street Traffic iPads                                 |
| 08/21/2023 | 864119 | AT & T Corp    | Street/Traffic | \$ 43.34     | Street Traffic iPads                                 |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 50.16     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 42.16     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 50.16     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 50.16     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 7.97      | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 45.12     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 8.00      | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 11.38     | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 3.41      | MET Supervisor Cell Phones                           |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 645.35    | MET Transit Tablets                                  |
| 08/21/2023 | 864119 | AT & T Corp    | Transit        | \$ 405.02    | MET Transit Tablets                                  |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 29.73     | D&C Mi-Fi                                            |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 180.48    | PW Environmental                                     |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 318.88    | PWBELKNAP-DIST COLL CELL PHONES 60/40                |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 474.99    | PWBLKNP Electricians -Phones                         |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 28.07     | PWBLKNP STORES -75/25                                |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 104.52    | PWBLNP-WWTRMNT1 Wastewater Treatment Plant and iPads |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 906.96    | PWBLNP-WWTRMNT1 Wastewater Treatment Plant and iPads |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 4,729.70  | PW-Distribution Collection Tablets 60/40             |
| 08/21/2023 | 864119 | AT & T Corp    | Wastewater     | \$ 69.68     | PW-Environmental                                     |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 44.60     | D&C Mi-Fi                                            |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 478.31    | PWBELKNAP-DIST COLL CELL PHONES 60/40                |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 1,045.83  | PWBELKNAP-WT Water Treatment                         |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 472.64    | PWBLKNP COMM-METER CityWorks/Neptune                 |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 187.48    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                 |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 391.86    | PWBLKNP MTRSHOP CELL PHONE AND IPADS                 |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 84.23     | PWBLKNP STORES -75/25                                |
| 08/21/2023 | 864119 | AT & T Corp    | Water          | \$ 7,094.55  | PW-Distribution Collection Tablets 60/40             |
| 08/21/2023 | 864121 | Avery Dennison | Street/Traffic | \$ 751.36    | ink cartridges for sign machine                      |
| 08/21/2023 | 864121 | Avery Dennison | Street/Traffic | \$ 1,780.50  | sheeting for signs                                   |
| 08/21/2023 | 864121 | Avery Dennison | Street/Traffic | \$ 995.00    | flexisign upgrade                                    |
| 08/21/2023 | 864122 | Baker Tilly    | General        | \$ 12,218.00 | Comprehensive Cost of Services Study                 |

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|------------|--------|-----------------------|----------------|---------------|--------------------------------------------------------------|
| 08/21/2023 | 864128 | Blgs Tourism          | Tourism BID #2 | \$ 15,084.16  | Paid July Distributed August, 2023                           |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ 287.22     | elect. terminal block for HW DeviceNet r                     |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ 282.36     | electrical overloads                                         |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ 590.00     | electrical sup0plies                                         |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ (1,241.08) | FYTRP replacement control room Client co                     |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ 4,432.44   | FYTRP replacement control room Client co                     |
| 08/21/2023 | ACH    | Border States         | Wastewater     | \$ 196.77     | Thin Client terminal mounting brackets W                     |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 1,743.67   | cable tray components for staples pump s                     |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 45.30      | CLOUD WHITE MARKING PAINT                                    |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 135.90     | CLOUD WHITE MARKING PAINT                                    |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 362.29     | Control Wire for Filter console changes                      |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 25.44      | CP1100 Radio relay                                           |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 51.39      | crane repairs in chloring bldg supplies                      |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 2,116.80   | Electrical PPE                                               |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 162.44     | Hardware for Staples                                         |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 66.90      | HSPS H5 pump Lead repair                                     |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 53.14      | Kneeling Pad                                                 |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 101.62     | labels to identify filters                                   |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 214.47     | MTW-14AWG BLUE-WHITE 19ST - R CU-500R WIRE                   |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 92.61      | MTW-14AWG-BLUE-19ST-CU- - 500R WIRE                          |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 92.61      | MTW-14AWG-BLUE-19ST-CU- - 500R WIRE                          |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 139.15     | Parts for Low Service Motor #4                               |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 33,784.00  | VFD Motor Drive for High Service Pump Station Pump H-1       |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 45,147.63  | Replacement VFD for Willett Pump#2                           |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 24.53      | SCOTCHLOK UR 19-26 AWG BUTT CONNECTOR                        |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 187.57     | SCOTCHLOK UR 19-26 AWG BUTT CONNECTOR                        |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 59.77      | staple VFD Project supplies                                  |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 29.93      | Staples 3-2 Drive                                            |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 122.42     | Staples 3-2 VDS Project                                      |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 233.33     | Staples 3-2 VFD Project                                      |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 4.50       | Staples Fuses                                                |
| 08/21/2023 | ACH    | Border States         | Water          | \$ 2,128.46   | VFD Motor Drive for High Service Pump Station # H-1 Purchase |
| 08/21/2023 | ACH    | Burns & McDonnell Eng | Water          | \$ 41,958.11  | WO 19-42 West End Water Treatment Plant Project              |
| 08/21/2023 | 864133 | Cardinal Tracking     | Parking        | \$ 50.00      | CO #1 add shipping to the original quote                     |

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|------------|--------|------------------------|------------------|--------------|------------------------------------------------------------------------|
| 08/21/2023 | 864133 | Cardinal Tracking      | Parking          | \$ 2,650.60  | Quote_80818 XF1R2 Parking Enforcement Handheld                         |
| 08/21/2023 | 864143 | Collaborative Design   | Wastewater       | \$ 11,760.00 | WO 23-24 Belknap Office Remodel Phase 2                                |
| 08/21/2023 | 864144 | Conditioned Air System | Payroll Clearing | \$ 12,719.00 | Bid Security Refund for Fire Station #1 Rooftop Unit Replacement       |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 317.53    | 1" ADAPTER MIP X PEP                                                   |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 540.56    | 27" POLYWRAP .008 MIL - PIPE WRAP                                      |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 2,342.11  | 6" PVC Pipe - CLASS 200-SDR-14-C900- For Water                         |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 115.35    | 8" X 3/4" TAPPING SADDLE - FOR C900 PLASTIC PIPE                       |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 664.63    | MARKING PAINT GREEN - GREEN SPRAYON #3631                              |
| 08/21/2023 | 864149 | Dakota Supply Group    | Water            | \$ 2,428.05  | Valve and fittings PBD032                                              |
| 08/21/2023 | 864150 | Dell Computer          | General          | \$ 169.49    | Dell Dock -Liz Finance                                                 |
| 08/21/2023 | 864150 | Dell Computer          | Public Safety    | \$ 10,616.56 | Qty. 4 Dell 55" Monitors and Qty. 4 OptiPlex Micro 7010 -Fire stations |
| 08/21/2023 | 864153 | DT Blgs BID            | Downtown BID     | \$ 2,747.14  | BID Assessment; Paid July Distributed August, 2023                     |
| 08/21/2023 | 864157 | Eastern OR Comm        | Wastewater       | \$ 5,550.00  | Lift Station Radio Upgrade Supplies,                                   |
| 08/21/2023 | 864158 | EBSCO Industries       | Library          | \$ 5,913.00  | 1000213819-1 Academic Search Elite 9/23-8/24                           |
| 08/21/2023 | 864160 | Empire Garage Owners   | Parking          | \$ 8,699.59  | City of Billings August Assessment                                     |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 934.61    | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 3,218.55  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 4,516.94  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 912.03    | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 2,737.38  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 4,565.31  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 6,172.65  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 513.42    | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 4,224.75  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 4,169.93  | asphalt                                                                |
| 08/21/2023 | 864165 | Fisher Sand & Gravel   | Street/Traffic   | \$ 2,707.72  | asphalt                                                                |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 10.72     | P1-24582-02                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 21.54     | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 7.16      | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 11.97     | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 21.36     | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 3.72      | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 15.08     | P1-24701-01                                                            |
| 08/21/2023 | ACH    | Galles Filter Service  | Fleet            | \$ 7.52      | P1-24701-01                                                            |

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| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 45.12  | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 22.04  | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 179.40 | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 4.20   | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 157.08 | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 38.39  | P1-24788-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 207.56 | P1-24788-02 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 30.27  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 28.81  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 5.17   | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 4.20   | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 3.95   | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 7.88   | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 81.31  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 3.58   | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 44.92  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 23.20  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 21.98  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 23.86  | P1-25160-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 23.82  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 5.17   | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 7.62   | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 22.62  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 22.04  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 13.48  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 26.00  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 17.72  | P1-25328-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 17.72  | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 15.08  | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 23.82  | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 33.06  | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 10.34  | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 162.62 | P1-25496-01 |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet     | \$ 44.87  | P1-25496-01 |

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| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 13.48  | P1-25496-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 26.00  | P1-25496-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 40.36  | P1-25496-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 9.06   | P1-25496-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 23.86  | P1-25496-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 21.60  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 7.90   | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 7.88   | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 21.54  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 33.06  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 28.81  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 45.12  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 3.44   | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 17.72  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 6.94   | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 13.75  | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 7.16   | P1-25569-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 23.20  | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 6.55   | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 15.08  | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 10.68  | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 28.81  | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Fleet         | \$ 11.02  | P1-25643-01       |
| 08/21/2023 | ACH    | Galles Filter Service | Park Dist 1   | \$ 38.94  | P1-24739.01       |
| 08/21/2023 | ACH    | Galles Filter Service | Public Safety | \$ 91.94  | P1-25022.01       |
| 08/21/2023 | ACH    | Galles Filter Service | Solid Waste   | \$ 410.55 | Outer Air Element |
| 08/21/2023 | ACH    | Galles Filter Service | Solid Waste   | \$ 306.75 | Outer Air Element |
| 08/21/2023 | ACH    | Galles Filter Service | Solid Waste   | \$ 791.32 | Outer Element     |
| 08/21/2023 | ACH    | Galles Filter Service | Solid Waste   | \$ 730.58 | Inner Air Element |
| 08/21/2023 | ACH    | Galles Filter Service | Solid Waste   | \$ 736.29 | Outer Air Element |
| 08/21/2023 | 864170 | Grainger Parts        | Fleet         | \$ 102.96 | 9790295316        |
| 08/21/2023 | 864170 | Grainger Parts        | Public Safety | \$ 18.90  | 9788484948        |
| 08/21/2023 | 864170 | Grainger Parts        | Public Safety | \$ 18.90  | 9788484948        |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste   | \$ 38.53  | 9787045807        |

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| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 36.59      | 9787933432                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 18.91      | 9788484948                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 33.61      | 9788484948                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 7.40       | 9789079234                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 19.22      | 9789930188                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 26.07      | 9790640750                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Solid Waste     | \$ 70.29      | 9792398407                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Street/Traffic  | \$ 18.91      | 9788484948                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 343.08     | 12" NEOPRENE GAUNTLET GLOVE 6912 - LARGE                        |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 55.59      | 9 VOLT BATTERIES ALKALINE                                       |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 36.48      | AA BATTERIES P/N: 5LE23                                         |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 69.64      | AAA BATTERIES ALKALINE P/N: 5LE25                               |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 845.52     | auto drain valve for replacement valve s                        |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 250.54     | guage guard                                                     |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 41.65      | LENS WIPES                                                      |
| 08/21/2023 | 864170 | Grainger Parts        | Water           | \$ 730.80     | SKULL SCREW EAR PLUG WITH CORD                                  |
| 08/21/2023 | 864173 | Hawkins               | General         | \$ 3,545.91   | chemicals for pools - 6545414                                   |
| 08/21/2023 | 864173 | Hawkins               | General         | \$ 1,437.00   | chemicals for pools - 6550538                                   |
| 08/21/2023 | 864173 | Hawkins               | General         | \$ 40.00      | chemicals for pools - 6551707                                   |
| 08/21/2023 | ACH    | HDR                   | Solid Waste     | \$ 353.48     | WO 22-37 Landfill Drop-off Bldg Repairs                         |
| 08/21/2023 | ACH    | HDR                   | Solid Waste     | \$ 8,914.66   | WO 23-27 Landfill Household Hazardous Waste Facility Agreement. |
| 08/21/2023 | ACH    | HDR                   | Wastewater      | \$ 197,126.96 | WO 14-11 WWTP Nutrient Upgrade Expansion & Improvements         |
| 08/21/2023 | ACH    | HDR                   | Wastewater      | \$ 4,758.57   | WO 20-44 WRF Nutrient Recovery Improvements Project             |
| 08/21/2023 | ACH    | HDR                   | Water           | \$ 69,305.43  | WO 19-12 West End Reservoir                                     |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 179.00     | 100 WATT SPEAKERS                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 179.00     | 100 WATT SPEAKERS                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 157.00     | 16 OUTPUT EXPANSION MODULES                                     |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 157.00     | 16 OUTPUT EXPANSION MODULES - 4062                              |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 228.00     | CORE WIRING HARNESS                                             |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 228.00     | CORE WIRING HARNESS                                             |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 418.00     | ION V SERIES RED LED                                            |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 418.00     | ION V SERIES RED LED                                            |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 4,448.08   | LIGHT BAR                                                       |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 438.00     | PAR-46 LED SPOT LIGHT                                           |

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| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 438.00     | PAR-46 LED SPOT LIGHT                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 332.00     | PIONEER NANO 6 LED                                                  |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 332.00     | PIONEER NANO 6 LED                                                  |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 246.00     | STRIP-LITE SUO RED / AMBER                                          |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 246.00     | STRIP-LITE SUO RED / AMBER                                          |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 184.00     | T-ION DUE RED / AMBER                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 184.00     | T-ION DUO RED / AMBER                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 368.00     | T-ION DUO RED / WHITE                                               |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 368.00     | T-ION DUO RED/WHITE                                                 |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 24.00      | T-ION 'L' MOUNTING BRACKET                                          |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 24.00      | T-ION 'L' MOUNTING BRACKETS                                         |
| 08/21/2023 | 864178 | Industrial Com & Elec | Capital Replace | \$ 4,448.08   | UNIT 4062 - LIGHTBAR, SIREN & CONTROLER, SPEAKERS & LED SPOT LIGHTS |
| 08/21/2023 | 864181 | J & J Concrete        | Gas Tax         | \$ 22,150.46  | WO 23-02 Missing Sidewalk Project                                   |
| 08/21/2023 | 864181 | J & J Concrete        | Gas Tax         | \$ 50,539.50  | WO 23-02 Missing Sidewalk Project                                   |
| 08/21/2023 | 864181 | J & J Concrete        | Sidewalk Const  | \$ 25,453.89  | WO 23-02 Missing Sidewalk Project                                   |
| 08/21/2023 | 864183 | Jacobs Engineering    | Gas Tax         | \$ 612.49     | Asset Management Program Project                                    |
| 08/21/2023 | 864183 | Jacobs Engineering    | Light Maint     | \$ 612.49     | Asset Management Program Project                                    |
| 08/21/2023 | 864183 | Jacobs Engineering    | Storm Sewer     | \$ 1,474.18   | Asset Management Program Project                                    |
| 08/21/2023 | 864183 | Jacobs Engineering    | Street/Traffic  | \$ 2,290.84   | Asset Management Program Project                                    |
| 08/21/2023 | 864183 | Jacobs Engineering    | Wastewater      | \$ 5,011.02   | Asset Management Program Project                                    |
| 08/21/2023 | 864183 | Jacobs Engineering    | Water           | \$ 5,011.01   | Asset Management Program Project                                    |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 2,338.52   | inv#P01090parts for unit 1243                                       |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 4,075.00   | inv#P01091hoses for units 1238 & 1239                               |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 135.36     | P01066 - COLLAR                                                     |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 310.96     | P01070                                                              |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 768.00     | P01070                                                              |
| 08/21/2023 | ACH    | Joe Johnson Equipt    | Street/Traffic  | \$ 79.00      | P01071                                                              |
| 08/21/2023 | 864185 | Knife River           | Airport         | \$ 195,832.66 | Airport Commercial Aircraft Ramp - Schedule IV - Federal Share      |
| 08/21/2023 | 864185 | Knife River           | Airport         | \$ 21,759.19  | Airport Commercial Aircraft Ramp - Schedule IV - Local Share        |
| 08/21/2023 | 864185 | Knife River           | Gas Tax         | \$ 353,239.50 | WO 23-03 Contract #1, City Overlay                                  |
| 08/21/2023 | 864185 | Knife River           | St Maint        | \$ 487,806.94 | WO 23-03 Contract #1, City Overlay                                  |
| 08/21/2023 | 864200 | Morrison Maierle      | Airport         | \$ 17,143.48  | Amendment 5 Mid-Field Service Road Project - Federal                |
| 08/21/2023 | 864200 | Morrison Maierle      | Airport         | \$ 1,904.83   | Amendment 5 Mid-Field Service Road Project - Local                  |
| 08/21/2023 | 864200 | Morrison Maierle      | Airport         | \$ 28,125.38  | Amendment 6 Commercial Aircraft Ramp - Schedule IV - Federal        |

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| 08/21/2023 | 864200 | Morrison Maierle  | Airport        | \$ 3,125.04 | Amendment 6 Commercial Aircraft Ramp - Schedule IV - Local     |
| 08/21/2023 | 864200 | Morrison Maierle  | Airport        | \$ 627.84   | Passenger Boarding Jet Bridges - Eligible Local Share          |
| 08/21/2023 | 864200 | Morrison Maierle  | Airport        | \$ 53.11    | Passenger Boarding Jet Bridges - Ineligible Share              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR2  | Airport        | \$ 3,813.88 | Mid-Field Service Road Project - Federal Share                 |
| 08/21/2023 | 864203 | MT Dept Rev-CGR3  | Airport        | \$ 423.76   | Mid-Field Service Road Project - Local Share                   |
| 08/21/2023 | 864203 | MT Dept Rev-CGR4  | Airport        | \$ 1,978.11 | Airport Commercial Aircraft Ramp - Schedule IV - Federal Share |
| 08/21/2023 | 864203 | MT Dept Rev-CGR5  | Airport        | \$ 219.79   | Airport Commercial Aircraft Ramp - Schedule IV - Local Share   |
| 08/21/2023 | 864203 | MT Dept Rev-CGR6  | Gas Tax        | \$ 223.74   | WO 23-02 Missing Sidewalk Project                              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR7  | Gas Tax        | \$ 510.50   | WO 23-02 Missing Sidewalk Project                              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR8  | Gas Tax        | \$ 3,568.08 | WO 23-03 Contract #1 City Overlay                              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR9  | Sidewalk Const | \$ 257.11   | WO 23-02 Missing Sidewalk Project                              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR10 | SW Haz Repair  | \$ 124.00   | WO 23-06 Sidewalk Tripper Project                              |
| 08/21/2023 | 864203 | MT Dept Rev-CGR11 | Solid Waste    | \$ 78.32    | WO 23-16 Landfill Scale Addition                               |
| 08/21/2023 | 864203 | MT Dept Rev-CGR12 | St Maint       | \$ 4,927.34 | WO 23-03 Contract #1 City Overlay                              |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 376.56   | 3977-504773                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 6.71     | 3977-504855                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 141.78   | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 28.62    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 7.20     | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 47.94    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 47.95    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 31.96    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 28.62    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 159.12   | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 85.20    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 11.10    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 15.21    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 76.32    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 51.39    | 3977-505096                                                    |
| 08/21/2023 | 864204 | Napa Auto Parts   | Fleet          | \$ 1,976.00 | 3977-506311                                                    |
| 08/21/2023 | 864206 | Norco Inc         | Fleet          | \$ 130.20   | 38345538                                                       |
| 08/21/2023 | 864206 | Norco Inc         | Fleet          | \$ 140.00   | 38351513                                                       |
| 08/21/2023 | 864206 | Norco Inc         | Fleet          | \$ 50.30    | 38423921                                                       |
| 08/21/2023 | 864206 | Norco Inc         | Fleet          | \$ 22.53    | 38423921                                                       |

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| 08/21/2023 | 864206 | Norco Inc            | Fleet          | \$ 20.66    | 38423921                                                             |
| 08/21/2023 | 864206 | Norco Inc            | General        | \$ 108.92   | carbon dioxide for south pool                                        |
| 08/21/2023 | 864206 | Norco Inc            | General        | \$ 2.25     | supplies for pools                                                   |
| 08/21/2023 | 864206 | Norco Inc            | Public Safety  | \$ 135.00   | CYLINDER RENTAL - JUNE 1-30 2023                                     |
| 08/21/2023 | 864206 | Norco Inc            | Solid Waste    | \$ 108.81   | Welding Supplies. Cylinder Rental 7/1/2023 - 7/31/2023. Collections. |
| 08/21/2023 | 864206 | Norco Inc            | Solid Waste    | \$ 71.61    | Welding Supplies. Cylinder Rental 7/1/2023 - 7/31/2023. Landfill.    |
| 08/21/2023 | 864206 | Norco Inc            | Street/Traffic | \$ 100.44   | oxygen/acetylene tank rentals                                        |
| 08/21/2023 | 864206 | Norco Inc            | Wastewater     | \$ 27.08    | eye flush bottle                                                     |
| 08/21/2023 | 864206 | Norco Inc            | Wastewater     | \$ 4,556.96 | RKI Beacon 10 Series, RKI Beacon 410A Fo                             |
| 08/21/2023 | 864208 | Northwest Ind Repair | Wastewater     | \$ 8,919.63 | Blower/freight                                                       |
| 08/21/2023 | ACH    | Northwest Pipe       | Solid Waste    | \$ 27.60    | 7962659                                                              |
| 08/21/2023 | ACH    | Northwest Pipe       | Street/Traffic | \$ 49.07    | 7971921                                                              |
| 08/21/2023 | ACH    | Northwest Pipe       | Street/Traffic | \$ 33.51    | 7971921                                                              |
| 08/21/2023 | ACH    | Northwest Pipe       | Street/Traffic | \$ 14.96    | inv#7970376brass nipple                                              |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 49.08    | 1/2" BALL VALVE T-585 THREADED                                       |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 902.81   | 2" TURBINE METER - CU FT ARB-REG/FLGS                                |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 144.72   | 3/4" plugs PBD032                                                    |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 960.00   | 5/8" X 1/8" RUBBER METER GASKET - Bags of 100                        |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 178.58   | 8" X 3/4" TAPPING SADDLE - FOR C900 PLASTIC PIPE                     |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 28.38    | BLACK NIPPLE 1-1/2" X 3"                                             |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 34.10    | BLACK NIPPLE 1-1/4" X 5"                                             |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 68.31    | BLACK NIPPLE 1-1/4" X 8"                                             |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 99.58    | BRASS HEX BUSHING 1/4" X 1/8"                                        |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 787.26   | Globe Valve                                                          |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 393.63   | Globe Valve                                                          |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 155.04   | HYDRANT ADJUSTABLE WRENCH                                            |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 5,020.00 | HYDRANT COLLISION REPAIR KITS - KENNEDY K81A GUARDIAN 5-1/4"         |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 3.59     | Iron Pipe                                                            |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 1,249.16 | K81 UPPER STEM WITH FERRULE - K81 HYDRANT                            |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 161.10   | Meter Shop - Dual Check Repair Kit                                   |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 6,607.00 | R-900 ENHANCED WALL RR - MIU 13341-200                               |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 6,607.00 | R-900 ENHANCED WALL RR - MIU 13341-200                               |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 6,314.00 | R900 MIU W/6' WIRE 13442- - 200 ENHANCED PIT                         |
| 08/21/2023 | ACH    | Northwest Pipe       | Water          | \$ 52.43    | Restock-bushings                                                     |

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| 08/21/2023 | ACH    | Northwest Pipe       | Water       | \$ 29.56      | seamless nipple for High Service      |
| 08/21/2023 | ACH    | Northwest Pipe       | Water       | \$ 1,053.15   | VALVE BOX RISER #69A SLIP TYPE        |
| 08/21/2023 | ACH    | Northwest Pipe       | Water       | \$ 143.26     | WPA Irrigations systems parts         |
| 08/21/2023 | 864209 | Northwest Playground | Park Dist 1 | \$ 76,061.97  | Arrowhead Park Option B playground    |
| 08/21/2023 | 864209 | Northwest Playground | Park Dist 1 | \$ 110,267.38 | playground option A for Highland park |
| 08/21/2023 | 864210 | NorthWestern Energy  | Facilities  | \$ 2,156.15   | 0975808-7                             |
| 08/21/2023 | 864210 | NorthWestern Energy  | General     | \$ 45.66      | 0712387-0                             |
| 08/21/2023 | 864210 | NorthWestern Energy  | General     | \$ 111.59     | 0712536-2                             |
| 08/21/2023 | 864210 | NorthWestern Energy  | General     | \$ 107.74     | 0720818-4                             |
| 08/21/2023 | 864210 | NorthWestern Energy  | General     | \$ 3,529.89   | 0720821-8                             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 1,287.74   | SILMD 10 Acct# 0712546-1              |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 2,425.06   | SILMD 100 Acct# 0712559-4             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 2,111.84   | SILMD 107 Acct# 0712560-2             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 5,296.36   | SILMD 109 Acct# 0712561-0             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 238.84     | SILMD 113 Acct# 0712562-8             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 1,139.73   | SILMD 114 Acct# 0712563-6             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 268.17     | SILMD 115 Acct# 0712564-4             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 703.94     | SILMD 116 Acct# 0712565-1             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 3,792.18   | SILMD 117 Acct# 0712566-9             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 239.24     | SILMD 118 Acct# 0712567-7             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 143.02     | SILMD 119 Acct# 0712568-5             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 3,016.92   | SILMD 121 Acct# 0712570-1             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 225.77     | SILMD 122 Acct# 0712571-9             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 402.25     | SILMD 123 Acct# 0712572-7             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 1,173.26   | SILMD 124 Acct# 0712573-5             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 469.29     | SILMD 125 Acct# 0712574-3             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 234.66     | SILMD 126 Acct# 0712575-0             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 846.64     | SILMD 127 Acct# 0712576-8             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 592.64     | SILMD 128 Acct# 0712577-6             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 402.25     | SILMD 129 Acct# 0712578-4             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 5,292.28   | SILMD 13 Acct# 0721276-4              |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 142.19     | SILMD 130 Acct# 0712579-2             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 1,039.15   | SILMD 131 Acct# 0712580-0             |
| 08/21/2023 | 864211 | NorthWestern Energy  | Light Maint | \$ 264.04     | SILMD 133 Acct# 0712581-8             |

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| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 609.35   | SILMD 134 Acct# 0712582-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 620.86   | SILMD 135 Acct# 0712583-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 569.86   | SILMD 136 Acct# 0712584-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 439.85   | SILMD 137 Acct# 0712585-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 905.08   | SILMD 138 Acct# 0712586-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 301.69   | SILMD 139 Acct# 0712587-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 2,661.95 | SILMD 14 Acct# 0721277-2  |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 703.94   | SILMD 143 Acct# 0712588-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 33.50    | SILMD 144 Acct# 0712589-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 564.43   | SILMD 145 Acct# 0712590-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 435.77   | SILMD 146 Acct# 0712591-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 527.43   | SILMD 147 Acct# 0712592-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,801.17 | SILMD 149 Acct# 0712593-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 903.07   | SILMD 150 Acct# 0712594-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 770.99   | SILMD 151 Acct# 0712595-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 5,200.89 | SILMD 152 Acct# 0712596-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 649.09   | SILMD 153 Acct# 0712597-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,467.51 | SILMD 154 Acct# 0712598-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 603.39   | SILMD 155 Acct# 0712599-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,100.62 | SILMD 157 Acct# 0712600-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 972.13   | SILMD 158 Acct# 0712601-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,162.06 | SILMD 159 Acct# 0712602-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 871.55   | SILMD 160 Acct# 0712603-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,269.97 | SILMD 161 Acct# 0712604-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 54.06    | SILMD 162 Acct# 0712605-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 858.99   | SILMD 163 Acct# 0712606-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 451.54   | SILMD 164 Acct# 0712607-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,072.67 | SILMD 165 Acct# 0712608-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 282.21   | SILMD 167 Acct# 0712609-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,362.97 | SILMD 17 Acct# 0712553-7  |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 677.32   | SILMD 171 Acct# 0712610-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 609.34   | SILMD 172 Acct# 0712611-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,411.07 | SILMD 173 Acct# 0712612-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,185.28 | SILMD 174 Acct# 0712613-9 |

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| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 395.09   | SILMD 175 Acct# 0712614-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 38.61    | SILMD 176 Acct# 0712615-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 310.44   | SILMD 178 Acct# 0712616-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 620.86   | SILMD 179 Acct# 0712617-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 116.68   | SILMD 18 Acct# 0712554-5  |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 423.33   | SILMD 180 Acct# 0712618-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 2,044.81 | SILMD 181 Acct# 0712619-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 705.53   | SILMD 182 Acct# 0712620-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,411.05 | SILMD 183 Acct# 0712621-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 451.54   | SILMD 184 Acct# 0712622-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 169.33   | SILMD 185 Acct# 0712623-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 792.32   | SILMD 186 Acct# 0712624-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 282.21   | SILMD 187 Acct# 0712625-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 338.65   | SILMD 188 Acct# 0712626-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 282.21   | SILMD 189 Acct# 0712627-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,467.51 | SILMD 190 Acct# 0712628-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 503.58   | SILMD 191 Acct# 0712629-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 366.87   | SILMD 192 Acct# 0712630-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 903.07   | SILMD 193 Acct# 0712631-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 353.71   | SILMD 194 Acct# 0712632-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 282.99   | SILMD 195 Acct# 0712633-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 90.36    | SILMD 196 Acct# 0712634-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 90.36    | SILMD 197 Acct# 0712635-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 141.11   | SILMD 198 Acct# 0712636-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 102.10   | SILMD 200 Acct# 0712637-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 592.64   | SILMD 201 Acct# 0712638-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 802.83   | SILMD 202 Acct# 0712639-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 24.09    | SILMD 203 Acct# 0712640-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 466.89   | SILMD 204 Acct# 0712641-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 30.89    | SILMD 205 Acct# 0712642-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 395.09   | SILMD 206 Acct# 0712643-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 451.54   | SILMD 207 Acct# 0712644-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 280.42   | SILMD 208 Acct# 0712645-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 649.09   | SILMD 209 Acct# 0712646-9 |

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| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 108.43   | SILMD 210 Acct# 0712647-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 60.24    | SILMD 211 Acct# 0712648-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 60.24    | SILMD 212 Acct# 0712649-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 36.15    | SILMD 213 Acct# 0712650-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 455.56   | SILMD 214 Acct# 0712651-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 169.33   | SILMD 216 Acct# 0712652-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 459.45   | SILMD 217 Acct# 0712653-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 324.58   | SILMD 220 Acct# 0712654-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 7.72     | SILMD 221 Acct# 0712655-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 95.54    | SILMD 222 Acct# 0712656-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 144.57   | SILMD 223 Acct# 0712657-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,703.11 | SILMD 224 Acct# 0712658-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 449.67   | SILMD 225 Acct# 0712659-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 266.58   | SILMD 226 Acct# 0712660-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 707.84   | SILMD 227 Acct# 0712661-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 972.13   | SILMD 228 Acct# 0712662-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 502.83   | SILMD 229 Acct# 0712663-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,173.25 | SILMD 230 Acct# 0712664-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 703.94   | SILMD 231 Acct# 0712665-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 3,050.43 | SILMD 232 Acct# 0712666-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,055.94 | SILMD 233 Acct# 0712667-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 574.35   | SILMD 234 Acct# 0712668-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 668.08   | SILMD 235 Acct# 0712669-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 212.22   | SILMD 236 Acct# 0712670-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 479.76   | SILMD 237 Acct# 0712671-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 15.45    | SILMD 238 Acct# 0712672-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 112.89   | SILMD 239 Acct# 0712673-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 509.33   | SILMD 240 Acct# 0712674-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 704.03   | SILMD 241 Acct# 0712675-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 100.57   | SILMD 242 Acct# 0712676-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 134.09   | SILMD 244 Acct# 0712677-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 89.00    | SILMD 245 Acct# 0712678-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 402.25   | SILMD 246 Acct# 0712679-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,179.84 | SILMD 247 Acct# 0712680-8 |

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| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 3,318.60 | SILMD 249 Acct# 0718734-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 254.67   | SILMD 250 Acct# 0719001-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 4,696.57 | SILMD 251 Acct# 0718801-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 670.43   | SILMD 252 Acct# 0719162-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 2,198.60 | SILMD 253 Acct# 0719644-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 191.07   | SILMD 254 Acct# 0719763-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 184.91   | SILMD 255 Acct# 0720813-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,136.48 | SILMD 257 Acct# 0720360-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 3,156.64 | SILMD 258 Acct# 0720606-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,691.50 | SILMD 259 Acct# 0720810-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 603.39   | SILMD 261 Acct# 0720705-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 3,747.85 | SILMD 262 Acct# 0720937-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,168.30 | SILMD 263 Acct# 0720716-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 208.44   | SILMD 264 Acct# 0721427-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 441.50   | SILMD 265 Acct# 0721556-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 52.12    | SILMD 266 Acct# 0721684-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 556.13   | SILMD 270 Acct# 0906944-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,158.56 | SILMD 271 Acct# 0995095-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 3,448.50 | SILMD 272 Acct# 0905005-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 248.95   | SILMD 273 Acct# 0926386-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 606.28   | SILMD 276 Acct# 0961926-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,040.83 | SILMD 277 Acct# 1058710-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 268.81   | SILMD 278 Acct# 1087619-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 71.47    | SILMD 279 Acct# 1124127-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 735.70   | SILMD 280 Acct# 1045653-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 542.56   | SILMD 283 Acct# 1172743-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 396.03   | SILMD 285 Acct# 1206985-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 296.65   | SILMD 286 Acct# 1296582-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 2,266.14 | SILMD 288 Acct# 1303978-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 283.95   | SILMD 289 Acct# 1685375-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 126.08   | SILMD 290 Acct# 1433921-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 737.46   | SILMD 292 Acct# 1481532-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 282.21   | SILMD 293 Acct# 1481534-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 564.43   | SILMD 294 Acct# 1481535-1 |

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| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 134.09    | SILMD 295 Acct# 1481536-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,495.72  | SILMD 296 Acct# 1481537-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 253.99    | SILMD 297 Acct# 1481539-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 225.77    | SILMD 298 Acct# 1481540-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 497.77    | SILMD 300 Acct# 1662840-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 6,685.81  | SILMD 301 Acct# 1687005-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 257.32    | SILMD 302 Acct# 1607534-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 877.88    | SILMD 305 Acct# 1695873-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 197.79    | SILMD 306 Acct# 1740353-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 2,570.85  | SILMD 307 Acct# 2049005-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 329.61    | SILMD 308 Acct# 2072459-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 354.67    | SILMD 309 Acct# 2001311-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 179.45    | SILMD 310 Acct# 2060519-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 228.87    | SILMD 311 Acct# 3014475-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 227.35    | SILMD 312 Acct# 3146127-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 408.34    | SILMD 315 Acct# 3305804-1 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 1,478.68  | SILMD 316 Acct# 3291842-7 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 65.42     | SILMD 317 Acct# 3253826-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 994.76    | SILMD 318 Acct# 3372018-6 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 69.47     | SILMD 320 Acct# 0712569-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 354.26    | SILMD 321 Acct# 3338917-2 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 73.27     | SILMD 322 Acct# 3402033-9 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 655.00    | SILMD 323 Acct# 3597170-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 293.74    | SILMD 324 Acct# 1246537-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 255.24    | SILMD 325 Acct# 3587598-8 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 96.79     | SILMD 326 Acct# 3840455-4 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 225.78    | SILMD 327 Acct# 3810801-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 561.55    | SILMD 328 Acct# 3894879-0 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 70.73     | SILMD 329 Acct# 3939032-3 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 231.13    | SILMD 330 Acct# 3951594-5 |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 451.12    | SILMD 8 Acct# 0712544-6   |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 418.02    | SILMD 9 Acct# 0712545-3   |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 606.28    | SILMD 95 Acct# 0712556-0  |
| 08/21/2023 | 864211 | NorthWestern Energy | Light Maint | \$ 11,688.73 | SILMD 97 Acct# 0712557-8  |

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| 08/21/2023 | 864211 | NorthWestern Energy    | Light Maint    | \$ 1,305.97  | SILMD 99 Acct# 0712558-6                              |
| 08/21/2023 | 864210 | NorthWestern Energy    | Park Dist 1    | \$ 1,544.17  | 0722287-0                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Park Dist 1    | \$ 909.14    | 0723045-1                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Park Dist 1    | \$ 298.91    | 0925496-2                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Park Dist 1    | \$ 358.85    | 1191404-1                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Park Dist 1    | \$ 12.74     | 1836666-6                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Parks Maint    | \$ 1.40      | 4103439-8                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Public Safety  | \$ 859.51    | 0871546-8                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Solid Waste    | \$ 1,635.79  | 3252194-0                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Street/Traffic | \$ 0.42      | 1740357-7                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Street/Traffic | \$ 1.51      | 1748896-6                                             |
| 08/21/2023 | 864211 | NorthWestern Energy    | Street/Traffic | \$ 13,609.63 | Signal Bills 8.16.23                                  |
| 08/21/2023 | 864210 | NorthWestern Energy    | Transit        | \$ 2,652.57  | 01004783-8. Monad Road. August 2023                   |
| 08/21/2023 | 864210 | NorthWestern Energy    | Transit        | \$ 268.75    | 0719225-5                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Wastewater     | \$ 79,609.27 | 0100591-7                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Water          | \$ 18,275.17 | 0722264-9                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Water          | \$ 14,668.12 | 0723040-2                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Water          | \$ 6.00      | 0723059-2                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Water          | \$ 1,195.79  | 1116452-2                                             |
| 08/21/2023 | 864210 | NorthWestern Energy    | Water          | \$ 164.73    | 1142253-2                                             |
| 08/21/2023 | 864214 | Passio Technologies    | Transit        | \$ 37,807.96 | MET Automated Vehicle Location System                 |
| 08/21/2023 | 864216 | Polydyne               | Wastewater     | \$ 58,608.00 | Clarifloc C-3289                                      |
| 08/21/2023 | 864217 | Precision Concrete Cut | SW Haz Repair  | \$ 12,276.00 | WO 23-06 Sidewalk Tripper Project; 1 WO2306 Precision |
| 08/21/2023 | 864219 | Public Utilities       | Park Dist 1    | \$ 1,271.53  | 180092                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parking        | \$ 1,103.27  | 102980                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 456.00    | 136082                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 2,039.85  | 136087                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 4,210.51  | 136090                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 8,867.71  | 136091                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 10,531.45 | 136092                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 6,648.45  | 136093                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 8,420.91  | 136095                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 6,521.77  | 136096                                                |
| 08/21/2023 | 864219 | Public Utilities       | Parks Maint    | \$ 355.97    | 136098                                                |

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| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 1,181.67  | 136099    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 3,198.18  | 136100    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 290.67    | 136101    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 15,651.67 | 136103    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 3,703.87  | 136108    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 38.34     | 136111    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 85.48     | 136115    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 964.04    | 148074    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 4,809.63  | 148398    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 864.22    | 148423    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 3,196.29  | 148654    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 1,319.76  | 158252    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 4,628.29  | 163614    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 269.15    | 163944    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 5,283.75  | 164211    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 3,976.93  | 164212    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 1,296.15  | 168362    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 2,394.23  | 175850    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 350.82    | 176577    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 131.30    | 177710    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 36.75     | 179987    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 1,695.96  | 180090    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 496.33    | 180091    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 158.13    | 187900    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 39.33     | 192352    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 652.61    | 201942    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 7,946.99  | 236250    |
| 08/21/2023 | 864219 | Public Utilities | Parks Maint    | \$ 2,481.31  | 242652    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 3,352.55  | 168593    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 1,641.81  | 178621    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 338.87    | 180331    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 326.95    | 180333    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 2,636.77  | 180335    |
| 08/21/2023 | 864219 | Public Utilities | Street/Traffic | \$ 3,810.53  | 180336    |

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| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 221.92     | 180337                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 213.14     | 180338                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 178.94     | 180339                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 360.17     | 180396                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 1,765.95   | 184751                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 1,355.73   | 185688                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 1,801.73   | 185689                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 339.07     | 185690                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 2,929.53   | 185691                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 2,119.15   | 191161                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 311.93     | 191162                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 710.89     | 241853                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 198.15     | 243345                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 193.13     | 243891                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Street/Traffic | \$ 1,057.11   | 248978                                                         |
| 08/21/2023 | 864219 | Public Utilities        | Wastewater     | \$ 9.90       | 180645                                                         |
| 08/21/2023 | 864220 | Purvis Industries       | Wastewater     | \$ 5,750.83   | #1 GT Motor and gear box                                       |
| 08/21/2023 | 864223 | Reliable Mech & Control | Public Safety  | \$ 1,000.00   | 5RV FIRE 5 MAKE ADJ TO TRACK FROM GETTING STUCK                |
| 08/21/2023 | 864223 | Reliable Mech & Control | Public Safety  | \$ 4,000.00   | Replace hose retractunit & adj to fan speed for decoupling     |
| 08/21/2023 | 864223 | Reliable Mech & Control | Public Safety  | \$ 3,300.00   | FIRE 1: REPAIR PLYMOVENT HOSE & ADJUST MOVEMENT                |
| 08/21/2023 | 864225 | Rimrock Foundation      | Court Grants   | \$ 2,198.41   | 23 July Rimrock Treatment Services DUI                         |
| 08/21/2023 | 864225 | Rimrock Foundation      | Court Grants   | \$ 6,797.30   | 23 July Rimrock Treatment Services SAMHSA                      |
| 08/21/2023 | 864227 | Riverstone Health       | General        | \$ 13,275.00  | Health Fees 2nd Half of FY2023 - January to June 2023          |
| 08/21/2023 | 864232 | Solid Waste System      | Solid Waste    | \$ 368,870.75 | One new commercial front-load collection truck.                |
| 08/21/2023 | 864240 | Swank Enterprises       | Solid Waste    | \$ 7,753.68   | WO 23-16 Landfill Scale Addition; 1 WO2316 Swank Ent           |
| 08/21/2023 | 864241 | SWARCO McCain           | St Maint       | \$ 9,998.00   | WO 23-30 Pedestrian Crossing Improvements..Solar School Beacon |
| 08/21/2023 | 864244 | Tel Net Systems         | PD Program     | \$ 5,970.00   | City Operation building to Police Barn fiber Optics.           |
| 08/21/2023 | 864247 | TK Elevator             | Facilities     | \$ 3,536.88   | Gold - Full Maintenance - Elevators - Stillwater Building      |
| 08/21/2023 | 864248 | TMG Services            | Water          | \$ 3,319.14   | Chemical Feeder Parts                                          |
| 08/21/2023 | 864250 | Toter Incorporated      | Solid Waste    | \$ 40,740.96  | Encumbrance per Sourcewell Contract                            |
| 08/21/2023 | 864250 | Toter Incorporated      | Solid Waste    | \$ 49,118.40  | Encumbrance per Sourcewell Contract                            |
| 08/21/2023 | 864250 | Toter Incorporated      | Solid Waste    | \$ 2,622.13   | Shipping.                                                      |
| 08/21/2023 | 864250 | Toter Incorporated      | Solid Waste    | \$ 2,622.13   | Shipping.                                                      |
| 08/21/2023 | ACH    | Town & Co Supply        | Fleet          | \$ 5,263.07   | 437698                                                         |

| Check Date | Check# | Name               | Fund Name     | Amount       | Item Desc                            |
|------------|--------|--------------------|---------------|--------------|--------------------------------------|
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 6,086.53  | 437698                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 10,711.24 | 437698                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 14,142.76 | 437698                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 5,527.12  | 439275                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 5,460.63  | 439275                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 7,624.70  | 439275                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Fleet         | \$ 14,994.33 | 439275                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 900.58    | 437836 FIRE 7 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 817.72    | 437837 FIRE 3 - DIESEL               |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 1,260.81  | 437838 FIRE 1 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 1,405.50  | 437838 FIRE 1 UNLEADED               |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 1,311.24  | 437839 FIRE 2 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 636.26    | 437903 FIRE 5 - UNLEADED             |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 560.25    | 437903 FIRE 5 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 593.87    | 437904 FIRE 3 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 1,484.60  | 437905 FIRE 1 UNLEADED               |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 928.63    | 437907 FIRE 2 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 1,152.74  | 837835 FIRE 5                        |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 900.58    | 837840 FIRE 6 DIESEL                 |
| 08/21/2023 | ACH    | Town & Co Supply   | Public Safety | \$ 560.25    | FIRE 7 - DIESEL                      |
| 08/21/2023 | ACH    | Town & Co Supply   | Solid Waste   | \$ 25,322.50 | 437649                               |
| 08/21/2023 | ACH    | Town & Co Supply   | Transit       | \$ 7,360.00  | 436489. 2000 Gallons Unleaded Fuel   |
| 08/21/2023 | ACH    | Town & Co Supply   | Transit       | \$ 21,705.00 | 437648. 6,000 Gallons Dyed #2        |
| 08/21/2023 | 864253 | Tyler Technologies | General       | \$ 19,770.00 | Tax-Wise                             |
| 08/21/2023 | 864254 | Verizon Wireless   | Engineering   | \$ 27.32     | PW-Engineering                       |
| 08/21/2023 | 864254 | Verizon Wireless   | Fleet         | \$ 106.60    | Motor Pool                           |
| 08/21/2023 | 864254 | Verizon Wireless   | General       | \$ 162.79    | City Administrator 0100-13130-403450 |
| 08/21/2023 | 864254 | Verizon Wireless   | General       | \$ 40.01     | Tina Hoeger Laptop                   |
| 08/21/2023 | 864254 | Verizon Wireless   | General       | \$ 27.32     | Victoria Hill -Laptop                |
| 08/21/2023 | 864254 | Verizon Wireless   | Park Dist 1   | \$ (46.12)   | PRPL-PARKS                           |
| 08/21/2023 | 864254 | Verizon Wireless   | PD Program    | \$ 414.80    | CCSIU Cell/PTT                       |
| 08/21/2023 | 864254 | Verizon Wireless   | PD Program    | \$ 71.47     | CCSIU Cell/PTT                       |
| 08/21/2023 | 864254 | Verizon Wireless   | PD Program    | \$ 80.02     | CCSIU RAVEN                          |
| 08/21/2023 | 864254 | Verizon Wireless   | Phone System  | \$ 80.08     | WRF Cradle Point                     |

| Check Date | Check# | Name               | Fund Name      | Amount        | Item Desc                                               |
|------------|--------|--------------------|----------------|---------------|---------------------------------------------------------|
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 80.02      | Fire MDT                                                |
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 209.80     | Fire MDT                                                |
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 480.12     | MDT Toughbooks                                          |
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 45.30      | Police Bait Car                                         |
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 80.02      | Police iPads                                            |
| 08/21/2023 | 864254 | Verizon Wireless   | Public Safety  | \$ 20.02      | Police MiFi                                             |
| 08/21/2023 | 864254 | Verizon Wireless   | Solid Waste    | \$ -          | PW Dozer Trimble Dozer                                  |
| 08/21/2023 | 864254 | Verizon Wireless   | Solid Waste    | \$ 109.28     | PW-Solid Waste                                          |
| 08/21/2023 | 864254 | Verizon Wireless   | Solid Waste    | \$ 181.12     | PW-SW-ON CALL Solid Waste On Call                       |
| 08/21/2023 | 864254 | Verizon Wireless   | Solid Waste    | \$ 23.72      | PW-SW-ON CALL Solid Waste On Call                       |
| 08/21/2023 | 864254 | Verizon Wireless   | Solid Waste    | \$ 524.52     | Solid Waste Tablets -Routware                           |
| 08/21/2023 | 864254 | Verizon Wireless   | Street/Traffic | \$ 174.77     | PW-Streets iPads                                        |
| 08/21/2023 | 864254 | Verizon Wireless   | Street/Traffic | \$ -          | PW-Streets City Works                                   |
| 08/21/2023 | 864254 | Verizon Wireless   | Street/Traffic | \$ 230.37     | PW-STRT TRFC Streets                                    |
| 08/21/2023 | 864254 | Verizon Wireless   | Transit        | \$ 309.02     | MET AVL                                                 |
| 08/21/2023 | 864254 | Verizon Wireless   | Transit        | \$ 970.38     | MET Max Transit                                         |
| 08/21/2023 | 864254 | Verizon Wireless   | Transit        | \$ 1,120.28   | MET Max Transit                                         |
| 08/21/2023 | 864254 | Verizon Wireless   | Wastewater     | \$ 400.10     | MET Tablets                                             |
| 08/21/2023 | 864254 | Verizon Wireless   | Water          | \$ -          | PW Belknap Meter Shop                                   |
| 08/21/2023 | 864254 | Verizon Wireless   | Water          | \$ 27.32      | PWBLKNP Water Treatment Brian Risser                    |
| 08/21/2023 | 864254 | Verizon Wireless   | Water          | \$ 55.88      | PWBLNP Comm-Meter CityWorks/Neptune                     |
| 08/21/2023 | 864254 | Verizon Wireless   | Water          | \$ 40.01      | PWBLNP Comm-Meter CityWorks/Neptune                     |
| 08/21/2023 | 864260 | WSF, LLC           | Solid Waste    | \$ 181,841.04 | One (1) Roll-truck, Freightliner Chassis w/ AMREP Hoist |
| 08/21/2023 | 864263 | Yellowstone County | Wastewater     | \$ 245,657.00 | WO 24-13 Metra Water Main Replacement Reimbursement     |

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Payment of Claims for week of August 28, 2023  
**Presented by:** Andy Zoeller, Finance Director  
**Department:** Finance  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends Council approve the Payment of Claims

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

Claims in the amount of \$2,856852.46 have been reviewed and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department.

**Payment Approval Process**

Every invoice for payment is entered into the City's accounting system and the backup documentation is scanned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.). Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the department director or designee must perform an initial review and approval of the purchase. The number of approvals within the department can vary based upon the size of the department, but no less than one approver within each department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent or designee. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than \$1,000, then it must be approved by the Finance Director or designee. If that payment is greater than \$10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of \$2,500 is generated and placed on the next City Council meeting for review.

**ALTERNATIVES**

- No other alternatives were analyzed

**FISCAL EFFECTS**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

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**Attachments**

CouncilMemo wk of 08282023

| Check Date | Check#  | Name               | Fund Name        | Amount        | Item Desc                                                                   |
|------------|---------|--------------------|------------------|---------------|-----------------------------------------------------------------------------|
| 08/28/2023 | 864272  | Askin Const        | Water            | \$ 348,420.60 | WO 22-01 Water and Sewer Main Replacement                                   |
| 08/28/2023 | 864273  | ATS Inland NW      | Airport          | \$ 5,494.75   | Update to Alerton Building Management Software                              |
| 08/28/2023 | 864277  | Beartooth Enviro   | Solid Waste      | \$ 11,716.66  | Manifest 024096857Jjk. Drummed waste shipment                               |
| 08/28/2023 | 864293  | Cop Const          | Water            | \$ 232,435.67 | WO 23-01 Contract 1, Sch 2, Ave F Area.. 2023 Water Main Replac             |
| 08/28/2023 | 864293  | Cop Const          | Water            | \$ 487,404.97 | WO 23-01 Contract 1, Sch 1, Southgate Dr.. 2023 Water Main Replac           |
| 08/28/2023 | 864293  | Cop Const          | Water            | \$ 162,716.79 | WO 23-01 Contract 1, Sch 3, Parkhill/Beverly Hills.. 2023 Water Main Replac |
| 08/28/2023 | 864293  | Cop Const          | Water            | \$ 90,498.74  | WO 23-01 Contract 1. Water Main Replacement-19th & 21st St W                |
| 08/28/2023 | 864303  | Dell Marketing     | Wastewater       | \$ 21,437.98  | FY24 TRP Server Replacement                                                 |
| 08/28/2023 | 864303  | Dell Marketing     | Wastewater       | \$ 48,807.04  | WRF FY24 TRP Server Replacements                                            |
| 08/28/2023 | 864303  | Dell Marketing     | Water            | \$ 21,437.98  | FY24 TRP Server Replacement                                                 |
| 08/28/2023 | 864307  | Dixie Petro-Chem   | Water            | \$ 18,787.20  | chlorine for process..PW..WTP                                               |
| 08/28/2023 | 864308  | DOWL               | Wastewater       | \$ 18,300.88  | WO 22-01 Schedules 1 & 2: Water & Sanitary Sewer Main Replacement           |
| 08/28/2023 | 864308  | DOWL               | Water            | \$ 15,848.92  | WO 22-01 Schedules 1 & 2: Water & Sanitary Sewer Main Replacement           |
| 08/28/2023 | 864308  | DOWL               | Water            | \$ 59,274.90  | WO 23-01 2023 Water and Sewer Main Replacement                              |
| 08/28/2023 | 864316  | EnvisionWare       | Library          | \$ 13,695.00  | RFID gates per the TRP                                                      |
| 08/28/2023 | 864316  | EnvisionWare       | Library          | \$ 712.00     | RFID gates, estimated freight                                               |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 705.87     | 6" X 20" CI FC CLAMP - F1-724 X 20 X SH                                     |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 214.00     | 8" X 3/4" TAPPING SADDLE - FOR C900 PLASTIC PIPE                            |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 960.90     | MUELLER HYDRANT UPPER STEM - H74 BEFORE 1971 #A24015                        |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 128.90     | pipe                                                                        |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 628.46     | UPPER STEM A 11 FOR CENTURION HYDRANTS MUELLER 1977-86                      |
| 08/28/2023 | 864318  | Ferguson           | Water            | \$ 1,644.00   | UPPER STEM FOR IMPROVED - MUELLER #H103                                     |
| 08/28/2023 | 864320  | Fischer Comm Floor | Public Safety    | \$ 3,975.00   | FIRE 3 - FLOORING                                                           |
| 08/28/2023 | 864322  | Future Pro         | CDBG             | \$ 2,875.70   | PR60 Basketball System & BA501H Net                                         |
| 08/28/2023 | 864323  | Good Earth Works   | Park Dist 1      | \$ 131,090.56 | WO 22-08 Central Park Tennis Court replacement                              |
| 08/28/2023 | 864328  | Hach Company       | Water            | \$ 3,503.00   | replacement chlorine residual analyzer f                                    |
| 08/28/2023 | 864328  | Hach Company       | Water            | \$ 6,512.00   | replacement transmitters for HACH instru                                    |
| 08/28/2023 | ACH HDR |                    | Solid Waste      | \$ 3,785.12   | WO 23-16 Landfill Scale Addition, Professional Services Contract            |
| 08/28/2023 | ACH HDR |                    | Water            | \$ 17,994.08  | WO 23-12 Zone 4 Pump Station & Waterline Improvements                       |
| 08/28/2023 | 864330  | Heil Enviro        | Solid Waste      | \$ 3,123.64   | Ten (10) Heavy Duty Color Cameras. Spare/New for Collection trucks          |
| 08/28/2023 | 864335  | Hungry Trails      | Public Safety    | \$ 3,430.00   | AIRSHOW: LUNCH FOR ALL THREE DAYS                                           |
| 08/28/2023 | 864337  | Iaff               | Payroll Clearing | \$ 5,663.08   | Payroll Summary                                                             |
| 08/28/2023 | 864339  | Ingram Library     | Library          | \$ 0.08       | 76677792                                                                    |
| 08/28/2023 | 864339  | Ingram Library     | Library          | \$ 8.97       | 76677792                                                                    |

| Check Date | Check# | Name           | Fund Name | Amount    | Item Desc |
|------------|--------|----------------|-----------|-----------|-----------|
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.51   | 76677793  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 27.86  | 76677793  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 11.97  | 76677793  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.75   | 76677794  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 26.38  | 76677794  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 50.51  | 76677794  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 1.02   | 76677795  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 99.29  | 76677795  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.39   | 76677796  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 29.49  | 76677796  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.25   | 76677797  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 15.33  | 76677797  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 3.00   | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 708.07 | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 511.05 | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 48.50  | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 61.93  | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 167.06 | 77069024  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.20   | 77089161  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 18.88  | 77089161  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 2.80   | 77089162  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 97.47  | 77089162  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 17.99  | 77089162  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 86.72  | 77089162  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 11.98  | 77089162  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.01   | 77202302  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 10.02  | 77202302  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.01   | 77202303  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 67.13  | 77202303  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.16   | 77202304  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 313.33 | 77202304  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 128.68 | 77202304  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 10.18  | 77202304  |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.01   | 77202306  |

| Check Date | Check# | Name           | Fund Name | Amount      | Item Desc                                        |
|------------|--------|----------------|-----------|-------------|--------------------------------------------------|
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 29.74    | 77202306                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.03     | 77202307                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 107.90   | 77202307                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.90     | 77202309                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 43.45    | 77202309                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 2.10     | 77202310                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 21.99    | 77202310                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 11.79    | 77202310                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 34.80    | 77202310                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 36.12    | 77202310                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.14     | 77295920                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 33.04    | 77295920                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 9.60     | 77295920                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 9.59     | 77295920                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 15.98    | 77295920                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 0.24     | 77295921                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 84.18    | 77295921                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 35.96    | 77295921                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 2.62     | 77295922                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 140.89   | 77295922                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 208.95   | 77295922                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 665.00   | 77295922                                         |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 12.59    | 77069025 One Book Billings                       |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 1,376.40 | 77130044 One Book Billings                       |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 2.57     | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 923.75   | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 1,007.07 | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 218.73   | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 3,867.56 | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 82.68    | 77202305 GIFTS                                   |
| 08/28/2023 | 864339 | Ingram Library | Library   | \$ 972.21   | 77202308 ONE BOOK BILLINGS                       |
| 08/28/2023 | 864352 | Kone           | Airport   | \$ 144.90   | FY24 Elevator/Escalator Maintenance - IP9        |
| 08/28/2023 | 864352 | Kone           | Airport   | \$ 60.03    | FY24 Elevator/Escalator Maintenance - Operations |
| 08/28/2023 | 864352 | Kone           | Airport   | \$ 1,851.23 | FY24 Elevator/Escalator Maintenance - Terminal   |

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|------------|--------|---------------------|------------------|--------------|------------------------------------------------------------------------|
| 08/28/2023 | 864352 | Kone                | Parking          | \$ 210.00    | Elevator Maintenance 7/1/23 - 7/31/23 for Park I, Park II and Park III |
| 08/28/2023 | 864352 | Kone                | Parking          | \$ 630.00    | Elevator Maintenance 7/1/23 - 7/31/23 for Park I, Park II and Park III |
| 08/28/2023 | 864352 | Kone                | Parking          | \$ 420.00    | Elevator Maintenance 7/1/23 - 7/31/23 for Park I, Park II and Park III |
| 08/28/2023 | 864352 | Kone                | Parking          | \$ 223.95    | West Passenger Elevator at Park III repair                             |
| 08/28/2023 | 864355 | Land Design         | Park Dist 1      | \$ 9,297.05  | master plan for cottonwood park                                        |
| 08/28/2023 | 864354 | LP Anderson Tire    | Fleet            | \$ 65.00     | 2035252                                                                |
| 08/28/2023 | 864354 | LP Anderson Tire    | Fleet            | \$ 307.50    | 2035283                                                                |
| 08/28/2023 | 864354 | LP Anderson Tire    | Fleet            | \$ 3,240.00  | 2036487                                                                |
| 08/28/2023 | 864358 | M R Concrete        | Wastewater       | \$ 5,760.00  | 4310 State Ave 6" Concrete. PUD Project                                |
| 08/28/2023 | 864359 | Matt the Painter    | CDBG             | \$ 5,300.00  | Pioneer Park Restroom PaintingCDBG-CV Project                          |
| 08/28/2023 | 864372 | MFPE                | Payroll Clearing | \$ 2,693.88  | Payroll Summary                                                        |
| 08/28/2023 | 864378 | Morgan Contractors  | Airport          | \$ 3,889.03  | Baggage Claim Restroom Remodel                                         |
| 08/28/2023 | 864378 | Morgan Contractors  | Airport          | \$ 16,830.49 | Retainage Release                                                      |
| 08/28/2023 | 864379 | Morrison Maierle    | Airport          | \$ 3,365.00  | Amendment #3 Baggage Claim Restroom Remodel Project                    |
| 08/28/2023 | 864379 | Morrison Maierle    | Wastewater       | \$ 7,854.41  | WO 22-10 Alkali Creek Water and Sewer Extension, Consultant Agreement  |
| 08/28/2023 | 864379 | Morrison Maierle    | Wastewater       | \$ 44,362.77 | WO 23-01 2023 Water/Sewer Replacement - Contract 2 Sewer               |
| 08/28/2023 | 864379 | Morrison Maierle    | Wastewater       | \$ 3,360.11  | WO 23-01 Mountain View Sanitary Sewer Study                            |
| 08/28/2023 | 864379 | Morrison Maierle    | Wastewater       | \$ 9,142.79  | WO 24-01 2024 Sewer Main Repl Project Engineer Service Agreement       |
| 08/28/2023 | 864379 | Morrison Maierle    | Water            | \$ -         | WO 22-10 Alkali Creek Water and Sewer Extension, Consultant Agreement  |
| 08/28/2023 | 864380 | MPPA                | Payroll Clearing | \$ 3,835.51  | Payroll Summary                                                        |
| 08/28/2023 | 864368 | MT CSED             | Payroll Clearing | \$ 4,473.76  | Payroll Summary                                                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 194.86    | 129 573 1000 1. Mud Wash. August 2023                                  |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 24.78     | 160 723 3573 6. USDA. August 2023                                      |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 134.28    | 179 053 7751 5. New Concourse A. August 2023                           |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 24.78     | 185 580 1000 7. TSA. August 2023                                       |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 32.01     | 229 573 1000 0. Detail Bay 1 Hertz. August 2023                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 24.78     | 283 116 0655 3. Alpine. August 2023                                    |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 171.33    | 285 580 1000 6                                                         |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 24.78     | 295 580 1000 4. Aero Interiors. August 2023                            |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 28.39     | 329 573 1000 9. Detail Bay 3 Enterprise. August 2023                   |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 31.31     | 429 573 1000 8. Detail Bay 4 Avis/Budget. August 2023                  |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 26.92     | 529 573 1000 7. Detail Bay 5 Thrifty/Dollar. August 2023               |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 1,665.77  | 595 580 1000 1                                                         |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport          | \$ 33.45     | 629 573 1000 6. Detail Bay 2 National/Alamo. August 2023               |

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| 08/28/2023 | 864370 | MT Dakota Utilities | Airport       | \$ 120.00   | 706 580 1000 7                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Airport       | \$ 73.71    | 889 373 1000 6. Car Wash. August 2023 |
| 08/28/2023 | 864370 | MT Dakota Utilities | Engineering   | \$ 88.98    | 595 373 1000 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Facilities    | \$ 65.71    | 375 963 4481 4                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Facilities    | \$ 131.43   | 929 780 1000 4                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | General       | \$ 42.32    | 437 780 1000 9                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Library       | \$ 426.78   | 219 924 4851 0                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | P.W. Admin    | \$ 22.25    | 595 373 1000 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Park Dist 1   | \$ 25.53    | 501 473 1000 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Parking       | \$ 23.28    | 303 725 2591 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Parking       | \$ 23.28    | 717 353 1000 6                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Parking       | \$ 23.28    | 799 152 1209 0                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 23.28    | 062 907 9494 7                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 230.33   | 169 233 1000 3                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 23.28    | 514 117 0478 9                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 109.04   | 533 653 1000 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 70.09    | 602 589 7178 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Public Safety | \$ 85.98    | 885 880 1000 4                        |
| 08/28/2023 | 864369 | MT Dakota Utilities | Solid Waste   | \$ 4,366.14 | 8232023                               |
| 08/28/2023 | 864369 | MT Dakota Utilities | Solid Waste   | \$ 7.43     | 8232023                               |
| 08/28/2023 | 864370 | MT Dakota Utilities | Transit       | \$ 93.16    | 962 880 1000 0                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 1,776.90 | 293 780 1000 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 888.46   | 293 780 1000 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 888.46   | 293 780 1000 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 72.97    | 596 733 1000 5                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 72.97    | 713 064 3190 0                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 70.77    | 735 453 1000 2                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Wastewater    | \$ 73.71    | 843 879 2205 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Water         | \$ 71.54    | 076 225 9180 3                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Water         | \$ 13.46    | 373 580 1000 9                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Water         | \$ 13.46    | 373 580 1000 9                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Water         | \$ 24.78    | 541 380 1000 1                        |
| 08/28/2023 | 864370 | MT Dakota Utilities | Water         | \$ 72.97    | 921 580 1000 6                        |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2    | Airport       | \$ 39.29    | Baggage Claim Restroom Remodel        |

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| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Airport        | \$ 170.00   | Retainage Release                                                           |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | CDBG           | \$ 247.72   | CDBG / Comanche Park Playground Equipment Installation                      |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Park Dist 1    | \$ 1,324.14 | WO 22-08 Central Park Tennis Court replacement                              |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Trl Donatation | \$ 3,785.07 | WO 21-38 Warren Trans_Weave Const Contract                                  |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Water          | \$ 3,519.40 | WO 22-01 Water and Sewer Main Replacement                                   |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Water          | \$ 2,347.84 | WO 23-01 Contract 1, Sch 2, Ave F Area, 2023 Water Main Replac              |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Water          | \$ 1,643.60 | WO 23-01 Contract 1, Sch 3, Parkhill/Beverly Hills.. 2023 Water Main Replac |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Water          | \$ 4,923.28 | WO 23-01 Contract 1, Sch 1,Southgate DR. 2023 Water Main Replac             |
| 08/28/2023 | 864381 | MT Dept Rev-CGR2 | Water          | \$ 914.13   | WO 23-01 Contract 1. Water Main Replacement-19th & 21st St W                |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 599.08   | 70728B                                                                      |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 414.07   | 75883BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 88.00    | 75883BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 88.00    | 76173BLX1                                                                   |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 313.02   | 76173BLX1                                                                   |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 24.64    | 76458BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 12.32    | 76458BLX1                                                                   |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 177.29   | 76465BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 222.91   | 76474BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 88.00    | 76509BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 710.29   | 76509BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 73.25    | 767795BLX1                                                                  |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 61.19    | 767795BLX1                                                                  |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 228.21   | 76785BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 445.06   | 76795BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 47.26    | 77058BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 87.50    | 77082BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 213.99   | 77082BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 80.29    | 77211BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 500.81   | 77221BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 131.10   | 77222BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 118.84   | 77853BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 44.16    | 77853BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ 31.98    | 77853BL                                                                     |
| 08/28/2023 | 864375 | MT Peterbilt     | Fleet          | \$ (177.29) | CM76465BL                                                                   |

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| 08/28/2023 | 864375 | MT Peterbilt        | Solid Waste      | \$ (587.33) | CM68042                                                  |
| 08/28/2023 | 864377 | MT St Firemen       | Payroll Clearing | \$ 5,205.31 | Payroll Summary                                          |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 11.68    | 3977-505815. Turn Signal Socket Unit 1891                |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 85.80    | 3977-505835. Brake Pads                                  |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 65.00    | 3977-505835. Chassis Grease                              |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (77.38)  | 3977-505851. Accumulator                                 |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (42.28)  | 3977-505851. Pressure Switch                             |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 29.56    | 3977-505880. Air Fittings                                |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 9.75     | 3977-505891. Fitting                                     |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (11.68)  | 3977-505914. Lamp Socket Unit 1891. W/O 2024-137         |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 11.20    | 3977-506188. Paint Strainers Unit 1826. W/O 2023-2193    |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 51.29    | 3977-506365. Acetone Unit 1826. W/O 2023-2193            |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 27.30    | 3977-506395. Air Valves                                  |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 22.00    | 3977-506406. Hose End                                    |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 8.34     | 3977-506426. Quick Release Valve Unit 1837. W/O 2024-144 |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 8.38     | 3977-506426.Quick Release Valve Unit 1837. W/O 2024-144  |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (11.00)  | 3977-506908. Brass Fittings                              |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (8.38)   | 3977-506908. Quick Release Valve                         |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (27.30)  | 3977-506908. Quick Release Valves                        |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 5.42     | 3977-507693. Radiator Cap Unit 1872. W/O 2024-150        |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 20.74    | 3977-507768. Wiper Blades                                |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ (10.37)  | 3977-507813. Wiper Blade                                 |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 11.13    | 3977-507958. Paint Unit 1893. W/O 2024-135               |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 9.79     | 3977-507958. Plastic Weld Unit 1893. W/O 2024-135        |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 25.64    | 4124-336359. Hardener Unit 1826. W/O 2023-2193           |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 93.34    | 4124-336359. Paint Unit 1826. W/O 2023-2193              |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 56.99    | 4124-336359. Panel Clear Coat Unit 1826. W/O 2023-2193   |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 4,640.00 | 506846. A/C Recovery Machine                             |
| 08/28/2023 | 864384 | Napa-MET            | Transit          | \$ 5.60     | 506889. Bracket Unit 1861. W/O 2023-2337                 |
| 08/28/2023 | ACH    | Northwest Pipe      | Solid Waste      | \$ 321.03   | Invoice 7956674 Ball valve                               |
| 08/28/2023 | ACH    | Northwest Pipe      | Water            | \$ 11.54    | freight for Invoice 7928507-relief valve                 |
| 08/28/2023 | ACH    | Northwest Pipe      | Water            | \$ 6,656.59 | meter - Elks Infill                                      |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport          | \$ 2,558.94 | 0100483-7. Runway Lights. August 2023                    |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport          | \$ 1,859.35 | 0100484-5. ARFF Facility. August 2023                    |

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| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 480.03   | 0712792-1. IP-7. August 2023                        |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 1,375.86 | 0712800-2. IP-9. August 2023                        |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 239.43   | 0712809-3. Alpine. August 2023                      |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 68.10    | 1647695-4. De Icer. August 2023                     |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 1,009.71 | 1669567-8. TSA. August 2023                         |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 1,781.86 | 1993430-6. Car Wash. August 2023                    |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 323.71   | 2001846-1. Mud Wash. August 2023                    |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 257.20   | 2001848-7. Detail Bay 1 Hertz. August 2023          |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 255.42   | 2001855-2. Detail Bay 2 National/Alamo. August 2023 |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 48.38    | 2001862-8. Detail Bay 3 Enterprise. August 2023     |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 170.64   | 2001865-1. Detail Bay 4 Avis/Budget. August 2023    |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 51.75    | 2001867-7. Detail Bay 5 Avis/Budget. August 2023    |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 57.32    | 3085107-5. Employee Parking. August 2023            |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 326.19   | 3446396-8. USDA. August 2023                        |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 874.24   | 3477231-9. Parking Zone. August 2023                |
| 08/28/2023 | 864386 | NorthWestern Energy | Airport     | \$ 10.81    | 3733186-5. Airport Storage. August 2023             |
| 08/28/2023 | 864386 | NorthWestern Energy | Engineering | \$ 1,212.24 | 1741314-7                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Facilities  | \$ 9,947.93 | 0100507-3                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Facilities  | \$ 1,065.11 | 1160802-3                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Facilities  | \$ 1,466.53 | 1160804-9                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Facilities  | \$ 3,461.96 | 1269391-7                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | General     | \$ 1,642.40 | 0100506-5                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 6.00     | 0722237-5                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 6.15     | 0722247-4                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 292.28   | 0722251-6                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 108.13   | 0722255-7                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 544.75   | 0722257-3                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 423.42   | 0722260-7                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 37.27    | 0722261-5                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 24.64    | 0722262-3                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 57.18    | 0722263-1                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 187.48   | 0722265-6                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 60.79    | 0722266-4                                           |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1 | \$ 15.27    | 0722268-0                                           |

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| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 20.54     | 0722269-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 12.60     | 0722292-0 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 48.89     | 0722293-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 19.29     | 0722905-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 415.17    | 0722933-9 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ -         | 0723027-9 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 456.97    | 0723035-2 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 7.22      | 0723036-0 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 233.23    | 0723037-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 56.19     | 0723038-6 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 45.18     | 0723042-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 427.80    | 0723044-4 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 107.28    | 0723048-5 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 157.57    | 0723050-1 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 29.16     | 0723051-9 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ -         | 0723052-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 576.67    | 0723054-3 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 8.15      | 0723055-0 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 56.96     | 0723056-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 8.46      | 0723057-6 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 44.71     | 0723058-4 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 8.70      | 0723090-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 6.00      | 0723162-4 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 614.31    | 0723170-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Park Dist 1    | \$ 30.32     | 0789437-1 |
| 08/28/2023 | 864386 | NorthWestern Energy | Parking        | \$ 1,768.65  | 0720834-1 |
| 08/28/2023 | 864386 | NorthWestern Energy | Parking        | \$ 1,338.33  | 1594282-4 |
| 08/28/2023 | 864386 | NorthWestern Energy | Public Safety  | \$ 3,438.74  | 3448739-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Radio          | \$ 213.18    | 0721580-9 |
| 08/28/2023 | 864386 | NorthWestern Energy | Street/Traffic | \$ 6.00      | 0723645-8 |
| 08/28/2023 | 864386 | NorthWestern Energy | Transit        | \$ 232.62    | 1784756-7 |
| 08/28/2023 | 864386 | NorthWestern Energy | Wastewater     | \$ 2,574.15  | 0100606-3 |
| 08/28/2023 | 864386 | NorthWestern Energy | Water          | \$ 1,695.21  | 0100485-2 |
| 08/28/2023 | 864386 | NorthWestern Energy | Water          | \$ 11,817.83 | 0100540-4 |

| Check Date | Check# | Name                | Fund Name       | Amount        | Item Desc                                                   |
|------------|--------|---------------------|-----------------|---------------|-------------------------------------------------------------|
| 08/28/2023 | 864386 | NorthWestern Energy | Water           | \$ 195,635.90 | 0100606-3                                                   |
| 08/28/2023 | 864386 | NorthWestern Energy | Water           | \$ 7,722.47   | 0100606-3                                                   |
| 08/28/2023 | 864389 | Passio Tech         | Transit         | \$ 13,699.00  | MET Automated Vehicle Location System                       |
| 08/28/2023 | 864393 | Potters Industries  | Street/Traffic  | \$ 22,880.00  | traffic paint beads                                         |
| 08/28/2023 | 864399 | Purvis Industries   | Fleet           | \$ 213.11     | 31365385                                                    |
| 08/28/2023 | 864399 | Purvis Industries   | Wastewater      | \$ 863.46     | Bearing for #2 Centrifuge                                   |
| 08/28/2023 | 864399 | Purvis Industries   | Wastewater      | \$ 5,751.61   | motor and gear box for gravity thickener                    |
| 08/28/2023 | ACH    | RDO Equipment       | Fleet           | \$ 60.54      | P1648712                                                    |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 151.08     | P1626012 - 850 LONAER UNIT - AIR FILTER                     |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 150.00     | P1674712 - LOANER 850 - CUTTING EDGE                        |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 441.00     | P1719512 - SHIP/HANDLING FOR INVOICE W3960512               |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 402.88     | P1736412 - LOANER 850 - AIR FILTERS                         |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 1,005.95   | W3960512 - PARTS                                            |
| 08/28/2023 | ACH    | RDO Equipment       | Solid Waste     | \$ 1,694.00   | W3960512. Labor                                             |
| 08/28/2023 | ACH    | RDO Equipment       | Street/Traffic  | \$ (57.98)    | duplicate payment on P1647512                               |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 434.20     | east mech lighting / receptacles..suppli                    |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 19.76      | gas monitor installation supplies                           |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 43.08      | gas monitor installation supplies                           |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 93.88      | gas monitor installation supplies                           |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 97.16      | gas monitor installation supplies                           |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 833.37     | Head Works circuit breaker replacement                      |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 110.55     | replacement lamps for headworks controls                    |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 81.23      | supplies for gas monitor installation                       |
| 08/28/2023 | ACH    | Rexel USA           | Wastewater      | \$ 162.28     | Supplies for gas monitor Installation                       |
| 08/28/2023 | ACH    | Rexel USA           | Water           | \$ 182.14     | High service lighting supplies                              |
| 08/28/2023 | ACH    | Rexel USA           | Water           | \$ 485.75     | high service lighting supplies                              |
| 08/28/2023 | ACH    | Rexel USA           | Water           | \$ 2,097.84   | radio grounding materials                                   |
| 08/28/2023 | ACH    | Rexel USA           | Water           | \$ 272.96     | spare parts/ materials                                      |
| 08/28/2023 | 864404 | Routeware           | Solid Waste     | \$ 22,766.94  | Q4 2023 Support. Routeware Control Center Support.          |
| 08/28/2023 | 864407 | Sanderson Stewart   | Planning        | \$ 15,723.00  | Professional Services through August 4, 2023                |
| 08/28/2023 | 864407 | Sanderson Stewart   | Tax Incrmnt N27 | \$ 3,455.40   | WO 23-09 5th Ace Corridor - Phase 1 Preliminary Design      |
| 08/28/2023 | 864409 | School Bus Safety   | Transit         | \$ 2,950.00   | TAPTCO Web Based Transit Operator Development Course/TAPTCO |
| 08/28/2023 | 864411 | Sign Pro            | Facilities      | \$ 8,127.00   | Remove existing aluminum frames and reskin.                 |
| 08/28/2023 | 864415 | Star Service        | Solid Waste     | \$ 4,400.00   | Six (6) replacement nozzles for the CNG fueling station     |

| Check Date | Check# | Name                 | Fund Name      | Amount       | Item Desc                                |
|------------|--------|----------------------|----------------|--------------|------------------------------------------|
| 08/28/2023 | 864423 | Terri Porta Fine Art | CDBG           | \$ 3,000.00  | Mural - Basketball Court                 |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 1,175.00  | 55-gallon barrel slime. Collections.     |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 1,175.00  | 55-gallon barrel slime. Landfill.        |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 1,960.00  | Tire purchase. Collections.              |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 3,920.00  | Tire purchase. Collections.              |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 4,800.00  | Tire purchase. Collections.              |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 2,939.85  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 3,121.70  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 3,545.40  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 3,813.90  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 4,432.80  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 4,519.60  | Tire repair and purchase. Collections.   |
| 08/28/2023 | 864425 | Tire-Rama            | Solid Waste    | \$ 820.00    | Tire repairs. Landfill.                  |
| 08/28/2023 | 864425 | Tire-Rama            | Street/Traffic | \$ 35.00     | 105-1507 - TIRE REPAIR                   |
| 08/28/2023 | 864425 | Tire-Rama            | Street/Traffic | \$ 25.00     | 105-2195 - TIRE REPAIR                   |
| 08/28/2023 | 864425 | Tire-Rama            | Street/Traffic | \$ 75.00     | 105-2217 - TIRE REPAIR                   |
| 08/28/2023 | ACH    | Town & Co Supply     | Airport        | \$ 8,750.20  | Invoice #436707. Unleaded for Operations |
| 08/28/2023 | ACH    | Town & Co Supply     | Fleet          | \$ 7,522.97  | 439293                                   |
| 08/28/2023 | ACH    | Town & Co Supply     | Fleet          | \$ 17,333.19 | 439293                                   |
| 08/28/2023 | ACH    | Town & Co Supply     | Fleet          | \$ 6,725.26  | 439293                                   |
| 08/28/2023 | ACH    | Town & Co Supply     | Fleet          | \$ 9,537.86  | 439293                                   |
| 08/28/2023 | ACH    | Town & Co Supply     | Transit        | \$ 7,204.20  | 439338. Unleaded Fuel MET                |
| 08/28/2023 | ACH    | Town & Co Supply     | Water          | \$ 486.63    | fuel/Dredge                              |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ (115.81)  | BLBO0020313 - CREDIT MEMO-BLW00227019    |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 316.14    | BLCS0815755 - FILTER-CAB A               |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 316.14    | BLCS0815755 - FILTER-CAB A               |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 425.59    | BLCS0815756 - FILTER-AIR                 |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 56.97     | BLCS0816590 - HOSE ASSEM                 |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 1.29      | BLCS0816590 - SEAL                       |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 1.21      | BLCS0816590 - SEAL O RING                |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 343.50    | BLCS0816767 - CAP AS-FUEL                |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 832.38    | BLCS0816886 - CARTRIDGE AS               |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 832.38    | BLCS0816886 - CARTRIDGE AS               |
| 08/28/2023 | ACH    | Tractor & Equip      | Solid Waste    | \$ 238.12    | BLCS0817112 - ELEMENT AS-A               |

| Check Date | Check# | Name                   | Fund Name      | Amount        | Item Desc                                                    |
|------------|--------|------------------------|----------------|---------------|--------------------------------------------------------------|
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 924.00     | BLWO0226845 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 36.96      | BLWO0226845 - PARTS                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 501.00     | BLWO0226997 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 20.04      | BLWO0226997 - PARTS                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 252.00     | BLWO0227003 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 10.08      | BLWO0227003 - PARTS                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 115.81     | BLWO0227019 - MECH EXP - MEALS                               |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 3,540.00   | BLWO0227266 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 2,178.18   | BLWO0227266 - PARTS                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 1,282.50   | BLWO0227325 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 51.30      | BLWO0227325 - PARTS: CONSUMABLES                             |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 2,796.50   | BLWO0227501 - LABOR                                          |
| 08/28/2023 | ACH    | Tractor & Equipt       | Solid Waste    | \$ 5,311.64   | BLWO0227501 - PARTS                                          |
| 08/28/2023 | 864432 | Uniforms2gear          | PD Program     | \$ 4,866.72   | 4 Carrier vests for officers.                                |
| 08/28/2023 | 864432 | Uniforms2gear          | Public Safety  | \$ 291.92     | Inv2023060757, Wooley                                        |
| 08/28/2023 | 864432 | Uniforms2gear          | Public Safety  | \$ 444.56     | INV2023080545, patrol jackets                                |
| 08/28/2023 | 864436 | Value Line Publishing  | Library        | \$ 5,185.00   | JW23-178237 Annual renewal online research                   |
| 08/28/2023 | 864438 | Warren Transport       | Storm Sewer    | \$ 54,543.85  | WO 23-17 Schedule II..Cook Ave & 29th St W Improvements      |
| 08/28/2023 | 864438 | Warren Transport       | Trl Donatation | \$ 374,721.48 | WO 21-38 Schedule II Skyline Trail                           |
| 08/28/2023 | 864443 | Ylwstn Co Finance Dept | Building       | \$ 7,130.79   | Miller Building; Building Division; September, 2023 Rent     |
| 08/28/2023 | 864443 | Ylwstn Co Finance Dept | CDBG           | \$ 5,545.88   | Miller Building; Community Development; September, 2023 Rent |
| 08/28/2023 | 864443 | Ylwstn Co Finance Dept | General        | \$ 2,218.99   | Miller Building; Code Enforcement; September, 2023 Rent      |
| 08/28/2023 | 864443 | Ylwstn Co Finance Dept | Parking        | \$ 733.67     | July 2023 1/2 County Lot Meter Collections                   |
| 08/28/2023 | 864443 | Ylwstn Co Finance Dept | Planning       | \$ 4,750.50   | Miller Building; Planning Dept.; September, 2023 Rent        |

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Public Hearing and First Reading Ordinance Amending BMCC, Article 22-407, Encroachment Permit Required  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends the City Council hold a public hearing and approve first reading of the ordinance amending Billings, Montana City Code (BMCC), Article 22-407, Encroachment Permit Required.

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

There is a potential for requests for small cell facilities to be installed within the right of way. City staff has developed language to add to Billings, Montana City Code (BMCC) Section 22-407, Encroachment permit required, to require installers to apply for an encroachment permit and enter into a license agreement before installing the facilities. The language proposed to be added is as follows:

An applicant seeking to install and operate a small cell wireless facility in the public right-of-way shall obtain a revocable encroachment permit and enter into a license agreement with the City prior to constructing, attaching, and operating a small cell wireless facility in the public right-of-way.

In addition to the ordinance, a resolution is needed and is also being considered by City Council on this meeting agenda. The resolution will direct the City Administrator to develop and publish uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way; to develop an encroachment permit application form and procedures for submission of applications for deployment or modification of small cell wireless facilities in the public rights-of-way; to develop a license agreement which permittee shall enter into with the City prior to constructing, attaching, or operating a small cell wireless facility on city infrastructure in the public rights-of-way; to take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into tolling agreements to mutually extend the time for action on an application.

The modified ordinance language in addition to the approved resolution will enable the City to effectively manage the deployment of small cell facilities in the rights of way. If approved, this ordinance will have a second reading on October 9, 2023, and if approved then, would go into effect 30 days from the approval date.

**ALTERNATIVES**

City Council may:

- Approve the amendment to BMCC, Article 22-407 Encroachment Permit Required; or,
- Not approve the amendment. If the amendment is not approved, the process to permit small cell facilities in the right of way will not be defined.

**FISCAL EFFECTS**

There are minimal fiscal effects as a result of adopting this ordinance. There are fees that are defined by the Federal Communication Commission (FCC) for small cell facilities in the rights of way that could be collected with or without the ordinance and the city has right of way permit fees that would still be in effect. However, without the ordinance, an encroachment permit and license agreement would not be required so the fees would not be as clearly defined.

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**Attachments**

Ordinance Redlined  
Ordinance Clean

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THAT SECTION 22-407 OF THE BILLINGS,  
MONTANA CITY CODE BE AMENDED BY ADDING  
ENCROACHMENT PERMIT REQUIREMENTS FOR  
SMALL CELL WIRELESS FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1.** That Section 22-407, Billings, Montana City Code, be amended to read as follows:

**Sec. 22-407. Encroachment permit required.**

- (a) No encroachment on any public right-of-way or public property shall be allowed except by authority of an encroachment permit issued by the city administrator or his designee. An applicant seeking to install and operate a small cell wireless facility in the public right-of-way shall obtain a revocable encroachment permit and enter into a license agreement with the City prior to constructing, attaching, and operating a small cell wireless facility in the public right-of-way. Application for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city administrator. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city administrator or his designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the city council as provided in subsection (b) below.
- (b) From the date of denial of the permit, the applicant shall have ten (10) days in which to submit a written notice appealing such denial to the city council. The notice of appeal shall be filed with the city clerk and shall state reasons supporting the grant of the encroachment permit, the applicant's correct mailing address and telephone number, shall be signed by the applicant and shall be accompanied by the processing fee as prescribed by council resolution. The appeal shall be placed on a city council agenda not more than twenty-one (21) days after receipt of notice. The applicant shall be notified in writing by certified mail, return receipt requested, of the date and time the matter will be considered on the agenda. In addition, notice of the hearing shall be published once in the official city legal newspaper prior to the hearing. The notice shall include the proposed encroachment encroaches, the extent of the encroachment and the duration. The applicant and all other interested persons may appear at the time and place and be heard either for or against.

**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 and ordinances 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 or application, and, to this end, the provisions of this ordinance are declared severable.

PASSED by the City Council on first reading the 25<sup>th</sup> day of September, 2023.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF BILLINGS

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

Attest:

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THAT SECTION 22-407 OF THE BILLINGS,  
MONTANA CITY CODE BE AMENDED BY ADDING  
ENCROACHMENT PERMIT REQUIREMENTS FOR  
SMALL CELL WIRELESS FACILITIES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1.** That Section 22-407, Billings, Montana City Code, be amended to read as follows:

**Sec. 22-407. Encroachment permit required.**

- (a) No encroachment on any public right-of-way or public property shall be allowed except by authority of an encroachment permit issued by the city administrator or his designee. An applicant seeking to install and operate a small cell wireless facility in the public right-of-way shall obtain a revocable encroachment permit and enter into a license agreement with the City prior to constructing, attaching, and operating a small cell wireless facility in the public right-of-way. Application for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city administrator. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city administrator or his designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the city council as provided in subsection (b) below.
- (b) From the date of denial of the permit, the applicant shall have ten (10) days in which to submit a written notice appealing such denial to the city council. The notice of appeal shall be filed with the city clerk and shall state reasons supporting the grant of the encroachment permit, the applicant's correct mailing address and telephone number, shall be signed by the applicant and shall be accompanied by the processing fee as prescribed by council resolution. The appeal shall be placed on a city council agenda not more than twenty-one (21) days after receipt of notice. The applicant shall be notified in writing by certified mail, return receipt requested, of the date and time the matter will be considered on the agenda. In addition, notice of the hearing shall be published once in the official city legal newspaper prior to the hearing. The notice shall include the proposed encroachment encroaches, the extent of the encroachment and the duration. The applicant and all other interested persons may appear at the time and place and be heard either for or against.

**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 and ordinances 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 or application, and, to this end, the provisions of this ordinance are declared severable.

PASSED by the City Council on first reading the 25<sup>th</sup> day of September, 2023.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF BILLINGS

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

Attest:

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Resolution for Managing Deployment of Small Cell Facilities in the Right of Way  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends that City Council approve the resolution for managing deployment of small cell facilities in the right of way.

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

There is a potential for requests for small cell facilities to be installed within the right of way. A resolution is being proposed that directs the City Administrator to develop and publish uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way; to develop an encroachment permit application form and procedures for submission of applications for deployment or modification of small cell wireless facilities in the public rights-of-way; to develop a license agreement which permittee shall enter into with the City prior to constructing, attaching, or operating a small cell wireless facility on city infrastructure in the public rights-of-way; to take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into tolling agreements to mutually extend the time for action on an application.

In addition to the resolution, city staff has developed language to add to Billings, MT City Code (BMCC) Section 22-407, Encroachment permit required, to require installers to apply for an encroachment permit and enter into a license agreement before installing the facilities. The first reading of the ordinance is on this same City Council agenda for approval. The resolution in addition to the modified ordinance language will enable the City to effectively manage the deployment of small cell facilities in the rights of way.

**ALTERNATIVES**

City Council may:

- Approve the resolution; or,
- Not approve the resolution. If the resolution is not approved, small cell facilities will be installed in the right of way without design standards, license agreement or encroachment permits.

**FISCAL EFFECTS**

There are no direct fiscal effects with the approval of this resolution. The permit fees will be included in future right of way permit resolutions. The cost to not approving the resolution would be in the form of added cost to the city to manage improperly installed facilities.

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**Attachments**

Resolution

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

**A RESOLUTION OF THE CITY OF BILLINGS  
ESTABLISHING A PROCESS MANAGING DEPLOYMENT  
OF SMALL CELL WIRELESS FACILITIES IN PUBLIC  
RIGHTS-OF-WAY**

**WHEREAS**, the City desires to establish a process and uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way consistent with the City's obligation to promote the public health, safety, and welfare, and to manage and ensure that the public's use of the public rights-of-way is not incommoded by the placement of wireless facilities; and

**WHEREAS**, the City recognizes the importance of small cell wireless facilities to provide high-quality information and communications services to residents and businesses within the City; and

**WHEREAS**, the City also recognizes its obligation to comply with applicable federal law regarding the placement of personal wireless services facilities in its public rights-of-way.

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

1. NOTICE OF HEARING. On Monday, September 28, 2023, 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.
2. The City Administrator is directed to develop and publish uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way; to develop an encroachment permit application form and procedures for submission of applications for deployment or modification of small cell wireless facilities in the public rights-of-way; to develop a license agreement which permittee shall enter into with the City prior to constructing, attaching, or operating a small cell wireless facility on city infrastructure in the public rights-of-way; to take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into tolling agreements to mutually extend the time for action on an application.

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

PASSED, ADOPTED and APPROVED on this 25<sup>th</sup> day of September, 2023.

CITY OF BILLINGS

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

Attest:

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Public Hearing and Resolution Annexation 23-07  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00140

**RECOMMENDATION**

Staff recommends the City Council hold a joint public hearing on the annexation and zone change. Upon completion of the hearing, staff recommends the City annex the petitioned property with the staff recommended conditions of approval.

Note: Although a joint hearing is held on the annexation and zone change, the Council is required to take two separate actions.

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

Sanderson Stewart, on behalf of Andrew Boetticher, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located at 2449 Blue Creek Road, north of Blue Creek Road and West of Colleen Drive. The land being annexed is described as being Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder. Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416. Said annexation containing 3.206 gross acres and 2.804 net acres, more or less. The property is zoned RR1 (Rural Residential 1ac -- 2.99ac). This is not a zoning district recognized by the City. There is a concurrent zone change (ZC 1035) to bring the zoning into compliance with N3 (Suburban Neighborhood Residential) Zoning.

It is the City's custom to have staff prepare a brief analysis of predicted impacts to services and facilities. Staff finds the proposed annexation complies with the adopted Annexation Policy criteria as follows:

1. The area must be located within Zone 1 or Zone 3 of the Limits of Annexation Map.
  - As evidenced on the attached "Limits of Annexation" Exhibit.
2. The City must be able to provide adequate city services at a cost acceptable to the City within a time period mutually agreed to by the property owners requesting annexation and the City.
  - The Annexation Agreement, which is a condition of approval, is the binding contractual agreement that identifies requirements of the City and the Developer to ensure services are provided in a mutually agreed to time. The Annexation Agreement will be considered at this same City Council meeting. The developer is required to meet this condition within 45 days per the attached resolution.
3. Existing or proposed public improvements within the area to be annexed must meet City standards.
  - The Annexation Agreement, which is a condition of approval, will outline public improvements required of the developer as part of developing the property. The only way this property could be developed in the city not according to adopted policies and regulations would require action from City Council or the Board of Adjustment to grant variances allowing deviations from adopted codes.
4. All property owners within the area to be annexed must sign a Waiver of Right to Protest the creation of Special Improvement Districts.
  - Included as a condition of approval of the resolution and provided as an attachment to the Annexation Agreement.
5. All residential property owners within the area to be annexed must create or join an existing park maintenance district.
  - This property is not adjacent to an existing park maintenance district nor creating additional parkland for City, therefore the criteria does not apply.
6. Residential densities planned for development within the area to be annexed must meet an overall average minimum density of primary dwelling units per acre as per the current City of Billings Growth Policy or similar planning documents.
  - While only one residence is planned for now, the size of this property could allow for future redevelopment for additional single family homes due to the size of the lot.
7. The proposed land use within the area to be annexed must conform to the goals of the Adopted City of Billings

Growth Policy. The following growth policy statements most apply to this development.

- **Essential Investments** (relating public and private expenditures to public values)
  - The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
  - Infill development and development near existing City infrastructure may be the most cost-effective.
  - Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.
- **Prosperity** (promoting equal opportunity and economic advancement)
  - A diversity of available jobs can ensure a strong Billings' economy.
  - Successful businesses that provide local jobs benefit the community.
  - Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.
  - Retaining and supporting existing businesses helps sustain a healthy economy.

Departmental Response: City and County Departments were given the opportunity to comment on this annexation. City departments responded favorably and detailed responses are provided below.

- Water and Sanitary Sewer: Public water and sanitary sewer service is available to the property proposed for annexation. The Developer will be responsible for the design and construction of sanitary sewer and a water main connections in Blue Creek Road along the frontage of the above-described property.
- Storm water: Any development will be compliant with the adopted Stormwater Management Manual.
- Transportation: The Developer Tract will be accessed from Blue Creek Road. The Public Right-of-way along Blue Creek Road will be dedicated to the City of Billings.
- Fire Stations: The Blue Creek Volunteer Fire Department currently serves the subject property. The nearest fire station is the Blue Creek Volunteer Fire Department, located at 2504 Blue Creek Road, approximately 100 feet or 30 seconds of driving time to the subject property. The Billings Fire Department will also be able to serve the property upon annexation through Station #4, located at 475 6th St. W, approximately 5 road miles or 11-13 minutes driving time to the subject property. The existing fire hydrants along Blue Creek Rd. are in excess of 800' from the property. A hydrant will be required to meet the minimum 600' distance requirement if a residence is built.
- Parks: No Parkland or Trails will be required as part of this annexation.
- School facilities: This area is served by School District 2 & School District 3. Blue Creek Elementary (SD3) did not respond for comment. Riverside Middle School (SD2) will serve this area and is under capacity. Senior High School (SD2) will serve this area and is over capacity.

General City Services: These are the City services that are provided to all residents and businesses in the City, such as police and fire protection, street and storm drain maintenance, and garbage collection and disposal. The service providers that responded did not object to the annexation of this property, however the Fire Department in its comments above did note its concerns as additional property is annexed into the City.

- Transit: The annexed area is not directly serviced by a MET Route. The nearest MET route currently operates through the intersection of S. Billings Blvd & Midland Road. This intersection is approximately 2 miles from the proposed annexation location via roadway. MET does not anticipate that a fixed route would operate in the area until more significant commercial and/or residential growth necessitated transit service in the area.
- Police: This proposed development is adjacent to established city limits and will not require an adjustment in schedules or staffing at this time. There is sufficient ingress/egress to the area. This area is disjointed from the rest of the patrol area so it gets moderate attention. Continued development and annexation without commensurate resources has affected the Police Department's ability to deliver service.
- Public Utilities: The Public Works-- Distribution and Collection Division had no concerns with the annexation request.
- Public Works -Street and Traffic Division: The Street and Traffic Division stated that it has no concerns with serving the property.
- Public Works-Solid Waste: The Solid Waste Division had no concerns with annexing the property, but pointed out that State Law allows the property owner to choose what garbage hauler may service the property after it is in the City.
- Ambulance Service: The City does not provide ambulance service, however it does dictate the level of service provided by American Medical Response (AMR). By City ordinance, 90% of ambulance calls must be answered within 8 minutes. Depending on factors at any given time such as traffic and congestion, this property may be within the area of acceptable response time.
- Legal and Finance: General Fund services, such as the Legal and Finance Departments should not be negatively impacted by this annexation.
- Other Departments: City/County services including Library, Planning, and Environmental Health are only slightly

affected by the annexation since they will continue to serve the property whether it is in the City or the County. The Planning Division staff supports the annexation because it is consistent with the Limits of Annexation map and the criteria of the annexation policy has been met. Further, coordination with other departments does not raise concerns that cannot be mitigated.

These decisions have a cumulative affect, therefore, City Council is being provided with a recommendation of approval.

#### **STAKEHOLDERS**

Annexation by petition does not require notification of adjoining landowners; however, it does require that the City Council conduct a public hearing, advertise the hearing, and post the property with information on the annexation petition and public hearing. Notice of the public hearing was posted on the property and was advertised in the Yellowstone County News.

#### **ALTERNATIVES**

The City Council may

- Approve,
- Conditionally approve or
- Deny the petition for annexation.

Denial of the petition will mean the City Council cannot consider other agenda items related to this property regarding the annexation agreement and ward boundary ordinance. On July 25, 2023, the annexation petition was submitted to the Planning Division by the owner's agent. On September 25, 2023, the City Council is scheduled to take action on the petition.

#### **FISCAL EFFECTS**

This application has no impact on the Planning Division Budget.

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#### **Attachments**

Annexation Resolution 23-07  
Limits of Annexation

## RESOLUTION NO. 23 -

### A RESOLUTION APPROVING PETITION FOR ANNEXATION AND ANNEXING TERRITORY TO THE CITY.

WHEREAS, one hundred percent (100%) of the freeholders who constitute more than fifty percent (50%) of the resident freeholder electors have petitioned the City for annexation of the territory hereinafter described; and

WHEREAS, the territory was described in the Petition as required by law; and

WHEREAS, annexation of said territory would be in the best interest of the City.

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

1. TERRITORY ANNEXED. Pursuant to Petition filed as provided M.C.A., Title 7, Chapter 2, Part 46, the following territory is hereby annexed to the City of Billings:

Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as follows:

Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder.

Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416.

Said annexation containing 3.206 gross acres and 2.804 net acres, more or less.

(# 23-07) See Exhibit "A" Attached

2. CONDITIONS. The annexation is approved, subject to the following conditions:

- Within 45 working days and prior to site development, a mutually acceptable Development Agreement shall be executed between the owner(s) and the City that shall stipulate, among other things, specific infrastructure improvements and right-of-way dedication, provide guarantees for said improvements, and include a Waiver of Right to Protest the Creation of

Special Improvement Districts which will be recorded with the Yellowstone County Clerk and Recorder.

If the above conditions are not satisfied as set forth herein, the annexation will not be effective and any subsequent requests for annexation of the property legally described within this resolution shall be processed as a new petition for annexation.

3. EFFECTIVE DATE. This resolution to annex the above-described territory shall be effective immediately upon satisfaction of all conditions. If the above condition(s) are not satisfied, this resolution shall be null and void and shall have no effect.
4. PROCEDURE. All procedures as required under M.C.A., Title 7, Chapter 2, Part 46, have been duly and properly followed and taken.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 25<sup>th</sup> day of September, 2023.

CITY OF BILLINGS:

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

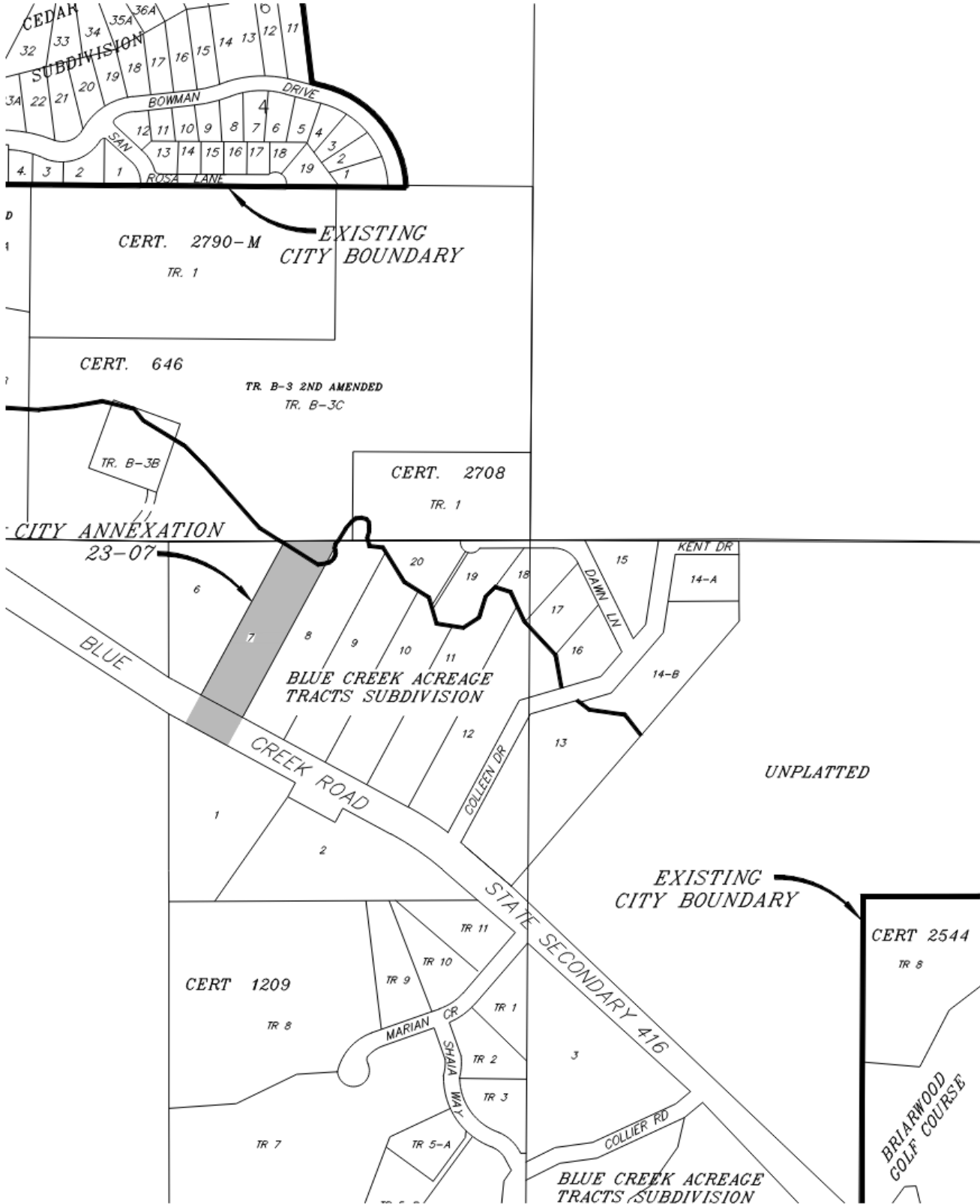
William A. Cole, Mayor

ATTEST:

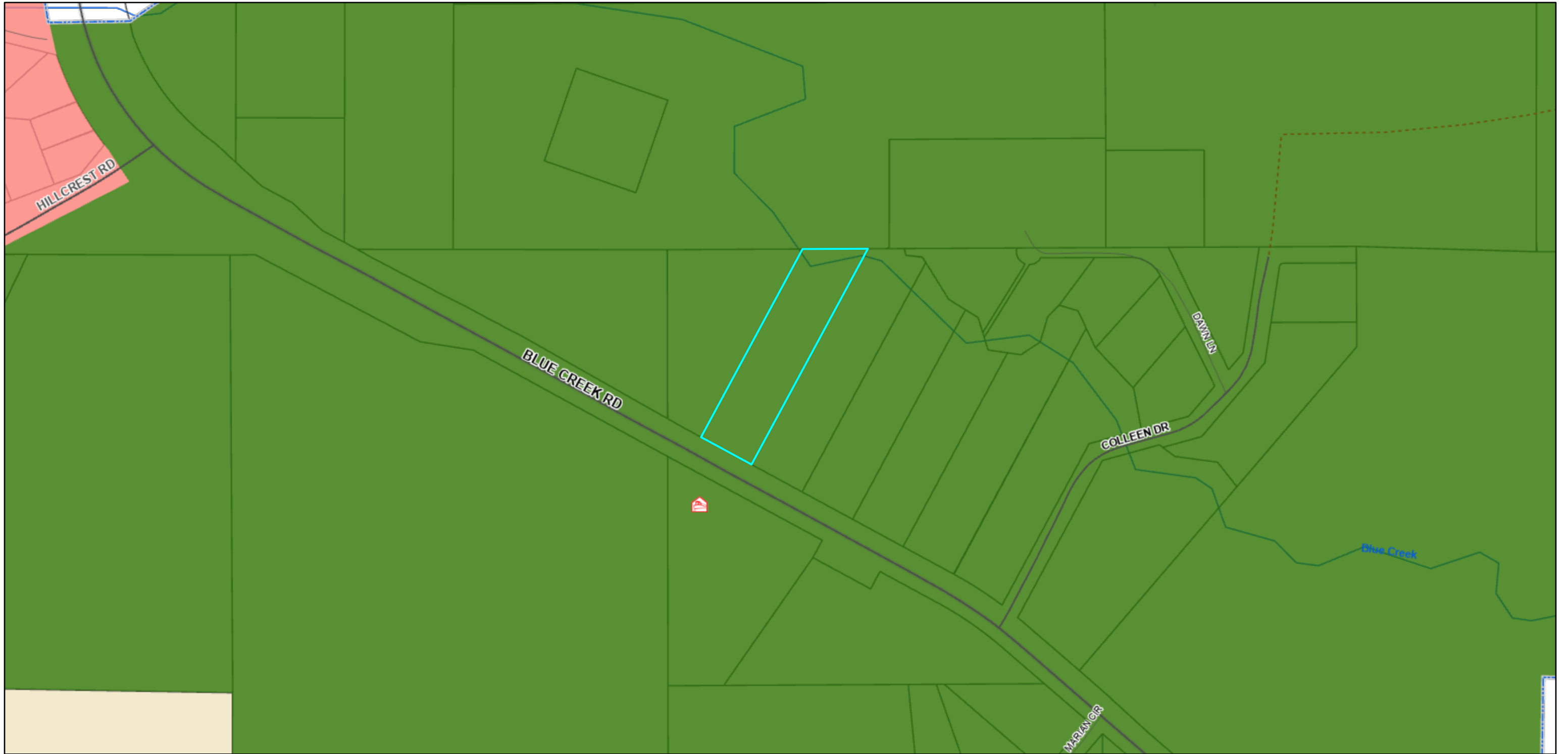
BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk  
(# 23-07)

# EXHIBIT "A"



# Limits of Annexation Map



9/1/2023, 8:53:09 AM

Limits of Annexation

Zone 1 Petition Area

Zone 3 County Developed Area

Streams, Ditches, Canals

Creek or Slough

Tax Parcels

Billings City Limits

Road Centerline

US ROUTE or STATE HIGHWAY

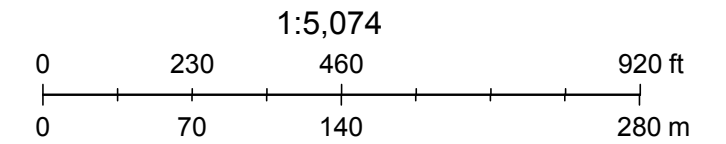
ARTERIAL

COLLECTOR

STREET

UNDEVELOPED ROAD

Fire Stations



## City Council Regular

**Date:** 09/25/2023  
**Title:** Zone Change 1035 - 2449 Blue Creek Road - RR1 to N3  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00141

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### RECOMMENDATION

The Zoning Commission recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1035.

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

This is a zone change request from Rural Residential 1 (RR1), a county zone district, to Suburban Neighborhood Residential (N3) on Lot 7 of Blue Creek Acreage Tracts Subdivision, a 2.804 acre piece of land. There is a concurrent petition for annexation to the city.

This zone change request is to allow for the annexation of the subject property to ultimately allow connection to city services. All annexations require the property be zoned with a zoning district that is recognized by the City Zoning. The property is currently zoned RR1 which is a zone district only allowed in the county. A zone change in combination with the annexation is required.

### APPLICATION DATA

OWNER: Andrew Boetticher  
AGENT: Andrew Boetticher  
LEGAL DESCRIPTION: BLUE CREEK ACREAGE TRACTS SUBD, S28, T01 S, R26 E, Lot 7  
ADDRESS: 2449 Blue Creek Road  
CURRENT ZONING: RR1 (Rural Residential 1 ac to 2.99 ac)  
EXISTING LAND USE: Vacant/Agricultural  
PROPOSED USE: Residential  
SIZE OF PARCEL: 2.804 Acres

### CONCURRENT APPLICATIONS:

Petition for Annexation 23-07

### SURROUNDING ZONING AND LAND USE:

NORTH: Zoning: RR1  
Land Use: Vacant Land  
SOUTH: Zoning: P2 - Public - Civic & Institutional  
Land Use: Blue Creek Fire Volunteer Fire Department  
EAST: Zoning: RR1  
Land Use: Vacant  
WEST: Zoning: RR1  
Land Use: Vacant/Agricultural

The property owners intended to develop a single-family residence on the lot in the County, but the property is not eligible to install a septic system due to close proximity of city services. The only available method for wastewater management on the lot was through the connection to city sewer mains located in Blue Creek Road. Connection to city services requires an annexation, and the annexation requires a zone change to a residential district in the city.

### STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on July 24th, 2023 at 7pm. The meeting was held at the subject property. While there were only eight property owners within the 300' mailing radius, twelve participants showed up to the meeting. Minutes taken at the pre-app meeting show there were six opposed to the action and six in support. The six in opposition were concerned the proposal would "force their own properties into annexation". The applicant tried to explain how the City does not forcibly annex property, but was met with skepticism by those in opposition. The meeting lasted a total of 40 minutes.

The Zoning Commission held a public hearing for this zone change on September 5, 2023. Planner Hunter Kelly gave a staff presentation on the item to the Zoning Commission. Commissioner Goss asked about the distance of the subject property in relation to the current city limits, with staff responding its was equidistantly a mile from Cedar Park Subdivision and Briarwood Estates, which are in city limits. Commissioner Brooks asked about the possibility of denser development on the lot, especially in light of SB 323. Staff responded that the proposed zoning could allow for more houses than currently proposed, due to the current minimum street frontage standards for the N3 Zoning. Commissioner Brooks further inquired on the supposed septic issues for the site, and staff recalled the information provided in the application: DEQ claimed the property was not ideal for a septic wastewater system. There were no more questions for staff. The applicant was then invited to speak: Andrew Boetticher went to the podium and discussed the specific conditions regarding wastewater management on the site that ultimately required this annexation and subsequent zone change. There were no further questions for the applicant. No members of the public spoke on the project. Chairman Larson then closed the public hearing. Commissioner White made a motion for approval, and was seconded by Commissioner Brooks. There was no further discussion. The Zoning Commission recommended approval on a 5-0 Vote.

The public hearing(s) were advertised in the Yellowstone County News, the property was posted and notices were sent to the surrounding owners. No surrounding owners contacted the Planning staff prior to the writing of this report.

## ALTERNATIVES

The City Council may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1035; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1035; 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

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

The proposed zoning conforms to the following City of Billings 2016 Growth Policy and guidelines:  
Essential Investments (relating public and private expenditures to public values)

- The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plans.
- Infill development and development near existing City infrastructure may be the most cost-effective.
- Infrastructure and service investments that stabilize or improve property values, secure future utility costs, consider maintenance costs, and improve our environmental quality far into the future (i.e. energy efficient) are desirable.

Prosperity (promoting equal opportunity and economic advancement)

- A diversity of available jobs can ensure a strong Billings' economy.
- Successful businesses that provide local jobs benefit the community.
- Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.
- Retaining and supporting existing businesses helps sustain a healthy economy.

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

The new zoning (N3) requires minimum setbacks, open and landscaped areas and building separations per section 27-300.5. The new zoning, as do all zoning districts, provides adequate building separations to provide security from fire and other dangers. Buildings developed within the city limits will comply with building and fire safety codes.

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

The proposed zoning (N3) would allow the owner to develop a single family home which is similar to the surrounding area. The site and structure regulations found in 27-300.5 in the N3 district promote the minimum standards to ensure public health and safety and promote general welfare. An on-site septic facility is prohibited for the property due to proximity to existing city services. Annexation and zoning of the property will promote public health and public safety.

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

Transportation: The proposed zoning will have little impact on the surrounding transportation systems as there are no more than 1 residence expected on the property. There will be no significant impact on the transportation network at this time and a minimal impact if an additional single family home were to be constructed. Blue Creek Road is a state maintained principle arterial. There are no capacity concerns. Water and Sewer: The property does not have access to utilities at this time, however the applicant has requested annexation. Upon annexation approval the property will connect to City water and sewer. Water and sewer are available in the adjacent right of way. Schools and Parks: Schools and parks should not be significantly affected by the proposed zone change as there are no more than 1 residence expected on the property. Fire and Police: The property will be served by the City of Billings Fire and Police upon successful annexation. The Police and Fire Departments have not stated concerns with the request.

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

The proposed N3 zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air as required by the site a structure regulations found in 37-300.5. Any residential structure built in the future must comply with the setback and separation requirements in Section 27-300.5 ensuring adequate light and air.

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

The new zoning will have no significant effect on vehicle and pedestrian traffic. The property is intended to create a single household and generate minimal trips. Additionally, the property is located adjacent to Blue Creek Road, a principal arterial roadway with adequate capacity to handle the additional residence.

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

The proposed zone change will not negatively impact urban growth. Any future home must be in compliance with the N3 zone and is an acceptable use of property within the City of Billings. The size of this property could allow for future redevelopment for additional single family homes due to the size of the lot. From a service standpoint, annexation and serving properties with nearby city services is ideal. This property is adjacent to city water and sewer facilities. With all of these items considered, the new zoning allows for opportunity to promote future and 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 development continues the character of the district. The development pattern in this area is single family homes. The existing county zone allows single family homes only and the N3 zone is a compatible and similar city zone The zone designation and annexation will not alter how the property is being used presently, therefore there are no suitability concerns.

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

The new zoning is not expected to alter the value of any buildings in the area. Any new or redevelopment of the property will need to meet the applicable site development requirements in the zoning code, including landscaping, screening, building heights and setbacks for the N3 zoning district.

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

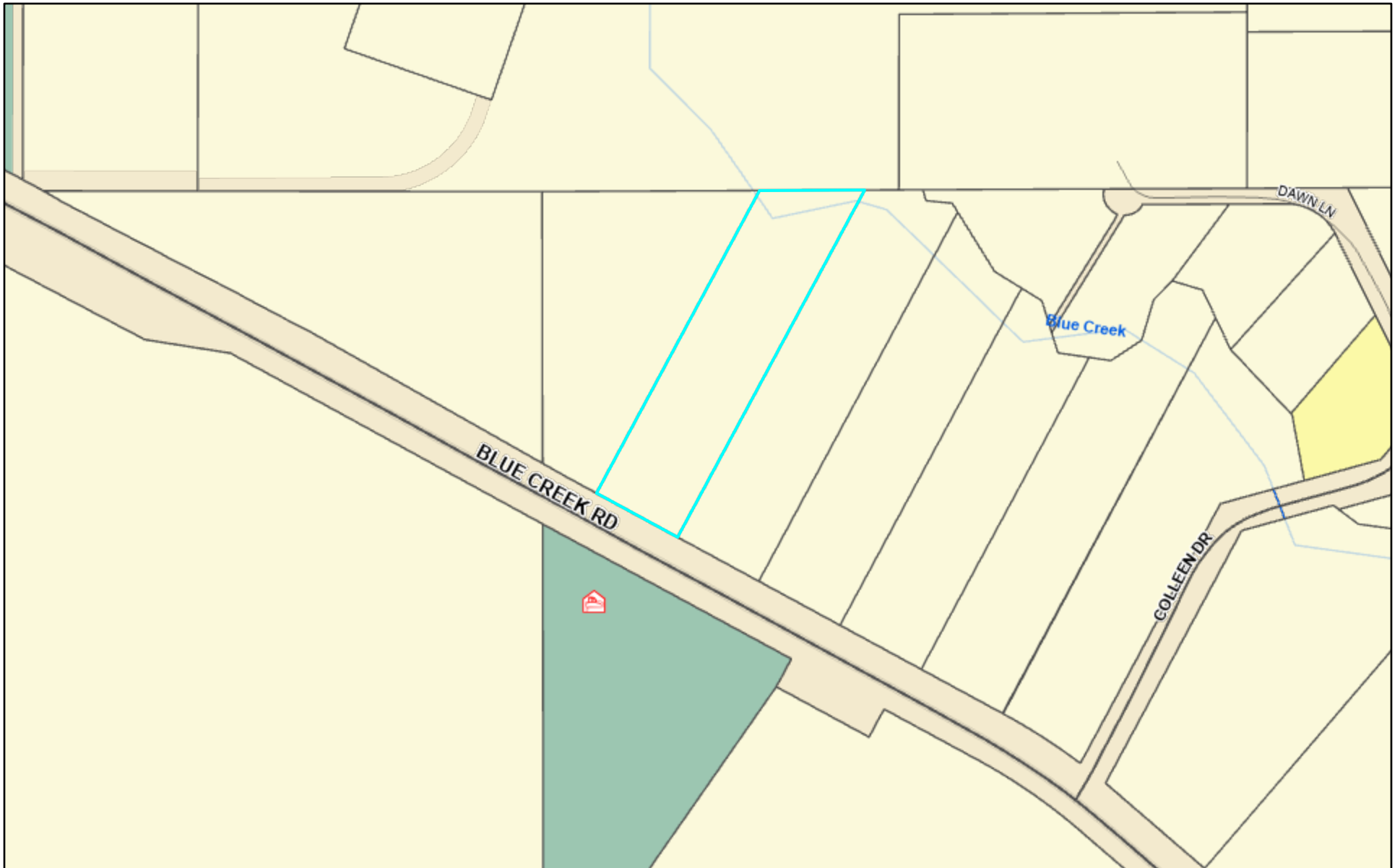
The proposed zoning will allow a residential property outside the City limits of Billings to be annexed into the City and connect to City services so the property can be used for a residential dwelling. There are no indicators the N3 zoning is not the most appropriate use of the land.

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**Attachments**

Zoning Map and Site Photos  
Chart of Zoning History  
Pre-Application Meeting Minutes  
Application  
Justification Letter  
Zoning Ordinance 1035

# Zone Change 1035



8/28/2023, 11:51:04 AM

Billings - County Zoning

/// A - Agriculture (10+ acres)\*

■ N4 - Large Lot Suburban Neighborhood\*

■ P2 - Public-Civic, Institutional

■ RR1 - Rural Residential (1 to 2.99 acres)\*

■ RR3 - Rural Residential (3 to 9.9 acres)\*

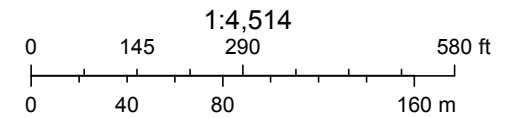
□ Tax Parcels

— Streams, Ditches, Canals

— Creek or Slough

— Road Centerline

— US ROUTE or STATE HIGHWAY



**ZONING  
REQUEST**

ZONE  
CHANGE  
**1035**  
SPECIAL  
REVIEW  
VARIANCE

An orange rectangular sign with rounded corners is mounted on a black metal post. The sign is divided into three sections. The top section contains the text 'ZONING REQUEST' in large, bold, black capital letters. The middle section contains two white documents pinned to the sign; the left document has a logo and text, and the right document is a map with a red-shaded area. The bottom section contains the text 'ZONE CHANGE', '1035', 'SPECIAL REVIEW', and 'VARIANCE' in smaller black capital letters.







**BIM**  
CONSTRUCTION CORP.  
All phases of home building  
406-637-4152





B

C

V

F

D

BLAKE CREEK  
POL. FIRE DEPT.  
BLAKE CREEK  
FIRE SERVICE AREA

♿



ZONING  
REQUEST

| <b>SUBJECT PROPERTY</b>                         | <b>Zone Change #</b> | <b>DATE</b>        | <b>FOR</b>                                             | <b>APPROVED (Y/N)</b>     | <b>ADDITIONAL DATA</b> |
|-------------------------------------------------|----------------------|--------------------|--------------------------------------------------------|---------------------------|------------------------|
| Blue Creek Acreage Tracts<br>Subs, Lot 7        | <b>City ZC 1035</b>  | September 25, 2023 | Annexation & Zone<br>Change of Residential<br>property | -                         | RR1 Zone District      |
| <b>SURROUNDING<br/>PROPERTY</b>                 | <b>Zone Change #</b> | <b>DATE</b>        | <b>FOR</b>                                             | <b>APPROVED<br/>(Y/N)</b> | <b>ADDITIONAL DATA</b> |
| BLUE CREEK STORAGE<br>SUB, LT 2                 | City ZC 1017         | Sept 26, 2022      | CMU1 to CX                                             | N                         | Valid Protest Petition |
| Cedar Park Subdivision                          | Annexation           | 2002               | Connect to Water &<br>Sewer                            | Y                         | N3 via Project ReCode  |
| Briarwood Subdivision                           | Annexation           | 2002               | Connect to Water &<br>Sewer                            | Y                         | PUD- R-9600            |
| Cherry Creek Estates Sub,<br>Block 2 , Lot 1    | City ZC 995          | August 23, 2021    | RR1 & P1 to N3                                         | Y                         | Annexed                |
| Tr. 1A-1 and 1A-2,<br>Certificate of Survey 266 | City ZC 994          | August 23, 2021    | RR1 to N3                                              | Y                         | Annexed                |
|                                                 |                      |                    |                                                        |                           |                        |
|                                                 |                      |                    |                                                        |                           |                        |
|                                                 |                      |                    |                                                        |                           |                        |
|                                                 |                      |                    |                                                        |                           |                        |
|                                                 |                      |                    |                                                        |                           |                        |

## Summary of Neighborhood Meeting

On July 24th, 2023 at 7:00pm, a neighborhood meeting was held on the property with the legal description Blue Creek Acreage Tracts Subs, S28, T01S, R26E, Lot 7. The purpose of the meeting was to make adjacent property owners aware of the owner's plans to annex into the city of Billings for the purposes of connecting to city services and apply for a zone change from RR1 to N3 to comply with available city zone codes. A list of attendees is attached.

The meeting began with the owner introducing himself and his builder. The owner then explained that his original intent for the property was to remain within the county, but because of DEQ requirements related to new septic fields, the owners decided that annexation and rezoning would better suit their needs.

A concern was raised by many of the attendees, several of whom are not within the 300' radius, that they would not support a zoning change out of fear that if the subject property were to be annexed, their properties could then be forced into annexation. The owner stated that in previous conversations with personnel within the city planning department, he was told that the city cannot force anyone into annexation. Several attendees basically replied with something to the extent of "if it's not in writing, they don't believe it".

Some of the attendees asked what the owner's intended use for the property was, to which the owner advised them that he plans to build a single family residence and a small shop space and is looking for more space to pursue gardening and fruit tree growing interests.

After approximately 30 minutes, six of the attendees, most of which were the vocal opponents of annexation and rezoning, left the meeting. At that time, the six remaining attendees, all but one of whom is an adjacent property owner, stated their approval of the proposal for the property.

By 7:40, all attendees had left.

# APPLICATION FORM

CITY ZONE CHANGE Billings Zone Change # \_\_\_\_\_ - Project # PZX-23-00141

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 RR1

Proposed Zoning: NB

TAX ID# C02386 CITY ELECTION WARD \_\_\_\_\_

Legal Description of Property: BLUE CREEK ACRES SUBS S28, T01S R26E LOT 7

Address or General Location (If unknown, contact City Engineering): 2449 BLUE CRK RD

Size of Parcel (Area & Dimensions): 2.804 ACRES

Present Land-Use: AGRICULTURAL

Proposed Land-Use: RESIDENTIAL W/ AGRICULTURAL

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): ANDREW K BOETTICHER & MICHELLE SPENNY

(Recorded Owner)

2535 GLENGARRY CT BILLINGS MT 59101

(Address)

406-697-1077

(Phone Number)

aboetticher@charter.net

(email)

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

(Name)

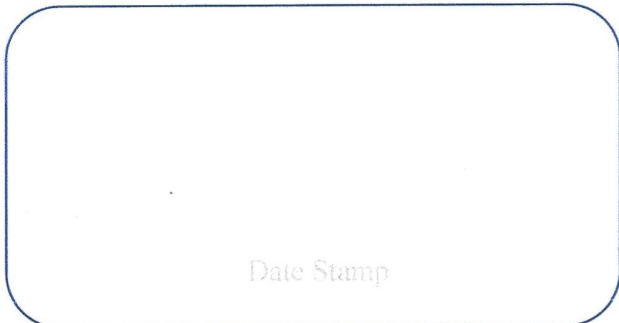
(Address)

(Phone Number)

(email)

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

Signature: [Signature] Date: 7/25/2023  
(Recorded Owner)



Date Stamp

Andy Boetticher  
2535 Glengarry Court  
Billings, MT 59101

July 31st, 2023

Planning and Community Services Department  
2825 3rd Ave N, 4th Floor  
Billings, MT 59101

Re: Zone Change Request

To Whom it May Concern,

My wife and I are requesting a zone change for a parcel of land we own, legally known as Blue Creek Acreage Subs, S28, T01 S, R26E, Lot 7. This is a 2.804 acre sized lot located along Blue Creek Road approximately one mile west of the Briarwood Subdivision. Currently zoned RR1, we are requesting a change to N3 concurrent with a Petition for Annexation.

Consistent with the city of Billings' Growth Policy Statement, the requested zone change will allow us to develop the subject property while tying into existing city infrastructure and will provide additional increased tax revenue for the city of Billings as compared to an RR1 zone classification. My wife and I have contracted with a local architecture firm to design a modest 3300sf single family home that will complement the existing rural character of the surrounding neighborhood, preserve the natural areas and maintain the agricultural landscape.

Currently, the majority of properties in the immediate area are zoned RR1 or RR3. Many of the lots remain purely agricultural in nature, and those that do have residential structures were built prior to the installation of city services along Blue Creek Road and therefore rely on septic and cistern for basic services. Unfortunately, the subject property is not approved for septic, so we are unable to develop the lot under current zoning. The requested N3 zone classification coupled with annexation will provide us with the ability to utilize city services and develop the lot without any negative impact to adjacent properties while also supporting Billings' overall growth policies.

Thank you for considering our request.

Sincerely,



Andrew K Boetticher

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON C.O.S. 3795,  
PARCEL C, 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 Section 27-1628, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** **Lot 7 of Blue Creek Acreage Tracts Subdivision,** is presently zoned **Rural Residential 1 acre to 2.99 acres (RR1)** a county zone, 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 **Lot 7 of Blue Creek Acreage Tracts Subdivision,** is hereby changed from **Rural Residential 1 acre to 2.99 acres (RR1)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to **Suburban Neighborhood Residential (N3),** as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, or upon effective date of Resolution 23-\_\_\_\_\_ approving the annexation of the above territory, whichever is later.

**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 25th day of September, 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October, 2023

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1035 - Lot 7 of Blue Creek Acreage Tracts Subdivision

Zone Change 1035

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Annexation Agreement with Andrew Boetticher and Michelle Spenny  
**Presented by:** Debi Meling  
**Department:** Public Works  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** NA

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**RECOMMENDATION**

Staff recommends that the City Council approve the Annexation Agreement with Andrew Boetticher and Michelle Spenny.

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

City Council will consider annexation of Lot 7 of Blue Creek Acreage Tracts Subdivision. The property proposed to be annexed is located adjacent to Blue Creek Road, generally north of Briarwood Subdivision. Blue Creek Road is a Montana Department of Transportation (MDT) operated facility. Typically, as a condition of approval of the annexation, the property owner enters into an Annexation Agreement with the City of Billings outlining necessary public improvements. The Annexation Agreement outlines the off-site improvements necessary for development including access to the site and construction of water, sanitary sewer, and storm drain. The Annexation Agreement provides for City required off-site improvements should the property be annexed and developed without a subdivision plat.

Currently, this property is vacant. The owners are proposing to construct a single family home, and are annexing in order to obtain utilities. The Annexation Agreement for this Council action generally includes the following conditions or improvements:

- Requirements for connection to water and sanitary sewer including pay back for their proportionate share of the construction of the mains along their property; and
- Review and approval of access to Blue Creek Road by MDOT; and
- Waiver of Right to Protest.

**ALTERNATIVES**

City Council may:

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

**FISCAL EFFECTS**

If the Annexation Agreement is approved, the property owners will be required to reimburse the City for their proportionate share of the cost of the existing water and sanitary sewer mains in Blue Creek Road. Based on the cost to install the mains, the reimbursement amounts are estimated at \$5,488.00 for water and \$18,306.75 for sewer.

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**Attachments**

Annexation Agreement

## **ANNEXATION AGREEMENT**

**THIS ANNEXATION AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between Andrew Boetticher & Michelle Spenny, 2535 Glengarry Court, Billings, MT 59101 hereinafter referred to as “DEVELOPERS,” and THE CITY OF BILLINGS, MONTANA, a municipal corporation, c/o City Hall, 210 North 27th Street, Billings, Montana, 59101, hereinafter referred to as the “CITY.” DEVELOPERS and CITY are sometimes referred to in this Agreement individually as “Party” and collectively as the “Parties.”

**WHEREAS**, DEVELOPERS are the owners of certain real property situated in Yellowstone County, Montana, more particularly described as follows:

Lot 7 of Blue Creek Acreage Tracts Subdivision, according to the official plat of file and of record in the office of the Clerk and Recorder of said County, under Document No. 703845

hereinafter referred to as “Developer Tract”

**WHEREAS**, DEVELOPERS have submitted to the City a Petition for Annexation to the City for Developer Tract; and

**WHEREAS**, DEVELOPERS desire to annex the Developer Tract to the City; and

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

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

1. Roads and Access. The Developer Tract will have access from Blue Creek Road as approved by the Montana Department of Transportation (MDT). Said access improvements shall meet City of Billings and MDT standards.
2. Sanitary Sewer. The Developer Tract will be served by an existing sanitary sewer main located in Blue Creek Road. Construction of any sanitary sewer services shall be at the DEVELOPERS' expense.

DEVELOPERS shall be responsible for payment of the City wastewater system development fee prior to hooking up to the sanitary sewer.

DEVELOPERS shall be responsible for reimbursement of their proportionate share of the cost of the sanitary sewer main in Blue Creek Road, to be paid prior to hooking up to the sanitary sewer.

3. Water. The Developer Tract will be served by an existing water main located in Blue Creek Road. Construction of any water services shall be at the DEVELOPERS' expense.

DEVELOPERS shall be responsible for payment of the City water system development fee prior to hooking up to water.

DEVELOPERS shall be responsible for reimbursement of their proportionate share of the cost of the water main in Blue Creek Road, to be paid prior to hooking up to the water.

4. Storm Drain. DEVELOPERS will manage storm drainage within the Developer Tract in accordance with the City of Billings Stormwater Management Manual (2018).
5. Right-of-Way. Public right-of-way will be dedicated at no cost to the City of Billings in accordance with the 2018 Billings Urban Area Long Range Transportation Plan, in accordance with the City of Billings Subdivision Regulations. DEVELOPERS shall be required to dedicate 10-feet of right-of-way along the frontage of the Developer Tract. This dedication shall be at the cost of the DEVELOPERS.
6. Street Construction, Widening and Sidewalks. Blue Creek Road is an MDT controlled street. DEVELOPERS may be required construct or financially participate in a City or MDT project to install curb and gutter, and a drive approach in the future and will be included in the waiver of right to protest.

7. Multi-use Trail. The Developer Tract may be required to construct or financially participate in the construction of multi-use trail in the future and will be included in the waiver of right to protest.

DEVELOPERS shall be responsible for the maintenance of any future multi-use path fronting the Developer Tract.

8. Future Intersection Contributions. A traffic impact study will be required if Developer Tract is developed to determine DEVELOPERS contributions to future intersection improvements if re-development exceeds 500 trips/day. The preparation of the traffic impact study and any fees to mitigate impacts to future intersection improvements will be at the expense of the DEVELOPERS.
9. Other Public Improvements. For any other improvements not specifically listed in this Agreement, the CITY shall rely on the attached Waiver filed concurrently herewith, to ensure the installation of any or all remaining public improvements. Said improvements shall include, but not be limited to, construction, reconstruction or maintenance of streets, curbs, gutter, concrete ribbons, sidewalks, multi-use trails, driveways, survey monuments, street name signs, street lights, street light energy and maintenance, parks and park maintenance, traffic control devices on-site and off-site inclusive as determined by an overall traffic accessibility study, specific realignments or relocation of sanitary sewer lines and water lines, valley gutters, culverts, storm sewer lines, if any, either within or without the area, and other improvements which the City of Billings may require. The attached Waiver, waiving the right to protest the creation of one or more Special Improvement Districts, by this reference is expressly incorporated herein and part hereof. All of the Developer Tracts can be included in a Special Improvements District for improvements identified in Annexation Agreement regardless of location of individual properties in relation to the improvements.
10. Compliance. Nothing herein shall be deemed to exempt the Developer Tract from compliance with any current or future City laws, rules, regulations, policies, and fees that are applicable to the development, redevelopment, or use of the subject property. Final plats or other dedications of the Developer Tract will be transmitted to the City for City Council acceptance of dedication of right-of-way and public easements. Dedications, deeds or conveyances will be in the name of the City after the effective date of the annexation and will be forwarded to the City Council for acceptance.

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

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

“DEVELOPERS”

By: \_\_\_\_\_  
Andrew Boetticher

By: \_\_\_\_\_  
Michelle Spenny

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 persons who signed the foregoing instrument as the \_\_\_\_\_ as the DEVELOPERS and who acknowledged to me that said DEVELOPERS executed the same.

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

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

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

“CITY”

CITY OF BILLINGS, MONTANA

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

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

STATE OF MONTANA     )  
                                          :ss  
County of Yellowstone     )

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

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

Approved as to Form:

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

**WAIVER OF RIGHT TO PROTEST**

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

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

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

Lot 7 of Blue Creek Acreage Tracts Subdivision, according to the official plat of file and of record in the office of the Clerk and Recorder of said County, under Document No. 703845

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

“DEVELOPERS”

By: \_\_\_\_\_  
Andrew Boetticher

By: \_\_\_\_\_  
Michelle Spenny

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 persons who signed the foregoing instrument as the \_\_\_\_\_ as the DEVELOPERS and who acknowledged to me that said DEVELOPERS executed the same.

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

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Public Hearing - Ward Boundary Expansion Ordinance First Reading - Annexation 23-07  
**Presented by:** Hunter Kelly, Planner 1  
**Department:** Planning & Community Services  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** PZX-23-00140

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**RECOMMENDATION**

Staff recommends the City Council hold a public hearing and approve this ordinance on first reading, adding recently annexed property to Ward III.

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

Sanderson Stewart, on behalf of Andrew Boetticher, submitted a petition to annex land using the provisions of Section 7-2-4600, MCA. The property is located at 2449 Blue Creek Road, north of Blue Creek Road and West of Colleen Drive. The land being annexed is described as being Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder. Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416. Said annexation containing 3.206 gross acres and 2.804 net acres, more or less.

Upon Council approval, this annexation requires a change in the boundaries of Ward III. Two readings are required for this action. The first reading and public hearing is scheduled for this meeting. Upon Approval, the second reading will occur October 9, 2023.

**ALTERNATIVES**

City Council may:

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

**FISCAL EFFECTS**

This application has no impact on the Planning Division Budget.

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**Attachments**

Ward Boundary Ordinance 23-07

**ORDINANCE NO. 23-\_\_\_\_\_**

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

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

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

Parcel of Land situated in the NW 1/4 of Section 28, T.1S., R.26E., Yellowstone County, Montana, more particularly described as follows:

Lot 7 of Blue Creek Acreage Tracts Subdivision, recorded March 29, 1963, under Document No. 703845, on file and of record in the office of the Yellowstone County Clerk and Recorder.

Including all adjacent Right-Of-Way of Blue Creek Road / State Highway No. 416.

Said annexation containing 3.206 gross acres and 2.804 net acres, more or less.

(# 23-07) See Exhibit "A" Attached

2. EFFECTIVE DATE. This ordinance shall be effective either thirty (30) days after second reading and final adoption as provided by law, or upon the effective date of Resolution No. 23-\_\_\_\_\_ approving the annexation of the above territory, whichever date is later.
3. REPEALER. All other ordinances, sections of the Billings Municipal Code and ordinances inconsistent herewith are hereby repealed.
4. CERTIFICATION. Pursuant to M.C.A. Section 13-3-103, the above change and alteration is hereby certified to the election administrator by the City Council, and the City Administrator or his designee is hereby directed to certify the changes and alterations and to deliver a map showing the boundaries of the ward, the streets, avenues and alleys by name and the ward by number, to the election administrator not more than ten (10) days after the effective date of this ordinance.

PASSED by the City Council on the first reading this 25<sup>th</sup> day of September, 2023.

PASSED by the City Council on the second reading this 9<sup>th</sup> day of October, 2023.

THE CITY OF BILLINGS:

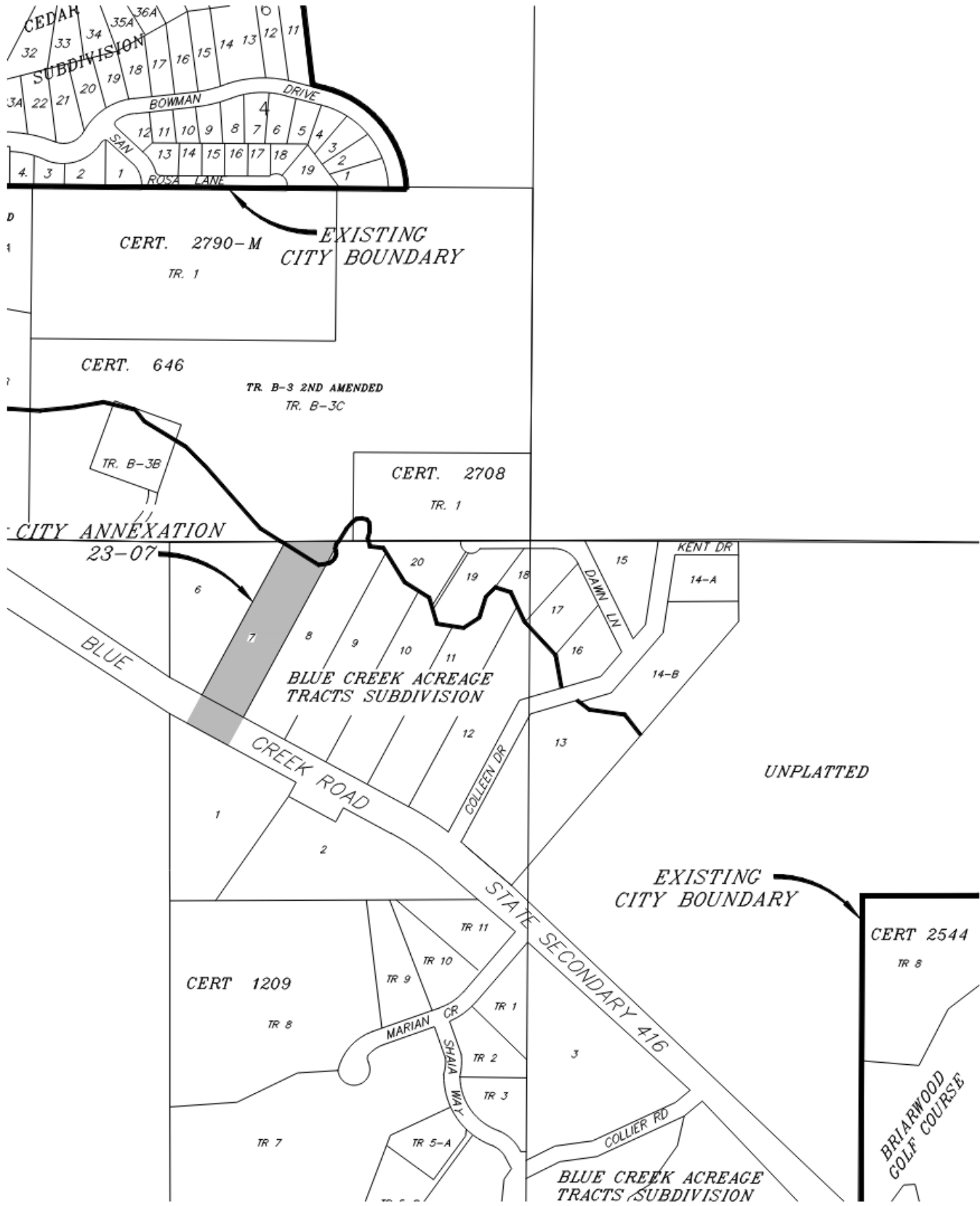
\_\_\_\_\_  
William A. Cole, MAYOR

ATTEST:

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

(#23-07)

# EXHIBIT "A"



**City Council Regular**

**Date:** 09/25/2023  
**Title:** Zone Change 1034 - Phase III Zoning Text Amendments - Public Hearing and 1st reading  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

The Zoning Commission recommends approval as follows:

1. Updates to Administrative Relief provisions Section 27-1614 -- Provide uniformity between administrative relief provisions for all zone districts including incorporation of landscape and off-street parking relief provisions. **The Zoning Commission recommends approval, and adoption of the findings of the ten review criteria on a 5-0 vote.**
2. Landscape Plan clarifications for residential (one and two family) lots Section 27-1618 -- Amend the administrative provisions for a Landscape Plan to clarify plans are not required with building permits for one or two-family dwellings on individual platted lots. **The Zoning Commission recommends approval, and adoption of the findings of the ten review criteria on a 5-0 vote**
3. Housekeeping amendments to correct errors and cross-references in other city codes. **The Zoning Commission recommends approval of all the minor amendments and adoption of the findings of the ten review criteria on a 5-0 vote, except for the proposed amendments to Sections 27-1405.A (3-5) and 27-1803 definitions related to signs. The Zoning Commission sent the amendments related to signs back to Planning staff for further information development and study.**
4. Special Review criteria Section 27-1623 -- Amend this code section to allow the Council to require updates to existing sites or structures when considering a special review use. **The Zoning Commission recommends approval, and adoption of the findings of the ten review criteria on a 5-0 vote.**
5. Zoning at Annexation Section 27-1615 -- Allow an administrative process to determine the most appropriate zone for smaller parcels with existing county zones identical to a city zone district, or when the most appropriate zone change process for a parcel of more than 10 acres is not the Planned Neighborhood Development (PND) in Section 27-800. **The Zoning Commission recommends approval, and adoption of the findings of the ten review criteria on a 5-0 vote.**

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

In February 2021, the City Council adopted a new zoning code and zoning map for the entire city. The Council directed staff to continually monitor the new code to ensure the text of the regulations was working as intended and any corrections or housekeeping changes could be made. The Council also directed staff to monitor the implementation to consider any substantive changes to adjust the code, so it continues to provide support to the development goals of the adopted Growth Policy and general policies of Billings.

Planning staff brought forward a bundle of code corrections and amendments last year (June 2022). Those amendments were approved by the Council. Planning staff has been working on more substantive amendments to the code based on staff experience implementing the new code, information from professionals who use the code, and from the Council in its reviews of zoning applications. These substantive amendments include adjustments to the Neighborhood building and siting standards, the sign code, the Planned Neighborhood Development (PND) process, open space requirements for PNDs and multifamily developments, zoning at annexation as well as the right to rebuild residential structures in mixed-use and commercial zone districts. These adjustments are not indicators of a "broken" set of regulations. Just as a new car or truck has a break-in period, so do new codes and regulations. As a completely new code, the need to monitor for glitches or "pain points" is important. These adjustments are just part of breaking in a new code. Planning staff believes this set of amendments should be the last significant adjustments needed for a few years. Planning staff and the City Council should re-visit the zoning and other land development codes regularly and when a new Growth Policy is adopted.

The City Council took action to initiate these amendments for review, public hearings and adoption at its meeting on April 24. The City Council's action was to begin the process of public review and adoptions. The City Council will act

on the specific amendments once the Zoning Commission provides a recommendation and once the Council holds a public hearing. The number of amendments requires these to be brought forward in phases. This first phase included changes to the Neighborhood Districts building and siting standards, the code section on fence materials and the sign code. The City Council took action on these first amendments at its May 22, Regular Business Meeting. The Council approved the first phase of the amendments on June 12. The Council then considered the second phase of amendments on July 24, after the Zoning Commission hearing and recommendations from July 11.

Planning staff has worked with several stakeholders over the last several months to craft the draft amendments. At the May 2, 2023, hearing on the first set of amendments, the Zoning Commission asked for the next two phases to include one discussion meeting and then a public hearing meeting. The discussion meeting is intended to provide the Zoning Commission the opportunity to better study the amendments and ask questions of staff and make suggested edits prior to the public hearing. This is the public hearing for the third phase amendments. This phase of amendments includes the following:

- **Updates to Administrative Relief provisions Section 27-1614** -- Provide uniformity between administrative relief provisions for all zone districts including incorporation of landscape and off-street parking relief provisions
- **Landscape Plan clarifications for residential (one and two family) lots Section 27-1618** -- Amend the administrative provisions for a Landscape Plan to clarify plans are not required with building permits for one or two-family dwellings on individual platted lots.
- **Housekeeping amendments** to correct errors, provide clarity and fix conflicts with cross-references in other city codes
- **Special Review criteria Section 27-1623** -- Amend this code section to allow the Council to require updates to existing sites or structures when considering a special review use.
- **Zoning at Annexation Section 27-1615 and 27-800** -- Allow an administrative process to determine the most appropriate zone for smaller parcels with existing county zones identical to a city zone district, or when the most appropriate zone change process for a parcel of more than 10 acres is not the Planned Neighborhood Development (PND) in Section 27-800.

### **Administrative Relief**

Section 27-1614 of the code allows Planning staff to grant minor relief from some code requirements such as setbacks, height, build-to-zone ranges, door and window requirements and other adjustments for new construction where a physical limitation exists that prevents an owner from following the code exactly. Administrative relief is intended to be a small adjustment to the code to fit existing circumstances. It is not a substitute for a formal variance and when a request exceeds the small amount allowed, a variance is required. Similar to variances, the Planning staff must find the request is to make an adjustment that maintains the intent of the requirement, does not adversely affect adjoining property and conditions may be applied to the approved request. The code has two additional "administrative relief" options that are not included in the process outlined in this section: Landscaping waivers and waivers of maximum (and minimum) off-street parking. The proposed draft amendment would allow all requests for administrative relief and waivers to be processed similarly ensuring there will be uniform application of criteria and standards. The draft ordinance is attached.

### **Landscape Plan**

Section 27-1618 of the Administrative Procedures section of the code specifies how and when landscape plans shall be submitted for approval. Typically, these plans are submitted along with a building permit, a master site plan, a zoning compliance permit (county), or special review application. The first set of housekeeping amendments in 2022, clarified the street frontage landscaping required for single and two-family lots in Section 27-1203. A similar clarification and amendment is required in Section 27-1618, to ensure conformity throughout the code related to landscape plans for residential developments. Unless the development of one or two-family homes is covered by a master site plan approval (unit ownership, condominiums, townhomes), landscape plans are not required. Each lot is still required to provide one street tree for each 40 feet of street frontage, but these are not required to be shown on a building permit or zoning compliance permit for lot development or re-development. There are also inconsistencies between Section 27-1200 and 27-1618 that will be resolved with this amendment. The draft ordinance is attached.

### **Housekeeping Amendments**

Small corrections and adjustments are still coming to light as we work with and apply the new zoning code. These adjustments will bring more clarity and reduce confusion for builders, architects, engineers, lawyers and planners as we apply the code to new projects and buildings. These housekeeping amendments include changes to the zoning regulation as well as adjustments to other parts of the city code that have incorrect references to the zoning code. The draft ordinances are attached.

### **Special Review Criteria**

Section 27-1623 includes criteria for decision makers including the types of issues or areas where conditions may be imposed. The current code does not specify that deficiencies in existing site development can be addressed through the special review process. For example, a site may have some but not all the required street frontage landscaping, the type of planting required for a buffer yard, less than the required off-street parking for the existing or proposed use, or a sign type or sign area that is nonconforming to the code. These deficiencies are not mentioned in the special review criteria, but improvements could have a beneficial or mitigating impact on the proposed special review use. The amendment will add language to the decision criteria so the Zoning Commission and Council can consider upgrades to existing sites for new uses requiring special review. The draft ordinance is attached.

### **Zoning at Annexation**

Section 27-1615 and 27-800 govern how zoning is changed and applied at the time of annexation to the city. The City and County now only have a handful of zone districts that are identical - Heavy Commercial (CX), Light Industrial (I1) and Heavy Industrial (I2), and the Public zone districts (P1-3). Some properties close to the city limits also have other "urban" zone districts applied to match the existing development pattern such as Neighborhood Residential 1-3, Mixed Residential 1-3 and Mixed Use zone districts. All of these properties can be annexed with the existing zoning in place and do not require a change to the zoning. During the past two years, the city has also annexed parcels that are inappropriate to apply the Planned Neighborhood Development zone change process because of the size, location and intended use of the property. These properties include a 20-acre parcel added to the Billings Operations Center on Midland Road and a few others. There were other annexations that were required to submit a zone change application even though the city zone district choice was obvious - an annexation of an N4 County zoned parcel surrounded by N3 City zoning. These situations are not uncommon. The current code does not consider these situations. The proposed amendment will set parameters when a zone change application is not required, when a landowner may choose to not go through the PND process, and what happens when an annexation is approved, but the zoning is not. The draft ordinance is attached.

### **STAKEHOLDERS**

Planning staff published a legal ad, posted the final draft ordinances to the city's webpage and is contacting the stakeholders groups with the time, date and location of the public hearing. Planning staff has not received any comments in writing or by phone call from interested persons aside from the input provided at the Zoning Commission hearing described below.

#### **Zoning Commission - Discussion August 1, 2023**

The Zoning Commission discussed the draft text amendments on August 1, 2023, at a regular meeting. The Zoning Commission suggested edits to the proposed amendments regarding Administrative Relief related to the provision of doors and windows on front facades. Those changes and updates were made to the draft.

#### **Zoning Commission - Public Hearing September 5, 2023**

The Zoning Commission held a public hearing on September 5, 2023, and received the staff report and details of each proposed amendment to the code. The Zoning Commission asked questions regarding the housekeeping amendment ordinance that covers several sections of the zoning code. Staff clarified these amendments to the code. There was a longer discussion on the proposed changes to the sign code related to clarification of standards and definitions of freestanding signs.

The Zoning Commission received testimony from several persons who either owned or worked for sign companies in Billings. There was a general concern that the proposed amendments were not to clarify the definitions in the sign code but to make a substantial change to the code. Tom Gross of Sign Products, Inc., Michael Taylor of Sign Pro, Mark Lynde, Rachel Kelly and Kevin Kliewer, all employees of Sign Pro.

Rachel Kelly commented the sign code should not restrict the creativity of sign designers or the desire of business owners to have certain styles, colors or size of signs. She stated the proposed amendments are not necessary and would restrict her ability to design a sign to a customer's wishes. She stated the permitting process should be fair and equitable for all types of businesses or entities. She stated overly strict sign regulations will drive businesses outside the areas where more liberal sign codes apply. She stated this has happened in Bozeman where businesses are going to Belgrade and Three Forks.

Mr. Lynde testified in opposition to the sign code amendments. He asked the Zoning Commission if they had received his email earlier in the day. The Commission members stated they had received Mr. Lynde's email. He stated all signs meet the minimum of the 5-foot property line setbacks. The sign structure is part of the overall sign design. He stated making every taller sign a pole sign would stifle the good designs of sign companies. He stated Sign Pro has already submitted a "monument" sign designed for the new City Hall that is 10 feet tall. He stated the pole signs on Grand Avenue has cluttered the area. He stated there is no logical reason to change the definitions. He stated the proposed amendments would stifle the sign designs they could use for their customers.

Michael Taylor, owner of Sign Pro, provided a print of a sign designed for 406 Windows at their new location on S 31st St W. Mr. Taylor asked the Commission whether the sign was a pole sign or a monument sign. Mr. Taylor pointed out the sign had a solid base, but there were three poles that extended upward from the base to the ornamental cap. The three poles held the sign faces for the business. Mr. Taylor stated the difference between a pole sign and a monument sign was merely the height of the sign - not how it appeared to be constructed. Mr. Taylor stated the sign example he provided should be considered a pole sign. He stated the industry describes a pole sign as a single pole structure and a pylon sign has at least two poles. He stated the new sign code was just a template forced on the city by the consultant. He stated there is no concern with the clear vision area since those are enforced regardless of the type of the sign. He stated the code should just be enforced as written - even if it is not clear to some people. He stated Sign Pro designed a sign retrofit to put a new sign over 3 existing poles for a business on King Ave West. The Planning staff called this sign a monument sign - not a pole sign. He stated the sign code that was forced on the community was intended to make Billings a "walking community". Billings is not a walking community and that means we need taller signs, and bigger signs. We just need to fix the definition of signs - monument and pole signs.

Tom Gross of Sign Products Inc. testified in opposition to the sign code changes. He stated he agrees with the previous testimony from the owners and employees of Sign Pro. He stated the clad pole signs look good. He stated he spent some time looking at the proposed 8-foot minimum clearance. He stated this is a necessary feature where you have people walking close to or under the sign. He stated not every pole sign needs to be 8 feet or more above the grade. He stated these signs tend to be not as attractive as a clad pole sign or pylon sign with cladding. He stated the image of Billings includes these types of signs, and they fit in with the character of the community. Kevin Kliever stated he observed the city has an abundance of good and aesthetically pleasing graphic designs and buildings. He stated there are lots of good materials to be used on signs such as brick, stone, dry-vit, stucco, and other cladding. These are all structural sound materials, and we have to prove these are sound materials and will not harm the public.

Chair Michael Larson closed the public hearing. Commission member Dan Brooks made a motion to recommend approval of all the draft ordinances and adoption of the findings of the 10 review criteria, but excluding Sections 27-1405.A (3-5) and Section 27-1803 related to sign definitions be referred back to Planning staff for further information development and study. The motion was seconded by Commission member Greg McCall and approved on a unanimous vote.

Commissioner Greg McCall stated the sign code needs to be clear. He stated those who served on the Sign Code Working Group worked on a code that was Billings specific and was not "forced on" the community by the consultant team. He stated the community is trying to have a vision of more walkable areas. He understands that many areas of the city are not this way and signs do need to be larger in some settings. He stated when change happens it can be uncomfortable. Commission member David Goss stated he would vote for the motion, but there is still a clear problem with the code definitions. He stated the clarity of the definitions need to be fixed. He stated the answers are there. Chairman Michael Larson stated sign codes are always complex issues, but there is more thought needed before the Zoning Commission considers these changes. He stated he would direct staff to present more options and context for the definitions as well as consideration for the testimony received at the hearing.

The Zoning Commission considered the remaining amendments and voted unanimously to recommend approval and adoption of the 10 review criteria for these amendments.

## **ALTERNATIVES**

The City Council may take one of the following actions:

- Approve the text amendments and adopt of the findings of the ten review criteria for all or some of the amendments included in Zone Change 1034; or,
- Approve with specific changes to the one or more of the draft ordinances included in Zone Change 1034; or
- Deny one or more of the ordinances included and adopt different findings of the ten review criteria for those ordinances included in Zone Change 1034; or,
- Delay action on one or more of the proposed text amendments for up to 30 days;
- Or refer one or more of the proposed text amendments back to the Zoning Commission for further review based on new information received at the Council public hearing.

## **FISCAL EFFECTS**

Adoption of code amendments may affect the Planning Division budget. Municode is the official codification company for Billings. Every amendment to the code has a fee that has usually been assessed and paid for by a Department or

Division. However, the City Code is not particular to one Division or Department. It is utilized by many City staff and is designed to benefit and protect all City residents. It is appropriate and accurate for the cost sharing of codification costs for zoning code updates through the general fund.

## **SUMMARY**

Before making a decision on the proposed text amendments, the City Council will consider the following findings of the ten review criteria as recommended by the Zoning Commission.

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

The proposed Zoning Amendments are consistent with the 2016 Billings Growth Policy Statement and Growth Guidelines: Growth Policy Statement:

*In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.*

### **Growth Guidelines:**

- Essential Investments (relating to public and private expenditures to public values)
  - Infill development and development near existing City infrastructure may be the most cost-effective
- Place Making (enhance, maintain, preserve and improve existing public places):
  - Public and private partnerships are valuable for creating enhanced entryways into Billings
- Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
  - Attractive street scapes provide a pleasant and calming travel experience in urban and suburban neighborhoods.
- Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)
  - Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income level
  - Safe and livable neighborhoods can be achieved through subdivision design walkable access to public spaces
  - Implementation of the Infill Policy is important to encourage development of underutilized properties
- Home Base (healthy, safe and diverse housing options)
  - A mix of housing types that meet the needs of a diverse population is important
  - Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Mobility and Access (transportation choices in places where goods and services are accessible to all)
  - Connecting people to places with transportation choices is vital to the well-being of Billings' residents, businesses and visitors
  - Safe and accessible transportation systems benefit everyone's quality of life
- Prosperity (promoting equal opportunity and economic advancement)
  - A diversity of available jobs can ensure a strong Billings' economy
  - Successful businesses that provide local jobs benefit the community
  - Retaining and supporting existing businesses helps sustain a healthy economy

Since the growth policy is a general guiding document that contemplates the overall vision and growth of the community, these amendments that better tailor the regulations to meet local needs are not contrary to the document. The code amendments address the parts of the code that have created challenges or are too general. These amendments will allow the code to be adjusted to meet the community goals and match the expectations of the City Council, community developers, neighborhood builders and citizens. The proposed code amendments will allow the city to better meet the needs of all its residents, businesses and visitors now and into the future. These amendments will integrate nicely into the existing a code, and when working as a whole, will meet the intent of the growth policy.

2) Whether the new zoning is designed to secure from fire and other dangers;

The zoning amendments will not change the code in a way that will create safety concerns related to fire and other dangers. Once integrated, these amendments will not prevent the code from providing adequate building separations and density limits to provide security from fire and other dangers. Considering the nature of these specific amendments, this criteria does not directly relate to most amendments, more specifically, do not relate to administrative relief actions, landscape plans, special review criteria or zoning at annexation. The alteration of the code still allows for appropriate setbacks and site requirements to ensure security of fire and other dangers.

3) Whether the new zoning will promote public health, public safety and general welfare;

Public health, public safety and the general welfare will be promoted by the proposed zoning code amendments and the existing code as a whole. These amendments do not drastically alter the originally adopted code which was found to have met the criteria for promoting public health, safety and general welfare. The proposed adjustments to the special review criteria to allow existing site developments to be improved to meet the new code, and zoning choices at annexations will help promote public health and safety by allowing appropriate conditions and options for approval. The amendments work in coordination with the code as a whole to ensure the minimum standards for health, safety and welfare are being met.

4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

**Transportation:** The amendments proposed for phase three do not have any specific relationship to the transportation network or impacts related to transportation.

**Water & Sewer:** The proposed code amendments should have no effect on city water and sewer services as the amendments are not directly related to utilities like water and sewer.

**Schools and Parks:** Schools and parks should not be effected by these code amendments.

**Public Safety Services:** Public health and safety should be improved by the code amendments to allow future site improvements for special review uses, and eliminate cross-reference errors in traffic regulation and fire prevention codes.

5) Whether the new zoning will provide adequate light and air;

The proposed zoning code amendments, as does the current zoning, provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air. The portions of the zoning code that pertain to adequate light and air are similar to criteria 2 and 3 which specify setback requirements, height requirements, and other siting requirements. The amendment that is most related to this criteria is the proposed amendment to Administrative Relief. The current code could allow a zero side or rear setback. It was not the intention of the code writers to allow this via administrative relief. An owner could still request this through a variance but not as an administrative process.

6) Whether the new zoning will affect motorized and non-motorized transportation;

The proposed zoning amendments will not directly affect motorized transportation. The proposed amendments may have a minor effect on non-motorized transportation. The amendment includes a housekeeping update to the city code on bicycles and in what districts it may be allowed to ride on a public sidewalk. The current code references cite old zone districts that no longer exist. The amendment specifically replaces these old districts with the new districts.

7) Whether the new zoning will promote compatible urban growth;

The zoning amendments will promote compatibility with urban growth through adjustments to add certainty and flexibility, without compromising the intent of the new code. The zoning code as a whole, is compatible with the City's growth policy and vision for the community as it grows. These amendments should integrate nicely and continue to provide residents and builders with predictability.

8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;

All the amendments have been considered in a way that continues to carry out the intent of the zoning code as a whole and considers how administrative options, special review uses, and annexation options can provide certainty and integrate in existing built environments. Generally, these amendments are consistent with existing fabric of both commercial and residential neighborhoods.

9) Whether the new zoning will conserve the value of buildings;

In general, the code amendments should conserve the value of buildings throughout the City and the amendments do not alter the code in a way that would decrease values.

10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

The code amendments when working with the code as a whole encourage appropriate and compatible uses, design

and siting of land in Billings.

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### **Attachments**

Ordinance Administrative Relief final  
Ordinance Landscape Plan Sec 27-1618  
Ordinance Further Zoning Housekeeping  
Ordinance Non-Zoning Housekeeping  
Ordinance Special Review Criteria Sec 27-1623  
Ordinance Zoning at Annexation Sec 27-1615 and 27-800

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING Section 27-1614 ADMINISTRATIVE RELIEF,  
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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** The text of Section 27-1614 be amended to allow requests for administrative relief be normalized between zone districts

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-1614 is amended as follows:

Sec. 27-1614. - Administrative relief.

A. Applicability.

1. Administrative relief allows the modification of an existing numeric dimensional standard to accommodate site-specific or minor construction issues.
2. Administrative relief is applicable to new development, redevelopment, and major façade changes.
3. Administrative relief may be requested either as part of an original application or as a modification to an existing approval.

B. Authority. Administrative relief may be requested by an applicant qualified to request a primary development approval or amendment.

C. Procedures.

1. Common procedures. Procedures for review and decision of an administrative relief application are established in sections 27-1602 through 27-1613. They are summarized here for applicant convenience. (*graphic remains the same*)

2. Specific procedures. All applications for administrative relief shall identify the specific issue that the administrative relief is intended to address and how the administrative relief will resolve that issue:

(a) A request for administrative relief prior to construction shall be submitted with the project site plan application. Where the site plan is submitted in conjunction with a primary application, such as a special review request, that is decided by the city council, the request for administrative relief shall also be decided by that body. For example, if an administrative relief request is submitted with a rezoning application, the city council will also decide on the administrative relief.

(b) A request for administrative relief to address a minor construction issue shall be submitted with the ~~approved~~ project site plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the administrative relief is requested.

#### D. Permitted types of administrative relief.

1. N1-3, NX1-3, **RMH**, NO, NMU, CMU1, CMU2, DX, and EBURD districts. An applicant may request the following adjustments through administrative relief:

(a) The location of the building may be adjusted within a five-foot area from any minimum yard requirement or build-to zone width/location, **except a side or rear yard setback may only be reduced to three feet from a five foot minimum through administrative relief.**

(b) EBURD: Up to ten (10) percent increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage. Compliance with stormwater regulations is required.

(c) Up to ten (10) percent decrease in ~~primary frontage~~ **front lot line** coverage.

(d) Additional height of any story up to two (2) feet, as long as the overall building height does not exceed the allowable height of all floors at their maximum permitted height, **or provided, that the total modification shall not increase the applicable building or structure height by more than ten (10) percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.**

(e) Up to ten (10) percent decrease in ~~transparency~~ **front façade window and door coverage** or a ten (10) percent increase in blank wall limitation for corner side facades. **Up to twenty-five (25%) percent of the front façade window and door required area (square feet) may apply to use alternative materials**

for windows or doors, including but not limited to spandrel glass, architectural glass block, faux door/window openings or similar installations. Any approved administrative relief will not significantly reduce visibility into and out of the structure.

(f) Lot coverage. In any zone, modifications of the lot coverage requirement; provided, that the total modification shall not increase the applicable coverage to more than ten (10) percent of the otherwise maximum lot coverage in the zone.

(g) Fence heights and materials. In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height maximum in any yard by more than ten (10) percent. Fences greater than seven (7) feet in height will need a building permit. Fence materials not listed in Section 27-1209.E may be requested through this process.

(h) Parking. In any zone, a decrease in the number of required off-street parking spaces of not more than fifty (50) percent when total required spaces are at least ten (10) spaces. In any zone, allow more than the maximum number off-street parking stalls as provided in 27-1302.F.

(i) Location of Accessory Structure. In any zone, allow location of an accessory structure in a side yard.

(j) Reduction or variations in required landscaping as provided in Section 27-1618.E.4.

2. CBD, CX, I1, I2, P1-3, PD districts. An applicant may request the following adjustments through administrative relief:

~~(a) The zoning coordinator may grant administrative relief that conforms to the following requirements:~~

~~(1)~~ (a) Setbacks. In any zone, modifications of the front, side, or rear yard setback requirement; provided that the total modification shall not reduce the applicable setback(s) by more than ten (10) percent **of the zone district requirement or five (5) feet, whichever reduction is larger.** ~~of that otherwise required in the zone.~~

~~(2)~~ (b) Lot coverage. In any zone, modifications of the lot coverage requirement; provided, that the total modification shall not increase the applicable coverage to more than ten (10) percent of the otherwise maximum lot coverage in the zone.

~~(3)~~ **(c)** Structure heights. In any zone, modifications of the building or structure height requirement; provided, that the total modification shall not increase the applicable building or structure height by more than ten (10) percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.

~~(4)~~ Usable open space. In any zone, modifications of the usable open space requirement; provided, that the total modification shall not increase the applicable coverage to more than ten (10) percent of the otherwise required usable open space in the zone.

~~(5)~~ **(d)** Fence heights **and materials. In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height maximum in any yard by more than ten (10) percent. Fences greater than seven (7) feet in height will need a building permit. Fence materials not listed in Section 27-1209.E may be requested through this process.** In any zone, modifications of the maximum fence height requirement; provided, that the total modification shall not increase the applicable fence height by more than ten (10) percent of the otherwise maximum height in the zone. Fences greater than or equal to eight (8) feet in height will need a building permit.

~~(6)~~ **(e)** Parking. In any zone, a decrease in the number of required **off-street** parking spaces of not more than ~~ten (10)~~ **fifty (50)** percent when total required spaces are at least ~~twenty (20)~~ **ten (10)** spaces. **In any zone, allow more than the maximum number off-street parking stalls as provided in 27-1302.F.**

~~(7)~~ **(f)** Deviations from final planned development maps. In any planned development zone, deviations to final planned development maps which are consistent with the requirements of the preliminary planned development **approval**, final planned development conditions of approval, or development standards of the underlying zoning district.

**(g) Location of Accessory Structure. In any zone, allow location of an accessory structure in a side yard.**

**(h) Reduction or variations in required landscaping as provided in Section 27-1618.E.4.**

~~(b)~~ **3.** Administrative relief may not:

~~(4)~~ **(a)** Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;

~~(2)~~ **(b)** Permit uses other than those permitted in the zone district;

~~(3)~~ **(c)** Reduce the effectiveness of approved transitional screening, buffering, landscaping, and/or open space; or

~~(4)~~ **(d)** Expand the area or type of signage approved.

E. Decision criteria. To approve a request for administrative relief, the zoning coordinator shall make and record findings that all of the following provisions are met:

1. The proposed use, structure, or activity is permitted in the underlying zone district;

2. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district;

3. The special circumstances have not been created by the applicant; and

4. The impact of the administrative relief is internal to the subject property.

F. Review and decision-making. Requests for administrative relief are processed as an administrative decision pursuant to subsection 27-1610.A.

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

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

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

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Administrative Relief

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING Section 27-1618 LANDSCAPE PLAN  
PROCESS, 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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** The text of Section 27-1618 be amended to clarify landscape plan submittal is not required for one and two-family developments and to conform the plan submission between the city and county landscape code sections.

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-1618 is amended as follows:

Sec. 27-1618. Landscape plan.

*A. Applicability.* Landscaping in compliance with this zoning code shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a building permit or zoning compliance permit shall include a landscape plan where required. **No landscape plan submittal is required for any one or two-family building permit applications except those located within a development covered by a Master Site Plan approval (Sec. 27-1619). Any building permit for a one or two-family dwelling within a Master Site Plan approved location shall indicate on the site plan the landscaping required by the approved Master Site Plan.**

*B. Authority.* A landscape plan may be submitted for review by a property owner or the property owner's agent, including the landscape professionals described in subsection 27-1618.C.

*C. Procedures.*

1. *Common procedures.* Common procedures for landscape plan review are identified in Table 27-1600.1 and are summarized here for applicant convenience.

2. *Specific procedures.* Landscape plans shall be prepared as follows:

(a) Lots of ~~one~~ **1.5 acres** or larger: The plan shall be prepared by a Montana licensed landscape architect.

(b) Lots smaller than ~~one~~ **1.5 acres**: The applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.

.....

E. *Post approval.*

4. *Administrative relief.* Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied up to a total of ten (10) individual landscape standards for any site.

**The application shall follow the procedures in Section 27-1614 – Administrative Relief.**

(a) *Policies.*

(1) The planning division recognizes that the specific landscape requirements in article 27-1200 cannot and do not anticipate all possible landscape situations. In addition, the planning division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning division may grant administrative relief in the event of these situations and proposals.

(2) The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning division generally assigns the following priorities for compliance with the landscape requirements:

- i. First, adjacent residential uses should be buffered;
- ii. Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees;
- iii. Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

(3) Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and

ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

- (4) However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

(b) *Application.*

- (1) A written request for administrative relief shall be submitted to the zoning coordinator either before or in conjunction with the building permit review process. **following the procedures in Section 27-1614.** The written request shall include a justification in terms of the findings necessary to grant administrative relief. ~~The written request shall close with a section for the planning division's use which will include a block for the decision of approval/denial, the zoning coordinator signature, and decision date.~~ The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.
- (2) The zoning coordinator must make all of the following findings in order to grant administrative relief:
  - i. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
  - ii. The intent of the landscaping section and the specific regulation in question is preserved;
  - iii. The granting of the administrative relief will not result in an adverse impact upon surrounding properties; and
  - iv. Proportional compliance is not appropriate for the location and development planned.
- (3) The zoning coordinator shall render a decision on the request within thirty (30) calendar days of receipt of the request and all required information. An appeal of the zoning coordinator's decision may be made to the board of adjustment with jurisdiction over the property, within thirty (30) calendar

days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment meeting which allows for the required public notice.

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

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

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

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Landscape Plan process

ORDINANCE 23-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE REGULATIONS IN SECTIONS 27-1000,  
27-1300, 27-1400, 27-1500, 27-1600, and 27-1800, BE  
AMENDED TO CORRECT ERRORS, CROSS  
REFERENCES, OMISSIONS AND TO AMEND AND  
PROVIDE CLARIFICATION OF THE REGULATIONS**

**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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed corrections and clarifications to the zoning regulations that pertain to all the real property within the City of Billings. 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.** Sections 27-1000 – Uses and Use Standards, 27-1200 - Landscaping, 27-1300 – Off Street Parking, 27-1400 – Signs, 27-1500 – Nonconformities, 27-1600 – Administration, and 27-1800 – Definitions and Measurements, have been found to contain errors unrelated to the substance of the zoning regulations. Correction of these errors through an ordinance will make the regulations clearer and provide for accurate administration of the code.

**Section 3. ZONE REGULATION CORRECTIONS AND AMENDMENTS**

**a. Section 27-1002.A.2 is amended as follows:**

Sec. 27-1002. - Uses by district.

A. Use table. Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted:

1. Permitted /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards identified in this article.

2. Permitted in a specified location, such as on upper stories or in the back of a structure/PL/. These uses are permitted by-right in the districts in which they are listed,

provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least ~~thirty (30)~~ **twenty (20)** feet from the front facade.

3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this zoning code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.

4. Requires a special review /SR/. These uses require special review by the city zoning commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review must follow any applicable development standards associated with the use as well as meet the requirements of the special review.

5. Uses that are not permitted are indicated by a blank space.



| Use Table                         | N3 | N2 | N1 | NX1 | NX2 | NX3 | RMH | NO | NMU | CMU1 | CMU2 | DX | CBD | CX | I1 | I2 | RSV<br>MS | RSV | CW | 13 | IS | P1 | P2 | P3Civ | P3 Ed | P3<br>Med | Additional Standards |         |
|-----------------------------------|----|----|----|-----|-----|-----|-----|----|-----|------|------|----|-----|----|----|----|-----------|-----|----|----|----|----|----|-------|-------|-----------|----------------------|---------|
| <b>COMMERCIAL</b>                 |    |    |    |     |     |     |     |    |     |      |      |    |     |    |    |    |           |     |    |    |    |    |    |       |       |           |                      |         |
| <b>Commercial Service</b>         |    |    |    |     |     |     |     |    |     |      |      |    |     |    |    |    |           |     |    |    |    |    |    |       |       |           |                      |         |
| Broadcasting Stations and Studios |    |    |    |     |     |     |     | SR | SR  | P    | P    | P  | P   | P  | P  | P  | P         | P   | P  | P  | P  |    |    |       |       |           |                      |         |
| Business Service                  |    |    |    |     |     |     |     | P  | P   | P    | P    | P  | P   | P  | P  |    | P         | P   | P  | P  | P  |    |    |       |       |           |                      |         |
| Crematory, Funeral Services       |    |    |    |     |     |     |     |    |     | P    | P    | P  | P   | P  | P  |    | P         | P   | P  | P  | P  |    |    |       |       |           |                      |         |
| Cemetery                          |    |    |    |     |     |     |     |    |     |      |      |    |     |    |    |    |           |     |    |    |    |    |    |       |       |           |                      |         |
| Consumer Maintenance and Repair   |    |    |    |     |     |     |     | P  | P   | P    | P    | P  | P   | P  | P  |    | P         | P   | P  | P  | P  |    |    |       |       |           |                      |         |
| Personal Service                  |    |    |    |     |     |     |     | P  | P   | P    | P    | P  | P   | P  | P  |    | P         | P   | P  | P  | P  |    |    |       | PR    | PR        | PR                   | 27-1005 |
| Studio or Instruction Service     |    |    |    |     |     |     |     | P  | P   | P    | P    | P  | P   | P  |    |    | P         | P   | P  | P  | P  |    |    |       | PR    | PR        | PR                   | 27-1005 |

.....

|                          |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |  |   |   |   |   |   |  |  |  |   |   |   |  |
|--------------------------|--|--|--|--|--|--|--|---|---|---|---|---|---|---|---|--|---|---|---|---|---|--|--|--|---|---|---|--|
| <b>Office</b>            |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |  |   |   |   |   |   |  |  |  |   |   |   |  |
| Business or Professional |  |  |  |  |  |  |  | P | P | P | P | P | P | P | P |  | P | P | P | P | P |  |  |  | P | P | P |  |

.....

|                      |  |  |  |  |  |  |  |  |  |  |   |  |  |   |   |  |   |   |   |   |  |  |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|--|--|--|--|---|--|--|---|---|--|---|---|---|---|--|--|--|--|--|--|--|--|
| <b>Retail Sales</b>  |  |  |  |  |  |  |  |  |  |  |   |  |  |   |   |  |   |   |   |   |  |  |  |  |  |  |  |  |
| Retail, Large-Format |  |  |  |  |  |  |  |  |  |  | P |  |  | P | P |  | P | P | P | P |  |  |  |  |  |  |  |  |

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|                                                          |  |  |  |  |  |  |  |  |  |    |    |    |    |    |   |   |   |  |    |    |    |    |    |  |  |   |   |                        |         |
|----------------------------------------------------------|--|--|--|--|--|--|--|--|--|----|----|----|----|----|---|---|---|--|----|----|----|----|----|--|--|---|---|------------------------|---------|
| <b>Vehicle Sales and Service, Personal</b>               |  |  |  |  |  |  |  |  |  |    |    |    |    |    |   |   |   |  |    |    |    |    |    |  |  |   |   |                        |         |
| Car Wash                                                 |  |  |  |  |  |  |  |  |  | SR | P  |    |    | P  | P | P |   |  | P  | P  | P  |    |    |  |  |   |   | 27-1005                |         |
| Vehicle Sales and Rental                                 |  |  |  |  |  |  |  |  |  |    | P  | P  | SR | P  | P | P |   |  | P  | P  | P  |    |    |  |  |   |   |                        |         |
| Outdoor Sales Lot                                        |  |  |  |  |  |  |  |  |  |    | PR | SR | SR | P  | P | P |   |  | PR | P  | P  |    |    |  |  |   |   | 27-1005.M<br>27-1008.P |         |
| Vehicle Maintenance and Repair, Minor (5,000 SF or less) |  |  |  |  |  |  |  |  |  | P  | P  | P  | SR | P  | P | P |   |  | P  | P  | P  |    |    |  |  |   |   |                        |         |
| Vehicle Maintenance and Repair, Major (>5,000 SF)        |  |  |  |  |  |  |  |  |  |    | SR |    |    | P  | P | P |   |  | P  | P  | P  |    |    |  |  |   |   |                        |         |
| Vehicle Service Station                                  |  |  |  |  |  |  |  |  |  |    | PR | PR | PR | PR | P | P | P |  |    | PR | PR | PR | PR |  |  | P | P | P                      | 27-1005 |
| with Convenience Store                                   |  |  |  |  |  |  |  |  |  | SR | PR | PR | PR | PR | P | P | P |  |    | PR | PR | PR | PR |  |  | P | P | P                      | 27-1005 |

**c. Section 27-1007.C – Wireless communication facilities is amended as follows:**

- 2. Applicability.
  - (c) Pre-existing WCFs.
    - (2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of subsection 27-1007.C.54 General requirements.

**d. Section 27-1008.E Accessory Use Table 27-1000.6 is amended as follows:**

| Table 27-1000.6:<br>Accessory Uses           | Residential |       |       |       |     |     |       | Mixed-Use and Commercial |     |      |      |    |     |    | Indust. |    | EBURD  |     |    |    | Public |    |    |       | Additional Standards |       |         |         |
|----------------------------------------------|-------------|-------|-------|-------|-----|-----|-------|--------------------------|-----|------|------|----|-----|----|---------|----|--------|-----|----|----|--------|----|----|-------|----------------------|-------|---------|---------|
|                                              | N3          | N2    | N1    | NX1   | NX2 | NX3 | RMH   | NO                       | NMU | CMU1 | CMU2 | DX | CBD | CX | I1      | I2 | RSV MS | RSV | CW | 13 | IS     | P1 | P2 | P3Civ |                      | P3 Ed | P3 Med  |         |
| Residential                                  |             |       |       |       |     |     |       |                          |     |      |      |    |     |    |         |    |        |     |    |    |        |    |    |       |                      |       |         |         |
| Accessory Dwelling Unit                      | SR          | PR PL | PR PL | PR PL |     |     | PR PL |                          |     |      |      |    |     |    |         |    |        |     |    |    |        |    |    |       |                      |       |         | 27-1008 |
| Employee/Caretaker Unit                      |             |       |       |       |     |     |       |                          |     |      |      |    |     | PR | PR      | PR |        |     |    |    |        | PR |    | P     | P                    | P     | P       | 27-1008 |
| Home Occupation                              | P           | P     | P     | P     | P   | P   | P     | P                        | P   | P    | P    | P  | P   | P  | P       | P  | P      | P   | P  | P  | P      | P  | P  | P     | P                    | P     | P       | 27-1008 |
| Short-Term Rental (Guest Home)               | PR          | PR    | PR    | PR    | PR  | PR  | PR    | PR                       | PR  | PR   | PR   | PR | PR  | PR |         |    | PR     | PR  | PR |    |        |    | PR | PR    | PR                   | PR    | 27-1005 |         |
| Shelter (accessory to religious institution) |             |       |       |       |     |     |       |                          |     |      |      | PR | PR  |    |         |    | PR     | PR  | PR | PR | PR     |    |    |       |                      |       | 27-1004 |         |

**e. Sections 27-1404.C, 27-1407.D and 27-1407.F are amended as follows:**

**27-1404. Measurement and calculation.**

.....  
C. Height and clearance. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

1. Freestanding sign height.
  - (a) The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.
  - (b) Height shall include the sign face, base, cabinet, and ornamental cap.
  - (c) When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.
2. Sign clearance.
  - (a) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign face at the lowest point of the sign structure, including any framework or other structural elements.
  - (b) Signs that project over a roof shall maintain a four (4) foot clearance over the average roof height.

**27-1407.D. CBD and DX.**

- .....
2. *Maximum total signage.*
    - (a) *Attached wall signs.*
      - (1) *Buildings under ten (10) stories.* Ten (10) percent of the wall area up to a max of two hundred fifty (250) square feet **for any single wall sign.** This **The** maximum wall sign area is calculated ~~on a per~~ **for each** tenant basis **based on the tenant's occupied floor area. Tenant wall sign area is .015 square feet of wall sign area per square foot of occupied floor area.** See Sec. 27-1407.D.4 for wall signs on building facades that do not face a street.

- .....
4. District specific standards.

- .....
- (b) Tenant signage in multitenant structures shall calculated for each tenant based on the **tenant's occupied floor area. Tenant wall sign area is .015 square feet of wall sign area per square foot of occupied floor area.** ~~front wall area of the individual unit.~~ Tenants with side, rear, or

alley entrances are permitted wall signage on the wall with their primary public entrance.

**27-1407.F. Public districts.**

1. Public 1: Park and open space.

(a) Freestanding signage is permitted per street frontage as identified in Table 27-1400.12.

(b) Internal park signage is exempt per subsection 27-1403.C. **1402.C**

**f. Section 27-1506.A is amended as follows:**

Sec. 27-1506. - Compliant single unit residential lots.

A. A single unit dwelling and customary accessory buildings may be erected on any vacant single lot of record as of the effective date of this zoning ordinance in an N1-~~4~~**3**, NX1-3 or RMH district as follows:

**g. Section 27-1606 is amended as follows:**

Sec. 27-1606. Procedures for complete applications with changed status.

B. *Withdrawn application.*

1. *Prior to public notice.*

(b) A zone change, **special review or variance** application may be withdrawn at any time prior to the publication of the legal advertisement for the public hearing before the city zoning commission **or city board of adjustment**. A withdrawn zone change application may be refiled after a 120-day waiting period. **There is no mandatory waiting period for a withdrawn special review or variance.**

2. *Following public notice.*

(c) The city zoning commission **or board of adjustment** may allow withdrawal of an application, after advertisement of the ~~zoning commission~~ public hearing has been published, by a majority vote of the members present. After the city zoning commission hearing, a request for withdrawal shall be submitted to the city clerk and shall be submitted by the property owner or authorized agent, as listed on the application. The city council shall have exclusive authority to act on any request for withdrawal after notice of the ~~public hearing~~ **zoning commission recommendation** has been published.

**h. Section 27-1302, Table 27-1300.1 Off-Street Parking Standards, is amended as follows:**

**Table 27-1300.1. Off-Street Parking Standards.**

| Use                               | Required Parking                               |
|-----------------------------------|------------------------------------------------|
| <b>COMMERCIAL</b>                 |                                                |
| Eating and Drinking Establishment |                                                |
| Restaurant                        | 1 per 150 SF GFA                               |
| with drive-thru                   | 1 per 100 SF GFA                               |
| <b>Without interior seating</b>   | <b>as determined by the Zoning Coordinator</b> |
| Bar or Tavern                     | 1 per 150 SF GFA                               |
| Craft Alcohol                     | 1 per 150 SF GFA                               |

**i. Section 27-1803 – Definitions, is amended as follows:**

**M. Terms**

**Manufacturing:** Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

**Artisan:** Spaces used by artists for the creation of art or the practice of their artistic endeavors.

**Limited:** The creation of a unique or customized product, such as hats, boots, or knives, in fulfillment of a customer order.

~~Light~~ **General:** An establishment engaged in fabrication, assembly, processing, or manufacturing that generally do not create significant impacts on surrounding areas.

**Heavy:** An establishment engaged in fabrication, assembly, processing, or manufacturing that have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, noise, or other factors.

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

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

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

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1034 - Zoning Code Housekeeping Amendments 2023

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE REGULATIONS IN SECTIONS 14-300,  
and 24-600, BE AMENDED TO CORRECT ERRORS,  
CROSS REFERENCES, OMISSIONS AND TO AMEND  
AND PROVIDE CLARIFICATION OF THE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1.** That Section 14-301 of the Billings, Montana City Code (BMCC) is amended as follows:

**Sec. 14-301. - Adoption by reference of the 2012 edition of the International Fire Code.**

(b) The following sections of the Fire Code are hereby amended as follows:  
Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Billings ~~and Yellowstone County Unified~~ Zoning Regulations.

**Section 2.** That Section 14-304 of the Billings, Montana City Code (BMCC) is amended as follows:

**Sec. 14-304. - Flammable or combustible liquids and bulk plants; district limits established.**

The limits referred to in the adopted fire code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are established as follows: All areas other than those zoned ~~highway~~ heavy commercial, ~~controlled~~ light industrial and heavy industrial.

**Section 3.** That Section 14-305 of the Billings, Montana City Code (BMCC) is amended as follows:

**Sec. 14-305. - Liquefied petroleum gas storage; district limits established.**

The limits referred to in the adopted fire code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: All areas other than those zoned ~~highway~~ heavy commercial, ~~control~~ light industrial and heavy industrial.

**Section 4.** That Section 24-602 of the Billings, Montana City Code (BMCC) is amended as follows:

**Sec. 24-602. - Riding on sidewalks.**

(a) No person shall ride a bicycle on a sidewalk within a business district except authorized law enforcement personnel. For purposes of this section, "business district"

is defined in MCA 61-8-102, and any district zoned Central Business District (CBD), Downtown Support (DX), Heavy Commercial (CX), Light Industrial (I1) or Heavy Industrial (I2). ~~any district zoned NC, CC, CBD, HC, CI, and HI pursuant to section 27-201 of this Code.~~

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

City Code Housekeeping Amendments 2023

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING Section 27-1623 SPECIAL REVIEW  
CRITERIA, 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 to the text of the City Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** The text of Section 27-1623 be amended to allow conditions of approval related to the existing site conditions for special review approval.

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-1623 is amended as follows:

Sec. 27-1623. Special review uses.

*D. Decision criteria.* The zoning commission shall only recommend approval or conditional approval and the city council shall only approve or conditionally approve a special review request if:

1. The special review use is consistent with the city's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this zoning code, including zone district dimensions, landscaping requirements, and parking;
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:

- (a) Regulation of the use;

- (b) Special setbacks, buffers, or screening;
- (c) Surfacing of parking areas;
- (d) Street, alley, or service road dedications, improvements, or bonds;
- (e) Regulation of points of vehicular ingress and egress;
- (f) Regulation of signs;
- (g) Regulation on the performance of the site, including noise, vibration, and odors;
- (h) Regulation of the hours of activities;
- (i) Timeframe for development;
- (j) Duration of use; and

**(k) Update to existing structures or sites to bring the facility closer to compliance with the current building or site development standards including but not limited to signage, landscaping, parking lot landscaping, doors and windows on the street facades of buildings, or other site and building standards; and**

~~(k)~~ **(l)** Other relevant conditions that will ensure the orderly development of the site.

(7) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

(8) Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and

(9) The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the city council.

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

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

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

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Special Review conditions

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING Section 27-1615 ZONING AT ANNEXATION,  
and Section 27-800 – Planned Neighborhood  
Development, 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 text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** The text of Sections 27-1615 and 27-800 be amended to allow a more detailed process for zoning at the time of annexation.

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-1615 is amended as follows:

Sec. 27-1615. Classification of newly annexed area.

A. All procedures except annexation by petition. Annexations of land into the City of Billings may be undertaken pursuant to several statutory procedures. When a parcel of land is annexed to the city under any procedure except annexation by petition, the appropriate zone(s) shall may be determined by reference to article 27-800, Planned neighborhood development or by using the following criteria. ~~Property that is exempt from the PND process shall be classified into a zone district as follows:~~

1. The zoning coordinator will determine the most appropriate zone district. **If the county zone district is an identical zone district in the city, the zone district shall remain the same upon annexation. If the county zone district has an analogous city zone district, the zoning coordinator will ensure the analogous city zone district has similar allowed uses, use standards, site and building standards. For property that has an established use that will continue or expand upon annexation, the zoning coordinator will ensure the zone district selected matches the existing and continued use.** The land owner shall have adequate opportunity to provide input, but the final zone district classification shall be made by the zoning coordinator.

2. Upon determination of the applicable **a substantially different** zone district **from the county zone district**, the zoning coordinator shall follow the procedure in section 27-

1628, Zone change, staff review, referral, and recommendation, except that the report, findings and conclusions shall be submitted to the city council prior to or concurrently with the services report that is required by the annexation statutes.

3. A public hearing on the applicable **substantially different** zone district shall be held concurrently with the public hearing on the annexation before the city council, provided that the hearing shall not be sooner than fifteen (15) calendar days after notice of the proposed zone has been given.

4. If the proposed **substantially different** zone district is not approved by the city council, the land shall **not be annexed to the city.** ~~retain the zone district it had in the county; provided, that if the county district is not identical to the city zone district, then a city zone district appropriate to the character of the surrounding area will be applied.~~

B. Annexation by petition. When the proposed annexation is by petition pursuant to MCA Title 7, Chapter 2, Part 46 (Section 7-2-4601, et seq.), the zoning coordinator shall determine whether the section 27-800, Planned neighborhood development, process is applicable, in which case the petitioner shall also submit an application for PND approval. If not, ~~the petitioners shall, concurrently with the petition for annexation, make an application for change of zoning through section 27-1628, Zone change.~~ **the zoning coordinator will use the criteria and process in subsection A.1 above to allow the petitioner to submit a zone change not using the PND process.**

1. All fees shall be paid by petitioner upon filing the application for zoning.

2. Upon filing the application, the zoning coordinator shall follow the procedure set forth in above subsection A.2, above.

3. If no application is filed or the application is denied, the land shall **not be annexed to the city.** ~~retain the same zone district it had in the county provided, that if the county zone district is not identical to the city zone district, a city zone district appropriate to the character of the surrounding area will be applied. The provisions of this subsection shall not be construed to preclude the city from fixing the zone district as provided in subsection 27-1615.A, above.~~

#### **Section 4. ZONE TEXT AMENDMENT.**

The text of Section 27-801 is amended

as follows:

B. Applicability.

1. Annexed land. **Unless otherwise provided in this section or in Section 27-1615,** ~~All undeveloped parcels equal to or greater than 10 acres requesting annexation into the city must meet these PND regulations, submitting the PND application concurrent with the annexation request. City of Billings public services, including, but not limited to, water and sewer, are required. Developed parcels,~~ **parcels with zoning determined through the process outlined in Section 27-1615,** and parcels designated as a P, **or a PD** district in their entirety are not subject to this requirement.

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 25<sup>th</sup> day of September 2023.

PASSED, ADOPTED and APPROVED on second reading this 9<sup>th</sup> day of October 2023.

CITY OF BILLINGS

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

William A. Cole, Mayor

Attest:

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

Denise R. Bohlman, City Clerk

Zone Change 1034, Text Amendment for Zoning at Annexation

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Public hearing and first reading of ordinance - real property acquisition and disposition  
**Presented by:** Gina Dahl  
**Department:** Legal  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

Staff recommends Council hold a public hearing and approve the first reading of the ordinance amending BMCC, Section 22-900. Sale, Exchange or Donation of City Real Property.

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

The City is routinely involved in numerous real property transactions and over the years, City Council has passed resolutions to address the acquisition of City property. There is currently a brief section in City Code that addresses disposition of City property. However, City staff has seen a need to address these issues in City Code to clarify procedures for both the acquisition and disposition of City property in a way that doesn't require routine policy updates and to clearly delegate appropriate authority. The proposed ordinance incorporates much of what is included in Resolution 21-10954 (establishing a policy related to the purchase of real property) but also includes issues that are not currently addressed in any way in City Code or in any City resolution but should be, like granting and accepting easements.

Currently, BMCC section 22-902 does not provide a clear process to dispose of City property and there has often been confusion about how and when notice is required, how many public hearings are required and when those hearings are to be held. Additionally, the current code section limits Council to only one process for the sale of property, which is by competitive bid. The proposed ordinance clarifies the process for disposing of property and provides more options to dispose of real property. For example, prior to any sale, exchange or donation of any real property, the Council must find the property is no longer necessary to conduct city business or that the public interest may be furthered by the sale, exchange, or donation. This finding must be made by six Council members. The final decision to transfer City owned property must be made at a subsequent public hearing where the Council will decide whether to approve the specific sale, exchange, or donation. The final decision to approve the sale, exchange, or donation must also be made by six Council members. The proposed ordinance also provides that Council may dispose of property by bid, public auction, or direct negotiated sale.

The proposed ordinance enables the exchange of City property for property of equivalent value or, if the property is not of equivalent value, for sufficient consideration as determined by a majority of Council. It also addresses transfers with other governmental entities by providing authority to sell at a reduced rate, exchange of property, or donation of real property if the property will continue to be used for governmental purposes. Additionally, the proposed ordinance provides circumstances for Council to authorize the sale of property at a reduced rate for the following reasons: to preserve historically significant property, for constructing low-income housing or emergency shelter, to aid in economic development, or to further the sustainability goals of the City.

An important aspect of this ordinance provides a clear delegation of authority for the City Administrator to grant and accept rights-of-way or public infrastructure. Council currently reviews these on its consent agenda during regular business meetings. These easements may also come before Council as part of final plat. Examples of other easements frequently seen on the consent agenda include temporary easements to allow for improvements to be completed to public infrastructure. The delegation of this authority to the City Administrator will eliminate unnecessary delay on obtaining the approval of an easement and save staff time. For dedications required as part of a final subdivision plat, in compliance with State law, the acceptance of infrastructure or an easement will require the Council's approval of the final plat before the dedication or easement can be accepted.

The proposed ordinance also addresses the requirement for appraisals (with some exceptions, e.g., transfers between governmental entities) for the purchase of real property; leases of city property; and some less common issues like water rights and issuing licenses and permits that affect real property.

**ALTERNATIVES**

City Council may:

- Approve;
- Amend and Approve; or,
- Not Approve

#### **FISCAL EFFECTS**

Adoption of the proposed ordinance will result in efficiencies in process and saving staff time.

#### **SUMMARY**

The proposed revisions to this Article incorporate much of what is included in Resolution 21-10954, which provides guidance for the purchase of real property, but it also expands Council's ability to dispose of city owned real property. The proposed ordinance provides authority for the administrative acceptance of rights-of-way and dedications of infrastructure which will increase efficiencies related to development review and includes some items not currently addressed by any policy or City code section. The intent of this ordinance is to codify or clarify current practices to establish clear delegation of authority.

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#### **Attachments**

Current Article 22-900 - Sale, Exchange or Donation of City Real Property  
Resolution 21-10954  
Proposed ordinance - CLEAN VERSION  
Proposed ordinance - REDLINED VERSION

## **ARTICLE 22-900. SALE, EXCHANGE OR DONATION OF CITY REAL PROPERTY<sup>1</sup>**

### **Sec. 22-901. State law superseded.**

Pursuant to the city's self-government powers, MCA 7-8-4201, of the state law dealing with the disposal, donation, lease or sale of city property is hereby superseded.

(Ord. No. 12-5578, § 1, 9-10-12)

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

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

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

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

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

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<sup>1</sup>Editor's note(s)—Ord. No. 12-5578, § 1, adopted September 10, 2012, amended article 22-900 in its entirety to read as herein set out. Formerly, article 22-900 pertained to the sale, disposal or lease of city property and derived from Ord. No. 90-4826, §§ 1, 2, adopted March 26, 1990.

Cross reference(s)—Administration, Ch. 2.

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to develop individualized marketing plans to maximize land value and promote city land use policies. The city administrator is authorized to the prepare all appropriate documents for signature by the mayor.

(Ord. No. 12-5578, § 1, 9-10-12)

**RESOLUTION 21-10954**

**A RESOLUTION REPEALING RESOLUTION 93-16740, AND  
ESTABLISHING A POLICY OF THE CITY OF BILLINGS, MONTANA AS  
IT RELATES TO THE PURCHASE OF REAL PROPERTY.**

WHEREAS, from time to time the City of Billings has need to purchase real property in order to carry out the programs and projects adopted by the City Council; and

WHEREAS, the City is desirous of developing a uniform guide for the purchase of real property; and

WHEREAS, market value shall be defined as the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts regarding the property.

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

Resolution No. 93-16740 is hereby repealed.

A. NEGOTIATIONS: City staff may enter into negotiations with the property owner prior to determining market value and may prepare, but not execute, a draft acquisition agreement with contingencies that shall not be binding upon the City until executed by the mayor or City Administrator pursuant to authorization granted by the City Council or this resolution. Contingencies include, but are not limited to, market value determination and City Council or City Administrator approval.

B. GUIDE TO DETERMINE MARKET VALUE: Except as provided herein, the City of Billings shall have an appraisal performed to assist in determining the market value prior to purchase of real property. The appraisal must be by disinterested, certified, general real estate appraiser selected by staff. The City Administrator may waive this requirement for an appraisal if the purchase price of the real property is less than \$25,000, provided that the City Administrator determines that it would not be prudent to incur the expense or delay of an appraisal and the purchase price is reasonably consistent with other indicia of market value, including, but not limited to, one or more broker price opinions, recent arm-length sales of this or comparable properties, etc.

Staff shall review the appraisal and bring their recommendation of market value to the City Council for approval. In cases where staff does not recommend approval of the appraisal, staff may request additional appraisals and/or that a certified appraiser reviews the appraisal(s). Except as expressly provided in this resolution, no determination of market value expressed in an appraisal obtained by the City shall be binding upon the City, and the City may accept or reject the findings of any appraisal in the discretion of the City.

Appraisals for property \$750,000 and over in value must be reviewed by a qualified review appraiser selected by the City of Billings. After the review appraiser has reviewed the appraisal(s) and arrived at a market value of the property being appraised, the city staff will present the review appraisal to the City Council for the purpose of establishing the market value.

The City may not purchase property for more than the appraised market value, except as expressly allowed by this resolution or later approval of the City Council.

The City Administrator may approve real property purchases with appraised values within the limits of his/her signing authority.

C. NEGOTIATING FLEXIBILITY: In cases of significant need where purchase of property is critical to the success of a public improvement project or would fulfill another public purpose, the City Administrator may bring to the City Council an offer over the fair market value. The City Council will then determine if the amount over market value is appropriate and, if it is, the council may accept the same in its discretion.

For purchases within his or her signing authority, the City Administrator may also approve a purchase price above the appraised value in his or her discretion based on the same criteria described in the previous paragraph.

D. THIS RESOLUTION IS INTENDED TO PROVIDE A SET OF GUIDELINES FOR THE CITY'S PURCHASE OF REAL ESTATE IN FEE. THIS RESOLUTION IS NOT INTENDED FOR PROPERTY AGREEMENTS INVOLVING THE ACQUISITION OF OTHER INTERESTS IN PROPERTY, SUCH AS EASEMENTS AND DEEDED ACCESS.

E. THIS RESOLUTION IS NOT INTENDED FOR CONDEMNATION OR EMINENT DOMAIN ACTIONS.

F. WHERE THE REAL PROPERTY WILL BE PURCHASED WITH FEDERAL FUNDS, THE CITY IS REQUIRED TO FOLLOW THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AS AMENDED.

G. IN CASES WHERE THE DEMANDS OF A PROJECT REQUIRE A VARIANCE FROM THESE GUIDELINES, THE CITY ADMINISTRATOR MAY COME TO THE CITY COUNCIL TO REQUEST A VARIANCE.

APPROVED AND PASSED by the Council of the City of Billings this 24th day of May, 2021.



CITY OF BILLINGS:

By: William A. Cole

William A. Cole, Mayor

ATTEST:

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

**ORDINANCE 23-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 22-900 – SALE, EXCHANGE OR DONATION OF CITY REAL PROPERTY TO BE ENTITLED REAL PROPERTY AND GENERALLY REVISING THE ENABLING LEGISLATION OF THE PURCHASE AND DISPOSAL OF REAL PROPERTY, INTERESTS IN WATER, AND THE GRANTING AND ACCEPTANCE OF EASEMENTS**

**WHEREAS**, the City of Billings has adopted self-government powers as those powers are enumerated in its Charter, and the laws and Constitution of the State of Montana; and

**WHEREAS**, pursuant to its Charter, the Montana Constitution, and state law, the City may exercise any power not prohibited by the constitution, law or charter and neither the Montana Constitution, state law, nor the City Charter prohibits the City Commission from adopting this Ordinance; and

**WHEREAS**, pursuant to §7-8-4201 the City may sell, dispose of, donate, or lease any property belonging to the city; and

**WHEREAS**, pursuant to §7-14-4101 the City has the authority to establish, alter, and maintain traffic ways and public grounds; and

**WHEREAS**, pursuant to §7-8-103 the City has the authority to accept, receive, take, hold, own and possess any gift, donation, grant, devise, or bequest, any real property; any improved or unimproved park or playground; any water, water right, water reservoir, or watershed; any timberland reserve; any fish or game reserve in any part of the state and to own, hold, work, and improve the same; and

**WHEREAS**, pursuant to §7-8-101 the City may sell or trade to any political subdivision any property, however held or acquired, that is not necessary for the conduct of the city business; and

**WHEREAS**, the city recognizes these amendments are necessary to clarify processes for the disposal of city owned real property and increase efficiencies in the process to grant and accept of easements of real property, rights-of-way, or public infrastructure.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1.** That Article 22-900 of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

## **Article 22-900. – REAL PROPERTY**

### **Sec. 22-901. State law superseded.**

Pursuant to the city's self-government powers, MCA 7-8-4201 which addresses the disposal, donation, lease, or sale of city property is hereby superseded. All other applicable provisions of state law not in compliance with this article are hereby superseded.

### **Sec. 22-902. Authorization for the sale, exchange, or donation of city real property.**

- a. The city council has the authority to sell, exchange, or donate any real property belonging to the city, including property held in trust for a specific purpose. The city administrator may negotiate and enter into agreements to sell, exchange, or donate real property subject to ratification by the city council and compliance with this article.
- b. The city administrator may approve and take necessary action to finalize a sale, exchange, or donation of real property with a market value within the limits of his/her signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).
- c. An exchange of real property may not be made unless property received in exchange for the city property is of an equivalent value. If the properties are not of equivalent values, the exchange may be completed if the city receives sufficient consideration approved by a majority of city council members present and voting in addition to the delivery of title. Sufficient consideration may include but is not limited to financial compensation or a public benefit as determined by a majority of city council members present and voting.
- d. The city may sell, exchange, or donate any real property belonging to the city, including property held in trust for a specific purpose, at a reduced rate to another governmental entity for a governmental purpose. At the discretion of the city council, the transfer of such property may provide for the reversion of the property, including any improvements made to the real property, to the city in the event the recipient no longer uses the property for governmental purposes.
- e. The city may donate or sell at a reduced rate city owned real property:
  1. Containing a historically significant building or monument to an entity that agrees to restore or preserve the property. The contract for the transfer of such property must contain provisions that:

- A. Require the property to be preserved in its present or restored state upon any subsequent transfer; and
  - B. Provide for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
2. For economic development purposes to an entity that agrees to develop the property for economic development purposes. The contract for the transfer of such property must contain provisions that:
- A. Require the property be developed in such a manner as to provide economic development opportunities, including job creation or retention, for industries of value to the city, or for development implementing an urban renewal plan; and
  - B. At the discretion of the city council, provide for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
3. To an entity for the purpose of constructing buildings which will provide emergency or transitional shelter housing or rental housing for low to moderate-income households, or buildings which may be sold as low to moderate-income households. The contract for the transfer of such property must contain at minimum, provisions that:
- A. Provide, for a period of time and under the conditions specified in the transfer, emergency or transitional shelter or housing for low to moderate-income households; and
  - B. At the discretion of the city council, provides for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
4. For sustainability purposes to an entity that agrees to develop or otherwise utilize the property for purposes that further the sustainability goals of the city. The contract for the transfer of such property must contain at minimum, provisions that:
- A. Require the property be developed or otherwise utilized in such a manner as to further the sustainability goals of the city; and
  - B. At the discretion of the city council, provide for the reversion of the property, including any improvements made to the real property,

to the city for noncompliance with conditions attached to the transfer.

- f. The city administrator may, by administrative order, establish procedures for the purchase, exchange, donation, or sale of city real property.
- g. Any sale, donation, or exchange of real property must comply with the provisions of this article.

**Sec. 22-903. Additional requirements for sale, exchange, or donation of city real property.**

- a. Prior to the sale, exchange, or donation of any real property, no less than six (6) city council members must find the property is no longer necessary to conduct city business or that the public interest may be furthered by the sale, exchange, or donation and pass a resolution of intent to sell, exchange, or donate the city property.
- b. If council makes a finding as required above and approves and adopts a resolution of intent to sell, exchange, or donate the city property, Council must hold a subsequent public hearing on whether to approve the sale, exchange, or donation of the city owned property. This determination must be made by no less than six (6) city council members. Prior to the public hearing, the city must provide notice, as required by MCA 7-1-4217, of the resolution of intent to sell, exchange, or donate the city real property.
- c. For the sale of real property, the city may sell property by bid, public auction, or direct negotiated sale. For exchanges and donations, the city may negotiate directly with a specific person or entity, including other governmental entities, without advertising for bids.
- d. The city may terminate the process at any time and may reinitiate the same process or begin anew at a later date.

**Sec. 22-904. Authorization for city to obtain property.**

Except as may otherwise be provided by this Code, the city council has the authority, under such limitations and restrictions as are prescribed by law, to purchase and accept by donation or exchange any real property necessary for the use of the city and to preserve, take care of, manage, and control the same.

- a. The city administrator may approve and take necessary action to finalize real property purchases with an appraised value within the limits of his/her signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).

- b. The city administrator may enter into leases on behalf of the city for the purposes of providing facilities for city operations.

**Sec. 22-905. Appraisal required for certain transfers of real property; exceptions.**

- a. An appraisal is required when the city purchases a fee simple interest in real property or a conservation easement using public funds, unless specifically exempted. The city administrator may waive this requirement provided the city administrator determines it would not be prudent to incur the expense or delay of an appraisal and the purchase price is reasonably consistent with other indicia of market value, including, but not limited to, one or more broker price opinions, recent arms-length sales of this or comparable properties, etc.
- b. An appraisal is not required when the purchase, sale, exchange, or donation of real property is to or between another governmental entity if the property will continue to be used for governmental purposes.
- c. An appraisal is not required for the acquisition of interests in water rights or rights-of-way for utility or road purposes.
- d. For any transfer requiring an appraisal under this article, the property must be appraised within one year prior to the date of adoption of the resolution approving the transfer unless waived by city council.

**Sec. 22-906. Terms of sale.**

Unless otherwise determined by no less than six (6) of the city council members:

- a. Except for sales conducted pursuant to 22-902 c. and d., a sale under this article must be for cash or on terms approved by no less than six (6) members of the city council.
- b. The title to any property sold may not pass from the city until the purchaser or the purchaser's assigns have met all obligations of the sale or exchange agreement.

**Sec. 22-907. Lease and licensing of city property.**

- a. The city council has the power to lease any lands, buildings, structures, or improvements, owned by the city, however acquired, for any length of time and for any purpose. The council, or city administrator as provided herein, may enter into such leases at a reduced rate if the city property is to be used for a public purpose.
- b. The development or other use of any city lands, buildings, structures, or improvements, whether by a lessee, or their invitees, must comply with City Code.

- c. The leasing of one or more parts of a building, improvement, or structure may be approved by the city administrator. The leasing of a portion or an entire tract of record owned by the city must be approved by city council unless the annual value of the lease is within the limits of the city administrator's signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).
- d. The city administrator may grant a license for a temporary use of city real property or facilities under conditions determined by the city administrator.
- e. The city administrator or designee has the power to issue permits for parking spaces in parking structures and parking lots and establish standards for the same.

**Sec. 22-908. Easements.**

- a. The city administrator may on behalf of the city accept the grant or dedication of real property, rights-of-way, or public infrastructure. The acceptance must be in writing. The acceptance must be recorded in the records of the county clerk and recorder and the original must be returned to the city clerk. Nothing herein may be construed to authorize the city administrator to accept an easement or grant as shown on a subdivision plat until such final plat has been approved by the city pursuant to law.
- b. The city administrator may grant rights-of-way for private, municipal, or public utilities across land owned by the city. The city administrator may determine whether consideration for the grant is required. The grant must be in writing. The grant must be recorded in the records of the county clerk and recorder and the original must be returned to the city clerk.
- c. The city administrator may authorize, subject to the availability of funds, the purchase of right-of-way for public infrastructure or public purposes.

**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 \_\_\_\_\_, 2023.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF BILLINGS

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

Attest:

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

**ORDINANCE 23-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 22-900 – SALE, EXCHANGE OR DONATION OF CITY REAL PROPERTY TO BE ENTITLED REAL PROPERTY AND GENERALLY REVISING THE ENABLING LEGISLATION OF THE PURCHASE AND DISPOSAL OF REAL PROPERTY, INTERESTS IN WATER, AND THE GRANTING AND ACCEPTANCE OF EASEMENTS**

**WHEREAS**, the City of Billings has adopted self-government powers as those powers are enumerated in its Charter, and the laws and Constitution of the State of Montana; and

**WHEREAS**, pursuant to its Charter, the Montana Constitution, and state law, the City may exercise any power not prohibited by the constitution, law or charter and neither the Montana Constitution, state law, nor the City Charter prohibits the City Commission from adopting this Ordinance; and

**WHEREAS**, pursuant to §7-8-4201 the City may sell, dispose of, donate, or lease any property belonging to the city; and

**WHEREAS**, pursuant to §7-14-4101 the City has the authority to establish, alter, and maintain traffic ways and public grounds; and

**WHEREAS**, pursuant to §7-8-103 the City has the authority to accept, receive, take, hold, own and possess any gift, donation, grant, devise, or bequest, any real property; any improved or unimproved park or playground; any water, water right, water reservoir, or watershed; any timberland reserve; any fish or game reserve in any part of the state and to own, hold, work, and improve the same; and

**WHEREAS**, pursuant to §7-8-101 the City may sell or trade to any political subdivision any property, however held or acquired, that is not necessary for the conduct of the city business; and

**WHEREAS**, the city recognizes these amendments are necessary to clarify processes for the disposal of city owned real property and increase efficiencies in the process to grant and accept of easements of real property, rights-of-way, or public infrastructure.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1.** That Article 22-900 of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

**Article 22-900. – ~~SALE, EXCHANGE, OR DONATION OF CITY REAL PROPERTY~~**

**Sec. 22-901. State law superseded.**

Pursuant to the city's self-government powers, MCA 7-8-4201, ~~of the state law dealing with which addresses~~ the disposal, donation, lease, or sale of city property is hereby superseded. All other applicable provisions of state law not in compliance with this article are hereby superseded.

**Sec. 22-902. Authorization for the sale, exchange, or donation of city real property.**

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

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

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

~~(a) Publish notice in the legal newspaper of the city of the intention to sell, exchange or donate such property and requesting competitive bids prior to the sale, exchange or donation of such lands, giving the public the opportunity to be heard regarding such action. Said notice shall be published no less than fifteen (15) days in advance of the date of the public hearing.~~

~~(b) Notify by mail all property owners within three hundred (300) feet of the exterior boundaries of the real property subject to sale, exchange or donation fifteen (15) calendar days in advance of the time, date, place of the public hearing and the existing and proposed use.~~

~~(2) Leases of city-owned real property shall be excluded from this section and will be approved in the same manner as all other contracts submitted to the city for approval.~~

~~(3) — The city administrator is hereby authorized to establish procedures to implement this section including establishment of sale criteria or conditions, a minimum sale price or exchange value and shall have discretion to develop individualized marketing plans to maximize land value and promote city land use policies. The city administrator is authorized to the prepare all appropriate documents for signature by the mayor.~~

- ~~a. The city council has the authority to sell, exchange, or donate any real property belonging to the city, including property held in trust for a specific purpose. The city administrator may negotiate and enter into agreements to sell, exchange, or donate real property subject to ratification by the city council and compliance with this article.~~
- ~~b. The city administrator may approve and take necessary action to finalize a sale, exchange, or donation of real property with a market value within the limits of his/her signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).~~
- ~~c. An exchange of real property may not be made unless property received in exchange for the city property is of an equivalent value. If the properties are not of equivalent values, the exchange may be completed if the city receives sufficient consideration approved by a majority of city council members present and voting in addition to the delivery of title. Sufficient consideration may include but is not limited to financial compensation or a public benefit as determined by a majority of city council members present and voting.~~
- ~~d. The city may sell, exchange, or donate any real property belonging to the city, including property held in trust for a specific purpose, at a reduced rate to another governmental entity for a governmental purpose. At the discretion of the city council, the transfer of such property may provide for the reversion of the property, including any improvements made to the real property, to the city in the event the recipient no longer uses the property for governmental purposes.~~
- ~~e. The city may donate or sell at a reduced rate city owned real property:
  - ~~1. Containing a historically significant building or monument to an entity that agrees to restore or preserve the property. The contract for the transfer of such property must contain provisions that:
    - ~~A. Require the property to be preserved in its present or restored state upon any subsequent transfer; and~~~~~~

- B. Provide for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
- 2. For economic development purposes to an entity that agrees to develop the property for economic development purposes. The contract for the transfer of such property must contain provisions that:
  - A. Require the property be developed in such a manner as to provide economic development opportunities, including job creation or retention, for industries of value to the city, or for development implementing an urban renewal plan; and
  - B. At the discretion of the city council, provide for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
- 3. To an entity for the purpose of constructing buildings which will provide emergency or transitional shelter housing or rental housing for low to moderate-income households, or buildings which may be sold as low to moderate-income households. The contract for the transfer of such property must contain at minimum, provisions that:
  - A. Provide, for a period of time and under the conditions specified in the transfer, emergency or transitional shelter or housing for low to moderate-income households; and
  - B. At the discretion of the city council, provides for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.
- 4. For sustainability purposes to an entity that agrees to develop or otherwise utilize the property for purposes that further the sustainability goals of the city. The contract for the transfer of such property must contain at minimum, provisions that:
  - A. Require the property be developed or otherwise utilized in such a manner as to further the sustainability goals of the city; and
  - B. At the discretion of the city council, provide for the reversion of the property, including any improvements made to the real property, to the city for noncompliance with conditions attached to the transfer.

f. The city administrator may, by administrative order, establish procedures for the purchase, exchange, donation, or sale of city real property.

g. Any sale, donation, or exchange of real property must comply with the provisions of this article.

**Sec. 22-903. Additional requirements for sale, exchange, or donation of city real property.**

a. Prior to the sale, exchange, or donation of any real property, no less than six (6) city council members must find the property is no longer necessary to conduct city business or that the public interest may be furthered by the sale, exchange, or donation and pass a resolution of intent to sell, exchange, or donate the city property.

b. If council makes a finding as required above and approves and adopts a resolution of intent to sell, exchange, or donate the city property, Council must hold a subsequent public hearing on whether to approve the sale, exchange, or donation of the city owned property. This determination must be made by no less than six (6) city council members. Prior to the public hearing, the city must provide notice, as required by MCA 7-1-4217, of the resolution of intent to sell, exchange, or donate the city real property.

c. For the sale of real property, the city may sell property by bid, public auction, or direct negotiated sale. For exchanges and donations, the city may negotiate directly with a specific person or entity, including other governmental entities, without advertising for bids.

d. The city may terminate the process at any time and may reinstate the same process or begin anew at a later date.

**Sec. 22-904. Authorization for city to obtain property.**

Except as may otherwise be provided by this Code, the city council has the authority, under such limitations and restrictions as are prescribed by law, to purchase and accept by donation or exchange any real property necessary for the use of the city and to preserve, take care of, manage, and control the same.

a. The city administrator may approve and take necessary action to finalize real property purchases with an appraised value within the limits of his/her signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).

b. The city administrator may enter into leases on behalf of the city for the purposes of providing facilities for city operations.

**Sec. 22-905. Appraisal required for certain transfers of real property; exceptions.**

- a. An appraisal is required when the city purchases a fee simple interest in real property or a conservation easement using public funds, unless specifically exempted. The city administrator may waive this requirement provided the city administrator determines it would not be prudent to incur the expense or delay of an appraisal and the purchase price is reasonably consistent with other indicia of market value, including, but not limited to, one or more broker price opinions, recent arms-length sales of this or comparable properties, etc.
- b. An appraisal is not required when the purchase, sale, exchange, or donation of real property is to or between another governmental entity if the property will continue to be used for governmental purposes.
- c. An appraisal is not required for the acquisition of interests in water rights or rights-of-way for utility or road purposes.
- d. For any transfer requiring an appraisal under this article, the property must be appraised within one year prior to the date of adoption of the resolution approving the transfer unless waived by city council.

**Sec. 22-906. Terms of sale.**

Unless otherwise determined by no less than six (6) of the city council members:

- a. Except for sales conducted pursuant to 22-902 c. and d., a sale under this article must be for cash or on terms approved by no less than six (6) members of the city council.
- b. The title to any property sold may not pass from the city until the purchaser or the purchaser's assigns have met all obligations of the sale or exchange agreement.

**Sec. 22-907. Lease and licensing of city property.**

- a. The city council has the power to lease any lands, buildings, structures, or improvements, owned by the city, however acquired, for any length of time and for any purpose. The council, or city administrator as provided herein, may enter into such leases at a reduced rate if the city property is to be used for a public purpose.
- b. The development or other use of any city lands, buildings, structures, or improvements, whether by a lessee, or their invitees, must comply with City Code.
- c. The leasing of one or more parts of a building, improvement, or structure may be approved by the city administrator. The leasing of a portion or an entire

tract of record owned by the city must be approved by city council unless the annual value of the lease is within the limits of the city administrator's signing authority as established by Resolution No. 18-10756 (i.e., an amount that does not exceed the threshold amount for competitive bids set forth in MCA §7-5-4302).

- d. The city administrator may grant a license for a temporary use of city real property or facilities under conditions determined by the city administrator.
- e. The city administrator or designee has the power to issue permits for parking spaces in parking structures and parking lots and establish standards for the same.

**Sec. 22-908. Easements.**

- a. The city administrator may on behalf of the city accept the grant or dedication of real property, rights-of-way, or public infrastructure. The acceptance must be in writing. The acceptance must be recorded in the records of the county clerk and recorder and the original must be returned to the city clerk. Nothing herein may be construed to authorize the city administrator to accept an easement or grant as shown on a subdivision plat until such final plat has been approved by the city pursuant to law.
- b. The city administrator may grant rights-of-way for private, municipal, or public utilities across land owned by the city. The city administrator may determine whether consideration for the grant is required. The grant must be in writing. The grant must be recorded in the records of the county clerk and recorder and the original must be returned to the city clerk.
- c. The city administrator may authorize, subject to the availability of funds, the purchase of right-of-way for public infrastructure or public purposes.

**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 \_\_\_\_\_, 2023.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF BILLINGS

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

Attest:

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

**City Council Regular**

**Date:** 09/25/2023  
**Title:** Sale of Park 1 Ground Retail Space  
**Presented by:** John Caterino, Facilities Manager  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** Yes  
**Project Number:** N/A

**RECOMMENDATION**

City Council Operations Committee recommends that Council reject all proposals that were submitted as part of the RFP process to sell the ground level retail space of Park 1.

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

On 12/07/2022 City of Billings signed a contract with NAI Business Properties with Matt Robertson acting as supervising broker for this transaction.

Legal ads were placed in *Yellowstone County News* on 11/04/2022 and 11/11/2022. Property owners within 300' of subject Property were mailed notification of the potential sale, disposal, or lease on 11/04/2022. The approval of the resolution is the first step in the process to make Properties available if City Council approves.

On 11/14/2022 a public hearing was held, and City Council approved resolution 22-11083 authorizing City staff to advertise the sale and disposal of Park 1 ground retail space on 3rd Ave N. Park 1 is also described as BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, LOT 7 - 17, LTS 7-17 & 200 X 100' VAC ALLEY ADJ TO LTS 9-16 BLK 56 BILLINGS ORIGINAL TOWN (I-140,I-684,I-649,I-78B,I-650 & I-651) in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County.

Administration Department advertised a Request for Proposal (RFP) for the subject Property on 04/14/2023 and 04/21/2023 in *Yellowstone County News* and on the City's website. Additionally, the RFP was broadcast nationally by NAI.

Two (2) proposals were submitted by 06/16/2023.

On 06/28/2023 the City Council Operations Committee recommended Staff and NAI to negotiate with Journey Willow Cottage LLC to achieve the best agreeable sale price for the City for subject Property. The sale price was negotiated from the original submittal price of \$700,000.00 to \$750,000.00.

City Staff recommended moving forward with the offer from Journey Willow Cottage LLC, to purchase subject Property due to a number of reasons:

- Quality of proposal
- Experience of proposer
- Financial capacity to complete transaction with pre-qualification letter from lender
- Proposed development and use of spaces
- Proposed development schedule
- Increased tax base and economic growth to Central Business District
- Total price competitiveness as Journey Willow Cottage offered the highest price for the subject Property
- Crime reduction to the surrounding area

Building area to be sold is 16,503 square feet and currently there are six demised suites, four are occupied on a month-to-month basis (Volunteers of America, Crime Prevention Center, Budget Instant Print, and Yellowstone County Self Help Law Center), and two are vacant. The City of Billings Parking Division manages all hard and soft services for the Property and there is a net-negative operating income.

In the proposal submitted by Journey Willow Cottage LLC they have outlined their desire to develop the subject Property into a multi-use space with a diversity of tenants, such as restaurants and retailers. They have previous experience with rehabilitation of rental property throughout the midtown area and are committed to bringing that same approach to the subject Property. At the time of proposal and negotiations, Journey Willow Cottage LLC did not request any TIF funds.

On 09/14/2023 City Staff and NAI met with Council Operations Committee to discuss the sale of Park 1 ground level retail space to Journey Willow Cottage LLC. The Committee believes that the negotiated sale price is below market value and that a higher sale price could be obtained by relisting the Property. City Staff is working on bringing a new ordinance to amend existing Billings Montana City Code article 22-900 for the sale, exchange, or donation of city real property in September 2023, to Council for approval. This will streamline the sale of Property and allow Staff to forego the RFP process which inherently comes with more obstructions that submitters must negotiate.

### ALTERNATIVES

City Council may:

- Reject all proposals; or,
- Approve to enter into a Purchase and Sale Agreement with Journey Willow Cottage LLC for \$750,000.00, and reject DBP proposal

Approval would begin the due diligence period for the Buyer. The PSA includes a Development Agreement and a Council contingency that must be approved by City Council prior to close of sale.

### FISCAL EFFECTS

The following offers were received:

| Submitter                      | Price        |
|--------------------------------|--------------|
| Journey Willow Cottage, LLC    | \$700,000.00 |
| Downtown Billings Partnership* | \$2.00       |

\*Note that the DBP proposal was only for purchase of two Suites.

After negotiations with Journey Willow Cottage the agreed upon sale price is \$750,000.00.

Currently, subject Property is a net negative operating income for the City and sale of this Property for \$750,000.00 will be used to offset construction costs at New City Hall.

Costs to City associated with sale of subject Property will include closing, condo'ing, and broker fees. Total costs for these services are estimated to be about \$50,000.00. Additionally, the Crime Prevention Center does not pay rent which is an estimated value of about \$40,000 per year.

Assuming sale of subject Property and CPC occupying their Suite until construction completion of new City Hall in September 2024, coupled with broker fees the net sale price to City is estimated to be \$670,000.00.

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### Attachments

Resolution 22-11083  
Journey Willow Cottage Submission  
DBP Submission



**OFFICE OF THE CITY CLERK  
COUNCIL ACTION FORM**

**SUBJECT:** Authorizing the sale, disposal or lease of Park 1 ground retail space

**Council Meeting Date:** 11/14/22

**Vote:** Approved 11-0

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,  
Purinton, Boyett, Rupsis, Mayor Cole**

## **RESOLUTION 22-11083**

### **A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, ARTICLE 22-900; SALE, EXCHANGE OR DONATION OF CITY REAL PROPERTY, DESCRIBING THE PROPERTY TO BE DISPOSED, DECLARING THE INTENT OF THE CITY TO DISPOSE OF THE PROPERTY AND AUTHORIZING CITY OFFICIALS TO PROCEED.**

WHEREAS, the City of Billings finds it necessary or desirable to dispose of properties it currently owns, located at BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, Lot 7 - 17, LTS 7-17 & 20 X 100' VAC ALLEY ADJ TO LTS 9-16 BLK 56 BILLINGS ORIGINAL TOWN (I-140,I-684,I-649,I-78B,I-650 & I-651 in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County.

WHEREAS, Council authorize staff to proceed with the sale, exchange or donation of BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, Lot 7 - 17, LTS 7-17 & 20 X 100' VAC ALLEY ADJ TO LTS 9-16 BLK 56 BILLINGS ORIGINAL TOWN (I-140,I-684,I-649,I-78B,I-650 & I-651, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County; and,

WHEREAS, the notice required by Section 22-902 of the Billings Montana City Code has been duly published and mailed; and,

WHEREAS, the public hearing required by Section 22-902 of the Billings Montana City Code was duly held on the 14th day of November 2022;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS MONTANA, AS APPROVED BY NO LESS THAN SIX OF OUR NUMBER, AS FOLLOWS:

The City Council may sell real property belonging to the city described as BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, Lot 7 - 17, LTS 7-17 & 20 X 100' VAC ALLEY ADJ TO LTS 9-16 BLK 56 BILLINGS ORIGINAL TOWN (I-140,I-684,I-649,I-78B,I-650 & I-651 in the City of Billings, Yellowstone County, Montana and the City Council shall have the authority and discretion to select the bid that is in the best interest of the city, conditionally accept a bid, or it may reject any and all bids. Other local, state, or federal governmental entities expressing interest shall be exempt from competitive bidding, and the City Council may sell, exchange, or donate specific real property to such governmental entities without a competitive bidding process.

City staff shall proceed under Section 22-902 of the Billings Montana City Code to publish notice of the City's intent to sell real property belonging to the City more particularly described as BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, Lot 7 - 17, LTS 7-17 & 20 X 100' VAC ALLEY ADJ TO LTS 9-16 BLK 56 BILLINGS ORIGINAL TOWN (I-140,I-684,I-649,I-78B,I-650 & I-651 in the City of Billings, Yellowstone County,

Montana and request competitive bids on such property as required by Section 22-902(1)(a).

City staff shall notify property owners within three hundred (300) feet of the exterior boundaries of the real property described above fifteen (15) days in advance of the time, date, place of the public hearing on the sale of such property and the existing and proposed use of such property.

See map attached as Exhibit A.

APPROVED AND PASSED by the City Council of the City of Billings this 14<sup>th</sup> day of November 2022.



CITY OF BILLINGS:

DocuSigned by:  
By: William A Cole  
William A. Cole, Mayor

ATTEST:

DocuSigned by:  
BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

# Exhibit A





**Certificate Of Completion**

|                                                   |                          |
|---------------------------------------------------|--------------------------|
| Envelope Id: A2C59F9F2E004693911F5DCBEDD1F0B2     | Status: Completed        |
| Subject: Please DocuSign: RES 22-11083            |                          |
| Source Envelope:                                  |                          |
| Document Pages: 5                                 | Signatures: 2            |
| Certificate Pages: 5                              | Initials: 0              |
| AutoNav: Enabled                                  | Stamps: 1                |
| Envelope Stamping: Enabled                        | Envelope Originator:     |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | Toni Keehner             |
|                                                   | keehnert@billingsmt.gov  |
|                                                   | IP Address: 161.7.21.158 |

**Record Tracking**

|                       |                         |                    |
|-----------------------|-------------------------|--------------------|
| Status: Original      | Holder: Toni Keehner    | Location: DocuSign |
| 11/15/2022 1:32:11 PM | keehnert@billingsmt.gov |                    |

**Signer Events**

William A Cole  
 coleb@billingsmt.gov  
 Mayor  
 Security Level: Email, Account Authentication (None)

**Signature**

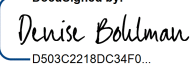

DocuSigned by:  
  
 2CA11D5423334EE...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 72.175.160.94

**Timestamp**

Sent: 11/15/2022 1:33:48 PM  
 Viewed: 11/15/2022 4:23:10 PM  
 Signed: 11/15/2022 4:24:41 PM

**Electronic Record and Signature Disclosure:**  
 Accepted: 12/3/2020 8:46:12 AM  
 ID: 235dd76e-a3c9-4e23-89f5-aedaeb3b241a

Denise Bohlman  
 bohlmand@billingsmt.gov  
 City Clerk  
 City of Billings  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 D503C2218DC34F0...  
  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 161.7.21.24

Sent: 11/15/2022 4:24:42 PM  
 Viewed: 11/16/2022 7:58:58 AM  
 Signed: 11/16/2022 7:59:07 AM

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Toni Keehner  
 keehnert@billingsmt.gov  
 Deputy City Clerk  
 City Clerk  
 Security Level: Email, Account Authentication (None)

**Completed**  
 Using IP Address: 161.7.21.158

Sent: 11/16/2022 7:59:10 AM  
 Viewed: 11/16/2022 8:14:07 AM  
 Signed: 11/16/2022 8:14:09 AM

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

| In Person Signer Events      | Signature | Timestamp |
|------------------------------|-----------|-----------|
| Editor Delivery Events       | Status    | Timestamp |
| Agent Delivery Events        | Status    | Timestamp |
| Intermediary Delivery Events | Status    | Timestamp |

| <b>Certified Delivery Events</b> | <b>Status</b> | <b>Timestamp</b> |
|----------------------------------|---------------|------------------|
|----------------------------------|---------------|------------------|

| <b>Carbon Copy Events</b> | <b>Status</b> | <b>Timestamp</b> |
|---------------------------|---------------|------------------|
|---------------------------|---------------|------------------|

| <b>Witness Events</b> | <b>Signature</b> | <b>Timestamp</b> |
|-----------------------|------------------|------------------|
|-----------------------|------------------|------------------|

| <b>Notary Events</b> | <b>Signature</b> | <b>Timestamp</b> |
|----------------------|------------------|------------------|
|----------------------|------------------|------------------|

| <b>Envelope Summary Events</b> | <b>Status</b> | <b>Timestamps</b> |
|--------------------------------|---------------|-------------------|
|--------------------------------|---------------|-------------------|

|                     |                  |                       |
|---------------------|------------------|-----------------------|
| Envelope Sent       | Hashed/Encrypted | 11/15/2022 1:33:48 PM |
| Certified Delivered | Security Checked | 11/16/2022 8:14:07 AM |
| Signing Complete    | Security Checked | 11/16/2022 8:14:09 AM |
| Completed           | Security Checked | 11/16/2022 8:14:09 AM |

| <b>Payment Events</b> | <b>Status</b> | <b>Timestamps</b> |
|-----------------------|---------------|-------------------|
|-----------------------|---------------|-------------------|

| <b>Electronic Record and Signature Disclosure</b> |
|---------------------------------------------------|
|---------------------------------------------------|

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, Carahsoft OBO City of Billings (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact Carahsoft OBO City of Billings:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [kampal@billingsmt.gov](mailto:kampal@billingsmt.gov)

### **To advise Carahsoft OBO City of Billings of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [kampal@billingsmt.gov](mailto:kampal@billingsmt.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from Carahsoft OBO City of Billings**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [kampal@billingsmt.gov](mailto:kampal@billingsmt.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with Carahsoft OBO City of Billings**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [kampal@billingsmt.gov](mailto:kampal@billingsmt.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO City of Billings as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Billings during the course of your relationship with Carahsoft OBO City of Billings.

## Request For Proposals (RFP) – Disposition of Municipal Real Estate Sale and Development of Park 1 – Ground Level Retail

- 1.) I have lived in Billings my whole life, and my wife and I have been buying real estate in Billings for the past 18 years. We started with a duplex on 17<sup>th</sup> street and now own a triplex, townhome, and a ten plex that we manage ourselves. We also manage other rentals in town for family and friends as well. Our niche over the past eight years has been buying rentals, remodeling and furnishing them, and then turning them into short term rentals for traveling professionals. Our investment real estate portfolio has continued to grow over the years, and we are excited to potentially add commercial real estate to the portfolio.
- 2.) See letter attached from financier.
- 3.) Our first rental we remodeled was an up down duplex on 17<sup>th</sup>. We replaced carpet, flooring, and painted the whole downstairs. We also added new appliances and windows. This was our first of many remodels.

The next project we embarked on was over on Parkhill by Pioneer Park. We bought a piece of property that was currently being used as a VRBO for travelers and it consisted of a front house, back bunk house, and a one-bedroom garage. All of these units were considered one entity for the tenants. When we bought the property, we came in and turned the back bunk house into a studio by adding a shower, a toilet and incorporating a kitchenette. In the one-bedroom garage unit, we built a utility room consisting of a washer and dryer for the back tenants to share. Once we were done with this development, we had three separate rentals that we began renting to travel nurses on three-month contracts.

Our next project consisted of a complete gut job of a townhome on the Hiland's golf course. Due to the shape it was in, we had to take it down to the studs and start over. Jess was the general contractor on this project. We brought in multiple skilled contractors to get the job done. It took just over two months but once it was finished, we were rented and full from there on out.

Our most recent purchase was a ten-plex located across from Juliano's and south of the Billings Clinic. We went in and remodeled and furnished three of the one-bedroom apartments, and now we have a consistent flow of traveling nurses renting those and working at the Billings Clinic. This not only was beneficial to the Clinic, but it also helped spruce up the cliental in that area of town. If we were to purchase Park 1, we would also pursue the best tenants to put into those spaces. In order to reduce crime in an area, the landlord must choose the correct tenants but also must make sure those spaces are full and being utilized.

- 4.) The current name of the LLC that will be purchasing Park 1 is called Journey Willow Cottage, LLC. The members of this LLC are Zach Robbins, Jessica Robbins, and Shelley Robbins.
- 5.) Park 1  
  
BILLINGS ORIGINAL TOWNSITE, S03, T01 S, R26 E, BLOCK 56, Lot 7 – 17
- 6.) Purchase Price--\$700,000  
Earnest Money--\$7,000  
Financing Requirements—None, bank will finance.
- 7.) 60-day due diligence—Phase 1 will be needed along with air quality test.
- 8.) ???

9.) Park 1 will be a multi-use property consisting of many different tenants and retailers. We would like to see diversity within our spaces from office space to restaurant space to retail space. Rehabilitation and modifications will have to be on a space-by-space determinant based on needs of the tenants. By making sure we have the correct tenants in the spaces, along with keeping these spaces full, this will be a huge benefit to the City of Billings and the Central Business District. Also, with our track record of rehabbing rentals throughout the mid-town area, we believe we can bring this same mentality to the Park 1 property development. Our goal is to fill Park 1 right away with tenants—this will increase the tax base for the city as well as decrease crime. Vacant buildings and spaces encourage the wrong kind of clientele. We will do all we can to always keep these spaces full. With solid tenants in place, they will help keep their space and the downtown area clean. In the future, we will address the TIF funds and see if they can be of help with remodeling and or development of the block.

**ATTACHMENT C**

**CONDITIONS AND NON-COLLUSION FORM**

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to all terms included as part of this RFP.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other Proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other Proposer or competitor; that the above statement is accurate under penalty of perjury.

Journey Willow Cottage, LLC  
Legal Name of Firm/Corporation

  
\_\_\_\_\_  
Authorized Signature

805 Rimrock Rd.  
Address

Zach Robbins  
Printed Name

Billings, MT, 59102  
City/State/Zip

\_\_\_\_\_  
Title

June 16th, 2023  
\_\_\_\_\_  
Date

406-861-6545  
\_\_\_\_\_  
Telephone Number

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101

# downtown *Billings*

JUNE 16, 2023

## Disposition of Municipal Real Estate Sale and Development of Park 1 – Ground Level Retail

Proposal submitted to:  
Matt Robertson, SIOR  
NAI Business Properties



Presented To  
**City of Billings**

Presented by  
**Downtown Billings Partnership**

# Table of Contents

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# About the Downtown Billings Alliance

The Downtown Billings Alliance (DBA) is composed of four separate nonprofits that work independently and collectively on behalf of downtown Billings businesses & property owners. The mutual goal of each branch of the DBA is to continually enhance the downtown Billings experience for visitors, residents, and the local community. Together they strive to promote economic growth, community, innovation, and improvement, making downtown Billings a place for businesses to thrive and visitors to enjoy.

## **Downtown Billings Partnership (DBP)**

This economic development and redevelopment arm of the organization was developed in 1998. The DBP assists the City of Billings by managing the Tax Increment Financing (TIF) investment within the Central Business District. The DBP also manages the Urban Renewal District to further assist property owners with development and expansion, pursues opportunities for new and in-fill development, and offers aid for business recruitment and retention.

## **Downtown Billings Association (DBA)**

The DBA is a merchant/membership non-profit organization created in 1985 to promote and advocate for a vibrant city center through marketing efforts, programmatic and place-making elements, cultural and diversity programs, public art, and green space development. The DBA communicates downtown happenings with the community.

## **Business Improvement District (BID)**

The BID is a property-owner funded organization developed in 2005. The BID street team manages street clean up duties in the 18 block district, including trash and litter removal, graffiti removal, pressure washing, snow removal, planter and flower basket maintenance, bike rack installations, event management, downtown Christmas decoration installation, and more. The BID coordinates a number of large street vendor festivals, holiday parades, and weekly summer outdoor concerts. The BID also includes a cooperative safety program that employs three Billings Police Department (BPD) downtown resource officers. These officers provide additional support specifically to the downtown community over and above what is already provided by the BPD. The downtown resource officers are stationed inside the DBA office.

## **Community Innovations (CI)**

Developed in 2014, CI was established to address the issues of chronic inebriation, an increase in street disorder, and transiency affecting the city, and in particular, downtown Billings. The CI team draws on leadership from the business community, the social service sector, city government, tribal leaders, law enforcement, and the faith community to drive change. CI oversees the implementation of a comprehensive downtown policing program that includes a continuum of care where the cornerstone is cultural awareness and sensitivity in counseling and treatment. CI employs a full-time Resource Outreach Coordinator (ROC) to offer treatment and counseling as an alternative to jail time to individuals on the streets of downtown Billings.



June 16, 2023

Matt Robertson, SIOR  
NAI Business Properties

Request for Proposals  
For Disposition of Municipal Real Estate  
Sale and Development of Park 1 – Ground Level Retail

To Whom it May Concern,

Please accept this letter of commitment on behalf of the Boards of Directors of the Downtown Billings Partnership, the Downtown Billings Business Improvement District, and the Downtown Billings Association for the proposed purchase and development of the properties described within.

The Downtown Billings Alliance (DBA) has a mission to nurture downtown Billings' identity to assure we are viewed as an inclusive, inviting, and distinct destination where the city comes together to create and celebrate community. At the DBA we work to support the growth of downtown to ensure it remains a diverse economic engine that attracts investment, creating a vibrant nucleus of connected culture, business, entertainment, and downtown living. This work is accomplished through management of local economic development tools, supporting our local business owners through shared marketing efforts, and creating a lively and engaging event program that attracts thousands to downtown Billings each year. A great deal of time, energy, and passion goes into these projects, and it is work the entire DBA team loves to do for Billings. The opportunity to purchase and develop a shared office space in the two described properties offers a permanent future for the vision and work of this downtown collective.

Development of the future Downtown Billings Alliance headquarters supports the DBA's dedication and promise to our community to prioritize public safety through partnerships with City leadership, encourage and facilitate infill development of residential units and retail, recruit new business to our urban core, retain and develop our existing businesses, attract a talented workforce to Billings, and create and nurture a beautiful and inviting downtown experience. This specific location will catalyze the development of the long dreamed of "Pocket-Park" in the adjacent 29<sup>th</sup> Street Alley, creating an event-friendly, activated space for our entire community.

We acknowledge that our proposal may not be the highest bid for these important properties, but we feel strongly that the long-term benefits of this development proposal will far exceed the initial financial cost. A permanent location for the Downtown Billings Alliance will provide stability for the non-profit organizations and demonstrate a commitment to our community that the DBA is fully invested in our downtown's growth and vision. We respectfully request your consideration of this proposal and are available for questions, concerns, and references.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Lynch".

Sean Lynch  
Downtown Billings Partnership

A handwritten signature in black ink, appearing to read "Blake Wahrlich".

Blake Wahrlich  
Downtown Billings BID

A handwritten signature in black ink, appearing to read "Matt Blakeslee".

Matt Blakeslee  
Downtown Billings Association

## Downtown Billings Partnership Board of Directors



Sean Lynch  
President



Jock West  
Vice President



Dave Fishbaugh  
Secretary/Treas.



Steve Wahrlich  
Member at Large



Mary Walks Over Ice  
Member at Large



Steve Tostenrud  
Member at Large



Meri McGlone  
Member at Large



Ethan Kanning  
Member at Large



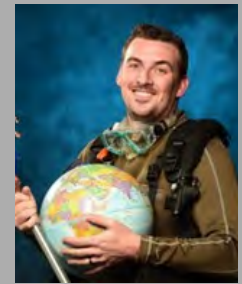
Chris Montague  
Member at Large



Andy Patton  
Member at Large



Matt Blakeslee  
DBA Board Chair



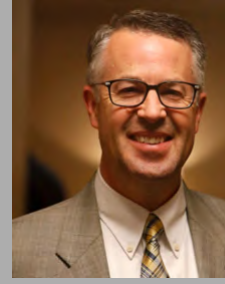
Blake Wahrlich  
BID Board Chair



Steve Arveschough  
Big Sky Economic Dev.



Brandon Scala  
Billings Parking Board



Chris Kukulski  
City of Billings



Jana Hafer  
School District 2

# Proposed Project Properties

| Project Address | Suite Size (sf) |
|-----------------|-----------------|
| 214 N. 29th St  | 1,677           |
| 216 N. 29th St  | 2,100           |
| <b>TOTAL</b>    | <b>3,777</b>    |



The Downtown Billings Alliance proposes to combine 214 N 29th Street and 216 N 29th Street to create a single, multi-functional space. The adjacent alley will be programmed daily as an active park space. This redeveloped space will be the permanent home of Downtown Billings Partnership, Downtown Billings BID, Downtown Billings Association, and Community Innovations

# Pricing Proposal

| Property Address | Purchase Price | Earnest Money | Financing Requirements | Closing Costs  |
|------------------|----------------|---------------|------------------------|----------------|
| 214 N 29th St    | \$1.00         | \$1.00        | \$0                    | Carried by DBP |
| 216 N 29th St    | \$1.00         | \$1.00        | \$0                    | Carried by DBP |

The Downtown Billings Partnership proposes to purchase the properties described above for a total price of \$1 per property. While the properties are recognized to be valued at a higher cost (approximately \$61/sf), the Downtown Billings Partnership, along with their partner agencies, understand the value of this change of ownership and development to be at a much higher value to the community and Central Business District.

Though all four arms of the Downtown Billings Alliance are non-profit organizations, the Downtown Billings Partnership will pay property taxes, BID assessments, and any other tax related levies associated with the property. This investment into our community is important to the stability and infrastructure of Billings and the Central Business District.

Additionally, the Downtown Billings Partnership is contracted by the City of Billings for management of the Tax Increment Financing District and Urban Renewal District. One significant component of the management fee paid to the DBP is the cost of rent, approximately \$15,000 annually. Creating an opportunity for ownership of this property, and the ability to generate lease agreements with the Alliance partners will not only eliminate the rent line item of the DBP management fee, but potentially generate revenues that will further reduce the DBP management fee. Rents paid by the BID and Association would potentially be reduced, allowing for increased programming as part of the work plans of these organizations. Programming might include added public art installations, public safety initiatives, wayfinding projects, business recruitment and marketing plans, and new events scheduled.

Consideration of this offer should be made based on the long term value of the mission of the Downtown Billings Alliance, a collective of non-profit organizations, working to improve the downtown Billings core and surrounding community.

# Proposed Timeline



The Downtown Billings Alliance is prepared to move ahead with execution of a Development Agreement, property closing, and construction as soon as possible.

The DBA is currently engaged in a lease at 116 N 29th St through March of 2024. While remaining in the current agreement is acceptable, the DBA is prepared to identify a new lease-holder to assume the remainder of the lease.

Construction of the proposed development is estimated to take 60-90 days upon property closing.



## Proposed Use

The Downtown Billings Alliance will redevelop 214 N 29th and 216 N 29th into one, 3,777 square foot, multi-use office space. The Downtown Billings Alliance office will be owned by the Downtown Billings Partnership and shared with the Association, Business Improvement District, and Community Innovations through mutually beneficial lease agreements. Programs that will be housed in this lively space include the downtown BPD Resource Officers, the Homeless Outreach Team, event coordination, City of Billings parking passes, downtown gift cards, ArtWalk gallery, City of Billings urban renewal programs, public art facilitation, shared marketing programs, DBA administration, and all staff offices.



The DBA office redevelopment project will consist of removing the demising wall between 214 and 216, creating an open concept office space. Office space will include meeting space, staff work stations, 1-3 private offices, reception/gallery space, kitchenette, restrooms, event storage, holiday decoration storage, BID shop space, police officer work area, H.O.T. program meeting room, and bike storage.

The DBA office redevelopment project will add storefront windows and doors to the south wall of the property. This addition will add natural light to the office space and allow for daily programming of the adjacent alley. Activation of this space will include seating, games, live music and events, additional public art installations, dog friendly amenities, all working to create a vibrant, pedestrian friendly, and safe place for all to enjoy.



## Proposed Use

Programming of the 29th Street Alley by the Downtown Billings Alliance. CPTED components will be added to the area as part of the development of the DBA office; these elements include lighting, visible entryways opening to the alley, public art, increased foot traffic generated by events and office programs, and BPD officers co-located in the DBA office.



Rendering of the 29th Street Alley by Cushing Terrell. Several plans for development of the 29th Street Alley have been donated by local architects and designers. The ability to make these design plans a reality will be possible with the development of the DBA office.

# Proposed Use

Signage at Alley entrance creates community ownership of this inviting space.



Directional signage added to the skybridge invites downtown visitors to enter the alley pocket-park

**DOWNTOWN BILLINGS POCKET PARK CONCEPT #1**  
 N 29th STREET, WEST SIDE BETWEEN 2nd AND 3rd AVENUES N

**CONCEPT PHOTOS | CONCEPT PHOTOS**

- 1. Green outdoor seating area.
- 2. Art installation on a wall.
- 3. People walking on the alley.
- 4. A person sitting on a bench.
- 5. A person walking a dog.
- 6. A person sitting on a bench.
- 7. A person walking on the alley.
- 8. A person sitting on a bench.
- 9. A person walking on the alley.
- 10. A person sitting on a bench.
- 11. A person walking on the alley.
- 12. A person sitting on a bench.

**FUTURE POCKET PARK CONCEPTS**

13. A person walking on the alley.

14. A person sitting on a bench.

15. A person walking on the alley.

16. A person sitting on a bench.

17. A person walking on the alley.

18. A person sitting on a bench.

19. A person walking on the alley.

20. A person sitting on a bench.

21. A person walking on the alley.

22. A person sitting on a bench.

23. A person walking on the alley.

24. A person sitting on a bench.

25. A person walking on the alley.

26. A person sitting on a bench.

27. A person walking on the alley.

28. A person sitting on a bench.

29. A person walking on the alley.

30. A person sitting on a bench.

Rendering of the 29th Street Alley by a local architect.

|                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Intended Use</b></p>                                               | <p>The property will be owned by Downtown Billings Partnership and leased to Downtown Billings BID, Downtown Billings Association, and Community Innovations. The downtown Police Officers and H.O.T. Team will be located in the DBA office.</p>                                                                                                                                                                                                                     |
| <p><b>Redevelopment</b></p>                                              | <p>Modifications of the DBA office will include storefront improvements and additions, facade improvements, signage, interior demolition, and improved interior finishes. The DBA will open the office to the adjacent alley for activation and community programming.</p>                                                                                                                                                                                            |
| <p><b>Benefits to City of Billings and Central Business District</b></p> | <p>The investment in this project by the DBA signifies a long term presence of community-minded organizations, working toward the ongoing development, beautification, and safety of downtown Billings.</p>                                                                                                                                                                                                                                                           |
| <p><b>Tax Base Increase</b></p>                                          | <p>Downtown properties of equal size (3,777sf) submit tax payments between \$2,300 and \$11,000 annually. Additionally, these properties contribute to the Business Improvement District up to \$1,500 annually.</p>                                                                                                                                                                                                                                                  |
| <p><b>Timing of Opening</b></p>                                          | <p>Operations will begin 60-90 days upon closing of property</p>                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Reduction of Crime</b></p>                                         | <p>Public Safety will be greatly improved by the redevelopment of the DBA office in this location. In addition to the added programming of the adjacent alley, the presence of the downtown Resource Officers and H.O.T. programs at this site will have added benefit to Parking Garage 1 and the surrounding neighborhood. The DBA subscribes to all Crime Prevention Through Environmental best practices and will redevelop this property to these standards.</p> |
| <p><b>Beautification</b></p>                                             | <p>Improvements to interior finishes, signage, flowers and seasonal landscaping, and public art will create a welcoming neighborhood experience.</p>                                                                                                                                                                                                                                                                                                                  |
| <p><b>Use of Tax Increment Financing</b></p>                             | <p>Tax Increment Financing will be requested for facade improvements and signage and will be matched by equal contributions by each organization.</p>                                                                                                                                                                                                                                                                                                                 |
| <p><b>Local and Regional Employment</b></p>                              | <p>The DBA will hire a local architect and local contractors.</p>                                                                                                                                                                                                                                                                                                                                                                                                     |

# Attachments:

- Attachment A - Validation Questions for Proposer
  - References
- Attachment B - Price Matrix
- Attachment C - Conditions and Non-Collusion Form
- Attachment F - Proposer Contact Information



## ATTACHMENT A

### VALIDATION QUESTIONS FOR PROPOSER

#### GENERAL INFORMATION

- 1) Company Name: **Downtown Billings Partnership**  
Address: **116 N. 29th Street, Billings, MT 59101**  
Contact Name: **Katy Easton, CEO**  
Contact Phone: **406-294-5060**  
Contact Email: **keaston@downtownbillings.com**  
Website/URL: **www.downtownbillings.com**
- 2) How many years has your company been doing business under this name? **25 years**
- 3) References - Please attach a Word<sup>®</sup> document with all contact information for at least the following three references:
  - a) New Company (started doing business with them in the past 12 months)
  - b) Retained Company (have been doing business with them for 3 + years)
  - c) Former Company (contract terminated in the past 2 years)

#### LEGAL ISSUES

- 1) Are there any pending lawsuits against your company? **No** If yes, please explain:

**References:**

**a) New Company (New Board Member & Board President)**

1. Blake Wahrlich  
Business Improvement District  
Board of Directors  
President/Board Chair  
[Blake@bwclocktowerinn.com](mailto:Blake@bwclocktowerinn.com)

**b) Retained Company (Accounting/Bookkeeping Contractor)**

1. SS Accounting Services  
Shannon and Scott Schmidt  
PO Box 20766  
Billings, MT 59104  
406-696-3131  
[shannonschmidtmt@gmail.com](mailto:shannonschmidtmt@gmail.com)

**c) Former Company (Former Board Member, Downtown Billings Partnership)**

1. Marguerite Jodry  
Former At-Large Board Member  
Zest Kitchen Store, Owner  
[marguerite.jodry@gmail.com](mailto:marguerite.jodry@gmail.com)



ATTACHMENT B

PRICE MATRIX

(to be sent with proposal in a separate, sealed envelope – see instructions in Section 1)

| <u>Property</u>    | <u>Price</u> |
|--------------------|--------------|
| 214 N. 29th Street | \$1.00       |
| 216 N. 29th Street | \$1.00       |
|                    |              |
|                    |              |
|                    |              |

I/We acknowledge # 0 addenda

Downtown Billings Partnership  
Company Name

6-16-2023  
Date

Katy Easton  
Contact Name (please print)

CEO  
Title

*Katy Easton*  
Signature of Contact Position

By signing the above, I certify that I am authorized by the Company named above to respond to this request.



ATTACHMENT C

CONDITIONS AND NON-COLLUSION FORM

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to all terms included as part of this RFP.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other Proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other Proposer or competitor; that the above statement is accurate under penalty of perjury.

|                                      |                           |
|--------------------------------------|---------------------------|
| <u>Downtown Billings Partnership</u> | <u><i>Katy Easton</i></u> |
| Legal Name of Firm/Corporation       | Authorized Signature      |
| <u>116 N. 29th Street</u>            | <u>Katy Easton</u>        |
| Address                              | Printed Name              |
| <u>Billings, MT 59101</u>            | <u>CEO</u>                |
| City/State/Zip                       | Title                     |
| <u>6-16-2023</u>                     | <u>406-294-5060</u>       |
| Date                                 | Telephone Number          |

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



**ATTACHMENT F**

**PROPOSER CONTACT INFORMATION**

**A. Company Contacts**

|                                       |                                        |
|---------------------------------------|----------------------------------------|
| Primary Contact Person (Name):        | Katy Easton                            |
| Title/Function:                       | CEO                                    |
| Address                               | 116 N. 29th Street, Billings, MT 59101 |
| Business Hours Phone:                 | 406-294-5060                           |
| Fax:                                  |                                        |
| Internet E-mail Address:              | keaston@downtownbillings.com           |
| Name of Person Responding to Request: | Katy Easton                            |
| Title/Function:                       | CEO                                    |
| Address:                              | 116 N. 29th Street, Billings, MT 59101 |
| Phone:                                | 406-294-5060                           |
| Fax:                                  |                                        |
| Internet E-mail Address:              | keaston@downtownbillings.com           |

**B. General Company and Financial Information**

|                        |                                              |
|------------------------|----------------------------------------------|
| Company Name:          | Downtown Billings Partnership                |
| Headquarters Address:  | 116 N. 29th Street                           |
| City, State, ZIP       | Billings, MT 59101                           |
| Headquarters Phone:    | 406-294-5060                                 |
| Headquarters FAX:      |                                              |
| Company Owned By:      | N/A                                          |
| Percent % Ownership:   |                                              |
| Years In Business      | 25                                           |
| Name of CIO            | N/A                                          |
| Name of CEO/President: | Katy Easton, CEO Sean Lynch, Board President |

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101

**City Council Regular**

**Date:** 09/25/2023  
**Title:** New City Hall CMAR Contract - Change Order No. 2  
**Presented by:** John Caterino, Facilities Manager  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

---

**RECOMMENDATION**

Budget and Finance Committee recommends that Council approve Change Order #2 to the Dick Anderson Construction CMAR contract for construction services at new City Hall for \$2,418,341.14 for window replacement.

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

When the New City Hall project costs came back at around \$2.5 million under design development cost estimates, the Building Committee presented at the Budget and Finance Committee meeting held on April 26, 2023, potential options for either keeping the scope as is, or adding full generator back up and window replacement to the project. The committee voted unanimously for the Building Committee to pursue adding the window replacement and generator backup to the project (see attached Committee Meeting Minutes from 4/26/23). The estimates at that time were about \$2,000,000 for full window replacement.

The existing windows are original vintage from the early 1960's and most window assemblies throughout the building have failed, and all glazing units need varying degrees of repair. The windows include glass, sash, gaskets/seals, and frame, and account for roughly 40% of the overall building envelope system. The new window frames will be brushed aluminum to match the original design aesthetic.

Full window replacement will result in significant improvements to the long-term health of the building's exterior envelope, building comfort, decreased maintenance costs, and increased thermal efficiency.

Upon the recommendation of the Operations Committee to move forward with window replacement, the design team began work on a new window design that met the requirements of State and National Historic Preservation.

The attached memo by JLG architects outlines the historic preservation process, review, and the design, scoping, estimating, and bidding efforts for the window replacement.

Completing the window replacement at this time will allow for access from the interior of the building during normal progression of construction and should not significantly impact construction schedule. If the decision is made not to replace the units during construction it will be more costly, damaging, and intrusive to complete this work once the building is occupied.

Staff recommends full replacement as repair of individual windows is not economically feasible due to the amount of labor involved to disassemble, repair, and reinstall. Additionally, repairing units would result in a performance level lower than installing new units, and would also have a limited-service life as compared to new units.

Building windows' breakdown:

- 1st Floor: 122 units
- 2nd - 5th Floors: 630 units
- Total window units: 752

The new windows for the current Yellowstone County Suite on the 3rd floor will be procured as part of this change order, but not installed at this time. The windows will be installed at such time that the County moves out or remodels their space under a separate contract.

Dick Anderson Construction advertised an Invitation for Bid on 08/18/2023, and 08/25/2023 in *Yellowstone County News* and on the City's Website.

Four (4) bids were submitted by 08/31/2023. TC Glass Inc., was the lowest responsible bidder.

## ALTERNATIVES

City Council may:

Approve the full window procurement and proposed replacement scope (PCCO #002 - Option A). Note that the 3rd floor County Suite windows would be procured but not replaced under this scope.

Advantages to approve the Change Order include:

- Less costly to do it during construction than after construction is completed and building is occupied
- Historic tax credit reimbursement is only available for 60 months from the start of the project, so a project beyond 5 years would not have that opportunity for reimbursement
- Immediate utility and energy savings
- Fewer issues with window repair and maintenance with new units
- Increased building comfort for occupants starting on day one
- 60+ years of not having to plan for a large-scale replacement of windows
- Historic tax credit reimbursement of around \$400,000 - \$450,000

Disadvantages to approving the Change Order include:

- Increasing the construction budget by about \$420,000 more than anticipated in build-out costs over Design Development estimates
- Additional short-term financing needed to cover the increase in construction costs

City Council may not approve the Change Order and only the broken and damaged windows in the original bid documents will be repaired during construction.

## FISCAL EFFECTS

The total construction contract (pre-construction services, Bid Package #1 and GMP/Change Order #001) is \$22,220,134.00.

Change Order #002, Option A is \$2,418,341.14. If accepted, this would bring the total contract price to \$24,638,475.14, including a 5% project contingency.

The City Hall construction project is funded by various sources, but primarily by the General Fund. Energy savings from the new windows were estimated at \$125,892 annually based on 2022 utility costs. With the increase in utility costs estimated at about 4% a year, the ROI of replacing all windows is around \$2.5 Million after 15 years.

The windows are approximately 60 years old and will need to be replaced at some point. If this scope is not included at this time, reserve funds will need to be saved up for the future replacement. Future replacement will also be significantly more expensive as it will include:

- Major work disruptions for staff and visitors
- Contractor mobilization and general conditions
- Disruption to elevator use for construction
- Protection of finishes, furniture, and equipment
- Dust control
- Removal of ceiling, gypsum wall board, and framing around windows
- Removal and disposal of 752 windows
- Manufacture and replacement of 752 windows
- Replacement of framing, gypsum wall board, and ceiling at each window
- Painting
- Final clean up

City Staff met with the Budget and Finance Committee on 09/15/2023. The Committee unanimously recommended approval of Change Order option A, contingent on identifying several funding sources to cover the approximate \$420,000 additional costs associated with window replacement. These sources include:

- Owner contingency of approximately \$900,000
- Contractor contingency of approximately \$800,000
- Delay install of exterior signage for \$200,000
- Reduce scope of work for owner supplied items: AV, furniture, and security
- Historic Tax Credit reimbursement for window replacement
- Also, if needed, the scope of work for full building generator back-up can be reduced

Currently, it is not clear which of the above options is best for funding the difference, but the preferred method would be to use contingency funds.

---

**Attachments**

PCCO #002  
Budget and Finance Committee Memo



Dick Anderson Construction, Inc.
4512 South Frontage Rd. PO Box 31511
Billings, Montana 59107-1511
Phone: (406) 248-3700
Fax: (406) 248-3776

Project: 04-23-400 - BILLINGS NEW CITY HALL REMODEL
316 N. 26TH ST
BILLINGS, Montana 59101

Prime Contract Change Order #002: Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5

Table with contract details including TO: City of Billings, FROM: DICK ANDERSON CONSTRUCTION INC, DATE CREATED: 9/08/2023, CONTRACT STATUS: Pending - In Review, and TOTAL AMOUNT: \$2,418,341.14.

DESCRIPTION:

Proposal Request #6 Exterior Window Replacement floors 1-5. Includes Demolition of existing drywall and framing around the windows to remove the windows, framing and drywall patch, window removal, replacement of windows with new.

Clarifications:

- Dedicated onsite supervisor for the window replacement project.
Drywall and framing removal around exterior windows.
Remove and replace existing exterior aluminum windows throughout floors 2, 3, 4, 5. Bid includes supply only of windows in existing county space on 3rd floor.
Re-glaze existing storefront frames on the 1st floor.
Insulation in exterior walls from window sill to steel structure above.
Flame spread from top of drywall to structural steel.
Spray foam around exterior windows.
Reframing around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
Drywall patch and finish around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
Remove existing rounded drywall corners at exterior column wraps and replace with square corners.
Re-mobilization to paint drywall on exterior walls around windows.
Re-mobilization to complete installation of ceiling grid and ceiling tiles at exterior walls.
Allowance for shims, and protection of existing and new finishes around exterior windows. This allowance will be tracked on a time and materials basis.
Credit for re-glazing and re-gasketing existing windows per floor plan keynotes 27 and 28 on drawings A202-A207.
Traffic control is excluded. The current plan is to remove and replace all windows from the inside of the building.
All Window testing and re-testing is by Owner. This includes but is not limited to water supply, equipment (lifts), traffic control, and winter and weather conditions related to window testing.
The power lines in the alley may need to be shielded or moved away from the building so the windows can be removed and replaced from inside the building safely.
Window glazing is subject to an 8% increase per quarter until glass is procured due to market volatility.

Pricing for this change order is valid until 9/29/2023.

The projects Construction Contingency can be used for any additional scope of work that is not specifically listed above and any unforeseen conditions.

The impact to project general conditions cost and the construction schedule/completion date due to the exterior window replacement project is unknown at this time. General Conditions cost and schedule impact cost are not included in this change order and will be included in a future change

order. Items that could impact the construction schedule and general conditions cost include but are not limited to: owner approval timeline, window fabrication, shipping and delivery, owner testing and re-testing, traffic control, winter and weather conditions, and utility coordination.

**ATTACHMENTS:**

[08-4 TC Glass.pdf](#), [YA Ceilings - PR #6.pdf](#), [Sessler - PR #6 window framing & drywall.pdf](#), [Sessler - PR #6 column drywall.pdf](#), [Billings Painting - PR #6 Window replacement.pdf](#), [Billings Insulation - PR #6.pdf](#)

**POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:**

| PCO #         | Title                                                                 | Schedule Impact | Amount         |
|---------------|-----------------------------------------------------------------------|-----------------|----------------|
| 002           | Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5 |                 | \$2,418,341.14 |
| <b>Total:</b> |                                                                       |                 | \$2,418,341.14 |

**CHANGE ORDER LINE ITEMS:**
**PCO # 002: Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5**

| #                                                                   | Budget Code                                          | Description                                                                  | Amount                |
|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------|-----------------------|
| 1                                                                   | 07-2000.S INSULATION.Subcontract                     | Proposal Request #6                                                          | \$59,275.00           |
| 2                                                                   | 09-5103.S ACOUSTICAL CEILING (YA CEILING.Subcontract | Proposal Request #6                                                          | \$6,400.00            |
| 3                                                                   | 09-9000.S PAINTING.Subcontract                       | Proposal Request #6                                                          | \$2,250.00            |
| 4                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Proposal Request #6                                                          | \$365,932.00          |
| 5                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Column corner bead replacement                                               | \$17,162.00           |
| 6                                                                   | 08-4000.S ENTRANCE/STORE FRONT.Subcontract           | Credit for re-glazing and re-gasketing existing windows                      | \$(10,800.00)         |
| 7                                                                   | 01-4301.M SAFETY.Material                            | Safety/fall protection around windows                                        | \$5,000.00            |
| 8                                                                   | 01-0005.G BLUEPRINT EXPENSE.General                  | Bid Advertising & Blueprint expense                                          | \$200.00              |
| 9                                                                   | 01-5201.M PROPERTY PROTECTION.Material               | Protect Finishes & shim existing windows                                     | \$72,450.00           |
| 10                                                                  | 02-0732.L WALLS/PARTIT DEMO.Labor                    | Drywall and framing demolition                                               | \$41,080.00           |
| 11                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Bid package 08-4 Aluminum Windows                                            | \$1,340,459.00        |
| 12                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Proposal Request #6 - Exterior storefront glazing replacement 1st floor only | \$198,160.00          |
| 13                                                                  | 01-0036.L SUPERINTENDENT.Labor                       | Window replacement supervision                                               | \$50,400.00           |
| 14                                                                  | 01-6406.R PICK-UP TRUCKS.Internal Equipment          | Supervisor Pickup                                                            | \$5,250.00            |
| 15                                                                  | 01-0081.G GAS & OIL.General                          | Fuel                                                                         | \$1,750.00            |
| <b>Subtotal:</b>                                                    |                                                      |                                                                              | <b>\$2,154,968.00</b> |
| Contingency (5.00% Applies to all line item types.):                |                                                      |                                                                              | \$107,748.40          |
| DAC insurance (0.80% Applies to all line item types.):              |                                                      |                                                                              | \$18,101.73           |
| Performance & Payment Bond (0.70% Applies to all line item types.): |                                                      |                                                                              | \$15,965.73           |
| DAC Fee (4.25% Applies to all line item types.):                    |                                                      |                                                                              | \$97,613.31           |
| 1% GRT (1.00% Applies to all line item types.):                     |                                                      |                                                                              | \$23,943.97           |
| <b>Grand Total:</b>                                                 |                                                      |                                                                              | <b>\$2,418,341.14</b> |

|                                                                         |                 |
|-------------------------------------------------------------------------|-----------------|
| The original (Contract Sum)                                             | \$22,033,209.07 |
| Net change by previously authorized Change Orders                       | \$186,924.93    |
| The contract sum prior to this Change Order was                         | \$22,220,134.00 |
| The contract sum would be changed by this Change Order in the amount of | \$2,418,341.14  |
| The new contract sum including this Change Order will be                | \$24,638,475.14 |
| The contract time will not be changed by this Change Order.             |                 |

**City of Billings**  
PO BOX 1178  
Billings , Montana 59103

**DICK ANDERSON CONSTRUCTION INC**  
3424 US Hwy 12 E  
Helena, Montana 59601

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE

\_\_\_\_\_  
SIGNATURE DATE



P.O. Box 1178  
Billings, MT 59103  
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F 406.657.8390

## MEMO

**DATE: September 11, 2023**  
**TO: Budget and Finance Committee**  
**FROM: New City Hall Building Committee**  
**RE: WINDOW REPLACEMENT AT NEW CITY HALL**

The Building Committee recommends replacement of windows at New City Hall floors 1-5 for a project cost of \$2,418,341.14 (Exhibit E.1)

### **BACKGROUND:**

When the New City Hall project costs came back at around \$2.5 million under initial cost estimates, the Building Committee presented at the Budget and Finance Committee on April 26, 2023, potential options for either keeping the scope as is, or adding full generator back up and window replacement to the project. The committee voted unanimously for the Building Committee to pursue adding the window replacement and generator backup to the project (Committee Meeting Minutes from 4/26/23, attached as Exhibit A). The estimates at that time were about \$2,000,000 for full window replacement.

The existing windows are original vintage from the early 1960's and most window assemblies throughout the building have failed, and all glazing units need varying degrees of repair. The windows include glass, sash, gaskets/seals, and frame, and account for roughly 40% of the overall building envelope system.



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Full window replacement will result in significant improvements to the long-term health of the building's exterior envelope, building comfort, and increased thermal efficiency.

Upon the recommendation of the Committee to move forward with window replacement, the design team began work on a new window design that met the requirements of State and National Historic Preservation.

Please see the attached memo from JLG outlining the historic preservation process, review, and the design, scoping, estimating, and bidding efforts (Exhibit B).

Completing the window replacement at this time will allow for access from the interior of the building during normal progression of construction and should not significantly impact construction schedule. If the decision is made not to replace the units during construction it will be more costly, damaging, and intrusive to complete this work once the building is occupied.

**ALTERNATIVES:**

The committee may recommend the full window procurement and proposed replacement scope at this time (Exhibit E.1 - Option A). Note that the 3<sup>rd</sup> floor County Suite windows would be procured but not replaced under this scope.

Advantages to this decision include:

- Less costly to do it during construction than later
- Historic tax credit reimbursement is only available for 60 months from the start of the project, so a project beyond



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5 years would not have that opportunity for reimbursement

- Immediate utility and energy savings (see Exhibit D for estimated utility savings)
- Fewer issues with window repair and maintenance with new units
- Increased building comfort for occupants starting on day one
- 60+ years of not having to plan for a large-scale replacement of windows
- Historic tax credit reimbursement of around \$400,000 - \$450,000 (Exhibit B)

Disadvantages include spending about \$420,000 more than anticipated in build-out costs and having to borrow additional funds to cover the construction costs. Further delay of adding the windows into the construction project will also add cost and potentially delays to the overall project.

Alternatively, the Committee may recommend replacing floors 2-5 now and replacing the first-floor glazing at a later date (Exhibit E.2 - Option B). Advantages to this decision include staying generally within the previously estimated budget of \$2,000,000, while still making a significant impact on the building envelope by replacing the majority of the windows. There is less impact to replacing the first-floor windows later as they can be replaced from the exterior of the building with less impact to the interior construction. There will still be some costs associated with repairs and glass replacement for the first floor if this option is selected.



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**FISCAL EFFECTS:**

The total construction contract (pre-construction services, Bid Package #1 and GMP) is \$22,220,134.00.

Change Order #1, Option A is \$2,418,341.14. If accepted, this would bring the total contract price to \$24,638,475.14, including a 5% contingency.

Change Order #1, Option B is \$2,195,962.68. If accepted, this would bring the total contract price to \$24,416,096.68, including a 5% contingency.

The City Hall construction project is funded by the General Fund.

Energy savings from the new windows were estimated at \$125,892 annually based on 2022 utility costs. With the increase in utility costs estimated at about 4% a year, the ROI of replacing all windows is around \$2.5 Million after 15 years.

If the committee recommends approval of the Change order to replace windows, the Building Committee will authorize DAC to order the custom frame extrusion dies at a cost of \$14,000, to prevent window production and delivery delays. Delaying the window install will result in additional costs and possible delays to the project for repair and masking for areas already finished.

# Exhibit A

## BILLINGS CITY COUNCIL Budget Committee Meeting Minutes April 26, 2023

Committee Members Present: Mike, Ed

Staff Present: Andy, Chris, Kevin, Jessica Fust, John Caterino, Rich St. John, Pepper Valdez, Gina Dahl, Brittana Park

Call to Order (00:00:00)

Approval of April 12 Meeting Minutes (0:00:50)

**Ed moves to approve, Mike seconds, minutes adopted as presented on unanimous voice vote.**

Public Comment (0:01:05)

No members of the public present

FY24 Budget: Department Review (0:01:14)

a) New City Hall

Current projection is \$2.5M less than design/development option, due to additional value engineering and good competitive bidding. User experience remains a priority, even with additional value engineering. Construction Manager at-Risk is giving good guidance and helping project move forward.

Staff are recommending adding some project alternates back in, specifically window replacement and full building generator backup. The construction of these particular windows makes replacement in the future difficult; easier to replace or repair while building is in a shell, then fully finished.

Committee members discuss the need for and timing of the generator recommendations, including whether it could be installed later, what the needs are for the building and backup systems, and emergency planning. Staff indicate that current building design is to back up emergency systems (police, EOC, one elevator, mechanical/HVAC systems.) only. Whole building back-up would support a larger disaster recovery effort if needed. Staff further note that the proposal recommends

using a Public Works generator that isn't in use and has only had limited run time (approx. 150 hours). Cost difference is mostly infrastructure, but PW will be reimbursed for generator.

Committee discusses window proposal. Only limited energy modeling to understand savings is available. Some unknowns still, including intersection with Historic Tax Credits. Windows will be non-operable (easier to maintain and control), need to be as true to original design as possible. HVAC system is designed to bring much more fresh air into building than what is currently in building, making operable windows unnecessary. Building will have more individual thermostats than typical, so there will be user control.

Committee discusses risk of unanticipated costs as construction goes forward. Staff indicate that there are good contingencies still in the base bid, which limit the risk of unexpected overages. Base bid includes a contractor contingency inside for subcontractor overages and an owners contingency for unforeseen costs. Total contingencies are approximately \$1.8M.

Committee discusses risk due to generator location (basement). Staff report minimal risks from a canal breach and further note that there are mitigation steps that can be taken. CM Boyett requests estimated energy recovery/incentives. There may be IRA incentives/federal rebates. Staff are still unclear as to what the potential HTC amount will be.

Total dollars spent so far on New City Hall: \$17.2M - acquisition, due diligence, preconstruction, bid package 1 (long lead time, demo), design fees, abatement. Current timeline projects some departments moving in approximately August 2024.

**Ed moves to recommend inclusion of project alternates to the full Council (29:50).  
Mike seconds, motion adopted on unanimous voice vote.**

b) Fire (0:31:29)

FY23 focus has been on implementing two new programs – MRT, CRU. Also had two major recruit classes, which caused a significant training impact (PPE costs, overtime). Dec 1 was first MRT deployment, second one starts July 1. Still working through logistics of CRU – should start in next month-6 weeks.

Department has been concentrating on facilities and deferred maintenance in FY23, using some one-time dollars to catch up. Also working on brand new key access system at all facilities – better security control (people are making false calls and then robbing stations). Good new facilities person on staff, doing facilities conditions statement to identify needs comprehensively. Admin trying to look better and ahead on facility needs so that deferred maintenance list is not so long.

Station 1 needs a new remodel (kitchen is from 1970s, windows are from a garage sale). 2 concrete pads need to be redone at Station 2&3. Ripping out carpet at all stations, found MRSA in the carpets. Future need (beyond FY24) – all fuel pumps at fire stations are coming to end of lifecycle or beyond.

911 center is looking at different deployment models. Also focusing on recruitment and retention – new HR system is resulting in more applications due to easier process.

Staff may recommend reprogramming some unused funds from FY23 to FY24 facility needs (may see an amendment in May).

Total budget change is \$791,000. Due to some O&M and personal services.

BUFSA – contract expires June 30, no new contract requested. No BUFSA board since 2018, unclear if county intends to renew.

Station 8 remodeling is underway.

911 Ops/EOC – building itself has some warranty issues, other than flooding, building is mostly fine. High priority to get alternate EOC location; technically and financially feasible to have secondary location. Police agrees that priority is high. Contingency plan for 911 now is to co-locate mobile command center with sheriff. Options for remote location at airport, ops center, national guard center.

Facilities requested amount is lower due to desire to keep budget flat. Have some more urgent equipment issues. \$300000 ongoing would help and be about what fire department can manage annually.

Rural ambulance – AMR stuck in a moral dilemma. Service agreement expires in 2024. May consider contract that gives FD operational control that limits ability to go into county. AMR not doing well on paramedic recruitment. City may need to consider augmenting services.

Station 9 – looking at reservoir for location. Sen. Tester is pushing for a bill to give FDs some funding, unclear what that likelihood is at this time. Fed lobbyists watching it.

Fire union contract still not settled. May be completed around budget time, dollars in the budget are close to what the contract is likely to settle at.

Some interest in committee amendment on deferred maintenance.

c) Police (1:01:27)

Department Budget focuses on CPSM, PSML implementation, consistent with four strategic priorities.

Technology is expensive, difficult to stay current. BPD has a lot of tech – software and maintenance costs are high. Records issue that will impact move to Stillwater. High cost to transfer, destroy, or digitize records. Separate costs from records for City Admin. Overtime is a real problem – big incidents, vacancies. Air show will have massive impact, unclear who will pay for it at this time.

Committee members discuss various budget issues, including evidence processing, body cam footage, use of civilians on to do fingerprinting. May need some additional personnel to process evidence more quickly. Court and prosecutor do see some delays, but some may be strategic. E-tickets are better than written tickets. Need printers in every car.

Committee discusses staff alignment with Council priorities. BPD is most effective in being proactive on top three priorities. When resources can not be responding to calls, can focus on hot spots with increased physical presence. Did that last summer in the downtown – made a significant difference (9% decrease in calls for service). Have to keep patrol adequately staffed – currently at risk of pulling off K9 and SROs to cover 11 still in training. BPD has fully staffed units for violent crime – homicide, agg assault. Downtown and traffic have specialized units. Presence makes a difference.

Jennifer raises questions of crime mapping, CPTED interface, understanding data around hot spots better.

CSOs working well, active, making face-to-face contact with people. Will be more aggressive – have them investigate property. Can be sworn to make citations, but not arrests. Need to figure out how to get volunteers re-engaged and figure out what they do vs. CSO.

Contract for TA on Family Justice Center is under final review this week; using unspent prevention dollars from FY23.

d) Legal (1:46:07)

Budget has a 1% increase - \$35KK difference.

Three PSML positions: VW was added early, 2 prosecutors have not been added yet. Legal having trouble getting viable candidates for positions. Have 3 attorney positions open and one admin position.

Committee discussion about getting interns/summer programs to help grow the hiring pool. Possibly hire more widely. Need to think creatively.

Department Priorities: victim services, filling DV prosecutor vacancy, FJC.

e) BMC (2:05:15)

Budget reflects overall 7% increase, due to PSML new judge and staff. Staff plan now (before court assessment) is legal assistant and courtroom clerk. Baliffs will rotate. One Court Administrator shared between judges.

Fines collections are improving. Transitioned from old collection agency to a new agency. Started collecting on new cases in February – collected \$23,000 through end of March.

Committee Discussion (2:15:30)

Budget may be out Friday, first work session on Monday.

Discussion of calendar and order of presentations.

Review of SUD/MH 2 mill revenue and expenditures. Revneues are coming in as expected or a little high. There will be unspent 2 mill dollars. Staff plans to put excess into a reserve. MJ revenues are being lumped in with 2 mill.

Committee discussion of transparency on accounting for SUD/MH dollars. MJ funds may need to be considered differently, because they have less restrictions legally (Council policy is to combine at this time, except for 5-year commitment to Stillwater). FY24 Budget will include \$625,000 for SUD/MH, with no recommendations.

Discussion of Future Agenda Items & Meeting Schedule

None.

Adjournment at 11:47 a.m. (2:47:10)

***Next meeting: May 10, 2023 @ 9 a.m.***

# Exhibit B



## JLG 21379 - Billings City Hall Remodel

RE: James F. Battin Window Replacement

Sept 07, 2023

City of Billings Budget and Finance Committee:

The Design Team of JLG Architects and Collaborative Design along with Dick Anderson Construction (DAC) have prepared bid drawings, solicited bids, and compiled the information below as a recommendation moving forward. Information below includes:

- 1) National Parks Service Summary
- 2) Estimated Energy Savings / Return on Investment
- 3) DAC's GMP Amendment Proposal and Scoping information
- 4) Anticipated effort to replace windows in the future
- 5) Attached Bid Documents

The recommendation to proceed with the scope of work below is based upon several considerations. Energy savings, longevity of the structure, feasibility of installation during current construction, and cost savings to perform the work now vs. future installation, and current project budget considerations all point to performing the work as soon as possible.

### National Parks Service Summary:

For this scope to be in alignment with National Parks Service guidelines, the Montana State Historic Preservation Officer (SHPO) provided guidance and communication to the Federal Parks Service to discuss if replacement of the windows was in alignment with the Parks' Guidelines. After communication of the situation via email and calls, the NPS agreed the project would be acceptable to pursue and therefore be in alignment with the tax credit program.

See attached memo and background information provided for the NPS (Exhibit C).

### Estimated Energy Savings / Return on Investment:

Preliminary estimates for energy savings on the project overall are based on a theoretical baseline. Relevant, recent energy usage information is not available due to the building being vacated for an extended period of time. As such, a baseline was determined based on the exterior envelope, mechanical, and electrical systems that are existing in the building compared to the improvements to mechanical and electrical systems and the new window systems proposed.

A baseline has been established for annual energy usage of an EUI of 152 kBtu/sf/yr at an estimated operating cost of \$400,412 annually. With the proposed system, it is anticipated result of an EUI of 91-86 at an estimated operating cost of between \$274,520 to \$266,291 respectively.

See attached estimated energy calculations (Exhibit D).

### GMP Amendment Proposal and Scoping

Dick Anderson Construction receive bids from 4 qualified bidders on August 31<sup>st</sup>. After vetting the bidders and including the ancillary subcontractor work, the proposed effort was above the initial budget established in October 2022. Primarily it was due to unit pricing on the glazing units to align with National Parks Standards resulting in a more custom window unit.

#### Floor 1 Glazing replacement

- A construction cost of \$211,789.02 inclusive of:
  - o Material purchase
  - o Glazing removal, reinstallation of new glazing
  - o Recaulking existing frames

#### Floors 2-5 Window Unit replacement

- A construction cost of \$2,131,547.43 inclusive of:
  - o Material purchase
  - o Removal of current windows and frames
  - o Removal of framing and gypsum wall board as required for installation
  - o New flashing
  - o Reinstallation of new windows and glazing units in existing precast panels
  - o Caulking and sealing of exterior wall assembly
  - o Reinstallation of gyp board, paint, and caulk
  - o Finish protection as required to install

Total DAC contract cost increase: \$2,418,341.14 (for both scopes listed above)

See attached proposed contract amendment options A & B(Exhibit E.1 & E.2)

- Notes:
- This total includes a 5% contingency
  - Does not include potential historic tax credit funds estimated at \$400,000-\$450,000
  - Includes procurement of windows for Yellowstone County Suite, but not installation. Installation would be under a separate contract at a later date

### Anticipated effort to replace window units in the future:

While difficult to estimate a future cost, there will be substantially more effort to perform this replacement in the future once construction is complete and the building is occupied. Not only will there be much more demolition and finish protection scope required, material cost increases at a minimum of 4% per year, City of Billings operations would be effected, timeline to complete the scope would be much more extended, and federal tax credit advantages would be variable or modified in the future.

If the window replacement were to be postponed the process to replace the windows in the future would be:

- Remove roller shades & store for reinstallation
- Remove acoustical ceiling grid/tile, and lights/registers 3-4' from exterior wall
- Protect existing finishes (flooring, windowsills, adjacent walls, etc.)
- Remove gyp board and framing to access window clips
- Remove windows
- Re-install new windows
- Caulk/seal & spray foam around windows
- Test new windows
- Framing patch & gyp board finish

- Paint entire exterior wall
- Patch acoustical ceiling grid and tile
- Re-install lighting and registers
- Re-install roller shades
- Remove finish protection
- Final cleaning around windows

Attached bid drawings:

See attached bid drawings showing the scope of the proposed work (Exhibit F):

- Replacement of first floor glazing only
- Floors 2-5 window unit replacement
- 3<sup>rd</sup> floor windows in space currently occupied by Yellowstone County will be purchased, packaged, and stored for future installation once space is vacated or updated.

Attachments:

- National Parks Service Memo (Exhibit C)
- Estimated Energy Savings (Exhibit D)
- GMP Amendment Proposal Option A (Exhibit E.1)
- GMP Amendment Proposal Option B (Exhibit E.2)
- Bid Documents (Exhibit F)

# Exhibit C



## JLG 21379 - Billings City Hall Remodel

RE: James F. Battin Window Replacement

July 17, 2023

Mr. Brown,

To/CC: (CC if not checked)

Peter Brown  
MT SHPO

In regards to the James F. Battin Federal Building remodel, currently listed on the National Register of Historic Places on January 13, 2023 as SG100008535, we request the consideration of full exterior window replacement as part of the Part II scope for the following reasons.

- 1) Long term health of the building's exterior envelope
  - a. Floors 2-5 window frames have failed or will likely soon fail. Based upon an individual unit survey performed in January of 2023 by Bill Haynes of Collaborative Design Architects, and subsequent survey by Dick Anderson Construction in March of 2023, it was determined that all 753 units on floors 1-5 will need varying levels of work including combinations of the issues below.
    - i. Full replacement needed
    - ii. Re-gasket interior seal
    - iii. Failed exterior seal
  - b. Repair of the individual units is not feasible economically for the project vs. new manufactured units with the same appearance and material.
    - i. Repairing each unit requires removing all of the units individually while working from lifts, disassembling, resealing the frames and gasketing, then reassembling back in place. The existing units were manufactured and were not hand made. The repairs would be hand made, in place, limiting the service life. Hand repairing from lifts will result in a level of performance much lower than what is possible from a matching manufactured unit.
- 2) Windows have been made inoperable, therefore not reflecting the original installation and modifying the original exterior aesthetic
  - a. The original construction included Thermopane glass units held in two piece frames on floors 2-5 that allowed the windows to be operated individually from the interior of the building with pivoting sashes. At some undetermined point in the past, the operation mechanics were rendered inoperable. The former pivoting sashes had the latches removed and were reinstalled in reverse with the interior handles now visible on the exterior of the building. The sashes were sealed against the subframe without stops—separated only by venerable 1/4" structural sealant joint. Holes at the latch locations, now on the exterior, were filled with sealant. This modification to the original had a negative effect not only on the weather tightness of the individual units but has left open and unfinished holes on the interior and exterior of the units with the odd situation of handles being visible on the exterior.
  - b. The intent of the owner is to return these units to reflect the building's original appearance—and render the windows non-operable. The proposed replacement frames will be brushed aluminum to match the original frames. Frame dimensions will match the original extrusion dimensions with high performance sealed insulated glass units. This approach provides the best case scenario to both reflect the original design intent while stabilizing the exterior envelope of the historic building and prevent future costly leak repairs.

JLG Architects | Nick Lippert

301 2<sup>nd</sup> St E, Suite A | Williston, ND 58801 | p.701.770.6413 | nlippert@jlgarchitects.com

- 3) Now is the best opportunity to perform this work
- a. The scale of this remodel allows access to the window units as part of the normal progression of construction. Once the building is completed and in operation as a City Hall, it will be significantly more costly, damaging, and intrusive to complete this scope when the windows continue to deteriorate to an unmanageable state.
  - b. It would be in the best long-term interest of the owner and building to complete this work to ensure proper units and detailing is accomplished while the workforce and time is available. The glazing units equate to roughly 40% of the overall building envelope system. It is critical these units perform to the highest standard possible for the long term success of the building.

### Window Replacement Scopes Considered:

#### Option 1: New Window Units Floors 2-5 (630 Units)

- Remove drywall/framing consistently as required to access window unit and fasteners
- Open/rotate window unit, cut exterior caulking from interior of building
- Unbolt interior flanges
- Remove unit
- Clean precast opening
- Install fabricated window sill pan
- Install outer receiver, seal to precast
- Install inner glazing unit
  - o SEE ATTACHED PRODUCT INFORMATION
- Install keeper clips
- Reframe finished window opening
- Drywall, finish and paint
  - o Prefabricated drywall corner

#### Option 2: Remove, Rehab, Reinstall Existing Window Units Floors 2-5 (630 Units)

- Remove drywall/framing consistently as required to access window unit and fasteners
- Open/rotate window unit, cut exterior caulking from interior of building
- Unbolt interior flanges
- Remove unit
- Install temporary opening closure
- Disassemble unit, clean and prepare for new seals
- Reinstall gaskets, seals, and locks
- Reseal inner and outer frame
- Install fabricated window sill pan
- Install outer frame, seal to precast
- Install inner glazing frame
- Install glazing
- Reframe finished window opening
- Drywall, finish and paint
  - o Prefabricated drywall corner

#### Option 3: Floor 1 reglaze in existing frames.

- Remove existing glazing
- Clean gaskets and sealants interior and exterior

- Install replacement glazing
- Install gaskets
- Reseal exterior

**Costs:**

Option 1: New Window Units Floors 2-5 (630 Units)

- Floors 2-5: \$1,679,476.50

Option 2: Remove, Rehab, Reinstall Existing Window Units Floors 2-5 (630 Units)

- Floors 2-5: \$1,750,835.04
- New Glazing: \$573,300.00
- TOTAL: \$2,324,135.04

Option 3: Floor 1 reglaze in existing frames.

- Floor 1: \$672,638.17

Option 1 is the desired direction for floors 2-5 aligning with the project's goals and objectives, budget, and construction schedule.

Option 3, Floor 1 scope will be considered only if it aligns within the project budget, however this first floor scope can be easily performed with relatively minimal impact to the building in the future as part of a regular maintenance plan. These windows and frames are in better condition, are sheltered under the building's canopy, and are of a more typical construction to allow to be re-glazed in place.

**Attachments:**

- Initial basis of design for window units – additional manufacturers may be considered
- Initial installation details of new units
- Budget numbers
- Window Photos

Kawneer AA 4325 - Single Fixed Window high thermal frame in extruded aluminum receptor for inside installation. Glazing: outer lite Solarban60(2) / Starphire + Starphire inner lite



TYPICAL WINDOW - 582 UNITS TO BE REPLACED

# Exhibit D

| Window Options |                          |                | Results                  |                                 |                  |                    |           |
|----------------|--------------------------|----------------|--------------------------|---------------------------------|------------------|--------------------|-----------|
| Product        | Frame                    | Fill (U value) | AHU Design Airflow (cfm) | HVAC Annual Energy (kBTU/sf/yr) | EUI (kBTU/sf/yr) | Annual Energy Cost |           |
| Baseline       | Existing                 | Air (0.6)      | 116,958                  |                                 | 131              | 152                | \$400,412 |
| AA 4324        | Standard Thermal         | Air (0.42)     | 99,996                   |                                 | 69               | 91                 | \$274,520 |
|                |                          | Argon (0.39)   | 99,810                   |                                 | 68               | 90                 | \$272,983 |
|                | High Performance Thermal | Air (0.25)     | 98,990                   |                                 | 65               | 86                 | \$266,291 |
|                |                          | Argon (0.32)   | 99,414                   |                                 | 66               | 88                 | \$269,567 |



# Exhibit E.1

## PCCO #002

Dick Anderson Construction, Inc.  
4512 South Frontage Rd. PO Box 31511  
Billings, Montana 59107-1511  
Phone: (406) 248-3700  
Fax: (406) 248-3776

Project: 04-23-400 - BILLINGS NEW CITY HALL REMODEL  
316 N. 26TH ST  
BILLINGS, Montana 59101

### DRAFT

## Prime Contract Change Order #002: Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5

|                             |                                                             |                                           |                                                                             |
|-----------------------------|-------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------|
| <b>TO:</b>                  | City of Billings<br>PO BOX 1178<br>Billings , Montana 59103 | <b>FROM:</b>                              | DICK ANDERSON CONSTRUCTION INC<br>3424 US Hwy 12 E<br>Helena, Montana 59601 |
| <b>DATE CREATED:</b>        | 9/08/2023                                                   | <b>CREATED BY:</b>                        | AJ Harmon (DICK ANDERSON CONSTRUCTION INC)                                  |
| <b>CONTRACT STATUS:</b>     | Draft                                                       | <b>REVISION:</b>                          | 0                                                                           |
| <b>DESIGNATED REVIEWER:</b> |                                                             | <b>REVIEWED BY:</b>                       |                                                                             |
| <b>DUE DATE:</b>            |                                                             | <b>REVIEW DATE:</b>                       |                                                                             |
| <b>INVOICED DATE:</b>       |                                                             | <b>PAID DATE:</b>                         |                                                                             |
| <b>SCHEDULE IMPACT:</b>     | To Be Determined                                            | <b>EXECUTED:</b>                          | No                                                                          |
|                             |                                                             | <b>SIGNED CHANGE ORDER RECEIVED DATE:</b> |                                                                             |
| <b>CONTRACT FOR:</b>        | 3400-CITBIL:BILLINGS NEW CITY HALL REMODEL                  | <b>TOTAL AMOUNT:</b>                      | \$2,418,341.14                                                              |

### DESCRIPTION:

Proposal Request #6 Exterior Window Replacement floors 1-5. Includes Demolition of existing drywall and framing around the windows to remove the windows, framing and drywall patch, window removal, replacement of windows with new.

### Clarifications:

- Dedicated onsite supervisor for the window replacement project.
- Exterior wall insulation from windows sill to steel structure above.
- Flame spread from top of drywall to structural steel.
- Spray foam around exterior windows.
- Re-mobilization to paint exterior drywall around windows.
- Re-mobilization to finish exterior ceiling grid and tile.
- Remove existing rounded drywall corners at exterior column wraps and replace with square corners.
- Remove and replace existing exterior aluminum windows throughout floors 2, 3, 4, 5. Bid includes supply only of windows in existing county space on 3rd floor.
- Re-glaze existing storefront frames on the 1st floor.
- Drywall and framing removal around exterior windows.
- Reframing around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
- Drywall patch and finish around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
- Credit for re-glazing of 41 existing windows, and re-gasketing 136 existing windows.
- Protect existing and new finishes around exterior windows. This cost is an allowance that will be tracked Time & Materials. Any cost not used in this allowance will be credited back to the projects construction contingency. If the cost of this scope of work exceeds the allowance the additional cost above the allowance will come from construction contingency. Shims at exterior windows is included in this allowance.
- Traffic controls is excluded. The current plan is to remove and replace all windows from the inside of the building. If traffic control is required the cost for traffic control will come from construction contingency.
- All Window testing and re-testing is by Owner.
- The power lines in the alley need to be shielded or moved away from the building so the windows can be removed and replaced from inside the building safely. Cost associated with utility relocating, shielding, and coordination is by owner.
- Window glazing is subject to an 8% increase per quarter until glass is procured due to market volatility.

Pricing for this change order is valid until 9/29/2023.

Contingency can be used for any additional scope of work that is not specifically listed above and any unforeseen conditions.

The impact to project general conditions cost and the construction schedule/completion date due to the exterior window replacement project is unknown at this time. General Conditions cost and schedule impact cost are not included in this change order and will be included in a future change

order. Items that impact the construction schedule and general conditions cost include but are not limited to: owner approval timeline, window fabrication, shipping and delivery, owner testing and re-testing, traffic control, winter and weather conditions, and utility coordination.

**ATTACHMENTS:**

[08-4 TC Glass.pdf](#), [YA Ceilings - PR #6.pdf](#), [Sessler - PR #6 window framing & drywall.pdf](#), [Sessler - PR #6 column drywall.pdf](#), [Billings Painting - PR #6 Window replacement.pdf](#), [Billings Insulation - PR #6.pdf](#)

**POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:**

| PCO #         | Title                                                                 | Schedule Impact | Amount                |
|---------------|-----------------------------------------------------------------------|-----------------|-----------------------|
| 002           | Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5 |                 | \$2,418,341.14        |
| <b>Total:</b> |                                                                       |                 | <b>\$2,418,341.14</b> |

**CHANGE ORDER LINE ITEMS:**
**PCO # 002: Proposal Request #6 - Exterior Window Replacement Option A Floors 1-5**

| #                                                                   | Budget Code                                          | Description                                                                  | Amount                |
|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------|-----------------------|
| 1                                                                   | 07-2000.S INSULATION.Subcontract                     | Proposal Request #6                                                          | \$59,275.00           |
| 2                                                                   | 09-5103.S ACOUSTICAL CEILING (YA CEILING.Subcontract | Proposal Request #6                                                          | \$6,400.00            |
| 3                                                                   | 09-9000.S PAINTING.Subcontract                       | Proposal Request #6                                                          | \$2,250.00            |
| 4                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Proposal Request #6                                                          | \$365,932.00          |
| 5                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Column corner bead replacement                                               | \$17,162.00           |
| 6                                                                   | 08-4000.S ENTRANCE/STORE FRONT.Subcontract           | Credit for re-glazing and re-gasketing existing windows                      | \$(10,800.00)         |
| 7                                                                   | 01-4301.M SAFETY.Material                            | Safety/fall protection around windows                                        | \$5,000.00            |
| 8                                                                   | 01-0005.G BLUEPRINT EXPENSE.General                  | Bid Advertising & Blueprint expense                                          | \$200.00              |
| 9                                                                   | 01-5201.M PROPERTY PROTECTION.Material               | Protect Finishes & shim existing windows                                     | \$72,450.00           |
| 10                                                                  | 02-0732.L WALLS/PARTIT DEMO.Labor                    | Drywall and framing demolition                                               | \$41,080.00           |
| 11                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Bid package 08-4 Aluminum Windows                                            | \$1,340,459.00        |
| 12                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Proposal Request #6 - Exterior storefront glazing replacement 1st floor only | \$198,160.00          |
| 13                                                                  | 01-0036.L SUPERINTENDENT.Labor                       | Window replacement supervision                                               | \$50,400.00           |
| 14                                                                  | 01-6406.R PICK-UP TRUCKS.Internal Equipment          | Supervisor Pickup                                                            | \$5,250.00            |
| 15                                                                  | 01-0081.G GAS & OIL.General                          | Fuel                                                                         | \$1,750.00            |
| <b>Subtotal:</b>                                                    |                                                      |                                                                              | <b>\$2,154,968.00</b> |
| Contingency (5.00% Applies to all line item types.):                |                                                      |                                                                              | \$107,748.40          |
| DAC insurance (0.80% Applies to all line item types.):              |                                                      |                                                                              | \$18,101.73           |
| Performance & Payment Bond (0.70% Applies to all line item types.): |                                                      |                                                                              | \$15,965.73           |
| DAC Fee (4.25% Applies to all line item types.):                    |                                                      |                                                                              | \$97,613.31           |
| 1% GRT (1.00% Applies to all line item types.):                     |                                                      |                                                                              | \$23,943.97           |
| <b>Grand Total:</b>                                                 |                                                      |                                                                              | <b>\$2,418,341.14</b> |

|                                                                         |                 |
|-------------------------------------------------------------------------|-----------------|
| The original (Contract Sum)                                             | \$22,033,209.07 |
| Net change by previously authorized Change Orders                       | \$186,924.93    |
| The contract sum prior to this Change Order was                         | \$22,220,134.00 |
| The contract sum would be changed by this Change Order in the amount of | \$2,418,341.14  |
| The new contract sum including this Change Order will be                | \$24,638,475.14 |
| The contract time will not be changed by this Change Order.             |                 |

# Exhibit E.2



**PCCO #002**

Dick Anderson Construction, Inc.  
4512 South Frontage Rd. PO Box 31511  
Billings, Montana 59107-1511  
Phone: (406) 248-3700  
Fax: (406) 248-3776

Project: 04-23-400 - BILLINGS NEW CITY HALL REMODEL  
316 N. 26TH ST  
BILLINGS, Montana 59101

**DRAFT**

## Prime Contract Change Order #002: Proposal Request #6 - Exterior Window Replacement OptionB Floors 2-5

|                             |                                                             |                                           |                                                                             |
|-----------------------------|-------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------|
| <b>TO:</b>                  | City of Billings<br>PO BOX 1178<br>Billings , Montana 59103 | <b>FROM:</b>                              | DICK ANDERSON CONSTRUCTION INC<br>3424 US Hwy 12 E<br>Helena, Montana 59601 |
| <b>DATE CREATED:</b>        | 9/08/2023                                                   | <b>CREATED BY:</b>                        | AJ Harmon (DICK ANDERSON CONSTRUCTION INC)                                  |
| <b>CONTRACT STATUS:</b>     | Draft                                                       | <b>REVISION:</b>                          | 0                                                                           |
| <b>DESIGNATED REVIEWER:</b> |                                                             | <b>REVIEWED BY:</b>                       |                                                                             |
| <b>DUE DATE:</b>            |                                                             | <b>REVIEW DATE:</b>                       |                                                                             |
| <b>INVOICED DATE:</b>       |                                                             | <b>PAID DATE:</b>                         |                                                                             |
| <b>SCHEDULE IMPACT:</b>     | To Be Determined                                            | <b>EXECUTED:</b>                          | No                                                                          |
|                             |                                                             | <b>SIGNED CHANGE ORDER RECEIVED DATE:</b> |                                                                             |
| <b>CONTRACT FOR:</b>        | 3400-CITBIL:BILLINGS NEW CITY HALL REMODEL                  | <b>TOTAL AMOUNT:</b>                      | \$2,195,962.68                                                              |

### DESCRIPTION:

Proposal Request #6 Exterior Window Replacement floors 1-5. Includes Demolition of existing drywall and framing around the windows to remove the windows, framing and drywall patch, window removal, replacement of windows with new.

### Clarifications:

- Dedicated onsite supervisor for the window replacement project.
- Exterior wall insulation from windows sill to steel structure above.
- Flame spread from top of drywall to structural steel.
- Spray foam around exterior windows.
- Re-mobilization to paint exterior drywall around windows.
- Re-mobilization to finish exterior ceiling grid and tile.
- Remove existing rounded drywall corners at exterior column wraps and replace with square corners.
- Remove and replace existing exterior aluminum windows throughout floors 2, 3, 4, 5. Bid includes supply only of windows in existing county space on 3rd floor.
- Re-glaze existing storefront frames on the 1st floor is excluded from this proposal.
- Drywall and framing removal around exterior windows.
- Reframing around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
- Drywall patch and finish around exterior windows at floors 2, 4, and 5 only. (mock up pending approval)
- Credit for re-glazing of 41 existing windows, and re-gasketing 136 existing windows.
- Protect existing and new finishes around exterior windows. This cost is an allowance that will be tracked Time & Materials. Any cost not used in this allowance will be credited back to the projects construction contingency. If the cost of this scope of work exceeds the allowance the additional cost above the allowance will come from construction contingency. Shims at exterior windows is included in this allowance.
- Traffic controls is excluded. The current plan is to remove and replace all windows from the inside of the building. If traffic control is required the cost for traffic control will come from construction contingency.
- All Window testing and re-testing is by Owner.
- The power lines in the alley need to be shielded or moved away from the building so the windows can be removed and replaced from inside the building safely. Cost associated with utility relocating, shielding, and coordination is by owner.
- Window glazing is subject to an 8% increase per quarter until glass is procured due to market volatility.

Pricing for this change order is valid until 9/29/2023.

Contingency can be used for any additional scope of work that is not specifically listed above and any unforeseen conditions.

The impact to project general conditions cost and the construction schedule/completion date due to the exterior window replacement project is unknown at this time. General Conditions cost and schedule impact cost are not included in this change order and will be included in a future change

order. Items that impact the construction schedule and general conditions cost include but are not limited to: owner approval timeline, window fabrication, shipping and delivery, owner testing and re-testing, traffic control, winter and weather conditions, and utility coordination.

**ATTACHMENTS:**

[08-4 TC Glass.pdf](#), [YA Ceilings - PR #6.pdf](#), [Sessler - PR #6 window framing & drywall.pdf](#), [Sessler - PR #6 column drywall.pdf](#), [Billings Painting - PR #6 Window replacement.pdf](#), [Billings Insulation - PR #6.pdf](#)

**POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:**

| PCO #         | Title                                                                 | Schedule Impact | Amount         |
|---------------|-----------------------------------------------------------------------|-----------------|----------------|
| 002           | Proposal Request #6 - Exterior Window Replacement Option B Floors 2-5 |                 | \$2,195,962.68 |
| <b>Total:</b> |                                                                       |                 | \$2,195,962.68 |

**CHANGE ORDER LINE ITEMS:**
**PCO # 002: Proposal Request #6 - Exterior Window Replacement Option B Floors 2-5**

| #                                                                   | Budget Code                                          | Description                                                                              | Amount                |
|---------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------|
| 1                                                                   | 07-2000.S INSULATION.Subcontract                     | Proposal Request #6                                                                      | \$59,275.00           |
| 2                                                                   | 09-5103.S ACOUSTICAL CEILING (YA CEILING.Subcontract | Proposal Request #6                                                                      | \$6,400.00            |
| 3                                                                   | 09-9000.S PAINTING.Subcontract                       | Proposal Request #6                                                                      | \$2,250.00            |
| 4                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Proposal Request #6                                                                      | \$365,932.00          |
| 5                                                                   | 09-2812.S METAL STUDS.Subcontract                    | Column corner bead replacement                                                           | \$17,162.00           |
| 6                                                                   | 08-4000.S ENTRANCE/STORE FRONT.Subcontract           | Credit for re-glazing and re-gasketing existing windows                                  | \$(10,800.00)         |
| 7                                                                   | 01-4301.M SAFETY.Material                            | Safety/fall protection around windows                                                    | \$5,000.00            |
| 8                                                                   | 01-0005.G BLUEPRINT EXPENSE.General                  | Bid Advertising & Blueprint expense                                                      | \$200.00              |
| 9                                                                   | 01-5201.M PROPERTY PROTECTION.Material               | Protect Finishes & shim existing windows                                                 | \$72,450.00           |
| 10                                                                  | 02-0732.L WALLS/PARTIT DEMO.Labor                    | Drywall and framing demolition                                                           | \$41,080.00           |
| 11                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Bid package 08-4 Aluminum Windows                                                        | \$1,340,459.00        |
| 12                                                                  | 08-5204.S ALUMINUM WINDOWS.Subcontract               | Proposal Request #6 - Exterior storefront glazing replacement 1st floor only is excluded | \$0.00                |
| 13                                                                  | 01-0036.L SUPERINTENDENT.Labor                       | Window replacement supervision                                                           | \$50,400.00           |
| 14                                                                  | 01-6406.R PICK-UP TRUCKS.Internal Equipment          | Supervisor Pickup                                                                        | \$5,250.00            |
| 15                                                                  | 01-0081.G GAS & OIL.General                          | Fuel                                                                                     | \$1,750.00            |
| <b>Subtotal:</b>                                                    |                                                      |                                                                                          | <b>\$1,956,808.00</b> |
| Contingency (5.00% Applies to all line item types.):                |                                                      |                                                                                          | \$97,840.40           |
| DAC insurance (0.80% Applies to all line item types.):              |                                                      |                                                                                          | \$16,437.19           |
| Performance & Payment Bond (0.70% Applies to all line item types.): |                                                      |                                                                                          | \$14,497.60           |
| DAC Fee (4.25% Applies to all line item types.):                    |                                                      |                                                                                          | \$88,637.29           |
| 1% GRT (1.00% Applies to all line item types.):                     |                                                      |                                                                                          | \$21,742.20           |
| <b>Grand Total:</b>                                                 |                                                      |                                                                                          | <b>\$2,195,962.68</b> |

|                                                                         |                 |
|-------------------------------------------------------------------------|-----------------|
| The original (Contract Sum)                                             | \$22,033,209.07 |
| Net change by previously authorized Change Orders                       | \$186,924.93    |
| The contract sum prior to this Change Order was                         | \$22,220,134.00 |
| The contract sum would be changed by this Change Order in the amount of | \$2,195,962.68  |
| The new contract sum including this Change Order will be                | \$24,416,096.68 |
| The contract time will not be changed by this Change Order.             |                 |

# Exhibit F



## WORK CHANGES PROPOSAL REQUEST

JLG 21379 - Billings New City Hall

RE: PR 06

Issued: August 11, 2023

---

### PROPOSAL REQUEST #: 06

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Within seven (7) days, the Contractor must submit this proposal or notify the Architect, in writing, of the date on which proposal submission is anticipated.

THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

### DESCRIPTION

Item 1: Add Specifications section 08 5113 - ALUMINUM WINDOWS

Item 2: See revised sheets A301, A302, A303, A304 and Add sheet A312 for window replacement scope

### ATTACHMENTS

1. Section 08 5113 - ALUMINUM WINDOWS
2. A301 - EXTERIOR ELEVATION - SOUTH
3. A302 - EXTERIOR ELEVATION - EAST
4. A303 - EXTERIOR ELEVATION - WEST
5. A304 - EXTERIOR ELEVATION - NORTH
6. A312 - NEW WINDOW DETAILS

### END OF PROPOSAL REQUEST